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Reagan's foreign policy and the War Powers Resolution

El Salvador and Nicaragua as test cases of the limits
on presidential powers

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Abstract

La tesi si propone di indagare le implicazioni della War Powers Resolution (WPR) nello sviluppo della politica estera dell'amministrazione Reagan, con particolare riferimento agli eventi in El Salvador e in Nicaragua. Il lavoro si colloca nel più ampio e plurisecolare dibattito circa la divisione dei poteri dettata dalla costituzione americana, una tematica fortemente controversa che ha dato luogo a diverse interpretazioni, e che continua a ricoprire un ruolo di prim'ordine nella contemporaneità, in special modo nell'ambito della politica estera. L'aumentata frequenza e la portata degli interventi militari statunitensi sotto la presidenza Reagan costituiscono la ragione alla base della scelta del periodo storico di riferimento, che fornisce di fatto il primo vero "banco di prova" per testare l'efficacia della War Powers Resolution. La graduale declassificazione di documenti riguardanti la presidenza Reagan e la consultazione di lavori basati su fonti più recenti hanno positivamente influito sulla ricostruzione storica e sull'analisi dei processi decisionali all'interno dell'amministrazione, contribuendo così a restituire un quadro più chiaro ed aggiornato degli eventi e degli attori coinvolti.

Il breve capitolo introduttivo ricostruisce le circostanze storico-politiche alla base dell'acceso dibattito congressuale che portò alla stesura, e alla successiva adozione, di uno strumento legislativo avente l'obiettivo di vincolare le decisioni dell'esecutivo ad una complementare e necessaria espressione di supporto da parte del potere legislativo. In questa prima sezione ricopre un particolare rilievo l'analisi approfondita volta a tracciare il tortuoso processo pluriennale di costruzione e consolidamento del consenso all'interno del congresso, fondamentale ai fini della comprensione del carattere catalizzatore ricoperto dalle controverse decisioni unilaterali dell'amministrazione Nixon, che di fatto accelerarono il processo legislativo culminante nella promulgazione della War Powers Resolution. La comprensione di tale processo e del suo impatto sull'esecutivo favorisce l'individuazione di alcuni "pattern", riscontrabili anche nel decennio successivo, che assumono particolare rilevanza nella disamina degli eventi trattati nel secondo e nel terzo capitolo. Tra questi, le aspre critiche dell'esecutivo ai tentativi del Congresso di limitarne i poteri e la qualificazione della WPR come "non-costituzionale"; il ricorso a selettive omissioni di parti dei programmi di politica estera per scongiurare i rischi di un rifiuto del supporto da parte del Congresso; le tendenze

dell'esecutivo a perseguire l'accrescimento dei propri poteri, anche di fronte ai limiti imposti dalla legge; infine, le difficoltà alla base della composizione degli interessi all'interno del Congresso, la cui espressione compatta di volontà si rivela essere la chiave necessaria per un efficace mantenimento dell'equilibrio tra i poteri e per influenzare in maniera sostanziale le politiche dell'amministrazione in carica. La sezione conclusiva esplora brevemente la crescente rilevanza della *Unitary Executive Theory* – la cui genesi è trattata dettagliatamente alla fine del primo capitolo – nel dibattito contemporaneo circa la separazione dei poteri.

La tesi si sviluppa, poi, in tre capitoli. Il primo ha l'obiettivo di fornire gli strumenti necessari per comprendere gli sviluppi della politica estera americana durante la presidenza Reagan. Il capitolo offre quindi, in prima battuta, una breve panoramica dei maggiori mutamenti geopolitici sul finire degli anni '70, e dell'impatto che questi ebbero per gli Stati Uniti a cavallo delle presidenze Carter e Reagan. Segue poi una ricostruzione dell'ascesa politica di Ronald Reagan, toccando le fasi determinanti nella carriera del quarantesimo presidente statunitense e i principali punti programmatici della sua campagna elettorale. La tesi si muove poi verso un'articolata analisi degli elementi caratterizzanti della politica estera dell'amministrazione Reagan, considerando in particolare il ruolo determinante ricoperto dai *think tank* conservatori nell'orientamento e nella definizione delle politiche statunitensi dell'era Reagan. La parte conclusiva del capitolo è dedicata all'approfondimento circa la nascita della *Unitary Executive Theory*, una particolare interpretazione della costituzione nata in seno alla presidenza Reagan, che assume una significativa rilevanza ai fini della comprensione dell'evoluzione del dibattito nella contemporaneità. L'analisi delle posizioni tenute dai sostenitori di tale teoria riguardo la War Powers Resolution fornisce una prospettiva che permette di identificare nella presidenza Reagan i segnali indicanti un ritorno verso un esecutivo di stampo imperiale. La sezione esplora il ruolo chiave ricoperto da Richard Cheney, futuro vicepresidente degli Stati Uniti durante l'amministrazione G. W. Bush e sostenitore dell'idea di un esecutivo con più ampi poteri, esente dalle limitazioni del potere legislativo. Durante gli anni della presidenza Reagan, Cheney ed altri sostenitori di questa particolare visione dell'esecutivo – tra cui Edwin Meese III, *attorney general* durante il secondo mandato di Reagan – operarono per implementare gradualmente il

concetto nell'agenda conservatrice, sviluppando un'apposita interpretazione costituzionale a sostegno della propria tesi.

I due capitoli successivi – il primo in ordine di apparizione dedicato a El Salvador, il secondo al Nicaragua – seguono una struttura speculare. Partendo da una dettagliata ricostruzione storica volta a restituire un quadro esauriente circa la genesi dell'instabilità socio-politica dei due paesi centroamericani, l'esposizione prosegue analizzando l'evoluzione delle relazioni americano-salvadoregne e americano-nicaraguensi durante le presidenze Carter e Reagan, evidenziando i punti di connessione e i punti di rottura tra le due esperienze di governo. Durante la stesura dei capitoli, la consultazione di materiali più recenti ed aggiornati ha prodotto un duplice risultato: da un lato, l'integrazione dei contenuti dei testi classici con informazioni aggiuntive, permettendo così una maggior definizione degli argomenti trattati a livello storiografico; dall'altro, la parziale revisione delle interpretazioni "classiche" del periodo in analisi. Tale revisione, specie nel confronto tra le presidenze Carter e Reagan, abbandona l'idea di una drastica rottura tra le due amministrazioni, in favore di un'interpretazione più fluida della transizione tra le due esperienze di governo, concepite come differenti nelle strategie adottate, ma sostanzialmente assimilabili se si considerano gli obiettivi ultimi in ambito di politica estera nell'area geografica di riferimento.

Entrambi i capitoli proseguono poi nella ricostruzione delle principali fasi dell'evoluzione della politica estera dell'amministrazione Reagan nei confronti dei due paesi oggetto di analisi, nel tentativo di comprendere le dinamiche della politica statunitense, le contrastanti posizioni e ideologie degli attori coinvolti, e, non ultimo, il rapporto tra l'amministrazione e i limiti imposti dalla legge vigente. Nonostante le affinità geografiche, storiche e socio-politiche presenti tra i due paesi centro americani, rappresentate in modo più evidente nella pluridecennale repressione perpetrata – con sostanziale supporto da parte degli Stati Uniti – da regimi oligarchico-militari di estrema destra ai danni di partiti e organizzazioni di orientamento filo-marxista, El Salvador e il Nicaragua rappresentano due casi di studio distinti, ma complementari per una comprensiva valutazione sull'efficacia della War Powers Resolution. Ai fini della comprensione degli eventi relativi ai casi specifici, è utile considerare le implicazioni della politica dell'amministrazione Reagan a livello di diritto internazionale: in Salvador, nonostante le continue violazioni dei diritti umani da parte dei gruppi affiliati

all'estrema destra, la politica statunitense era diretta all'esclusione della sinistra dalle forze del governo in carica. Al contrario, in Nicaragua, l'esclusione della sinistra dal governo sarebbe dovuta necessariamente passare per il rovesciamento del governo rivoluzionario Sandinista installatosi nel paese nel 1979, un obiettivo in aperta violazione del diritto internazionale.

Nel caso di El Salvador, la WPR ha effettivamente costituito un parziale ostacolo per l'attuazione dei programmi dell'amministrazione Reagan: l'impegno a mantenere un limite sul numero dei consiglieri militari presenti in suolo salvadoregno, accettato dall'amministrazione come compromesso per garantire la continuazione del supporto del Congresso al proprio programma, ha inevitabilmente rallentato e inficiato il raggiungimento degli obiettivi dell'esecutivo, prolungando il coinvolgimento statunitense nel paese e vanificandone gli sforzi nel lungo periodo. Tuttavia, le accuse di presunta violazione della WPR, mosse da alcuni membri del Congresso nel caso *Crockett v. Reagan*, hanno rivelato da un lato i vizi di forma della legge in oggetto, opportunamente sfruttati dall'amministrazione Reagan nel corso degli anni; dall'altro, la generale tendenza del potere giudiziario ad astenersi dal condurre inchieste probatorie di fronte a questioni politiche, circostanze in cui la competenza a condurre il processo di inchiesta sarebbe in capo al Congresso.

Nonostante le accuse di violazione della WPR abbiano toccato solo marginalmente gli eventi in Nicaragua, lo studio delle politiche statunitensi nei confronti del paese forniscono uno strumento utile per comprendere i dispositivi legali alternativi di cui il Congresso può disporre per influenzare l'esecutivo in ambito di politica estera. A fronte della graduale scoperta dei dettagli del programma volto al rovesciamento del regime Sandinista, l'approvazione degli emendamenti Boland sancì di fatto l'interruzione del supporto del Congresso al programma dell'amministrazione, lasciando l'esecutivo di fronte a due possibili scenari: la rinuncia agli obiettivi preposti o la violazione della legge per la continuazione della propria politica. Il successivo scoppio dello scandalo Iran-Contras – che in questa sede è trattato solo marginalmente – costituisce la prova del percorso scelto dall'amministrazione Reagan.

In conclusione, lo studio ha permesso di gettare nuova luce sugli avvenimenti analizzati. In linea generale, la ricostruzione storica "classica" sull'argomento è stata confermata a livello cronologico, ma in alcuni casi la disponibilità di nuovo materiale ha in parte

smentito alcune delle linee interpretative classiche e sciolto alcuni nodi rimasti parzialmente irrisolti a causa della mancanza di fonti primarie. In modo più specifico, l'analisi comparativa della politica estera dell'amministrazione Reagan in El Salvador e in Nicaragua ha permesso di dimostrare come la War Powers Resolution, presa singolarmente, sia insufficiente per garantire l'equilibrio tra i poteri in materia di politica estera, a causa di una debolezza strutturale che la rende pericolosamente e facilmente aggirabile, soprattutto considerando la generale astensione delle Corti dall'intervenire per dirimere controversie politiche. Tuttavia, la ricerca ha evidenziato come il Congresso disponga di strumenti alternativi e complementari per influenzare in modo incisivo l'esercizio dei poteri dell'esecutivo: nonostante il difficile processo di composizione degli interessi tra i membri del congresso, l'adozione di legislazione *ad hoc* con l'obiettivo di limitare le azioni dell'esecutivo si dimostra la vera chiave di volta per la preservazione dell'equilibrio tra i poteri.

Introduction

On 4 April 2019, the U.S. House of Representatives approved a bipartisan resolution that would end American support to Saudi Arabia in the Yemen war, a four-year conflict that has been considered the world's worst humanitarian crisis of our time by the UN.¹ The joint resolution marks a major milestone in American law-making history, as it constitutes the first successful invocation of the 1973 War Powers Resolution to check on the President's ability to wage war without congressional approval.² Even though the Congress did not have the votes to override Trump's veto, imposed on 14 April 2019, the approval of such bipartisan resolution bears significant importance in that it has displayed a renewed congressional eagerness to assert the war-making powers of the legislative branch in compliance with the U.S. Constitution³, after decades of alleged abuses on behalf of the Presidents.⁴

Enacted in November 1973 over President's Nixon veto, the War Powers Resolution (WPR) – technically, Law 93-14 of 1973 – has been framed as a means

to fulfill the intent of the framers of the Constitution of the United States and insure that the collective judgement of both the Congress and the President will apply to the introduction of United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, and to the continued use of such forces in hostilities or in such situations.⁵

¹ See for example: “Congress invokes powers to challenge Trump on war in Yemen”, *Associated Press*, 4.4.2019 <https://apnews.com/263d2069e3a0450b9f6329d01004de0c>, accessed 9 April 2019; “How the Saudis turned the Yemen War into a Humanitarian Crisis”, *The Washington Post*, 14.12.2018, https://www.washingtonpost.com/business/how-the-saudis-turned-the-yemen-war-into-a-humanitarian-crisis/2018/12/14/9a8b6fce-ffb6-11e8-a17e-162b712e8fc2_story.html?utm_term=.ba85d772421a, accessed May 2019; “Humanitarian Crisis in Yemen Remains the Worst of the World”, *UN News*, 14.2.2019, <https://news.un.org/en/story/2019/02/1032811>, accessed May 2019.

² M. C. Weed, “The War Powers Resolution: Concept and Practice”, Congressional Research Service, 8 March 2019, <https://fas.org/sgp/crs/natsec/R42699.pdf>, last accessed June 2019.

³ U.S. Constitution, Art. 1, Sec. 8. The U.S. Constitution frames the power to declare war as a congressional prerogative.

⁴ “Senate fails to override Trump's veto of resolution demanding end to U.S. involvement in Yemen war”, *The Washington Post*, 2 May 2019, https://www.washingtonpost.com/world/national-security/senate-fails-to-override-trumps-veto-of-resolution-demanding-end-to-us-involvement-in-yemen/2019/05/02/4bd0a524-6cf9-11e9-8f44-e8d8bb1df986_story.html?noredirect=on&utm_term=.0ac9663a93e8, last accessed June 2019; “Trump Vetoes Measure to Force End to U.S. Involvement in Yemen War”, *The New York Times*, 16 April 2019, <https://www.nytimes.com/2019/04/16/us/politics/trump-veto-yemen.html> last accessed June 2019.

⁵ Public Law 93-148 – Nov.7, 1973.

In particular, the resolution lists consultation and reporting requirements which the President – as Commander in Chief of the U.S. armed forces – must observe whenever U.S. troops are deployed in situations of imminent hostilities. According to Senator Jacob Javits, a former member of the Senate Foreign Relations Committee who took an active part in the drafting of the legislation, the enactment of the WPR marked the culmination of a congressional effort to “limit the president’s power to impose his military writ as he so chooses.”⁶ As a matter of fact, over the previous decades, the presidential neglect of the role of Congress in the process of war-making had led to the ill-advised US involvement in what by 1973 had been proved as underestimated situations, such as Korea or the Vietnam War. In particular, the Vietnamese endeavor represented the zenith of a tendency defined as “The Imperial Presidency” by Arthur Schlesinger.⁷ The definition points to the increasing concentration of the control of powers – above all, foreign policy – in the hands of the President, which over time granted *de facto* the chief of State the power to wage war with little regard to the traditional division of powers prescribed by the Constitution.⁸

According to John H. Sullivan⁹, the reasons for the contemplation of a legislative tool to rein in the President’s authority to commit the nation to war date back to the adoption of the Tunkin Gulf Resolution of 1964, which granted congressional approval to President Johnson’s actions in Indochina.¹⁰ Nevertheless, the rapid military buildup of the following years gradually tilted Congress towards the reassertion of congressional prerogatives in matters of war and peace.

⁶ “War Powers”, Library of Congress, <https://www.loc.gov/law/help/usconlaw/war-powers.php>, accessed 18 September 2019; J. K. Javits, “War Powers Reconsidered”, *Foreign Affairs*, Fall 1985, n. 64, pp. 130-140, available at <https://www.foreignaffairs.com/articles/united-states/1985-09-01/war-powers-reconsidered>, last accessed September 2019; Lt. Col. Douglas A. Grant, U.S. Air Force, “The War Powers Resolution: a Troubled Past and an Uncertain Future”, The Industrial College of the Armed Forces, National Defense University, Fort McNair, Washington, D.C., 1993, available at <https://www.hsdl.org/?view&did=3740>, last accessed September 2019.

⁷ A. M. Schlesinger, *The Imperial Presidency*, Houghton Mifflin Company, 1973.

⁸ A. M., Schlesinger, *The Imperial Presidency*, p. IX “...but the imperial Presidency received its decisive impetus, I believe, from foreign policy; above all, from the capture by the Presidency of the most vital of national decisions, the decision to go to war”.

⁹ As reported in the introduction of *The War Powers Resolution: a Special Study of the Committee of Foreign Affairs*, in 1981 the Foreign Affairs Committee asked John H. Sullivan, a former member of the same Committee who had been gathering documentation on the subject since the mid-1970s, to conduct a study on the War Powers Resolution. The resulting volume was published in 1982. See the following note for the details on the volume.

¹⁰ J. H. Sullivan, United States Congress and House, Committee on Foreign Affairs: *The War Powers Resolution: a Special Study of the Committee of Foreign Affairs*, Washington, D.C.: U.S. G.P.O, 1982, <https://babel.hathitrust.org/cgi/pt?id=uc1.31210005145170&view=lup&seq=21>, accessed June 2019.

Senator William Fulbright [D-Ark]¹¹ was among the first congressmen to voice criticism on Johnson's foreign policy, particularly after the 1965 US intervention in the Dominican Republic, which came at about the same time as the Vietnam buildup. Senator Fulbright's break with the Johnson administration was particularly significant because his position as head of the Senate Foreign Relations Committee enabled him to conduct investigation and hold hearings on Vietnam, between 1966 and 1971.¹² During the first year of hearings, officials from the Johnson Administration elaborated constitutional arguments for the war effort in Indochina. Secretary of State Dean Rusk identified the SEATO Treaty of 1954 as the legal basis of US actions in Vietnam, arguing that the Tonkin Gulf Resolution was consistent with it, while in 1967 Under Secretary of State Nicholas Katzenbach asserted that the Tonkin Gulf Resolution was the functional equivalent of a declaration of war.¹³ Moreover, President Johnson stated in 1967:

"We stated then, and we repeat now, we do not think the [Tonkin Gulf] Resolution was necessary to do what we did and what we are doing. But we thought it was desirable. We thought if we were going to ask [the Congress] to stay the whole route, and if we expected them to be there on the landing, we ought to ask them to be there on the takeoff."¹⁴

According to Sullivan's detailed reconstruction, after President Johnson's decision to send military personnel in response to internal disturbances in the Congo in 1964, which was reportedly undertaken without congressional approval, Senator Fulbright found an ally in the chairman of the Senate Armed Services Committee, Senator Richard Russell of Georgia, and together they began to prepare a resolution – The National Commitments Resolution – with the aim of strengthening congressional role in the making of such decisions. Senate Resolution 151 was introduced into the Senate on 31 July 1967 and was discussed by the Senate Foreign Relations Committee between September and November of the same year, resulting in Senate Resolution 187, a

¹¹ When referring to members of the Congress, I reported between brackets the political orientation – R for Republican, D for Democrat, I for Independent – and the first three letters of the State of reference.

¹² J. H. Sullivan, United States Congress and House, Committee on Foreign Affairs: *The War Powers Resolution*, pp. 10-15.

¹³ *Ibidem*; M. Young, *The Vietnam Wars, 1945-1990*, New York, Harper Collins, 1991, p. 160.

¹⁴ L. B. Johnson, "Lyndon B. Johnson: 1967 (in two books): containing the public messages, speeches, and statements of the Presidents", Book Two, in *Public Papers of the Presidents of the United States*, available at <https://quod.lib.umich.edu/p/ppotpus/4731566.1967.002/186?rgn=full+text;view=image>, last accessed June 2019.

modified version of the original draft which was approved 16 to 0. The resolution was scheduled for action in April 1968, but Fulbright's reelection run in Arkansas, President Johnson's withdrawal from the presidential race and the suspension of the bombing of North Vietnam led the leadership to delay it. Nevertheless, the National Commitments Resolution was eventually adopted in June 1969 by a vote of 70 to 16 over the opposition of the new Nixon administration, which had reiterated the claims of power earlier enunciated in the Johnson administration.¹⁵

Despite having no legal force, the National Commitments Resolution has been considered a legislative precursor of the War Powers Resolution in that it put on record that the legislative branch would reassert its constitutional responsibilities in foreign affairs in order to play a coordinated role with the executive in committing American troops abroad.¹⁶ The adoption of the Resolution, moreover, helped to coalesce Senate attitudes about the constitutional role of Congress in war and foreign policymaking, thereby facilitating the search for more effective legislative remedies.¹⁷

During his 1968 campaign, Richard Nixon promised that he would end the war in Vietnam and create a framework for a generation of peace. In his acceptance speech for the Republican nomination for president he stated:

"I pledge to you tonight that the first priority foreign policy objective of our next Administration will be to bring an honorable end to the war in Vietnam. We shall not stop there. We need a policy to prevent more Vietnams. All of America's peacekeeping institutions and all of America's foreign commitments must be reappraisal."¹⁸

Nixon's Vietnamization policy was announced on 3 November 1969: American troops would be gradually withdrawn from South Vietnam, while South Vietnamese troops

¹⁵ J. H. Sullivan, U.S. Congress and House, Committee on Foreign Affairs, *The War Powers Resolution*, pp.17-21; J. L. Sundquist, *The Decline and Resurgence of Congress*, Brookings Institution, Washington D.C., 1981, pp- 246-247; E. C. Collier, *The National Commitments Resolution of 1969: Background and Issues*, Library of Congress, Congressional Research Service, Washington D.C., 11 May 1970, https://digital.library.unt.edu/ark:/67531/metadc1038968/m2/1/high_res_d/70-112F_1970may11.pdf, last accessed June 2019; W. C. Gibbons, *The U.S. Government and the Vietnam War: Executive and Legislative Roles and Relationships, Part IV: July 1965 – June 1968*, Princeton University Press, 1995, p. 810.

¹⁶ J. H. Sullivan, U.S. Congress and House, Committee on Foreign Affairs, *The War Powers Resolution*, p. 21; J. L. Sundquist, *The Decline and Resurgence of Congress*, p. 247.

¹⁷ J. H. Sullivan, U.S. Congress and House, Committee on Foreign Affairs, *The War Powers Resolution*, p. 24.

¹⁸ Richard Nixon's speech accepting the Republican Party nomination for president, 8 August 1968, <https://watergate.info/1968/08/08/nixon-accepts-republican-nomination-for-president.html>, last accessed June 2019.

would be trained to take their place and “defend their own freedom”¹⁹. Nevertheless, critics in and out the Congress voiced their opposition to the continuation of the conflict, which had changed only in the nature of the war. The invasion of Cambodia of 28 April 1970, publicly announced by President Nixon only two days later and authorized without prior congressional consultation, was a watershed event in that it raised doubts about the very existence of an administration plan to end the war in Indochina. Moreover, it set congressmen to search for legislative remedies to prevent future presidential usurpation of power. The event triggered both nonviolent and violent protests throughout the country; protesters were even killed by national guardsmen at the Kent State University in Ohio and at Jackson State in Mississippi; and debate divided the Congress over the wisdom of President Nixon’s action.²⁰ Nixon justified the decision on the exercise of his powers as Commander in Chief of the Armed Forces to “take action...necessary to defend the security of the U.S. armed forces”²¹, but a number of congressmen opposed this position: Senator Frank Church would comment that “if the President can make decisions of this character unilaterally...the Constitution has been scrapped and the Presidency has become a kind of Ceasardom.”²² As a result of the events in Cambodia, the legislative branch began drafting a series of restrictive amendments in order to affect the Cambodian situation and restore the separation of powers that was “presumed to safeguard the country from tyranny.”²³ Among these was the Cooper-Church amendment to the Foreign Military Sales Act of 1968, named after its Senate sponsors John S. Cooper [R-Ken] and Frank Church [D-Ida]. The amendment sought to use the congressional power of the purse as a leverage to “avoid involvement of the United States in a wider war in Indochina and to expedite

¹⁹ R. M. Nixon, “Address to the nation on the War on Vietnam”, 3 November 1969, <https://millercenter.org/the-presidency/presidential-speeches/november-3-1969-address-nation-war-vietnam>, last accessed June 2019.

²⁰ J. H. Sullivan, U.S. Congress and House, Committee on Foreign Affairs, *The War Powers Resolution*, pp. 25-26; J. L. Sundquist, *The Decline and Resurgence of Congress*, pp. 249-250; M. Young, *The Vietnam Wars*, pp. 245-248.

²¹ R. M. Nixon, as cited in J. H. Sullivan, U.S. Congress and House, Committee on Foreign Affairs, *The War Powers Resolution*, p. 29; L. T. Nguyen, “Waging War on All Fronts: Nixon, Kissinger, and the Vietnam War, 1969-1972”, in F. Logevall, A. Preston (eds.), *Nixon in the World: American Foreign Relations, 1969-1977*, Oxford University Press, 2008, pp. 185-203.

²² Senator Church, as cited in J. L. Sundquist, *The Decline and Resurgence of Congress*, pp. 249-250.

²³ M. Young, *The Vietnam Wars*, p. 251.

the withdrawal of American forces from Vietnam.”²⁴ The amendment was designed to prohibit all forms of direct military action or assistance to the government of Lon Nol in Cambodia and called for the withdrawal of all US troops – which had to provide no combat support or military advice to Cambodian troops – by June 30. Nevertheless, by the time the amendment finally passed Congress at the end of December 1970, it contained a saving loophole that the Nixon administration fought hard to implement in the final text, whereby the President was allowed to act as to “protect the lives of United States Armed Forces wherever deployed.”²⁵

The first war powers bill to be introduced into either the House or Senate following the invasion of Cambodia was a bill by Representative Dante Fascell, who thought discussion and resolution of the issue “vital.”²⁶ The Fascell bill, though constitutionally flawed²⁷, gathered the attention of Congress, and the decision to hold hearings on it enabled a congressional and national dialogue on war powers. At the end of August 1970, no less than ten versions of war powers legislation were introduced into the House. Among these, the Findley Bill (H.R. 18654) and the Bingham Bill (H.R. 18539), as well as the Javits Bill (S. 3964) introduced into the Senate on 15 June 1970, were particularly important, as they introduced many provisions that would eventually culminate in the final version of the War Powers Resolution, namely, the circumstances in which the President was required to report on deployments of U.S. military units; the chance for the Congress to halt a President’s war-making by means of a resolution that could not be vetoed; and the concept of an automatic termination of hostilities.²⁸ Hearings on the Javits Bill were held between June and August of 1970 by the National Security Policy Subcommittee, chaired by Wisconsin Democrat Clement J. Zablocki. Midway through the hearings, Zablocki said he detected a consensus and initiatives

²⁴ Cooper-Church Amendment, presented at the Senate Foreign Relations Committee, as cited at footnote 107, p. 486 in J.R. Lundy, A. J. Mikva, “The 91st Congress and the Constitution”, *The University of Chicago Law Review*, 38(3), Vol. 38, No. 3, 1971, pp. 449-499.

²⁵ M. Young, *The Vietnam Wars*, p. 252; J. L. Sundquist, *The Decline and Resurgence of Congress*, p. 251.

²⁶ *Congressional Record*, 13 May 1970, p.15332, available at [https://www.govinfo.gov/app/collection/crecb/crecb/Volume%20116%20\(1970\)](https://www.govinfo.gov/app/collection/crecb/crecb/Volume%20116%20(1970)), last accessed June 2019.

²⁷ Fascell himself would state “In introducing this bill I am aware that, in its present form, it may not be constitutional. But even if full discussion of all aspects of this problem shows that the goals of the bill are not even desirable, the bill will have served a useful purpose.”, *Congressional Record*, 13 May 1970, p.15332.

²⁸ J. H. Sullivan, United States Congress and House, Committee on Foreign Affairs: *The War Powers Resolution*, pp.48-54.

were made to turn it into an acceptable legislative form. The Zablocki War Powers Resolution (House Joint Resolution 1355), worked out in cooperation with the administration in order to make it acceptable by eliminating restraints on the President, was brought to the House floor on 16 November 1970 and approved by a vote of 288 to 49.²⁹

A series of events exacerbated the attitudes of confrontation between the legislative and the executive branches. The November 1970 raid into North Vietnam to rescue American prisoners of war, the Laos incursion of February 1971, and the release of the Pentagon Papers in the summer of 1971 contributed to forge a consensus cutting across partisan and ideological lines in the Senate about the need for a war powers legislation.³⁰ By mid-May, five war powers measures had been introduced by Senators Javits, Eagleton, Taft, Stannis, and Bentsen. The resolutions shared common points, but they also diverged on several key aspects.³¹ Chairman Fulbright sought to create a single legislative proposal, which was achieved after a six months period of negotiations: the War Powers Act (S. 2956) was introduced into the Senate on 4 December 1971.³² By April of 1972, the sponsors of S. 2956 managed to form a broad coalition to support the War Powers legislation, which was approved 68-16.³³ The 92nd Congress, however, failed to produce a war powers measure acceptable to both the Senate and the House due to a deadlock arising from the efforts aimed at finding a version of the legislation that could accommodate the White House.³⁴ The 93rd Congress marked a turning point, as the Democratic caucus reformed both the House Committee system and the powers of the party leadership, thereby strengthening cohesion between the House and Senate Democrats.³⁵ Again, events in Indochina gave a major push to reach a War Powers Resolution: the Christmas bombing at the end of

²⁹ J. H. Sullivan, United States Congress and House, Committee on Foreign Affairs: *The War Powers Resolution*, pp.62-67; J. L. Sundquist, *The Decline and Resurgence of Congress*, p. 254

³⁰ J. H. Sullivan, United States Congress and House, Committee on Foreign Affairs: *The War Powers Resolution*, p. 69.

³¹ For a detailed account of common and departure points, see chapters A-Senate Proposals – Points of Agreement and B-Senate Proposals – Points of Departure in J. H. Sullivan, “*The War Powers Resolution*”, pp. 78-81.

³² *Ibidem*, pg. 69-81.

³³ D. P. Auerswald, P.F. Cowhey, “Ballotbox Diplomacy: The War Powers Resolution and the Use of Force.” *International Studies Quarterly*, vol. 41, no. 3, 1997, pp. 505–528. www.jstor.org/stable/2600794, last accessed June 2019.

³⁴ J. H. Sullivan, *The War Powers Resolution*, p. 101.

³⁵ D. P. Auerswald, P.F. Cowhey, “Ballotbox Diplomacy”, p. 515.

1972, as well as the continued US bombing of Cambodia after the Vietnam cease-fire and the Paris Peace Agreements accelerated congressional action to rein in the imperial tendencies of the Nixon Presidency.³⁶ The final form of the resolution (House Joint Resolution 542) required the President to consult with Congress

in every possible instance...before introducing United States Armed Forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, and after every such introduction shall consult regularly with the Congress until United States Armed Forces are no longer engaged in hostilities or have been removed from such situations.³⁷

The President, moreover, would be required to report in writing within forty-eight hours to the Speaker of the House of Representatives and to the President pro tempore of the Senate, setting forth the circumstances, the authority for the action, the expected scope and the duration of hostilities. Under the provisions of the resolution, the President shall terminate the use of the US Armed forces within sixty calendar days in absence of a congressional declaration of war or a specific authorization for the use of US Armed Forces. Such period shall be extended for thirty additional days, if the President determines and certifies to Congress “unavoidable military necessity” respecting the safety of US Armed Forces. Finally, at any time that United States Armed Forces are engaged in hostilities outside the territory of the United States without a declaration of war or a specific authorization, Congress can direct the removal of such forces through means of a concurrent resolution.³⁸

President Nixon vetoed the resolution and explained his position in a letter to the House of Representatives in October 1973, stating that

“[The resolution] would attempt to take away, by a mere legislative act, authorities which the President has properly exercised under the Constitution for almost 200 years. One of its provisions would automatically cut off certain authorities after sixty days unless the Congress extended them. Another would allow the Congress to eliminate certain authorities merely by the passage of a concurrent resolution--an action which does not normally have the force of law, since it denies the President his constitutional role in approving legislation.

³⁶ J. H. Sullivan, *The War Powers Resolution*, p. 103.

³⁷ Public Law 93-148 – Nov.7, 1973.

³⁸ *Ibidem*.

I believe that both these provisions are unconstitutional. The only way in which the constitutional powers of a branch of the Government can be altered is by amending the Constitution--and any attempt to make such alterations by legislation alone is clearly without force.”³⁹

Nevertheless, Nixon’s open defiance of a clear congressional wish to disengage from Indochina, and the unravelling of his administration in the aftermath of the Watergate scandal led to what M. Young terms a “constitutional rarity”, namely, the overriding of a presidential veto. With thirteen votes to spare in the Senate and four votes in the House, Congress passed the War Powers Resolution on 6 November 1973.⁴⁰

After the enactment of the WPR and up until 1975, a strengthened Congress took a series of initiatives to end America’s role in Indochina, by prohibiting “all sorts of military and paramilitary operations by the United States in or over Vietnam, Laos, or Cambodia”.⁴¹ Congressional restrictions in the 1970s were not limited to Southeast Asia: the Clark Amendment to the International Security Assistance and Arms Export Control Act of 1976 prohibited any kind of assistance towards Angola.⁴² In 1974, the intelligence system was placed under the supervision of the Congress for the first time ever as a result of the Hughes-Ryan Amendment, which required that the CIA inform up to eight congressional committees of its covert activities.⁴³ Moreover, in 1978, Congress successfully strengthened section 502b of the Foreign Assistance Act of 1961 by tying security assistance programs to the observance of “internationally recognized human rights”:

No assistance may be provided under this part to the government of any country which engages in a consistent pattern of gross violations of internationally recognized human rights, including torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges, causing the disappearance of persons by the abduction and clandestine detention of those persons, or other flagrant

³⁹ President Nixon’s letter to the House of Representatives regarding his veto over the War Powers Resolution, 1973, <https://www.visitthecapitol.gov/exhibitions/artifact/president-richard-nixons-letter-house-representatives-regarding-his-veto-war>, last accessed June 2019.

⁴⁰ M. Young, *The Vietnam Wars*, p. 285; D. P. Auerswald, P.F. Cowhey, “Ballotbox Diplomacy”, p. 517

⁴¹ Public Law 93-189, sec. 30, 87 Stat 714, <https://www.govinfo.gov/content/pkg/STATUTE-87/pdf/STATUTE-87-Pg714.pdf> accessed May 2019.

⁴² Public Law 94-329, sec. 404, 90 Stat. 757, <https://www.govinfo.gov/content/pkg/STATUTE-90/pdf/STATUTE-90-Pg729.pdf>.

⁴³ G. Grandin, *Empire’s Worskshop: Latin America, the United States, and the Rise of the New Imperialism*, Holt Paperbacks, 2007, p.57.

denial of the right to life, liberty, and the security of person, unless such assistance will directly benefit the needy people in such country.⁴⁴

The emphasis on human rights had been a unifying theme in the Democratic Party since Carter's presidential campaign of 1976, as it managed to coalesce both liberals who wanted to limit US support to right-wing dictators around the world and conservatives who wanted to abandon *détente* and step up attacks on the Soviet Union for its suppression of political liberties in Eastern Europe.⁴⁵ In addition to this, starting from 1974, Congress passed country-specific legislation to limit military aid and arms sales to selected countries including Argentina, Brazil, Chile, El Salvador, Guatemala, Paraguay, the Philippines, South Korea, Uruguay, and Zaire.⁴⁶ Confronted with a legislative expression of the will of the Congress to reassert its complementary authority in the domain of foreign policy, every sitting president since the WPR enactment has either challenged its constitutionality or side-stepped it, and the debate over the effectiveness of the provision has sprinkled a forty-year long arm-wrestling on the issue between the executive and the legislative branches.⁴⁷

In particular, as the interpretative clash over the constitutional allocation of the war-making powers raged on under the Reagan presidency, the executive branch sought to develop an *ad hoc* interpretation that could justify the case for broader executive powers in the conduct of foreign policy, commonly referred to as the Unitary Executive Theory.⁴⁸ As the first chapter will show, such effort, the begin thereof coincides with the Reagan years, was undertaken under the supervision of key officials of the Reagan

⁴⁴ Public Law 87-197, sec. 116(a) [22 U.S.C. 2151n], <https://legcounsel.house.gov/Comps/Foreign%20Assistance%20Act%20Of%201961.pdf>, last accessed May 2019.

⁴⁵ R. Strong, *Working in the World: Jimmy Carter and the making of American Foreign Policy*, LSU Press, 2000, p. 73.

⁴⁶ S.B. Cohen, "Conditioning U.S. Security Assistance on Human Rights Practices", *American Journal of International Law*, 76, 246-279, <https://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=2605&context=facpub>, last accessed May 2019.

⁴⁷ R. F. Grimmett, *War Powers Resolution: Presidential Compliance*, available at <https://fas.org/sgp/crs/natsec/RL33532.pdf>, last accessed April 2019; M. C. Weed, "The War Powers Resolution: Concept and Practice", Congressional Research Service, 8 March 2019, <https://fas.org/sgp/crs/natsec/R42699.pdf>, last accessed June 2019. About presidential side-stepping: from 1975 to 2019, only the 1975 Mayaguez seizure cited section 4(a)1 of the War Powers Resolution, thus triggering the "sixty-days clock". See B. Salazar Torreón, S. Plagakis, *Instances of Use of the United States Armed Forces Abroad, 1798 – 2018*, Congressional Research Service, <https://fas.org/sgp/crs/natsec/R42738.pdf>, accessed June 2019.

⁴⁸ A detailed reconstruction of the process of development of the Unitary Executive Theory follows in the first chapter.

administration. More specifically, the case for an expanded conception of executive privileges, which, as early as 1987, Richard Cheney⁴⁹ had put on record in the Minority Report included in the final report on the Iran-Contra investigations⁵⁰, would be destined to outlive the Reagan administration, slowly to find its way to the elite seats of the office it wanted to strengthen over the decades to come.

As a matter of fact, in 1989, Cheney's views were tenaciously carried into the G. H. W. Bush presidency. According to Charlie Savage's tellingly reconstruction, Cheney had extensively outlined his theory on executive privileges in a draft essay he had written in preparation to a conference at the American Enterprise Institute, a conservative think tank. Pointing to the views expressed in the Minority Report as the "legal and constitutional" history of the abusing the separation of powers, Cheney addressed the practical consequences of such abuse, which, borrowing Caspar Weinberger's words, the Wyoming Representative called not "a transfer of power from the President to the Congress", but rather "a denial of power to the government as a whole".⁵¹ The draft proceeded with the examination of the implications of "congressional overarching" in three policy areas, namely, diplomacy, covert operations, and war powers. The analysis of the latter area featured an assessment of the War Powers Resolution, the framework of which was described as "unworkable and...of dubious constitutionality". "Once one accepts the idea that there is any inherent Presidential power to act", the section continued, "the framework of the War Powers Resolution collapses of its own weight". After critically examining the sixty-days clock provision and congressional dynamics, the draft called for a repeal of the War Powers Resolution. "If Congress does not have the will to support or oppose the President definitively, the Nation should not be paralyzed by the Congress's indecision", Cheney concluded.⁵²

⁴⁹ Cheney had been an administration official under the Nixon and Ford presidencies, Representative for Wyoming at the House under the Reagan administration, Secretary of Defense under the G. H. W. Bush presidency and US vice-president during the G. W. Bush administration.

⁵⁰ "Minority Report", in "Report of the Congressional Committees Investigating the Iran-Contra Affair" [H. Rep. No. 100-433], November 1987, available at <https://archive.org/details/reportofcongress87unit/page/n7>, last accessed August 2019. See also Chapter 1, paragraph 4, and Chapter 3, paragraphs 4-6 for a detailed chronicle of the events and for the historical context.

⁵¹ C. Savage, *Takeover: The Return of the Imperial Presidency and the Subversion of American Democracy*, New York, Little, Brown and Company, 2007; Dick Cheney, "Congressional Overarching in Foreign Policy", draft prepared for March 14-15, 1989, available at <http://s3.documentcloud.org/documents/339579/congressional-overreaching-cheney.pdf>, last accessed August 2019.

⁵² *Ibidem*.

However, the surprise nomination of Cheney as Bush's Secretary of Defense in March 1989 prevented the draft to become a public speech. Yet, the new office enabled Cheney to substantially influence the dynamics of the executive, as he did when he urged George H. W. Bush to embark on the Gulf War regardless of a congressional approval – or, as Cheney conceived it “an additional grant of authority”. Although believing in his inherent authority to launch the war, Bush eventually disregarded Cheney's advice by asking for a vote supporting the use of force against Iraq in January 1991, which he managed to secure by a narrow margin of 52-47.

After the end of the G. H. W. Bush presidency in 1993, however, Cheney's hiatus from government would not yet translate into the definitive abandonment of his ever-increasing pursuit of a stronger executive. As a matter of fact, Cheney's nomination as G. W. Bush's campaign running mate in 2000, and the opportunity of a radical reassessment of the role of the executive to address the new nature of war in the wake of the 11 September 2001 terrorist attacks, would be destined to provide Cheney with the ultimate chance to mold the presidency from the very top of the executive branch, setting the stage for what has gained the insightful label of “imperial vice-Presidency”.⁵³ What's more, over the years, Cheney's efforts were paralleled by further legal arguments supporting the cause for an executive primacy over the legislative branch in matters of foreign policy. Among the most influential advocates of presidential privileges is Korean-American attorney John Yoo, former Deputy Assistant US Attorney General at the Office of Legal Counsel (OLC) during the G. W. Bush administration. In his book *The Powers of War and Peace*, Yoo argues that the opponents of enhanced executive powers based their assumption on an erroneous interpretation of the constitutional text and structure. According to Yoo, an in-depth analysis of the constitutional text allows to detect a fundamental difference: “the Framers thought of the power to begin hostilities as different from the power to declare war.” Furthermore, a thorough examination of the constitutional text would allow to challenge the pro-Congress view of the war-making process – which requires a Congressional authorization of the use of force before the president can initiate

⁵³ C. Savage, *Takeover*, pp. 60-69; See B. Montgomery's book titled *Richard B. Cheney and the Rise of the Imperial Vice Presidency*, Praeger, 2009; “Mr. Cheney's Imperial Presidency”, *The New York Times*, 23.12.2005, available at <https://www.nytimes.com/2005/12/23/opinion/mr-cheney-s-imperial-presidency.html>, last accessed August 2019.

hostilities – as “the Constitution itself nowhere describes such a process, nor does it explain how the Declare War Clause and the commander-in-chief power must interact.”⁵⁴ Expanding on the misinterpretation of the constitutional text, Yoo also claims that

“The War Powers Resolution’s inconsistency with the Constitution’s text, history, and original understanding explains, perhaps, why none of the branches, including Congress itself, has respected its terms. Attempting to place a statutory straightjacket on war powers undermines the very flexibility—swift and decisive presidential action combined with congressional participation by way of the funding power—that the Framers understood the Constitution to establish.”⁵⁵

However, after G. W. Bush officially declared the “War on Terror” on 20 September 2001, Yoo’s contribution to the legal debate over the extent of presidential powers pushed the issue towards extreme positions. As a matter of fact, in a series of documents redacted by John Yoo and Jay Bybee within the OLC, later to be collectively known as the “Torture Memos”, a highly controversial interpretation of the scope of executive prerogatives was outlined.⁵⁶ As a matter of fact, the documents went as far as stating that

“If a government defendant were to harm an enemy combatant during an interrogation in a manner that might arguably violate section 2340A [of the Convention Against Torture], he would do so in order to prevent further attacks on the United States by the Al Qaida terrorist network. In that case, we believe that he could argue that his actions were justified by the executive branch’s constitutional authority to protect the nation from attack. This national and international version of the right to self-defense could supplement and bolster the government defendant’s individual right.”⁵⁷

⁵⁴ J. Yoo, *The Powers of War and Peace: the Constitution and Foreign Affairs After 9/11*, The University of Chicago Press, Chicago and London, 2005, pp. 144-152.

⁵⁵ *Ibidem*, p. 160.

⁵⁶ “A memo on torture to John Yoo”, *The Guardian*, 2.6.2011, available at <https://www.theguardian.com/commentisfree/cifamerica/2011/jun/02/john-yoo-torture-waterboarding>, last accessed September 2019; G. W. Bush, Address to Joint Session of Congress Following 9/11 Attacks, 20 September 2001, available at <https://americanrhetoric.com/speeches/gwbush911jointsessionspeech.htm>, last accessed September 2019;

⁵⁷ U.S. Department of Justice, Office of Legal Counsel, “Memorandum for Alberto R. Gonzales, Counsel to the President”, 1 August 2002, available at [https://www.therenditionproject.org.uk/pdf/PDF%2019%20\[Bybee%20Memo%20to%20Gonzales%20Standards%20Interrogation%201%20Aug.pdf](https://www.therenditionproject.org.uk/pdf/PDF%2019%20[Bybee%20Memo%20to%20Gonzales%20Standards%20Interrogation%201%20Aug.pdf), last accessed September 2019; “Justice Dept. Memo Says Torture ‘May be Justified’”, *The Washington Post*, 13.6.2003, available at <http://www.washingtonpost.com/wp-dyn/articles/A38894-2004Jun13.html>, last accessed September 2019.

Thus, the ever-increasing drive for expanded executive powers, which has been increasingly – and inexorably – implemented in the administration’s agenda since the Reagan years, is a critical factor that must be taken into consideration when analyzing the effectiveness and applicability of *any* war powers legislation, as it threatens to undermine the soundness of the legislation by challenging its constitutional foundations.

This dissertation focuses on the implications of Ronald Reagan’s foreign policy towards El Salvador and Nicaragua in the framework the War Powers Resolution. This work tries to expand the debate on the alleged violations of such resolution on behalf of President Reagan’s administration by examining both classical works by established authors and newer publications that might offer new and interesting insights on the matter. The scope of the events spans over different levels of analysis which ultimately culminate in what tries to be an accurate and all-encompassing picture: I examined the drivers that crafted American foreign policy as regards Central America from the onset of the 1980s up until the end of the Reagan presidency; the challenges and pitfalls that such foreign policy stance engendered both within the Reagan administration and in the context of the Democratic-Republican rivalry in the Congress; and how Reagan’s policy towards Central America can be understood in the framework of the WPR.

Chapter 1 – From Carter to Reagan

1. The international developments of the 1970s

In order to provide a clearer understanding of U.S. foreign policy decisions and actions concerning Central America during the 1980s, it is worth outlining the changes the election of Ronald Reagan brought both at domestic and international level after the troubled decade of the 1970s. The years preceding the appointment of Reagan for the White House presidency were marked by events which signaled a shift for the US role in the post-WW II world, something which contributed to the rise of some concern regarding America's purpose and future.¹ The aftermath of the Vietnam War and the horror it bred would be destined to haunt America for many years, a widespread discomfort that soon gained the label of "Vietnam syndrome". The "symptoms" of the syndrome were, according to historian Marilyn Young, "grave reluctance to send American troops abroad, close questioning of administration interventionist appeals, consistent polls result indicating that an overwhelming majority judge the Vietnam War to have been not simply a mistake but fundamentally wrong".²

The Nixon presidency, despite having brought winds of change in the Cold War with its momentous opening to the People's Republic of China and the beginning of *détente* with the Soviet Union, definitely collapsed as a consequence of the Watergate scandal, which forced the President to resign under threat of impeachment.³ After two decades of U.S. economic aid to Western Europe and Japan, Western European allies were now extremely competitive thanks to a combination of more effective forms of industrial organization and cheaper labor, something which dramatically widened the U.S. trade deficit.⁴ According to Charles Maier, the "summer solstice of America's empire of production"⁵ began in the year 1958, even though its tangible effects would begin to

¹ H. Johnson, *Sleepwalking through history : America in the Reagan years*. New York: W.W. Norton, 1991 p. 28

² M. Young, *The Vietnam Wars*, p. 314.

³ H. Johnson, *Sleepwalking through history*, p. 28.

⁴ P. Anderson, *American foreign policy and its thinkers*, Verso Books, 2015

⁵ C. S. Maier, *Among Empires: American Ascendancy and its predecessors*, Cambridge, Mass.: Harvard University Press, 2006, p. 228

appear only a decade later. Germany and Japan, by the mid-1960s, had achieved impressive results in many industrial sectors, such as textiles, steel, automobiles, machine tools, and consumer electronics. Producers based in these countries thus began to erode portions of the market, which hitherto had been dominated by US producers.⁶ At the end of the 1960s, the situation in Vietnam led Washington to intentionally pursue inflationary public finance to cover the costs of the conflict.⁷ The fiscal crisis of the US State, fatally boosted by the ever-increasing military effort and the need to finance the Great Society program of the Johnson years, led to the collapse of the US-centered Bretton Woods regime of fixed exchange rates in 1971.⁸ Moreover, the 1973 oil embargo imposed on the US by Arab oil producers⁹ as a consequence of the American support to Israel in the Yom Kippur War triggered the first energy crisis and induced a generalized stagflation in the US (a simultaneous recession and inflation), sending the world alarming signals about the soundness of the steady economic growth that had stabilized Western societies since the end of WW II.¹⁰

During the decade of the 1970s the Cold War deck of cards got shuffled again, and the two superpowers' respective spheres of influence shifted towards new assets: Moscow gained allies in Iraq, Angola, Ethiopia, South Yemen, South Vietnam, Cambodia, and Nicaragua. On the other hand, the United States, despite having lost long-time strongholds in crucial areas, ultimately benefitted from closer relations with Egypt, China, and a number of smaller African states such as the Central African Empire, Uganda, Somalia, and Kenya.¹¹ 1979 was a particularly heated year: the formerly-US-sponsored Somoza dictatorship in Nicaragua fell to the left-wing Sandinistas in July. To counter an outright victory by the left in the country, Carter sent Secretary of State Cyrus Vance to the Organization of American States (OAS) with a proposal that it should send a peacekeeping force to supervise the formation of a new government.¹² Following the rejection of the plan by both the Sandinistas and the Latin American

⁶ G. Arrighi, "The World Economy and the Cold War", 1970-1990. In M. Leffler & O. A. Westad (eds.), *The Cambridge History of the Cold War*, Cambridge, Cambridge University Press, 2010, pp. 23-44.

⁷ *Ibidem*.

⁸ G. Arrighi, "The World Economy and the Cold War", p. 28.

⁹ Iran, Iraq, Saudi Arabia, and Kuwait. These were part – together with Venezuela – of the Organization of the Petroleum Exporting Countries (OPEC), founded in Baghdad in 1960.

¹⁰ J. Lambertson Harper, *The Cold War*, Oxford University Press, 2011, p. 186; C. R. W. Dietrich, "First Class Brouhaha: Henry Kissinger and Oil Power in the 1970s", in E. Bini, G. Garavini, F. Romero (eds.), *Oil Shock, the 1973 crisis and its economic legacy*, IB Tauris and Co., 2016, p. 37.

¹¹ J. L. Harper, *The Cold War*, p. 201.

¹² S. Wilentz, *The Age of Reagan: a history 1974-2008*, Harper Perennial, 2009, p. 103.

governments at the OAS, Carter's administration offered economic aid to the new government in the hopes of "manipulating the Sandinistas in a direction acceptable to Washington"¹³. White House officials, as a matter of fact, had recognized the fact that American hostility had driven the young Cuban revolution in the Soviet orbit at the beginning of the 1960s.¹⁴ This "new" relationship between Nicaragua and the US resulted in about \$100 million US aid in soft credits in support of relief and reconstruction efforts through the end of 1980.¹⁵ Nevertheless, the Sandinistas, who were soon receiving military aid from Cuba and declaring their solidarity to other leftist guerrillas in the region, deepened concern in the White House.

Carter's problems, however, were far from limited to Central America. A new crisis appeared in the context of the Iranian revolution, which began with the fall of the US-supported Shah Mohammad Reza Pavlavi in December 1978, when nearly a million people marched in Teheran demanding the removal of the monarch and the return from exile of ayatollah Ruhollah Khomeini.¹⁶ Khomeini had been inspiring insurgency against the Shah from his exile in Iraq and France, condemning capitalism as well as communism and calling for a restoration of the Sharia.¹⁷ As historian Odd Arne Westad noted,

"The Iranian revolution of 1978-1979 broke with the pattern that revolutionary insurgencies against the established came mainly from the Marxist-inspired Left – on the contrary, after the overthrow of the Shah, the Left was soon pushed aside by revolutionaries who found their inspiration in the Holy Koran, the Prophet, and, ultimately, in God"¹⁸

On 4 November 1979, in the turbulent aftermath of the US' consent to host the exiled and now dying Shah Pavlavi in the country for medical treatment, Iranian students occupied the U.S. embassy in Tehran and detained more than fifty Americans as hostages for 444 days.¹⁹ At first, the operation seemed amateurish, and led by hot-headed fundamentalists with no apparent plan to handle the situation. Nevertheless,

¹³ T. W. Walker, *Reagan vs. the Sandinistas: the Undeclared War on Nicaragua*, Westview Press, 1987, p. 5

¹⁴ D. Gilbert, "Nicaragua", in M. J. Blachman, W. Leogrande, K. Sharpe, (eds.), *Confronting Revolution: Security Through Diplomacy in Central America*, Pantheon Books, 1986, p. 98

¹⁵ S. Wilentz, *The Age of Reagan*, p. 103.

¹⁶ O. A. Westad, *The Global Cold War*, Cambridge University Press, 2009, p. 295.

¹⁷ M. P. Leffler, *For the Soul of Mankind*, Hill and Wang, 2008, p. 300.

¹⁸ O. A. Westad, *The Global Cold War*, p. 288.

¹⁹ M. P. Leffler, *For the soul of Mankind*, p. 326.

Ayatollah Khomeini exploited the situation, considering the hostage crisis a convenient distraction from domestic political disputes, as well as a useful device to sustain the revolution at a time when the anti-shah coalition was coming apart. Khomeini publicly expressed his support to the hostage takers, thus triggering an international crisis.²⁰ The subsequent diplomatic standoff contributed to further undermine the image of the Carter administration due to an often ineffectual conduct of foreign policy: a fatal self-inflicted wound came with the failure of operation Eagle Claw, a secret US attempt to rescue the hostages on the night of 24 April 1980.²¹

At the end of 1979, Afghanistan too acquired particular significance for the Carter administration. The US interest in the country during the first sixteen months of the Carter presidency was marginal as opposed to other sensitive areas.²² However, following the communist takeover of Afghanistan in the spring of 1978, Pakistani General M. Zia-ul-Haq immediately requested US support:

“In our estimation the advent of the leftist regime in Kabul is an event of historic proportions. The change is of a fundamental nature which will have a profound impact on the balance of power in our region and beyond. Its consequences for Pakistan are incalculable. These and related matters are receiving our urgent attention. I am convinced that these are of deep concern to you also and hope that you will be able to spare some time to give attention to the measures needed to meet an entirely new situation which has materialised earlier than we had expected”.²³

President Carter agreed on the fact that “Soviet domination of Afghanistan would be “a development of great seriousness for South Asia and the entire free world”.²⁴ In a series of undated papers prepared by the Central Intelligence Agency, US interests “to have the Taraki government fall and be replaced by a non-communist regime”²⁵ were clearly outlined together with a set of covert actions options ranging from propaganda both inside and outside Afghanistan to non-lethal and lethal aid. US proposals for the desired

²⁰ S. Wilentz, *The Age of Reagan*, p. 115; R. Strong, *Working in the World*, p. 236; “Teheran Students seize U.S. Embassy and hold Hostages”, *The New York Times*, 5.11.1979, <https://www.nytimes.com/1979/11/05/archives/teheran-students-seize-us-embassy-and-hold-hostages-ask-shahs.html>, last accessed June 2019.

²¹ H. Johnson, *Sleepwalking through History*, pp. 34-36

²² *Foreign Relations of the United States, 1977-1980, Volume XII, Afghanistan*, p. VIII, available at <https://history.state.gov/historicaldocuments/frus1977-80v12>, last accessed June 2019.

²³ Letter from Pakistani General Zia to President Carter, *Foreign Relations of the United States, 1977-1980, Volume XII, Afghanistan*, Doc. 16, p. 37.

²⁴ Letter from President Carter to Pakistani General Zia, *Foreign Relations of the United States, 1977-1980, Volume XII* Doc. 23, p. 54.

²⁵ Paper Prepared in the Central Intelligence Agency, *Ibidem*, Doc. 34, Tab A, p. 87.

policy in the region also contemplated a coup d'état, but this, one of the paper stated, would need careful planning on the part of the CIA.²⁶

The military-revolutionary coup that brought the pro-Soviet Marxist movement to power in Kabul was initially a pleasant surprise for Moscow, which immediately started to take contact with the new regime in order to discuss Soviet-sponsored aid.²⁷ However, the Taraki regime soon began to show some signs of weakness: despite the efforts of the Soviet Communist Party to hold the PDPA (People's Democratic Party of Afghanistan) together, the Khalq faction of the alliance within the party prevailed and removed the Parcham leaders from power.²⁸ In the morning of 15 March 1979, a rebellion of Islamist guerrillas, local people, and defectors from the local garrison in the western city of Herat left five thousand people dead, and the internal uprising against the PDPA began to spread in the country.²⁹ As a result, Taraki asked for Soviet military intervention, but Brezhnev restrained the interventionism on his lieutenants.³⁰ Nevertheless, the mixture of unreliability, incompetence, and violent repression of the Kabul regime, combined with the possible spread of political Islam from Iran, alerted many in the Soviet leadership.³¹

Following the Herat rebellion, the increase in Soviet military aid to Afghanistan – though relatively low – and the charges of Western assistance to the counterrevolutionaries that began to appear in both Soviet and Afghan press gathered the attention of the US.³² US National Security Adviser Zbigniew Brzezinski began a campaign to raise the issue of the Soviet presence in Afghanistan. The administration, meanwhile, denied the charges of US support to the insurgents in the country. According to Raymond L. Garthoff:

²⁶ "Covert Action Options Against Afghanistan", Paper Prepared in the Central Intelligence Agency, *Ibidem*, attachment to Doc. 38, p. 111.

²⁷ V. M. Zubok, *Soviet Foreign Policy from Détente to Gorbachev, 1975-1985*. In M. Leffler & O. A. Westad, *The Cambridge History of the Cold War*, Cambridge, Cambridge University Press, 2010, pp. 89-111.

²⁸ R. L. Garthoff, *Détente and Confrontation*, The Brookings Institution, Washington D.C., 1994, p.988; O. A. Westad, *The Global Cold War*, p. 302.

²⁹ O. A. Westad, *The Global Cold War*, p. 302.

³⁰ V. Zubok, *Soviet Foreign Policy from Détente to Gorbachev, 1975-1985*, p. 103.

³¹ M. P. Leffler, *For the Soul of Mankind*, p. 329.

³² R. L. Garthoff, *Détente and Confrontation*, p. 1049.

“From the American perspective, the United States played no role in influencing Amin³³ or the internal Afghan political scene. From all accounts the U.S. government was virtually oblivious to the frantic signals Amin was sending in November and December. There is no evidence of American efforts to get Amin to turn away from the Soviet Union through contacts such as the Islamic revolutionary insurgents in Pakistan or directly.”³⁴

However, declassified documents dealing with Afghanistan from the Carter presidency lead to a different conclusion. As already exposed, options for possible CIA-sponsored intervention to establish contacts with the insurgency had been outlined in many instances between the Communist coup of 1978 and December 1979. US plans to counter the revolution, then, were being discussed and the CIA was exploring viable ways to establish contacts with anti-Soviet Afghan rebels in the country at the time of the Herat uprising. Moreover, on 3 July 1979, Carter signed a Presidential Finding providing authorization to “support insurgent propaganda and other psychological operations in Afghanistan; establish radio access to the Afghan population through third country facilities;”³⁵ and “provide unilaterally or through third countries as appropriate support to Afghan insurgents, either in the form of cash or non-military supplies.”³⁶ In a later interview with *Le Nouvel Observateur*, former National Security Adviser Brzezinski confirmed the fact that the CIA was operating to support the mujahidin in Afghanistan before the Soviet invasion:

“According to the official version of history, CIA aid to the Mujahidin began during 1980, that is to say, after the Soviet army invaded Afghanistan on December 24, 1979. But the reality, closely guarded until now, is completely otherwise: Indeed, it was July 3, 1979 that President Carter signed the first directive for secret aid to the opponents of the pro-Soviet regime in Kabul. And that very day, I wrote a note to the president in which I explained to him that *in my opinion this aid was going to induce a Soviet military intervention.*”³⁷

³³ Hafizullah Amin was a a Khalq leader. After a failed Soviet-planned murder attempt in order to remove him from power in August 1979 backfired, he killed Taraki (whom the Soviets were trying to support) and continued to rule on the country up until the Soviet intervention. (M. P. Leffler, *For the Soul of Mankind*, p. 330). A detailed description of the events can be found in the chapter on Afghanistan in Garthoff's *Détente and Confrontation*.

³⁴ R. L. Garthoff, *Détente and Confrontation*, p. 1053.

³⁵ Footnote 5 to Summary of Conclusions of a Special Coordination Committee Meeting, Washington, June 26, 1979, in *Foreign Relations of the United States, 1977-1980, Volume XII, Afghanistan*, p. 202.

³⁶ *Ibidem*; N. Mitchell, “The Cold War and Jimmy Carter”, in M. Leffler & O. A. Westad (eds.), *The Cambridge History of the Cold War*, pp.66-88.

³⁷ Z. Brzezinski interview with *Le Nouvel Observateur*, translation from the French by W. Blum and David N. Gibbs, published in Gibbs, "Afghanistan: The Soviet Invasion in Retrospect," *International*

Nevertheless, the Soviet intervention in Afghanistan was a result of intertwining factors. Above all, Moscow's concern for the possible loss of Afghanistan to the counterrevolution or the West: by October 1979, Amin was beginning to make overtures to the United States, and his November and December alleged³⁸ contacts with a leader of one of the main Islamic resistance groups alimeted Soviet concerns.³⁹ In addition to this were increasing fear of chaos spreading from Iran, and the realization that the US Senate was not going to ratify the SALT II Treaty on arms control.⁴⁰ Brezhnev's closest advisers concluded that they had to get rid of Amin by replacing him with Babrak Karmal, a former member of the Parcham faction in the PDPA, and they reluctantly agreed that, if necessary, this had to be achieved through military intervention due to the lack of other viable options to defend Moscow's security interests at its southern borders.⁴¹ On 27 December 1979, hundreds of members of the KGB attacked Amin's residence at Dar-ul-Aman Palace, overcame resistance from the Palace Guards, and executed the president, some of his aides, and several of his relatives. Karmal proclaimed himself Prime Minister and General Secretary of the PDPA on the following day.⁴² The Soviet endeavor would turn into what Brzezinski dubbed a "Soviet Vietnam"⁴³, resulting in a ten-year occupation of the country, and it had the immediate result of bidding the détente approach farewell.

Carter, heavily influenced by Brzezinski's portrayal of Brezhnev's Afghanistan policy as an aggressive stance with the aim of challenging the US positions in the Gulf Area, now saw the need to deter further Soviet aggression as the top priority for the country.⁴⁴ The Carter doctrine was proclaimed in the President's State of the Union address on 23 January 1980:

Politics 37, no. 2, 2000, pp. 241-242; original French version appeared in "Les Révélations d'un Ancien Conseiller de Carter: 'Oui, la CIA est Entrée en Afghanistan avant les Russes...'" *Le Nouvel Observateur* [Paris], January 15-21, 1998, p. 76.

³⁸ *Kabul New Times*, as cited in R. L. Garthoff. As the author writes at note 139 p. 1027 "this contact has not been confirmed and it is unclear whether Soviet intelligence accepted this report or originated it for disinformation".

³⁹ M. P. Leffler, *For the Soul of Mankind*, p. 331; R. L. Garthoff, *Détente and Confrontation*, p. 1027.

⁴⁰ N. Mitchell, "The Cold War and Jimmy Carter", in M. Leffler & O. A. Westad (eds.), *The Cambridge History of the Cold War*, pp.66-88.

⁴¹ M. P. Leffler, *For the Soul of Mankind*, p. 333; R. L. Garthoff, *Détente and Confrontation*, p. 1036.

⁴² O. A. Westad, *The Global Cold War*, p. 323.

⁴³ Memorandum From the President's Assistant for National Security Affairs (Brzezinski) to President Carter, 26 December 1979, in *Foreign Relations of the United States, 1977-1980, Vol XII*, Doc. 97, p. 265.

⁴⁴ O. A. Westad, *The Global Cold War*, p. 328.

“An attempt by any outside force to gain control of the Persian Gulf region will be regarded as an assault on the vital interests of the United States of America, and such assault will be repelled by any means necessary, including military force.”⁴⁵

2. Reagan’s rise

According to historian Gil Troy⁴⁶, Ronald Reagan’s rise in politics was possible because of twenty-year old tensions and contradictions dating back to the countercultural movements of the 60s, which inevitably collapsed into the 70s’ pessimism and defeatism. During the previous years, the trauma of President Kennedy’s assassination in 1963 and the failures of the Johnson and Nixon presidencies generated widespread public alienation from the electoral process.⁴⁷ Moreover, the political, military, and economic failures, at home and abroad, compounded a deep sense of frustration within the American society. Nevertheless, despite these major blows at the nation’s self-confidence, a widespread hope that a more successful period of national strength was dawning began to take hold.⁴⁸ Reagan revived and transformed the American nationalism, which had been slumbering under controversial presidencies in the wait of a great awakening.⁴⁹ As historian S. Wilentz wrote in his sweeping overview of the Reagan presidency,

“[...] Reagan and his supporters, unlike the battered Democrats and the disgraced Republican establishment, gave the voters a compelling way to comprehend the disorienting and often dispiriting trends of the 1970s – and to see those trends not as a product of their own defects (as Reagan’s Democratic predecessor, Jimmy Carter, came to imply) but as a consequence of bad leadership. With Reagan [...], the Republican right delivered what sounded like straightforward, commonsense solutions to the nation’s ills: cut taxes, shrink government domestic spending, encourage private investment, and keep the military strong while aiding those abroad who were fighting communist tyranny.”⁵⁰

Through the fall of 1980, however, voters remained uncertain about Reagan’s conservatism and lack of experience at the international level, and as late as October, a quarter of the electorate still had not made up their minds.⁵¹ Nevertheless, Reagan’s victory came with a majority of 50.7 percent, winning forty-four states with 489

⁴⁵ J. Carter, *State of the Union Address*, 23 January 1980.

⁴⁶ G. Troy, *The Reagan Revolution: a very short introduction*, Oxford University Press, 2009.

⁴⁷ S. Wilentz, *The Age of Reagan*, p. 6.

⁴⁸ H. Johnson, *Sleepwalking through History*, p. 28.

⁴⁹ G. Troy, *The Reagan Revolution*, p. XVI.

⁵⁰ S. Wilentz, *The Age of Reagan*, p. 6.

⁵¹ J. Ehrman, *The Eighties: America in the Age of Reagan*, Yale University Press, 2005, p. 23.

electoral votes over Carter's 41 percent and John Anderson's 6.6 percent. Backed by the first Republican-commanded Senate since 1955 and by conservative Democrats in the House, Reagan turned his popular majority into an electoral mandate.⁵² In his inaugural speech, the line "In this present crisis, government is not the solution to our problem; government is the problem"⁵³ was welcomed by a cheering crowd, fed up with the status quo and in need to experience a change after America's latest failures and setbacks.

Ronald Reagan began his political career in 1964, when he served as a co-chairman of Republican presidential candidate Barry Goldwater's California campaign. Reagan's televised "A time for choosing" speech of 27 October 1964 turned out to be a surprising success and consecrated Reagan as the new leader of the Republican right.⁵⁴ The speech contained the elements that would become the pillars of American political mainstream a generation later: antitax, anticommunism, and antigovernment were mixed with powerful rhetorical force, fostered by phrases and themes drawn from F. Roosevelt and Lincoln.⁵⁵ Speaking about Communism, Reagan stated:

"There can be no real peace while one American is dying some place in the world for the rest of us. We're at war with the most dangerous enemy that has ever faced mankind in his long climb from the swamp to the stars, and it's been said if we lose that war, and in so doing lose this way of freedom of ours, history will record with the greatest astonishment that those who had the most to lose did the least to prevent it's happening. Well I think it's time we ask ourselves if we still know the freedoms that were intended for us by the Founding Fathers."⁵⁶

Nevertheless, Goldwater was overwhelmingly defeated by Democrat Lyndon B. Johnson. The elections dealt a major blow to the Republicans, which were left with only 140 seats in the House and thirty-two in the Senate, seven out of fifty state legislatures

⁵² S. Wilentz, *The Age of Reagan*, p. 125, 139.

⁵³ Ronald Reagan, Inaugural Address, January 20, 1981 <https://www.reaganfoundation.org/media/128614/inaguration.pdf> accessed April 2019.

⁵⁴ J. Ehrman, *The Eighties: America in the Age of Reagan*, p. 14.

⁵⁵ H. Johnson, *Sleepwalking through History*, p. 67. Reagan's "You and I have a rendezvous with destiny" echoes Roosevelt's "...this generation of Americans has a rendezvous with destiny" in Roosevelt's re-nomination acceptance speech of 1936 (available at <https://www.americanyawp.com/reader/23-the-great-depression/franklin-roosevelts-re-nomination-acceptance-speech-1936/>, last accessed June 2019); Reagan's "We will preserve for our children, this the last best hope of man on earth" draws from Lincoln's "We shall nobly save, or meanly lose, the last, best hope of earth", in Abraham Lincoln's annual message to Congress, 1 December 1862, <http://www.abrahamlincolnonline.org/lincoln/speeches/congress.htm>, last accessed June 2019.

⁵⁶ R. Reagan, "A time for choosing", 27 October 1964, <https://www.reaganlibrary.gov/sreference/a-time-for-choosing-speech>, last accessed June 2019.

and seventeen governorships.⁵⁷ Backed by a small group of California businessmen determined to rebuild the Republican Party, which will later become known as the “kitchen cabinet”, Reagan ran for governor in 1966 and beat the Democratic incumbent Edmund G. Brown by 3.7 million votes to 2.7 million.⁵⁸ His years as governor of California from 1967 to 1975 produced mixed results from an ideological standpoint: he signed a liberal abortion law in 1967 and he increased taxes, spending, and the number of state employees despite his anti-government rhetoric. Nevertheless, he pleased conservatives through his welfare reform and his approach towards the student protests that continued to storm the University of California system in the midst of the anti-war movement.⁵⁹ Reagan enjoyed a reputation as a decisive governor by publicly condemning the Vietnam protests and, on several occasions, using police and the National Guard to keep the universities open. He coupled this approach with maintaining state spending on higher education, something which ultimately contradicted liberal concerns over the disruptive character of Reagan’s policies.⁶⁰ After Reagan retired as governor, he remained in the national spotlight by speaking through the country and delivering short radio commentaries, laying the ideological building blocks of the conservative revolution: in the quest of restoring a long-time stifled American individualism, he blamed government intervention, corruption, incompetence, and the counterproductive liberal-minded attitude.⁶¹ Reagan’s commentaries allowed him to reach potential voters in virtually every nook and cranny of the United States, providing him with a national platform that no other politician had at that moment, with an estimated audience of twenty to thirty million Americans a week between 1975 to 1979.⁶² Thanks to this nation-wide reach, Reagan’s conservatism managed to unite different constituencies including Protestant evangelicals, blue-collar Catholics, northeastern neoconservative intellectuals, southerners tired of the Democratic civil rights agenda, corporate leaders, homeowners caught between an eroding dollar and rising property taxes, Rust Belt pessimists who craved for a change

⁵⁷ H. Johnson, *Sleepwalking through History*, p. 69.

⁵⁸ J. Ehrman, *The Eighties*, pp. 14-15.

⁵⁹ H. Johnson, *Sleepwalking through History*, p. 79; J. Ehrman, *The Eighties*, pp. 17-18; G. Troy, *The Reagan Revolution*, p. 37.

⁶⁰ *Ibidem*.

⁶¹ G. Troy, *The Reagan Revolution*, p.37.

⁶² A. Anderson, M. Anderson, K. K. Skinner, *Reagan’s Path to Victory: The Shaping of Ronald Reagan Vision. Selected Writings*, Free Pr; Har / Com edition, October 2004, p. xiv.

that could revive the area's economy, and Sun Belt dwellers rejecting high taxes and onerous regulations.⁶³

Yet, despite a growing consensus towards the neoconservative explanation for the nation's dysfunction, at the time of his election Reagan, who pledged his commitment to cut government taxes and programs, somehow clashed with the actual readiness of the people to accept so drastic a reduction of the welfare state.⁶⁴ In addition to that, polling data available soon after the election showed that the voters had turned to Reagan because he was the only viable alternative to Carter rather than because they supported Reagan's conservative positions on social issues.⁶⁵ Only twenty-eight percent of the electorate identified as "conservative", only thirteen percent as strong Republicans, and reportedly only one voter in ten was driven by Reagan's conservatism.⁶⁶ Nevertheless, the notion of a presidential mandate began to take hold ever since the election night in 1980, when the newly-elected vice president stated that Reagan's triumph was

"...not simply a mandate for a change but a mandate for peace and freedom; a mandate for prosperity; a mandate for opportunity for all Americans regardless of race, sex, or creed; a mandate for leadership that is both strong and compassionate...a mandate to make government the servant of the people in the way our founding fathers intended; a mandate for hope; a mandate for hope for the fulfilment of the great dream that President-elect Reagan has worked for all his life."⁶⁷

Capitalizing on the public euphoria, and boosted by the national celebration that resulted from the release of the American hostages minutes after his inaugural oath, in the first weeks of his presidency Reagan aggressively moved to attack the working of government, with the aim of unravelling some of its basic functions established over the last half century.⁶⁸ Front-page newspaper headlines enumerated Reagan's political and economic agenda objectives, and by March the whole Reagan plan had taken form

⁶³ G. Troy, *The Reagan Revolution*, p. 50; For a detailed account on Reagan's constituencies, see also H. Johnson, *Sleepwalking through History*, capp. 9-12.

⁶⁴ *Ibidem*, cit., p.23; S. Wilentz, *The Age of Reagan*, p. 124.

⁶⁵ J. Ehrman, *The Eighties*, p. 47; H. Johnson, *Sleepwalking through History*, p. 158; "Does Reagan have a mandate?", *The New York Times*, 7.6.1981, <https://www.nytimes.com/1981/06/07/books/does-reagan-have-a-mandate.html>, last accessed June 2019.

⁶⁶ G. Troy, *The Reagan Revolution*, p. 52.

⁶⁷ R. A. Dahl, "Myth of the Presidential Mandate", *Political Science Quarterly*, Vol. 105, No. 3 (Autumn, 1990), pp. 355-372, available at <https://www.jstor.org/stable/pdf/2150822.pdf?refreqid=excelsior%3A3ad0b3990ed766330371c636e7f31806>, last accessed June 2019.

⁶⁸ H. Johnson, *Sleepwalking through History*, p. 155.

publicly.⁶⁹ Among these were supply-side tax cuts, a one-trillion defense budget increase proposal, major changes in the regulation of public business, and greater military involvement abroad.⁷⁰ In a campaign speech delivered to the International Business Council in Chicago on 9 September 1980, he had summarized the goals of his presidency: “we must balance the budget, reduce tax rates and restore our defenses.”⁷¹ Nevertheless, as Lou Cannon notes, “Reagan refused to acknowledge that he had achieved the last two of them at the expense of the first.”⁷² As a matter of fact, by the time Reagan left office, the national debt had nearly tripled and the United States of America had become the world’s largest debtor nation.⁷³

Historian J. Ehrman argues that Reagan’s overall success lied in his flexibility and understanding of American politics, which “traditionally operates by adaption, compromise, and deal making to accommodate the competing demands of the subcultures of American society.”⁷⁴ “By not insisting on ideological coherence while still providing ideas that could be grasped easily by the public, taking victories where he could, compromising and even backing off when he had too”, Ehrman continues, “Reagan managed to hold inconsistent views and still navigate the complexities of politics without losing his popularity”.⁷⁵

3. Foreign policy

“My idea of American policy toward the Soviet Union is simple, and some would say simplistic. It is this: We win and they lose. What do you think of that?”⁷⁶

⁶⁹ See for example: “Job, Food, School Programs: New Reagan Budget Targets”, *The Washington Post*, 27.2.1981, available at <https://www.nexis.com/docview/getDocForCuiReq?lni=3S8G-DJR0-0009-W0GF&csi=280434&oc=00240&perma=true>, last accessed June 2019; “Reagan asks 16% Boost in Spending for Defense”, *The Washington Post*, 5.3.1981, available at <https://www.nexis.com/docview/getDocForCuiReq?lni=3S8G-DHY0-0009-W420&csi=280434&oc=00240&perma=true>, last accessed June 2019; “The Reagan Road to Recovery”, *The New York Times*, 22.2.1981, available at <https://www.nytimes.com/1981/02/22/opinion/the-reagan-road-to-recovery.html>, last accessed July 2019.

⁷⁰ H. Johnson, *Sleepwalking through history*, p. 155

⁷¹ R. Reagan, as cited in L. Cannon, *President Reagan: the Role of a Lifetime*, Touchstone/Simon & Schuster, 1991, p.6; M. Leffler, *For the Soul of Mankind*, p. 346.

⁷² L. Cannon, *President Reagan*, p. 6.

⁷³ *Ibidem*.

⁷⁴ J. Ehrman, *The Eighties*, p. 5.

⁷⁵ *Ibidem*, pp. 5-7; p. 21-22.

⁷⁶ R. V. Allen, “The Man who Won the Cold War”, in *Hoover Digest*, No. 1, 30 January 2000, available at <https://www.hoover.org/research/man-who-won-cold-war>, last accessed June 2019.

This extreme simplification offered by Reagan to Richard Allen – who would become Reagan’s first security adviser – before the presidential elections of 1981 is somewhat prophetic if one thinks about the way events eventually unfolded. These few words, moreover, reflected the President’s everlasting belief that the West would triumph over Communism: Reagan’s reference to a post-communist future beyond the Cold War is a recurring theme in the works of many of the authors who examined the Reagan presidency.⁷⁷ Nevertheless, Reagan’s unyielding anticommunism was, in Haynes Johnson’s accurate definition, “an article of faith”⁷⁸ that informed his approval over many decisions in the domain of foreign policy, especially during his first term in office. The foreign policy setbacks of the Carter presidency, according to the President and his closest advisers, called for a major military build-up to ensure military preparedness, with the aim of overcoming the post-war defeatist syndrome.⁷⁹ In a speech at the Veterans of Foreign Wars Convention in 1980, Reagan blamed the Carter administration for having been “oblivious” to the Soviet drive for world domination “in the face of declining American power”.⁸⁰ In the same speech, Reagan also called for the need to “restore that vital margin of safety”, by pursuing the strategy of “preserving peace through strength”, a policy which, again, had been neglected by the Carter administration.⁸¹

These views were largely supported by neoconservatives, which had been gaining considerable influence in the foreign policy debate from as early as 1976. At that time, the then-director of the CIA George H.W. Bush directed the creation of a secret intelligence group named “Team B” to provide reports on national security outside the

⁷⁷ Almost every book used here to reconstruct the Reagan presidency contains references to Reagan’s belief that the US was on the “right side” of history. See for example O. A. Westad, *The Global Cold War* p. 331 “The president wanted to see Soviet defeats and an internal change of political direction in these countries, because such changes would confirm Reagan’s own conviction that his country was on the side of history and that socialism was a thing of the past”; S. Wilentz, *The Age of Reagan*, p. 138: “[...] beyond the Cold War [...] beckoned a world that neither liberals who favoured “peaceful coexistence” nor more orthodox conservatives and neoconservatives could yet imagine in the 1980s – a postcommunist world of peace and harmony where, as Reagan said ‘we would find out once and for all that we really are human beings here on earth together’”; G. Troy, *The Reagan Revolution*, p. 88: “in his radio talks [...] he defined Communism as ‘neither an economic or a political system’ but ‘as a form of aberration which will one day disappear from the earth because it is contrary to human nature’”.

⁷⁸ H. Johnson, *Sleepwalking through History*, p. 254.

⁷⁹ S. Wilentz, *The Age of Reagan*, p. 138.

⁸⁰ R. Reagan, “Restoring the margins of peace” speech at the Veterans for Foreign Wars Convention, Chicago, Illinois, 1980, <https://www.reaganlibrary.gov/8-18-80>, last accessed 20 May 2019.

⁸¹ *Ibidem*.

CIA's official channels.⁸² The Team B report stated that CIA assessments of the Soviet behavior through 1975 were flawed due to a misperception of the motivations driving Soviet strategic programs. The report also stated that the "analysis of Soviet past and present behavior...suggests that the Soviet leaders are first and foremost offensively rather than defensively minded."⁸³ "The size and nature of the Soviet efforts", the analysis continued, "lead to the possibility of a short term threat cresting, say, 1980 or 1983, as well as the more obvious long range threat."⁸⁴

Team B was disbanded in 1977, but its views outlived the group and were brought into the Committee on the Present Danger (CPD) a neo-conservative foreign policy interest group founded in 1976 to press for a stronger attitude towards the Soviet Union. Although it had remained quite marginal during the Carter years, the group found itself in the mainstream of foreign policy thinking with the victory of Ronald Reagan in the 1980 elections, and more than thirty of its members eventually joined the Reagan administration.⁸⁵ The CPD policy statement of 1976 identified the "Soviet drive for dominance" as the "principal threat to our nation, to world peace, and to the cause of human freedom". The Soviet military build-up, the statement continued, "cannot be explained or justified by considerations of self-defense", a view that, by 1981, became embedded in the foreign policy conception of the Reagan's administration.⁸⁶ In a letter to President Brezhnev of April 1981, President Reagan would write:

"...At the same time I must be frank in stating my view that a great deal of the tension of the world today is due to Soviet actions. As we and our allies have repeatedly stated, two aspects of Soviet behavior are of particular concern to us:

⁸² S. Wilentz, *The Age of Reagan*, p. 153.

⁸³ "Intelligence Community Experiment in Competitive Analysis: Soviet Strategic Objectives – an Alternate View", December 1976, http://insidethecoldwar.org/sites/default/files/documents/Team%20B%20Report%20December%201976_1.pdf, last accessed July 2019.

⁸⁴ *Ibidem*.

⁸⁵ S. Wilentz, *The Age of Reagan*, p. 153; "Group Goes from Exile to Influence", *The New York Times*, 23.11.1981, <https://www.nytimes.com/1981/11/23/us/group-goes-from-exile-to-influence.html>, last accessed June 2019.

Among the members of the CPD were Ronald Reagan himself, who had joined the executive board in 1979; R. Allen, Assistant to the President for National Security Affairs; W. J. Casey, Director of the Central Intelligence Agency; F. C. Iklé, Under Secretary of Defense for Policy; J. Kirkpatrick, US Representative to the United Nations; G. Shultz, US Secretary of State from 1982 to 1989.

⁸⁶ Committee of the Present Danger (CPD), "Common Sense and Common Danger – Policy Statement of the Committee on the Present Danger", 11.11.1976, <http://insidethecoldwar.org/sites/default/files/documents/Common%20Sense%20and%20Common%20Danger.pdf>, last accessed June 2019.

- First, the USSR's remitting and comprehensive military buildup over the past 15 years, a buildup which in our view far exceeds purely defensive requirements and carries disturbing implications of a search for military superiority..."⁸⁷

In fact, according to Lou Cannon's reconstruction, this actually was the State Department adaptation of an handwritten letter written by Ronald Reagan to Soviet leader Leonid Brezhnev, in which he clarified the reasons behind his February 1981 decision to suspend the grain embargo imposed on the Soviet Union by the Carter administration after the invasion of Afghanistan. Despite the administration's militant strategy and Reagan's public rhetoric, the US President expressed his willingness to enter into a dialogue with the Soviets with the hope to "fulfill [the] joint obligation to find lasting peace."⁸⁸

However, in the first three years in office, the Reagan administration developed a strategy to achieve Soviet restraint and reciprocity. Under the new foreign policy orientation, the administration linked improvements in East-West relations to a change in Soviet behavior. Throughout 1981, Washington made clear that summit meetings would be dependent on a number of preconditions such as prior consultation with American allies, and extensive preparatory negotiations between US and USSR foreign ministers; moreover, in a March 1981 interview, Reagan stated that a meeting with Brezhnev would take place if the Soviet Union "revealed that it is willing to moderate its imperialism"⁸⁹. As a complementary means to achieve Soviet restraint, in 1981 the Reagan White House proposed the largest US military buildup since the Korean War, which in the first term of the Reagan administration brought defense outlays from 171 billion to 229 billion – a thirty-four percent increase measured in real 1982 dollars. The increase in defense spending, aimed at revitalizing US military strength to deter military interventionism from enemies abroad, would also force the Soviet Union to pursue its

⁸⁷ Letter from President Ronald Reagan to President Leonid Brezhnev, 24.4.1981, <https://www.thereaganfiles.com/19810424-2.pdf>, last accessed 2019.

⁸⁸ Text of President Reagan's Handwritten Message to President Brezhnev, 24.4.1981, <https://www.thereaganfiles.com/19810424-2.pdf>, last accessed July 2019.

⁸⁹ B. A. Fischer, "Toeing the Hardline? The Reagan Administration and the Ending of the Cold War", in *Political Science Quarterly*, Vol. 112, No. 3 (Autumn, 1997), published by The Academy of Political Science, pp. 477-496, <https://www.jstor.org/stable/2657567>, last accessed July 2019; Excerpts from an Interview with Walter Cronkite of CBS News, 3 March 1981, <https://www.reaganlibrary.gov/research/speeches/30381c>, last accessed June 2019.

own arms buildup.⁹⁰ In 1980, Reagan had already expressed his belief that the Soviet Union could not afford a prolonged arms race, when he declared that “there was every reason to believe that the Soviet Union cannot increase its production of arms... They've diverted so much to military that they can't provide for the consumer needs. So as far as an arms race is concerned, there's one going on right now but there's only one side racing.”⁹¹

Further, the Reagan administration focused on securing congressional approval over the proposed military budget increases in order to fill the gap and match Soviet military capabilities. According to Norris and Kristensen, the Soviet nuclear stockpile had first outnumbered the US arsenal in 1978, and by 1981 it totaled around thirty-two thousand nuclear warheads, as opposed to the twenty-three thousand units in the US inventory.⁹² In Reagan's view, a buildup would also provide political leverage to bring the Soviets to the negotiating table from a position of superiority. However, arms control issues were relegated to marginal positions in the administration's agenda up until late 1981. What's more, in the first months of his presidency, pushed by the “triumvirate” of Baker, Deaver, and Meese⁹³, Reagan focused on an ambitious domestic agenda, thereby momentarily leaving foreign policy concerns aside to avoid complications and secure the passage of his economic program.⁹⁴ Domestic affairs priority over foreign policy had also been encouraged by former US President Richard Nixon⁹⁵, who in a post-election memorandum to Ronald Reagan expressed his view on how the newly-elected president should handle the situation: “unless you are able to shape up our home base it will be almost impossible to conduct an effective foreign policy”.⁹⁶ This, coupled with

⁹⁰ S. Wilentz, *The Age of Reagan*, p. 154; B. A. Fischer, “Toeing the Hardline? The Reagan Administration and the Ending of the Cold War”; B. R. Posen and S. V. Evera, “Defense Policy and the Reagan Administration: Departure from Containment”, in *International Security*, Vol. 8, No. 1 (Summer 1983), pp. 3-45, <https://www.jstor.org/stable/2538484>, last accessed July 2019.

⁹¹ “Arms Boost Seen as Strain on Soviets”, *The Washington Post*, 19.6.1980, https://www.washingtonpost.com/archive/politics/1980/06/19/arms-boost-seen-as-strain-on-soviets/22c42eeb-9c54-4f28-92d5-d96268502edb/?utm_term=.50b03f0a4c81, last accessed July 2019.

⁹² R. S. Norris, H. M. Kristensen, “Global Nuclear Weapons Inventories, 1945-2010”, *Bulletin of the Atomic Scientists*, Vol. 69, Issue 5, 27 November 2015, available at <https://doi.org/10.2968/066004008>, last accessed October 2019.

⁹³ James Baker, White House Chief of Staff; Michael Deaver, White House Deputy Chief of Staff, Edwin Meese, Counselor to the President. At the beginning of the Reagan Presidency, the trio was a key actor in shaping policy and decisions.

⁹⁴ L. Cannon, *President Reagan*, p. 155; S. Wilentz, *The Age of Reagan*, p. 142; H. Johnson, *Sleepwalking through History*, p. 163.

⁹⁵ S. Wilentz, p. 139.

⁹⁶ R. Nixon, as quoted in L. Cannon, *President Reagan*, p. 56, 155.

Reagan's alleged lack of knowledge of – and, to some extent, interest in – foreign policy, helped pave the way for the recurring pattern of leaving both policy implication and policy execution to others.⁹⁷

As Lou Cannon describes, Reagan's own distaste for the concept of nuclear deterrence dates back to 1968, when he first came to know the biblical account of the Armageddon. Struck by the apocalyptic tales about the end of the world, Reagan repeatedly referred to it throughout the 1980s in interviews, talks with officials of the administration, and public debates, expressing his belief that it had close connections with the idea of a looming nuclear war and that US plans should be developed to avert such threat.⁹⁸ This would provide the rationale for a variety of initiatives in the field of arms control policy and negotiations. In late 1981, as a result of domestic pressure, Reagan declared that the US would abide by the unratified SALT II Treaty, even though he once described it as “fatally flawed” in that it did not reduce nuclear arsenals. Nevertheless, Reagan also proposed a new round of negotiations aimed at reaching strategic arms reduction, as opposed to limitation, named Strategic Arms Reduction Talks (START), which he publicly announced in May 1982 at the Eureka College, in Illinois. Although it appeared a balanced and symmetrical proposal, the plan actually weighed against the Soviet Union, as it would require the destruction of virtually half of Moscow's deployed arsenal in exchange for a promise by the US to renounce to future deployments.⁹⁹ In March 1983, President Reagan announced his Strategic Defense Initiative (SDI), which would later become known by the derisive label “Star Wars”, coined by its critics. The SDI contemplated a defensive space shield and a system of lasers that would protect the US and its allies by neutralizing strategic ballistic missiles before they could touch ground. Moreover, it jettisoned the whole concept of Mutually Assured Destruction (MAD), which had provided the rationale for Cold War strategy since the Eisenhower and Kennedy administrations.¹⁰⁰ Born out of Reagan's own dreams about the total elimination of nuclear weapons, and the belief that vulnerability did not actually provide

⁹⁷ O. A. Westad, *The Global Cold War*, p. 331.

⁹⁸ L. Cannon, *President Reagan*, p. 247-249. See for example “Armageddon View Prompts a Debate”, *The New York Times*, 24.10.1984, <https://www.nytimes.com/1984/10/24/us/armageddon-view-prompts-a-debate.html>, last accessed July 2019.

⁹⁹ B. A. Fischer, “Toeing the Hardline?”, p. 484; L. Cannon, *President Reagan*,

¹⁰⁰ For a detailed account on US military strategy during the Cold War, see R. F. Weigley, *The American Way of War: a History of United States Military Strategy and Policy*, Indiana University Press, 1973, chapters 15, 16, 17.

security, after years of internal discussion and opposition the SDI had grown into an overall twenty-two billion program¹⁰¹ that both enraged and alarmed Soviet leaders. Despite widespread skepticism in the scientific community about the actual feasibility of the whole project, the SDI had the immediate effect of raising concerns in the Soviet elite, which found itself confronted with an additional and unaffordable front in the superpowers' arms race.¹⁰²

Beth Fischer argues that – contrary to the widespread view that Reagan merely responded to the revolutionary character of Michail Gorbachev's approach to international relations – US-Soviet relations began to improve fifteen months before Gorbachev became General Secretary of the USSR.¹⁰³ As a matter of fact, in a speech in January 1984, Reagan had recast the terms of the superpowers' relations, calling for cooperation and “a better working relationship” in order to avert the threat of war, thereby implicitly recognizing the Soviet Union as an equal superpower.¹⁰⁴ Within hours after his nomination in March 1985, Gorbachev was reportedly invited to a summit meeting – the future Geneva Summit – without preconditions. Despite the fact that it did not produce the historical turning point in arms control that Reagan had hoped for, the Geneva Summit cleared the way for institutionalized dialogue between the superpowers. In 1986, after the Chernobyl nuclear power plant disaster in April and the introduction by Gorbachev of a reform program under the principles of *perestroika* (restructuring) and *glasnost* (openness), the Reykjavik Summit signaled the fact that the leaders of the Soviet Union and the United States were moving closer to shared interests about nuclear abolition – even though the summit *per se* produced no formal agreement.¹⁰⁵

After Reagan's dramatic speech at the Brandenburg Gate in West Berlin on 12 June 1987, the reaction in Moscow was rather mild and plans went ahead for the

¹⁰¹ According to Lou Cannon, SDI federal funding reached 22 billion between 1983 and the end of Reagan's presidency. See L. Cannon, *President Reagan*, footnote 122 to page 288, (p.787).

¹⁰² On the process that led to the SDI announcement, see L. Cannon, *President Reagan*, pp. 275-288; J. L. Gaddis, *The Cold War: a New History*, Penguin Group USA, 2007, pp. 136-137; S. Wilentz, pp. 164-165;

¹⁰³ B. A. Fischer, “Toeing the Hardline?”, pp.477-478.

¹⁰⁴ “Transcript of Reagan's Speech on Soviet-American Relations”, *The New York Times*, 17.1.1984, <https://www.nytimes.com/1984/01/17/world/transcript-of-reagan-s-speech-on-soviet-american-relations.html>, last accessed July 2019.

¹⁰⁵ B. A. Fischer, “Toeing the Hardline?”, pp. 494-496; J. L. Gaddis, *The Cold War: a New History*, pp. 140-141.

Intermediate-Range Nuclear Forces (INF) Treaty, which was eventually signed on 8 December 1987.

However, following the Soviet repression of the democratic anticommunist movement Solidarity in Poland in December 1981, the superpowers' relations had indeed further deteriorated until the end of 1983. The US imposed pressure on the Soviet Union under National Security Defense Directive (NSDD) 32 of May 1982, followed by the decision, a month later, to suspend the US supply of technology to complete a Soviet gas pipeline in Siberia. Moreover, the Reagan administration stepped up its commitment to fight what it perceived as Soviet-backed movements around the world, a foreign policy position that would later be informally baptized as "Reagan Doctrine" by columnist Charles Krauthammer in a 1985 article in *The Washington Post*.¹⁰⁶ The Reagan Doctrine was also supported by the right-wing think tank Heritage Foundation, which had been providing reports and policy advice to the Reagan administration since 1980, when it had published the first book of the series *Mandate for Leadership*, conceived in the previous two years "as a means of assisting the transition to a new administration in the event that a conservative President were elected in 1980."¹⁰⁷ Although US efforts to support anti-communist forces in the world began as early as 1981, the first official statement about U.S. policy vis-à-vis the Third World was included in NSDD 75 of 1983:

"...The U.S. effort in the Third World must involve an important role for security assistance and foreign military sales, as well as readiness to use U.S. military forces where necessary to protect vital interests and support endangered Allies and friends...U.S. Policy will seek to limit the destabilizing activities of Soviet Third World allies and clients. It is a further objective to weaken and, where possible, undermine the existing links between them and the Soviet Union."¹⁰⁸

¹⁰⁶ S. Wilentz, *The Age of Reagan*, pp. 155-157; United States, White House Office, "National Security Defense Decision 32 (NSDD 32)", 20.5.1982, <https://www.hsdl.org/?view&did=462986>, last accessed June 2019; "The Reagan Doctrine", *The Washington Post*, 19.7.1985, <https://www.cia.gov/library/readingroom/docs/CIA-RDP90-00965R000403570007-9.pdf>, last accessed July 2019.

¹⁰⁷ S. Wilentz, *The Age of Reagan*, p. 157; J. M. Scott, "Reagan's Doctrine? The Formulation of an American Foreign Policy Strategy", in *Presidential Studies Quarterly*, Vol. 26, No.4, Fall 1996, pp.1047-1061, <http://www.sfu.ca/~moens/Reagan.htm>, last accessed July 2019; The Heritage Foundation, *Mandate for Leadership*, Foreword, 1980, http://insidethecoldwar.org/sites/default/files/documents/Heritage%20Mandate%201980_0.pdf, last accessed July 2019.

¹⁰⁸ United States, White House Office, National Security Defense Decision 75 (NSDD 75), 17.1.1983, http://insidethecoldwar.org/sites/default/files/documents/NSDD%2075_0.pdf, last accessed July 2019.

This specific section of the document was a part of a comprehensive policy reassessment towards the Soviet Union, dealing with multiple areas of concern. As a matter of fact, the document's opening statement mentioned three foundational elements of the new course of action, namely, "external resistance to Soviet imperialism; internal pressure on the USSR to weaken the sources of Soviet imperialism; and negotiations to eliminate, on the basis of strict reciprocity, outstanding disagreements". "The implementation of the US policy", the document continued, "must focus on shaping the environment in which Soviet decisions are made both in a wide variety of functional and geopolitical arenas and in the U.S. -Soviet bilateral relationship." More specifically, NSDD 75 called for a modernization of the US military force as a clear expression of the US' will "never to accept a second place or a deteriorating military posture". To support this effort, the document listed policy directives both in the economic field – the main purpose of which was that of preventing East-West economic relations from facilitating the Soviet military build-up – and in the political field, calling for an "ideological thrust which clearly affirms the superiority of U.S. and Western values...over the repressive features of Soviet Communism."¹⁰⁹

In addition to the policy recommendations as regards the Third World, the geopolitical lines of NSDD 75 included stronger collaboration with the "industrial democracies, including stronger and more effective defense arrangements"; pressure on specific Soviet allies – namely, Eastern Europe, Afghanistan, Cuba, Soviet allies and clients in the Third World, China, Yugoslavia – in order to make them "distance from Moscow in foreign policy and to move toward democratization domestically". Finally, the document addresses the area of arms controls, where progress is described as being influenced, among other factors, by "difficulties in defining areas of mutual agreement with an adversary which often seeks unilateral gains".¹¹⁰

With specific regard to Central America, Reagan's views on communism and the ways to deal with it were further influenced by two documents that would later constitute the basis for the Reagan foreign policy towards the region. The first of these was an article titled *Dictatorships and Double Standards*¹¹¹, published in the neoconservative journal

¹⁰⁹ *Ibidem.*

¹¹⁰ *Ibidem.*

¹¹¹ J. Kirkpatrick, "Dictatorships and Double Standards", *Commentary*, November 1979, full text available at http://reagan.convio.net/site/DocServer/ReaganMoments-Dictatorships_and_Double_Standards_-_Jeane.pdf?docID=1823, last accessed July 2019.

Commentary in 1979 by Jeane Kirkpatrick, a political science professor from Georgetown who had started her political career as a Democrat.¹¹² Kirkpatrick was a member of the American Enterprise Institute, a crucial institutional force behind the conservative critique of the US foreign policy in the 1970s, which had achieved authority in the foreign policy debate.¹¹³ The article described the failure of the Carter's presidency to deal with revolution in the Third World, and blamed the outcomes on the failure to distinguish between "the nature of traditional versus revolutionary autocracies and the relation of each to the American national interests."¹¹⁴ Such distinction, in Kirkpatrick's conception, allowed for a differentiated policy according to which the US could be less harsh on anti-communist, oppressive regimes aligning with Washington ("traditional authoritarian governments are less repressive than revolutionary autocracies...they are more susceptible of liberalization, and...they are more compatible with U.S. interests").¹¹⁵ On the other hand, Communist, revolutionary regimes, which inherently entailed the end of all human rights, justified virtually any decision and action to prevent the advent of communism.¹¹⁶ The article attracted Reagan's personal attention and praise, and Kirkpatrick was the presidential choice for the role of US ambassador to the United Nations.¹¹⁷

A second document, drafted by the Committee of Santa Fe in 1980, complemented Kirkpatrick's essay. The Committee was affiliated to the Council for Inter-American Security, a right-wing think tank founded in 1976 by Ronald Docksai which came to provide both policy strategy and policymakers to the Reagan administration. Among its key members was Latin American history professor Lewis Tambs, who in an essay published in 1965 had argued that MacKinder's "Eurasian heartland" geopolitical

¹¹² J. Müller, "The Cold War and the Intellectual History of the Late Twentieth Century", in M. Leffler & O. A. Westad, *The Cambridge History of the Cold War*, Cambridge, Cambridge University Press, 2010, pp. 1-22.

¹¹³ Mark T. Berger, "The Reconquest of Central America: Latin American Studies and the Transition to Democracy", in *Latin American Perspectives*, Vol. 24, No. 1, Liberalism's Revival and Latin American Studies, Jan. 1997, pp. 7-72, available at <https://www.jstor.org/stable/2634234>, last accessed June 2019.

¹¹⁴ J. Kirkpatrick, "Dictatorships and Double Standards".

¹¹⁵ *Ibidem*.

¹¹⁶ W. M. Leogrande, D. C. Bennett, M. J. Blachman, K. Sharpe, "Grappling with Central America: from Carter to Reagan" in M. J. Blachman, W. M. Leogrande, *Confronting Revolution in Central America*, p. 311.

¹¹⁷ S. Wilentz, *The Age of Reagan*, p. 155; H. Johnson, *Sleepwalking through history*, p. 254; L. Cannon, p. 63.

analysis could be applied to the South American context.¹¹⁸ In Tambs' view, international events in the 1960s and 1970s provided a context to link the "South American heartland" to a global geopolitical power-play, whereby "Soviet occupation of Cuba has shaken...yanqui hegemony in the 'New World Mediterranean'...and it may be that having gained the key to the Caribbean the Communists will concentrate their efforts on winning the key to South America: Bolivia."¹¹⁹ The Nicaraguan revolution and the Salvadoran civil war at the end of the 1970s shifted the focus on Central America and the Caribbean, a "former American Lake...which had been turned into a Socialist sea".¹²⁰

The report of the Committee, *A New Inter-American Policy for the Eighties*, started by declaring that the American continent was under attack. More specifically, it claimed that "Latin America, a traditional ally of the US" was being infiltrated by the Soviet Union¹²¹, and claimed for the US need to reassert its relative position towards its spheres of influence in order to counter any Soviet intrusion in the area.¹²²

"Containment of the Soviet Union is not enough. Détente is dead...America must seize the initiative or perish. For World War III is almost over...America is everywhere in retreat. The impending loss of the petroleum of the Middle East and potential interdiction of the sea routes spanning from the Indian Ocean, along with the Soviet satellization of the mineral zone of Southern Africa, foreshadow the Finlandization of Western Europe and the alienation of Japan. Even the Caribbean, America's maritime crossroad and petroleum refining center, is becoming a Marxist-Leninist lake. Never before has the Republic been in such jeopardy from its exposed southern flank. It is time to seize the initiative."¹²³

The principal recommendations of the report pointed to three sets of policies: pro-market socio-economic and cultural reforms throughout the region, strong security

¹¹⁸ "Reagan Advisers Outline Inter-American Strategy", *Executive Intelligence Review*, Vol. 7, No. 33, 26 August 1980, available at https://larouchepub.com/eiw/public/1980/eirv07n33-19800826/eirv07n33-19800826_052-reagan_advisers_outline_inter_am.pdf, last accessed June 2019; L. W. Hepple, "South American Heartland: the Charcas, Latin American Geopolitics and Global Strategies", in *The Geographical Journal*, Vol. 170, No. 4, Halford Mackinder and the "Geographical Pivot of History", Dec. 2004, pp. 359-367.

¹¹⁹ L. Tambs, "Geopolitical Factors in Latin America", in N. A. Bailey (ed.) *Latin America – Politics, Economics and Hemispheric Security*, Praeger, New York, pp. 31-49, as cited in L. W. Hepple, "South American Heartland: the Charcas, Latin American Geopolitics and Global Strategies", p. 364.

¹²⁰ *Ibidem*.

¹²¹ L. F. Bouchev, R. Fontaine, D. C. Jordan, L. Tambs (eds.), *A New Inter-American Policy for the Eighties*, 1980.

¹²² *Ibidem*.

¹²³ L. F. Bouchev, R. Fontaine, D. C. Jordan, L. Tambs (eds.), *A New Inter-American Policy for the Eighties*, as cited in T. Bodenheimer, R. Gould, *Rollback!: Right-Wing Power in U.S. Foreign Policy*, South End Press, 1999, p. 42.

measures in Central America and the Caribbean, and policies to improve hemispheric relations.¹²⁴ As E. Kenworthy wrote, these policies would provide the base for the Caribbean Basin Initiative (CBI), “a public-relations gambit designed to win Congressional support for stepped-up aid to those Central American countries vulnerable to guerrilla warfare”, which Reagan presented on 24 February 1982 before the Organization of the American States (OAS).¹²⁵ The proposed CBI program comprehended free trade for Caribbean Basin products with twelve-year duty-free treatment, tax incentives to foster investment to the Caribbean Basin, supplemental appropriation requests for \$350 million for fiscal year 1982, a commitment to cooperate with Mexico, Canada, and Venezuela to promote development in the Caribbean Basin, and technical assistance and training to the private sector in the region.¹²⁶ Nevertheless, in the same speech, Reagan referred to Cuban and Soviet influence in the area as part of a “larger imperialistic plan”, and announced that he would ask Congress to provide increased security assistance to “help friendly countries hold off those who would destroy their chances for economic and social progress and political democracy.”¹²⁷ Moreover, the Santa Fe Report, an all-out attack on the Carter’s administration, insisted on the need to abandon human rights concerns as the pivotal element of US foreign policy to secure American interests and maintain security in the hemisphere:

“Human rights, which is a culturally and politically relative concept that the present Administration has used for intervention for political change in countries of this hemisphere, adversely affecting the peace, stability and security of the region, must be abandoned and replaced by a non-interventionist policy of political and ethical realism”¹²⁸

¹²⁴ A. Roncallo, *The Political Economy of Space in the Americas: the New Pax Americana*, Routledge, 2013, p. 58.

¹²⁵ E. Kenworthy, “Reagan Rediscovered Monroe”, in *Democracy*, no. 3, 1982, pp. 80-90, https://democracyjournalarchive.files.wordpress.com/2015/06/kenworthy_reagan-rediscovered-monroe-democracy-2-3-jul-1982.pdf. As Kenworthy notes, the concept of “Caribbean Basin” actually grouped countries with different cultures (black populations with British or French colonial experience in the Caribbean archipelago, and Central American countries with memories of Spanish colonial rule, Indians, *mestizos*, and a longer history of national sovereignty).

¹²⁶ “Transcript of President’s Address on Caribbean Aid Program”, *The New York Times*, 25.2.1982, <https://www.nytimes.com/1982/02/25/world/transcript-of-president-s-address-on-caribbean-aid-program.html>, last accessed July 2019.

¹²⁷ *Ibidem*.

¹²⁸ L. F. Bouchev, R. Fontaine, D. C. Jordan, L. Tambs (eds.), *A New Inter-American Policy for the Eighties*.

In the conception of the Committee of Santa Fe, then, human rights functionally lost their universal and transcultural scope, and could be thus set aside in a new process of policymaking that should be designed as a response to Soviet expansionism. President Reagan would tell his national security aides in early 1981: “we don’t throw out our friends just because they can’t pass the ‘saliva test’ on human rights.”¹²⁹ The views expressed both in Kirkpatrick’s essay and in the Santa Fe report provided the blueprint for Central American foreign policy under Reagan. Moreover, the authors of the Santa Fe Report went on to serve the Reagan administration: Roger Fontaine was assigned to the NSC in February 1981 to “support the day-to-day tasks involving US national security policy for Latin America”¹³⁰; L. Francis Bouchee served at the Inter-American Foundation in the Board of Directors; Gordon Summer was appointed special advisor to the assistant secretary of State for inter-American affairs; and Lewis Tambs served as a consultant to the NSC.¹³¹

As previously outlined, Central America occupied an elite seat among Reagan’s foreign policy concerns in the broader context of a revived antagonism with the Soviet Union, which Reagan would later dub “the focus of evil in the modern world”.¹³² More specifically, Reagan’s first chance to “send a message to Moscow”¹³³ was believed to be located in a little-known Central American republic in the midst of social and political turmoil: days before Reagan’s election, left-wing insurgents staged an attack to overthrow the US-supported regime in El Salvador, thus raising concerns in the administration about the threat of Communism spreading right at America’s back door.¹³⁴ By examining the events after almost forty years, the resulting analysis confirms what Blachman et al. already wrote back in 1986, that is, the Reagan

¹²⁹ R. Reagan as cited in R. Crandall, *The Salvador Option: The United States in El Salvador, 1977-1992*, New York, Cambridge University Press, 2016, p. 209.

¹³⁰ Fontaine, Roger W.: Files, 1981-1983,

<https://www.reaganlibrary.gov/sites/default/files/archives/textual/smf/fontaine.pdf>, accessed 17 May 2019.

¹³¹ T. Sheehan, “Friendly Fascism: Business as usual in America’s Backyard”, in *Fascism’s Return: Scandal, Revision, and Ideology since 1980*, University of Nebraska Press, 1998, p. 272.

¹³² “Remarks at the annual convention of the national association of Evangelicals in Orlando, Florida”, 8 March 1983, <https://www.reaganlibrary.gov/research/speeches/30883b>, accessed 17 April 2019.

¹³³ “El Salvador: Where Reagan Draws the Line”, *The Washington Post*, 9.3.1981, available at <https://www.nexis.com/docview/getDocForCuiReq?lni=3S8G-DHD0-0009-W30M&csi=280434&oc=00240&perma=true>, last accessed May 2019; R. Bonner, *Weakness and Deceit: America and El Salvador’s Dirty War*; OR Books, 2016. pos. 4925.

¹³⁴ B. d’Haeseleer, ‘Drawing the line’ in El Salvador: Washington confronts insurgency in El Salvador, 1979–92, in *Cold War History*, 2008, Vol.18, no. 2, pp. 131-148.

administration erroneously saw the Salvadoran insurgency as another Soviet proxy inscribed in the Cold War opposition, dangerously underestimating the indigenous drivers of the offensive and thus defining a resulting foreign policy of military assistance to the Salvadoran armed forces, regardless of their record on reform and human rights.¹³⁵ El Salvador increasingly became Reagan's obsession in the first term of his presidency, and it provided the ideal bedrock supporting the thesis of a "bold attempt by the Soviet Union, Cuba and Nicaragua to install communism, by force, throughout the hemisphere."¹³⁶

In March 1981, Reagan also authorized CIA covert operations in Nicaragua aimed at halting weapon flows from Managua to leftist guerrillas in El Salvador, Honduras, and Guatemala. In November of the same year, Reagan signed National Security Decision Directive 17, which, as part of the overall US policy towards Central America, granted the CIA authority to organize a paramilitary force in Nicaragua – the *contras* – with the aim of overthrowing the legitimate Sandinista government. "The Project", as the covert war to Nicaragua was referred to by the intelligence community, would later develop in the biggest scandal of Reagan's presidency, namely, the Iran-Contra affair, also commonly known as "Irangate".¹³⁷ A detailed chronicle of the events leading to the scandal follows in the third chapter.

Reagan's low-intensity conflict strategy in Central America had impacts on virtually the totality of the region. As a matter of fact, in addition to El Salvador and Nicaragua, US Cold War politics in the 1980s bore consequences for Guatemala, Costa Rica, Panama, and Honduras. Throughout 1981 and 1983, the Reagan administration continued to provide military assistance to the Guatemalan military in order to avert the threat of insurgency, regardless of an existing understanding with the Congress that prohibited military aid to the country. Guatemalan increasing rate of human rights abuses, coupled with growing Congressional opposition, led to a temporary suspension of US aid,

¹³⁵ M. J. Blachman, W. Leogrande, K. Sharpe, *Confronting Revolutions*, p. 60.

¹³⁶ *Congressional Record*, 10 May 1984, p. 11705, available at <https://www.govinfo.gov/app/details/GPO-CRECB-1984-pt9/GPO-CRECB-1984-pt9-2-1>, last accessed July 2019.

¹³⁷ P. Kornbluh, "The Covert War", in T. W. Walker (ed.), *Reagan Versus the Sandinistas: the Undeclared War on Nicaragua*, Westview Press, Boulder & London, 1987, pp. 21-38; S. Wilentz, *The Age of Reagan*, p. 156.

which, however, was resumed in 1984.¹³⁸ Regional turmoil, coupled with heavy dependence on US aid, negatively affected Costa Rica as well, which found itself caught between growing tensions with neighboring Nicaragua in the midst of the contra war and the difficulties of keeping an independent stand vis-à-vis American policies for the region. After Omar Torrijos' death in 1981, concern about the Sandinista government grew in Panama and led to a reorientation of Panamanian policy towards US-defined political and economic positions under General Manuel Antonio Noriega. Moreover, the shift towards the US orbit encouraged Panamanian cooperation to US efforts to revive the Central American Defense Council (CONDECA) in order to coordinate Guatemalan, Honduran, Salvadoran, and Panamanian military activities against Nicaragua.¹³⁹

Finally, geopolitical concerns among top-level policymakers in the US led to a reassessment of the Honduran role. In the Reagan years, the Central American country was transformed in the keystone of the US military strategy in the region, serving as a base for CIA-sponsored contra operations against Nicaragua, and providing training facilities for Salvadoran troops, as well as logistical support to both the Salvadoran Army and the US sea, land, and air forces. To carry out the aforementioned tasks, US military aid to the region increased tenfold in the decade between 1974 and 1984. The militarization of Honduras resulted in an aggravated economic decline and deep socio-economic problems, as well as in the threat of inter-regional instability.¹⁴⁰

As far as the Caribbean area is concerned, the Reagan administration publicly denounced Cuba as the source of the Communist aggression that had "intensified and widened" the conflict in the Third World.¹⁴¹ Throughout 1981 and early 1982, Secretary of State Alexander Haig repeatedly recommended that the US establish a blockade of Cuba in order to halt the flows of weapons to El Salvador and tilt the situation in US' favor, but the Joint Chiefs of Staff turned down the proposal as it could provoke a direct confrontation with the Soviet Union. The threats of military action against Cuba led the

¹³⁸ L. Schoultz, R. Trudeau, "Guatemala", in M. J. Blachman, W. M. Leogrande, K. E. Sharpe (eds.), *Confronting Revolution*, pp. 24-49.

¹³⁹ T. J. Bossert, "Panama", in M. J. Blachman, W. M. Leogrande, K. E. Sharpe (eds.), *Confronting Revolution*, pp. 183-205.

¹⁴⁰ P. L. Shepherd, "Honduras", in M. J. Blachman, W. M. Leogrande, K. E. Sharpe (eds.), *Confronting Revolution*, pp. 125-155; R. Bonner, *Weakness and Deceit*, pos. 5885-5912.

¹⁴¹ U.S. Department of State, *Communist Interference in El Salvador* (Special Report No. 80), Bureau of Public Affairs, Washington D.C.

Cubans to move closer to the Soviet Union and ask for additional military assistance in order to strengthen their deterrent. As a matter of fact, this proved to be successful, as plans for a direct military intervention against Cuba were abandoned after Secretary of State Haig resigned in 1982. Although toppling Castro was not among the priorities of Reagan's newly-appointed Secretary of State George Shultz, US-Cuban relations remained tense throughout the decade, as the Reagan administration kept linking turmoil in Central America to Soviet and Cuban intervention.¹⁴²

Nevertheless, the Reagan administration did actually resort to direct military intervention in the Caribbean on 25 October 1983, when it invaded the island of Grenada. The decision to carry out "Operation Urgent Fury" was undertaken following a request to "restore peace and stability" from the Organization of Eastern Caribbean States (OECS): the Grenadian Prime Minister Maurice Bishop and some members of his cabinet had been murdered on 19 October 1983 by a renegade faction within the ruling party, the Marxist People's Revolutionary Government (PRG). As a result, a communist Revolutionary Military Council was established on the island. Despite opposition from the UN, the Organization of the American States (OAS), and the British government, President Reagan authorized the invasion to protect the lives of the American citizens on the island, and to restore law and order after a formal request from allies. The decision was supported by the US public opinion, as well as by some Democrats in the Congress, but it also raised concerns about a possible violation of the War Powers Resolution.¹⁴³

As a matter of fact, towards the end of October, congressional opposition to the US invasion of Grenada led to legislative proposals both in the House and in the Senate, declaring that the WPR applied to operation Urgent Fury. In the House, Representative Zablocki introduced H. J. Res. 402, stating that "[...] the requirements of section 4(a)(1) of the War Powers Resolution became operative on October 25, 1983, when U.S. Armed Forces were introduced into Grenada." Zablocki's amendment was eventually approved by the full House on 1 November. Meanwhile, in the Senate, an amendment

¹⁴² W. M. Leogrande, "Cuba", in M. J. Blachman, W. Leogrande, K. Sharpe, (eds.), *Confronting Revolution*, p. 236; L. Schoultz, *That Little Infernal Cuban Republic*, University of North Carolina Press, Chapel Hill, 2009, pp. 386-387.

¹⁴³ *Ibidem*; L. Cannon, *President Reagan*, p. 386, 391-394; S. Wilentz, *The Age of Reagan*, pp.161-162; W. M. Leogrande, "Cuba", in M. J. Blachman, W. Leogrande, K. Sharpe, (eds.), *Confronting Revolution*, p. 236; D. L. Hall, *The Reagan Wars: a Constitutional Perspective on War Powers and the Presidency*, Westview Press, 1991, pp. 167-209.

to H. J. Res. 308 (a bill increasing the statutory limit on national debt) adopting the same language as H. J. 402 was proposed by Sen. Gary Hart [D-Col], and was approved 64-20 on 28 October. Nevertheless, the amended debt ceiling bill was defeated on 31 October, later to be approved without the language of the Hart amendment on 17 November. However, after the Congress adjourned on the following day, no joint resolution was adopted to invoke the War Power Resolution to the invasion of Grenada.¹⁴⁴

In addition to this, during his time in office, the Reagan administration resorted to the open use of force on a variety of occasions in the Middle East, justifying its decisions on objectives ranging from peacekeeping operations (U.S. Marine deployment to Lebanon as part of the Multi-National Force from 1982 to 1984), antiterrorism (U.S. bombing of Libya in 1986 in retaliation to acts of terrorism linked to Libyan leader Muammar Qaddafi), and retaliation (US attacks on Iranian oil platforms in response to Iranian attacks on the US-flagged Kuwaiti tanker *Sea Isle City* in Kuwaiti waters in 1987). Reagan's ill-advised decision to deploy marines in Lebanon would result in the greatest single-day loss of American lives abroad since Iwo Jima: on 23 October 1983, suicide terrorists drove a TNT-loaded truck into the Marine headquarters at Beirut International Airport, killing around 220 US Servicemen. However, the success of the operations in Grenada in the following days eventually helped mitigate what could have likely been a fatal political damage for Reagan's standing with the American people.¹⁴⁵

¹⁴⁴ M. Rubner, "The Reagan Administration, the 1973 War Powers Resolution, and the Invasion of Grenada", in *Political Science Quarterly*, Vol. 100, No. 4, (Winter, 1985-1986), pp. 627-647, available at <https://www.jstor.org/stable/2151544>, last accessed September 2019; "Democrats to Move on War Powers Act", *The New York Times*, 27.10.1983, available at <https://www.nytimes.com/1983/10/27/world/democrats-to-move-on-war-powers-act.html>, last accessed September 2019; "O'Neill Criticizes President; 'War Powers Act is Invoked'", *The New York Times*, 29.10.1983, available at <https://www.nytimes.com/1983/10/29/world/o-neill-criticizes-president-war-powers-act-is-invoked.html>, last accessed September 2019; *Congressional Record*, 26 October 1983, p. 29459, available at <https://www.govinfo.gov/app/details/GPO-CRECB-1983-pt21/GPO-CRECB-1983-pt21-4-2>, last accessed September 2019; S. Amdt. 2462 to H. J. Res. 308, available at <https://www.congress.gov/amendment/98th-congress/senate-amendment/2462/text?q=%7B%22search%22%3A%5B%22%5C%22War+Powers%5C%22+AND+%5C%22Grenada%5C%22%22%5D%7D&r=5&s=3>, last accessed September 2019; H. J. Res. 402, available at <https://www.congress.gov/bill/98th-congress/house-joint-resolution/402/actions?q=%7B%22search%22%3A%5B%22%5C%22War+Powers%5C%22+AND+%5C%22Grenada%5C%22%22%5D%7D&r=4&s=3>, last accessed September 2019.

¹⁴⁵ L. Cannon, *President Reagan*, p. 340; S. Wilentz, *The Age of Reagan*, pp. 158-162; D. L. Hall, *The Reagan Wars*, pp. 135-262; B. W. Jentleson, "The Reagan Administration and Coercive Diplomacy: Restraining More Than Remaking Governments", in *Political Science Quarterly*, Vol. 106, No. 1 (Spring, 1991), pp. 57-82, <https://www.jstor.org/stable/2152174>, last accessed July 2019.

Throughout his term in office, the President was determined to halt any attempt of Soviet expansionism, yet the belief that it was imperative for the U.S. to fight Communism was balanced by Reagan's realism in accepting the post-Vietnam reality: the U.S. could no longer play policeman to the world and hope for the acquiescence of the public opinion.¹⁴⁶ Reagan's aggressive foreign policy – which has gained the labels of “compellent diplomacy” or “coercive diplomacy”¹⁴⁷ – has led to a political and legislative debate over the constitutionality of the administration's decisions over the “usability of military options”, which, in the case of Central America and Afghanistan, would give way to the sanctioning by the president of a series of covert operations that were planned in the dark corridors of the CIA and the National Security Council staff, hidden from public scrutiny and unfolding in dangerous and unpredictable ways.¹⁴⁸

4. The drive for a strengthened executive

For the purpose of providing an all-encompassing picture of the Reagan administration, it is worth exploring the process of development of a peculiar constitutional perspective on the executive powers, namely, the Unitary Executive Theory. The understanding of such process, which Charlie Savage has identified as the driver behind “the return to the Imperial Presidency”, is particularly significant as it provides both an additional tool to analyze the US foreign policy under the Reagan administration and an insightful perspective on the executive conception of the constitutional allocation of powers.¹⁴⁹

Although it was the election of Ronald Reagan that provided the vehicle for the active pursuit of a stronger executive, signals pointing to the existence of an executive will to assert presidential privileges over the legislative branch can also be detected during the Carter presidency. To be sure, President Carter himself had contributed to the limitation of his own office, when he signed a series of Democrat-sponsored laws aimed at exerting closer congressional control over the executive.¹⁵⁰ Yet, Carter's own

¹⁴⁶ L. Cannon, *President Reagan*, p. 291; O. A. Westad, *The Global Cold War*, p. 331.

¹⁴⁷ B. W. Jentleson, “The Reagan Administration and Coercive Diplomacy: Restraining More Than Remaking Governments”, p. ; S. Huntington, “Coping with the Lippmann Gap”, in *Foreign Affairs*, v.66, no. 3, 1987, pp. 453-477.

¹⁴⁸ L. Cannon, *President Reagan*, p. 303; B. W. Jentleson, “The Reagan Administration and Coercive Diplomacy: Restraining More Than Remaking Governments”, p. 69.

¹⁴⁹ C. Savage, *Takeover: The Return of the Imperial Presidency and the Subversion of American Democracy*.

¹⁵⁰ See for example: Ethics in Government Act [Public Law 95-521], 26 October 1978, available at <https://www.govtrack.us/congress/bills/95/s555/text>, last accessed August 2019; Foreign Intelligence Surveillance Act (FISA) [Public Law 95-511], 25 October 1978, available at

willingness to submit to congressional oversight did not prevent him to challenge the Congress in matters of foreign policy. As a matter of fact, when he ordered to undertake operation Eagle Claw in April 1980, Carter did not consult with Congress according to the War Powers Resolution, justifying the lack of consultation on the fact that the operation depended on complete secrecy, and arguing that the operation did not fall under the category of an act of force or aggression against Iran. During the congressional debate in the wake of the failure of the rescue attempt, Sen. F. Church complained about a violation of the legislation, whereas Senator B. Goldwater called for the repeal of the WPR, which the circumstances had clearly identified as a “meaningless” resolution which simply could not tie the hands of the Commander-in-Chief “at a time when the safety of American citizens and freedoms compels immediate action.”¹⁵¹

Savage argues that “in several disputes that arose during Carter’s presidency, he created precedents that his successors would pick up on and greatly expand in frequency and breadth.” As a matter of fact, the Reagan administration reaped what the former administration had begun to sow, and pushed it towards a gradual reversal of what Reagan’s White House counsellor and Attorney General Edwin Meese called “the legislative opportunism that arose out of the Watergate controversies during the early 1970.”¹⁵² As Charles Fried, solicitor general from 1985 to 1989 later recalled, the “administration’s campaign...for a less intrusive government” was also fought in the courts, which, as prescribed by the “tenets of the Reagan Revolution”, should be “disciplined, less adventurous and political in interpreting the law, especially the law of the Constitution” in order to allow a stronger hand to the President in governing the nation and providing leadership to the country.¹⁵³

One of the key figures in the development of a unitary conception of the executive under the Reagan presidency was Richard “Dick” Cheney, who would later become

<https://www.dni.gov/index.php/ic-legal-reference-book/foreign-intelligence-surveillance-act-of-1978>, last accessed August 2019; Intelligence Oversight Act [S. 2284], available at <https://www.congress.gov/bill/96th-congress/senate-bill/2284>, last accessed August 2019.

¹⁵¹ C. Savage, *Takeover*, pp. 41-42; M. C. Weed, “The War Powers Resolution: Concept and Practice”; 126 Cong. Rec. (Bound) – Volume 126, Part 8 (April 30 to May 8, 1980), available at <https://www.govinfo.gov/app/details/GPO-CRECB-1980-pt8/>, last accessed August 2019.

¹⁵² E. Meese, III, *With Reagan: The Inside Story*, Washington, DC, Regnery, 1992, p. 322, as cited in A. Rudalevige, *The New Imperial Presidency*, p. 167.

¹⁵³ T. M. Keck, *The Most Activist Supreme Court in History: the Road to Modern Conservatism*, The University of Chicago Press, 2004, p. 160.

Secretary of Defense under the George H. W. Bush presidency and US vice-president during the George W. Bush administration. A former US officer under the Nixon and the Ford presidencies – during which he experienced the zenith and the nadir of the imperial presidency – Cheney was sworn in as Representative for Wyoming in January 1979, and quietly made his way to the House Republican Policy Committee, where he eventually rose to the distinguished position of minority whip, one of the highest leadership positions in the House.¹⁵⁴ Throughout this period of time, thanks to his personal ties with James Baker – who would become Reagan’s first White House Chief of Staff – Cheney managed to establish strong ties with the Reagan team, thereby beginning to consolidate his influential position for the years to come. To Cheney, Reagan represented an opportunity to reclaim the presidential authority over foreign policy, which the Wyoming representative – and many advocates of a stronger presidency – thought the Congress had stolen from the executive during the seventies.¹⁵⁵

Shortly after the November elections in 1980, Cheney reportedly met with Baker and advised him on the office of White House chief of Staff, a position Cheney had already covered under the Ford administration. Among the notes Baker took on that day, a particularly interesting passage stated: “Pres. Seriously weakened in recent yrs. Restore power & auth. To Exec. Branch. Need strong ldr’ship. *Get rid of War Powers Act* (emphasis mine).”¹⁵⁶ Moreover, according to Byrne, Reagan himself brought into the office the view that “the power of the presidency trumped any congressional interests in foreign affairs”, and he would increasingly become more and more attracted by the prospect of expanded presidential powers throughout his time in Washington.¹⁵⁷

According to Andrew Rudalevige, the Reagan presidency coincided with the beginning of a process of enhancement of presidential powers “[...] over matters both of peace (in unilateral expressions of executive authority) and war (in military and intelligence

¹⁵⁴ C. Savage, *Takeover*, pp. 38.39.

¹⁵⁵ H. Johnson, *Sleepwalking Through History*, pp. 320-321.

¹⁵⁶ Although there is no clear evidence about the year these notes were taken, C. Savage dates this meeting in 1980. See C. Savage, C. Savage, *Takeover*, p. 39; Baker handwritten notes, 18 November, available at http://media.washingtonpost.com/wp-srv/politics/interactives/cheney/docs/baker_notes.pdf, last accessed August 2019; M. Byrne, *Iran-Contra*, p. 13.

¹⁵⁷ M. Byrne, *Iran-Contra*, p. 280.

operations) [...].”¹⁵⁸ Rudalevige’s analysis extensively covers the vast array of concepts and devices that constituted the foundations for the pursuit of expanded presidential powers. Although the author only cites it with no particular emphasis over the others, the pursuit of the “ideological purity of the cabinet and subcabinet”¹⁵⁹ might arguably be considered the catalyst that enabled the implementation of different tactics into a broader strategy. Indeed, the fact that new administration appointees under Reagan were oriented to their departments by conservative think tanks, as opposed to departmental staff, allowed the emergence of an increasingly partisan split between Democrats viewing the presidency “through the lens of Watergate” and Republican Reaganites determined to restore the traditional Cold War faith in a “centralized authority outside the White House [...]”¹⁶⁰ This, in turn, allowed the Reagan team to gradually include the pursuit of an enhanced executive power into the administration’s agenda. The following statement by Edwin Meese clearly indicates that the selective appointment and “indoctrination” of the administration’s personnel was a deliberate strategy pursued by the Reagan White House:

“We sought to ensure that all political appointees in the agencies were vetted through the White House personnel process, and to have a series of orientation seminars for all high-ranking officials on the various aspects of the Reagan program. We wanted our appointees to be the President’s ambassadors to the agencies, not the other way around.”¹⁶¹

As far as policy making is concerned, Reagan made use of a series of devices that allowed him to direct the implementation of the preferred policy even in absence of an explicit authorization from the legislative branch. As the next chapters will show, this included the widespread use of executive orders, presidential memoranda, and National Security Decision Directives (NSDD). Moreover, the Reagan administration conveniently exploited legislative or linguistic loopholes in order to pursue its goals as long as it was not strictly prohibited by the law, as was the case with the issue of the

¹⁵⁸ A. Rudalevige, *The New Imperial Presidency*, p. 167. Rudalevige has dedicated two entire chapters to the analysis of the process of gradual recession of congressional authority. See chapters V and VI, “The Resurgence Recedes”: parts I and II.

¹⁵⁹ OMB Staffer Richard Nathan, as cited in A. Rudalevige, *The New Imperial Presidency*, p. 168.

¹⁶⁰ C. Savage, *Takeover*, p. 44.

¹⁶¹ E. Meese, “*With Reagan: the Inside Story*”, Washington, Regnery Gateway, 1992, p. 77, as cited in C. S. Kelley, “Rethinking Presidential Power: The Unitary Executive and George W. Bush Presidency”, Paper prepared for the 63rd Annual Meeting of the Midwest Political Science Association April 7-10, 2005 Chicago, IL, available at <http://www.users.miamioh.edu/kelleycs/paper.pdf>, last accessed August 2019.

military advisers in El Salvador, or with the restrictive language of the first Boland Amendment. In addition to this, Reagan made an extensive use of signing statements, which allowed him to selectively refuse the implementation of specific parts of a bill he was signing into law. According to Rudalevige, this served a doublefold purpose: on the one hand, it directed executive agencies in the interpretation of the law; on the other hand, it provided the vehicle to put executive office views into the legislative history of a given statute. More specifically, this helped formalize the inclusion, by Presidents, of language pointing to the unconstitutional character of certain provisions concerning the President's authority "regarding the conduct of diplomacy and...as Commander-in-Chief". Even more specifically, within the realm of signing authorizations of force, Presidents have asserted their refusal to concede the constitutionality of the War Powers Resolution: as an example, in 1983, the Reagan administration refused the invocation of the WPR for the dispatch of the US marines in Lebanon on the grounds that it infringed on "the President's flexibility as Commander-in-Chief."¹⁶²

Another advocate of the need to restore a stronger executive was Edwin Meese III, Reagan's second-term Attorney General. In 1986, as part of the administration's efforts to pursue the expansion of presidential powers, Meese commissioned the Justice Department's Domestic Policy Committee – a think tank of conservative activists – with the drafting of a report on legislative-executive relations. The document, soberly titled "Separation of Powers: Legislative-Executive Relations", maintained that Reagan's leadership had "clearly...ended the congressional resurgence of the 1970s", and outlined a series of measures to reassert executive prerogatives. According to Savage, the report

"called for refusing to enforce statutes that 'unconstitutionally encroach upon the executive branch,' vetoing more legislation, making greater use of "signing statements" to leave behind a record of the president's interpretation of new laws, and attacking the constitutionality of the War Powers Resolution and other limits on a president's national security authority."¹⁶³

¹⁶² A. Rudalevige, *The New Imperial Presidency*, pp. 170-176; S. L. Carter, "The Constitutionality of the War Powers Resolution", *Faculty Scholarship Series*, 2225, 1984, available at https://digitalcommons.law.yale.edu/fss_papers/2225?utm_source=digitalcommons.law.yale.edu%2Ffss_papers%2F2225&utm_medium=PDF&utm_campaign=PDFCoverPages, last accessed August 2019; "Congress and Reagan Back Compromise on War Powers Keeping Marines in Lebanon", *The New York Times*, 21.9.1983, available at <https://www.nytimes.com/1983/09/21/world/congress-and-reagan-back-compromise-on-war-powers-keeping-marines-in-lebanon.html>, last accessed August 2019.

¹⁶³ C. Savage, *Takeover*, p. 47.

In order to give the recommended course of action a constitutional basis, the team proposed an alternative interpretation of the separation of powers, whereby “the only ‘sharing of power’ is the sharing of the sum of all national government power...but that is not jointly shared, it is explicitly divided among the three branches.”¹⁶⁴ As a consequence, under this interpretative framework the White House would be constitutionally authorized to exercise complete control on the executive branch, conceived as “a unitary being with the president as its brain”.¹⁶⁵

This constitutional perspective is commonly referred to as the “Unitary Executive Theory”, an adaptation of the concepts expressed in one of the *Federalist Papers* by Alexander Hamilton – more precisely, the seventieth document, dealing with “the unity of the executive” and “an examination of the project of an executive council”.¹⁶⁶ In the introductory paragraph of the paper, Hamilton argued that

“Energy in the executive is a leading character in the definition of good government. It is essential to the protection of the community against foreign attacks: it is not less essential to the steady administration of the laws; to the protection of property against those irregular and high-handed combinations which sometimes interrupt the ordinary course of justice; to the security of liberty against the enterprises and assaults of ambition, of faction, and of anarchy.”¹⁶⁷

After having identified energy as the main feature of good government, Hamilton examines its constituent “ingredients”, namely, “unity; duration; an adequate provision for its support; competent powers”. Throughout the document, Hamilton builds his case by analyzing the advantages and disadvantages deriving from the “plurality in the executive”, providing examples drawing from both ancient and contemporary history to support his position, stating that “the experience of other nations...gives us no specimens of any peculiar advantages derived to the state, from the plurality of...magistrates”.¹⁶⁸ By clinging to the authoritative figure of a Founding Father, the Reagan administration thus sought to influence the Supreme Court in embracing this

¹⁶⁴ “Separation of Powers: Legislative- Executive Relations,” National Archives, Department of Justice Files, Rec ords Group 60, Edwin Meese Component Correspondence Files, folder: OLP (April–May 1986), as cited in C. Savage, *Takeover*, p. 47.

¹⁶⁵ C. Savage, *Takeover*, p. 48.

¹⁶⁶ G. W. Carey, J. McLellan (eds.), A. Hamilton, J. Jay, J. Madison, *The Federalist*, Liberty Found, Indianapolis, 2001, available at http://files.libertyfund.org/files/788/0084_LFeBk.pdf, last accessed September 2019.

¹⁶⁷ *Ibidem*, p. 362.

¹⁶⁸ *Ibidem*, p. 364.

new constitutional argument. This, at least in the short-run, would be a difficult endeavor.

As a matter of fact, this position was swiftly criticized as “extreme” by Solicitor General Charles Fried, the representative for the Reagan administration in matters arising before the Supreme Court. In his memoirs, Fried denied the constitutional validity of the Unitary Executive Theory on the grounds that “is not literally compelled by the words of the Constitution. Nor did the framers’ intent compel this view.”¹⁶⁹ In turn, the lack of support within Reagan’s Department of Justice prevented an outright endorsement of the Unitary Executive Theory, which was further weakened in the wake of the Supreme Court’s decision in *Morrison vs. Olsen* in 1988. Rejecting the administration’s argument based on the Unitary Executive Theory – supported only by Justice Antonin Scalia¹⁷⁰ – the Court ruled that the Ethics in Government Act of 1978 “does not violate the principle of separation of powers by unduly interfering with the Executive Branch’s role. This case does not involve an attempt by Congress to increase its own powers at the expense of the Executive Branch.”¹⁷¹ To the administration’s dismay, the Court’s decision was based on the majority opinion elaborated by the former head of the Office for Legal Counsel during the Nixon Administration, Justice William Rehnquist, who up until the *Morrison v. Olson* case was considered by the administration as a reliable ally of the executive in judicial matters.¹⁷²

However, the shelving of the Unitary Executive Theory was only temporary. As a matter of fact, the theory, as well as his main advocate, would later become highly influential, even beyond the realms of politics: an indicative example of the popularity of Cheney and of his ideas is the biographical movie *Vice*, directed by Adam McKay and released in late 2018.¹⁷³

¹⁶⁹ C. Fried, *Order and Law*, as cited in C. Savage, *Takeover*, p. 50.

¹⁷⁰ A prominent conservative on the DC district, Justice Antonin Scalia was nominated by Ronald Reagan in 1986 to fill the seat of Justice Rehnquist, whom had been elevated to the position of Chief Justice of the Supreme Court. As Keck describes him, “When Scalia replaced Burger on the Court in 1986, he became the leading advocate of the conservative vision of originalism and restraint [...] To reduce the risk of illegitimate judicial lawmaking, Scalia urged the Court to protect only those rights that either were explicitly guaranteed in the constitutional text or had traditionally been protected by our society”. See T. M. Keck, *The Most Activist Supreme Court in History*, pp. 167-168.

¹⁷¹ *Morrison v. Olson*, available at <https://www.law.cornell.edu/supremecourt/text/487/654>, last accessed August 2019; S. Morris, *The Constitution in Peril: the Perpetual Growth of the Imperial Presidency During Wartime and the Subversion of Constitutional Checks and Balances*, Lulu Press, 2009, p. 84.

¹⁷² C. Savage, *Takeover*, p. 49.

¹⁷³ *Vice*, directed by Adam McKay, Plan B Entertainment, Gary Sanchez Productions, Annapurna Pictures, Released on 11 December 2018, United States.

As a matter of fact, in the 1980s, paralleling the efforts by “presidentialists” in the Department of Justice, Dick Cheney had been working in tandem with the White House, making use of his position within the House Intelligence Committee to support Reagan’s national security agenda. Throughout Reagan’s two terms in office, Cheney was an active supporter of the President’s decisions to aggressively deploy US forces abroad, publicly siding with the White House to defend the administration’s policy. In April 1986, in the midst of the planning of retaliatory strikes against Libya which began in the aftermath of the West Berlin discotheque bombing, Cheney attacked congressional allegations over a violation of the War Powers Resolution by asserting that “this is a clear-cut case where the president as commander in chief [...] is justified in taking whatever action he deems appropriate and discussing the details with us after the fact.”¹⁷⁴

Yet, Cheney’s cause for a strengthened, unhindered executive would be further, and more actively pursued during the Iran/Contra hearings, which began on 5 March 1987. As a matter of fact, Cheney used his position within the House Select Committee to actually act against the purpose of the investigation committee, asking the witnesses to explain the rationale underlying the overthrow of a Marxist-oriented government instead of thoroughly examining the complex web of covert and illegal operations of the Iran-Contra network. Moreover, as the investigations progressed, Cheney forged an increasingly tight relation with David Arrington, a young, conservative attorney who shared Cheney’s belief that Congress should not interfere with the President in matters of national security and intelligence operations. Arrington’s conception of presidential powers was based on the assumption that the office entailed an array of inherent powers, granted by the constitution, which allowed him to take decisions in foreign affairs and national security without congressional approval. The influence of Arrington’s constitutional perspective on presidential powers would prove crucial for the development of Cheney’s own positions and statements both in the Iran/Contra hearings and in his future beyond the Reagan presidency.¹⁷⁵

In early July 1987, Cheney praised Lt. Gen. Oliver North’s performance before the Investigation Committee, describing him as “the most effective and impressive witness

¹⁷⁴ D. Cheney on *The MacNeil/Lehrer News Hours*, PBS, 11 April 1986, as cited in C. Savage, *Takeover*, p. 52.

¹⁷⁵ C. Savage, *Takeover*, pp. 53-54.

this committee has heard”. Described in a *New York Times* article as “pensive, passionate, sanctimonious, sincere, impatient, impenitent, articulate, aggressive, cocky, contrite”, North justified his role in the Iran/Contra affair on the grounds that the President and his staff were not subjected to congressional restrictions, and that serving the President constituted the justification for the lack of truth with regards to the US Congress.¹⁷⁶ A few days later, Cheney continued to publicly defend the Reagan administration, claiming that the Boland Amendment “did not apply to the President, nor to his immediate staff, nor the NSC staff”, and he stated in his closing statement on 3 August 1987:

“We have heard talk of a ‘grave constitutional crisis,’ listened to expressions of moral indignation and outrage—and even been treated to talk about a “coup in the White House,”—a junta run by a lieutenant colonel and an admiral. My own personal view is that there has been far too much apocalyptic rhetoric about these events, most of it unjustified. If there ever was a crisis—which I doubt—it ended before these committees were established. And to the extent that corrective action was required, the President took it unilaterally before our Committees had taken a single word of public testimony.”¹⁷⁷

Refusing to sign the Majority Report redacted at the end of the hearings, which condemned the “cabal of zealots” managing the whole Iran/Contra network, Cheney instead directed Addington and other Republican officers to produce an alternative assessment of the situation. The resulting “Minority Report” reiterated the themes exposed in the August closing statement, but it also aggressively attacked the “hysterical” conclusions of the Majority Report. In an upside-down perspective turn, the Minority Report stated:

“In order to support rhetorical overstatements about democracy and the rule of law, the Committees have rested their case upon an aggrandizing theory of Congress' foreign policy powers that is itself part of the problem. Rather than seeking to heal, the Committees' hearings and Report betray an attitude that we fear will make matters worse. The attitude is particularly regrettable in light of the unprecedented steps the

¹⁷⁶ M. Byrne, *Iran-Contra*, p. 251-252; “The Colonel Stands His Ground: North Wins the Public at the Expense of Superiors”, *The New York Times*, 12.7.1987, available at <https://www.nytimes.com/1987/07/12/weekinreview/the-colonel-stands-his-ground-north-wins-the-public-at-expense-of-superiors.html>, last accessed August 2019.

¹⁷⁷ C. Savage, *Takeover*, p. 56; Richard Cheney, “Closing Statement by Rep. Cheney”, 4 August 1987, available at https://www.brown.edu/Research/Understanding_the_Iran_Contra_Affair/v-cs1.php, last accessed August 2019.

President took to cooperate with the Committees, and in light of the actions he already has taken to correct past errors.”¹⁷⁸

Most significantly, the closing statement of the Minority Report crystallized the position of the advocates of a stronger executive:

“This history speaks volumes about the Constitution's allocation of powers between the branches. It leaves little, if any, doubt that the President was expected to have the primary role of conducting the foreign policy of the United States. Congressional actions to limit the President in this area therefore should be reviewed with a considerable degree of skepticism. If they interfere with core presidential foreign policy functions, they should be struck down. Moreover, the lesson of our constitutional history is that doubtful cases should be decided in favor of the President.”¹⁷⁹

Throughout the course of his political rise over the following decades, Cheney himself would repeatedly refer to the Minority Report, which he once described to a reporter as a good layout for “a robust view of the president’s prerogatives with respect to the conduct of especially foreign policy and national security matters.”¹⁸⁰

The following chapters will examine the process of development and implementation of the pillars of the administration’s agenda into what became informally known as the Reagan Doctrine as applied to Central America, particularly El Salvador and Nicaragua, and the contradictions and tensions it brought both within the administration and the Congress in the framework of the War Powers Resolution.

¹⁷⁸ U.S. Senate Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition and House of Representatives Select Committee to Investigate Covert Arms Transactions with Iran, “Report of the Congressional Committees Investigating the Iran-Contra Affair” [H. Rep. No. 100-433], November 1987, available at <https://archive.org/details/reportofcongress87unit/page/n7>, last accessed August 2019. Majority and Minority Reports available at https://www.brown.edu/Research/Understanding_the_Iran_Contra_Affair/h-themajorityreport.php and https://www.brown.edu/Research/Understanding_the_Iran_Contra_Affair/h-thereport.php, last accessed August 2019; Byrne, *Iran-Contra*, pp. 256-257; C. Savage, *Takeover*, p. 57; “G.O.P. Iran Party Report Defends President”, *The New York Times*, 17.11.1987, <https://www.nytimes.com/1987/11/17/world/gop-iran-report-defends-president.html>, last accessed August 2019;

¹⁷⁹ “Minority Report”.

¹⁸⁰ “Mr. Cheney’s Minority Report”, *The New York Times*, 9.7.2009, available at <https://www.nytimes.com/2007/07/09/opinion/09wilentz.html>, last accessed 2019.

Chapter 2 – El Salvador tests the WPR

1. El Salvador from the *matanza* to Reagan’s elections

Due to the limited scope of this dissertation, an all-encompassing reconstruction of the long-standing and complex relation between the US and Latin America would represent a significant deviation from the main subject of analysis. However, in order to fully understand the events analyzed in this and the following chapter, it is fundamental to briefly mention the privileged role that Latin America had come to play in the US geostrategic concerns over approximately a century and a half before the Reagan era.

As a matter of fact, the articulation of the Monroe Doctrine in 1823 represented the first US statement publicly establishing that “[the US] should consider any attempt on [the part of the European allied powers] to extend their system to any portion of this hemisphere as dangerous to our peace and safety.”¹ Eighty-one years later, President Theodore Roosevelt would expand on the Monroe Doctrine by adding his famous corollary, arguing that

“Chronic wrongdoing, or an impotence which results in a general loosening of the ties of civilized society, may in America, as elsewhere, ultimately require intervention by some civilized nation, and in the Western Hemisphere the adherence of the United States to the Monroe Doctrine may force the United States, however reluctantly, in flagrant cases of such wrongdoing or impotence, to the exercise of an international police power.”²

While the T. Roosevelt corollary was momentarily discarded by the Franklin Delano Roosevelt administration – which focused, through the Good Neighbor Policy, on the promotion of US-Latin American market and goodwill during the Great Depression and World War II – the onset of the Cold War brought to a reconsideration of the principle

¹ J. Monroe, Seventh Annual Message, 2 December 1823, available at <https://millercenter.org/the-presidency/presidential-speeches/december-2-1823-seventh-annual-message-monroe-doctrine>, last accessed October 2019.

² T. Roosevelt, State of the Union Address to Congress, 6 December 1904, available at <https://library.brown.edu/create/modernlatinamerica/chapters/chapter-14-the-united-states-and-latin-america/primary-documents-w-accompanying-discussion-questions/document-33-roosevelt-corollary-1904/>, last accessed October 2019.

of non-intervention in the Western hemisphere. In other words, the Monroe Doctrine started to be conveniently adapted to each specific critical situation in the region, analysed through the lenses of the Cold War superpower struggle. As Mark Gilderhus states, “though seldom invoked explicitly during the Cold War, the Monroe Doctrine and the aims and purposes associated with it provided both a justification and an explanation for interventionist measures.”³ In addition to the implications of the Monroe Doctrine as regards the US foreign policy towards Latin America, an overview of the crucial events of the history of El Salvador and Nicaragua provides an insightful point of departure to understand the reasons as to why these tiny countries of the Central American area rose up to the top of the US security concerns during the Reagan years. El Salvador held its first relatively open election in January 1931, when the coalition of labor, peasants, students, professionals, and intellectuals led by Arturo Araujo, member of the Labor Party (*Partido Laborista de El Salvador*, PLES) managed to defeat the coffee oligarchy that had been ruling the country for decades.⁴ Nevertheless, Araujo’s popularity soon plummeted as a result of the economic crisis that affected the country’s coffee exports prices as the Great Depression spread to Latin America, something which progressively alienated support from impoverished landowners.⁵ The democratic experience lasted only until December of the same year, when Araujo’s defense minister and sitting vice-president General Maximiliano Hernández Martínez orchestrated a coup to remove Araujo from power. The coup triggered a peasant insurrection led by communist leader Augustín Farabundo Martí and other cadres from the Communist Party of El Salvador (*Partido Comunista de El Salvador*, PCS), and was crushed by Martínez’ s troops.⁶ In order to prevent further revolutionary uprisings from the lower classes, Martínez unleashed a bloody repression, the *matanza*, which resulted in the killing of an estimated number of peasants ranging from ten to thirty thousand.⁷

³ M. T. Gilderhus, “The Monroe Doctrine: Meaning and Implications”, in *Presidential Studies Quarterly*, 36, No. 1, March, 2006, pp. 5-16, available at <https://www.jstor.org/stable/27552742>, last accessed October 2019.

⁴ M. Diskin, K. E. Sharpe, “El Salvador”, in M. J. Blachman, W. M. Leogrande, K. E. Sharpe (eds.), *Confronting Revolution: Security through Diplomacy in Central America*, p. 51; R. Crandall, *The Salvador Option*, p. 17.

⁵ R. Crandall, *The Salvador Option*, p. 17.

⁶ M. Diskin, K. E. Sharpe, “El Salvador”, p. 51; R. W. Taylor, H. E. Vanden, “Defining Terrorism in El Salvador: “La Matanza”, in *The Annals of the American Academy of Political and Social Science*, Vol. 463, International Terrorism, (Sept. 1982), pp. 106-118.

⁷ B. d’Haeseleer, *The Salvadoran Crucible :The Failure of U.S. Counterinsurgency in El Salvador, 1979-1992*, University Press of Kansas , 2017, p. 131. A detailed account of this period can be found in T.P.

In the next forty years, an alliance between rich landowners, coffee producers and the military ruled over the country. As the oligarchy, protected by the military, accumulated economic and political power, the gap between the rich and the poor widened dramatically.⁸ Fear toward the advent of revolutionary attempts was shared by both the oligarchy and the military, resulting in the belief that only bloody suppression would avert the threat.⁹ As a matter of fact, in the conception of the ruling *Junta*, peasant rebellion was perceived as the result of an international communist plot rather than a symptom of domestic poverty and frustration.¹⁰ Nevertheless, between the 1950s and the 1960s, some sectors of the military and the oligarchy promoted agricultural diversification and light industrialization, albeit maintaining a controlled level of reform aimed at securing both the social and economic foundations of the oligarchy and the political exclusion of reformist civilians from the government.¹¹

In 1960, reformist officers seized power and established a civilian-military *Junta* that included, among others, Dr. Fabio Castillo, a supporter of the Cuban Revolution a year earlier.¹² Nevertheless, the civilian-military *Junta* was removed in a countercoup and replaced with a dictatorship by the military, ruling through an official party created back in 1950 and renamed the Party of National Reconciliation (*Partido de Conciliación Nacional* – PCN) in 1962.¹³ The new government, led by anti-communist colonel Julio Rivera, supervised El Salvador's agricultural capitalism boom in the coffee, sugar, and cotton sectors, an expansion which, however, had devastating consequences on the small producers.¹⁴ Despite the formation of middle-class and urban working-class groups within the Salvadoran society, control over the elections and an intransigent line towards reformist attempts to take control of the military and the government remained constant throughout the years.¹⁵ Between 1960 and 1961, El Salvador joined with

Anderson, *Matanza: El Salvador's Communist Revolt of 1932*, Lincoln, University of Nebraska Press, 1971. This is the most quoted source for the events leading to and following the *matanza*.

⁸ M. Diskin, K. E. Sharpe, "El Salvador", p. 51; B. d'Haeseleer, *The Salvadoran Crucible*, p. 132.

⁹ W. M. Leogrande, *Our Own Backyard*, The University of North Carolina Press, 2000, p. 35.

¹⁰ R. Crandall, *The Salvador Option*, p. 19.

¹¹ M. Diskin, K. E. Sharpe, "El Salvador", in M. J. Blachman, W. M. Leogrande, K. E. Sharpe (eds.), *Confronting Revolution*; p. 51; W. M. Leogrande, *Our Own Backyard*, p. 35.

¹² R. Crandall, *The Salvador Option*, p. 20.

¹³ R. Crandall, *The Salvador Option*, p. 20; M. Diskin, K. E. Sharpe, "El Salvador", in M. J. Blachman, W. M. Leogrande, K. E. Sharpe (eds.), *Confronting Revolution*, p. 52.

¹⁴ M. Diskin, K.E. Sharpe, "El Salvador", p. 52; J. Beverley, "El Salvador", in *Social Text*, no. 5, (Spring, 1982), pp. 55-72, available at <https://www.jstor.org/stable/466334>, last access June 2019.

¹⁵ M. Diskin, K.E. Sharpe, "El Salvador"; W. M. Leogrande, *Our Own Backyard*, p. 35.

Guatemala, Honduras, and Nicaragua to form the Central American Common Market, which created a free trade zone in the area and allowed the country to establish regional tariff barriers to protect developing industry.¹⁶

In the early 1960s, after years of US abstention from providing direct investment or intervention, the United States began to reshape their policy towards El Salvador and Latin America as a whole. Such policy reassessment was crucially pushed by the triumph of the Cuban Revolution, which presented the US with a new set of geostrategic concerns. As a matter of fact, Fidel Castro's stepped-up, anti-American rhetoric, coupled with the approval by the Cuban government of a set of agrarian reforms in May 1959, which would have prohibited large landholdings – thereby clashing with the US investors' interests in the country – soon led to the abandonment of the “watch and wait” approach which had characterized the US policy towards Cuba in the immediate aftermath of the installation of the Revolutionary Government on the island.¹⁷ As a matter of fact, by November 1959, Christian Herter, President Eisenhower's Secretary of State, concluded that “the prolonged continuation of the Castro regime in Cuba in its present form would have serious adverse effects on the United States position in Latin America and corresponding advantages for international Communism”.¹⁸ The perception that Cuba could export its revolution to the neighbouring countries soon became part of the US administration's understanding of the international events in the region, as exemplified by the opening lines of an NSC briefing paper redacted in mid-March 1960, which stated that Cuba was “becoming a center for Latin American Communist activities”.¹⁹ Moreover, in the summer of the same year, on 9 July 1960, in the aftermath of the imposition of harsh economic measures on Cuba by the US, Soviet General Secretary Nikita Khrushchev publicly declared that the Soviet artillerymen would “support the Cuban people with their rocket fire if the aggressive forces in the Pentagon dare to launch an intervention against

¹⁶ *Ibidem*.

¹⁷ L. Schoultz, *That Little Infernal Cuban Republic*, pp. 87-105.

¹⁸ Memorandum from the Secretary of State to the President, Washington, 5 November 1959, *Foreign Relations of the United States, 1958-1960, Cuba, Vol. VI, Doc. 387*, available at <https://history.state.gov/historicaldocuments/frus1958-60v06/d387>, last accessed October 2019.

¹⁹ NSC Briefing on Cuba, 15 March 1960, available at https://www.cia.gov/library/readingroom/docs/DOC_0000132360.pdf, last accessed October 2019.

Cuba.”²⁰ Khrushchev’s statement raised serious concerns in Washington, where high-ranking officials began to worry about “a disturbing tendency on the part of smaller nations to seek to involve the Soviet Union in their problems in the hope of playing East against West.”²¹

Meanwhile, Castro’s public declarations only added fuel to fire, as the Cuban leader publicly attacked the Organization of the American States (OAS) and declared that “we will be friends of the Soviet Union and of the Chinese People’s Republic because they have shown that they are our friends, while you [the United States] have attacked and wish to destroy us.”²² At the domestic level, such alarming signals, mixed with the political pressure coming from the incoming US elections at the end of the year, led to the evaluation of a variety of measures to deal with the Cuban situation, which included a blockade, the freezing of Cuba’s US bank accounts, and the prospect of the “unseating of Castro”. The deterioration of the US-Cuban relations culminated in the termination of the diplomatic ties between the two countries, which President Eisenhower announced during his last weeks in office on 4 January 1961, in response to a request by the Cuban Government concerning a reduction of the embassy and consulate personnel within forty-eight hours.²³ After the failure of the Bay of Pigs invasion, a CIA plan to overthrow Castro first authorized by President Eisenhower in March 1960 and conducted with President Kennedy’s approval in mid-April 1961, Castro’s Cuba officially adhered to the principles of Marxism-Leninism, thereby providing a crucial ally to the Soviet Union in the region.²⁴

When Kennedy entered the White House in 1961, he promised the “sisters republics south of [America’s] border...to convert...good words into good deeds...to assist free

²⁰ Editorial Note, in *Foreign Relations of the United States, 1958-1960, Cuba, Vol. VI*, Doc. 549, available at <https://history.state.gov/historicaldocuments/frus1958-60v06/d549>, last accessed October 2019.

²¹ Letter from Secretary of Defense (Gates) to the Secretary of State, Washington, 26 July 1960, in *Foreign Relations of the United States, 1958-1960, Cuba, Vol. VI*, Doc. 567, available at <https://history.state.gov/historicaldocuments/frus1958-60v06/d567>, last accessed October 2019.

²² “Castro Affirms Red Ties; Challenges American Unit”, *The New York Times*, 25.8.1960, available at <https://timesmachine.nytimes.com/timesmachine/1960/08/25/99950017.pdf>, last accessed October 2019.

²³ “Regime is Scored”, *The New York Times*, 3.1.1961, available at <https://timesmachine.nytimes.com/timesmachine/1961/01/04/118887573.pdf>, last accessed October 2019.

²⁴ L. Schoultz, *That Little Infernal Cuban Republic*, pp. 142-155; Paper Prepared by the 5412 Committee, in *Foreign Relations of the United States, 1958-1960, Cuba, Vol. VI*, Doc. 481, available at <https://history.state.gov/historicaldocuments/frus1958-60v06/d481>, last accessed October 2019; R. Nocera, A. Trento, *America Latina: un Secolo di Storia: dalla Rivoluzione Messicana a oggi*, Carocci, 2013, pp. 144-149.

men and free government in casting off the chains of poverty”, and claimed that “this Hemisphere intends to remain the master of his house.”²⁵ As a way of both breaking the nuclear deadlock and controlling the rise of third-world nationalism, as well as preventing the installation of “more Cubas” in the region, Kennedy and his civilian advisers looked to counterinsurgency and covert operations, with the aim of defeating the conditions in which communism allegedly thrived.²⁶ The belief in the need to provide support for democracy across the globe found its policy reflection in the “Alliance for Progress”, a ten-year program of economic investment and assistance to promote political, social, and economic reform in Latin America, stemmed from the assumption that if countries were economically prosperous, this would undercut Communist arguments about the inequalities inherent in a capitalist system.²⁷

Another important facet of the Alliance for Progress was training the area’s military in order to counter internal communist subversion. On 27 January 1961, Kennedy instructed the Joint Chiefs of Staff (JCS) to undertake strategic studies in order to build anti-guerrilla forces around the world, especially in Latin America. A year later, in a speech given at West Point in June, President Kennedy claimed that guerrilla warfare required “a whole new kind of strategy, a wholly different kind of force, and therefore a new and wholly different kind of military training”.²⁸ This, however, eventually undermined the purpose of fostering reform, as it empowered illiberal right-wing dictatorships which opposed even the mildest attempt to “awaken the American revolution”.²⁹ In Washington’s conception of the struggle in Latin America, mass demonstrations against the ruling *Junta* in El Salvador required direct aid to secure control over the radical upsurge: the newly-established Military-Civilian Directorate

²⁵ J. F. Kennedy, Inaugural Address, 20 January 1961, <https://www.jfklibrary.org/learn/about-jfk/historic-speeches/inaugural-address>, last accessed June 2019.

²⁶ G. Grandin, *Empire’s Workshop*, p. 46.

²⁷ R. Crandall, *The Salvadoran Option*, p. 37; B. d’Haeseleer, *The Salvadoran Crucible*, p. 27; J. F. Taffet, *Foreign Aid as Foreign Policy: the Alliance for Progress in Latin America*, Routledge, New York, 2007, p. 25.

²⁸ B d’ Haeseleer, *The Salvadoran Crucible*, pp. 103-104; J. F. Kennedy, “Remarks at West Point to the Graduating Class of the U.S. Military Academy”, 6 June 1962, available at <https://www.presidency.ucsb.edu/documents/remarks-west-point-the-graduating-class-the-us-military-academy>, last accessed June 2019.

²⁹ B. d’Haeseleer, *The Salvadoran Crucible*, pp. 27-28; G. Grandin, *Empire’s Workshop*, pp. 46-47; Peter. H Smith, “The Origins of Crisis”, in M. J. Blachman, W. M. Leogrande, K. E. Sharpe (eds.), *Confronting Revolution*, p. 10; J. F. Kennedy, Address at a White House Reception for Members of Congress and for the Diplomatic Corps of the Latin American Republics, 13 March 1961, <https://www.jfklibrary.org/archives/other-resources/john-f-kennedy-speeches/latin-american-diplomats-washington-dc-19610313>, accessed June 2019.

(early 1960s), despite maintaining an oligarchic rule through the military, began to incorporate reformist tendencies under considerable US aid and advice.³⁰ Such reforms, however, lacked the depth required to ease the burdens of the Salvadoran society, as they were imposed by a ruling class coalition with the aim of pursuing industrialization rather than social equity.³¹ In 1962, President J.F. Kennedy praised the “reform with repression” line of the *Junta* in confronting the organized left: “governments of the civil-military type of El Salvador are the most effective in containing Communist penetration in Latin America.”³²

The post-World War II economic transformations, nevertheless, created new social forces that comprehended professionals, teachers, white-collar employees, and rural workers which began to challenge the ruling *Junta*.³³ The Central American Common Market established in 1960, coupled with US Aid, had succeeded in fostering economic growth: the total value of intraregional trade rose at an annual rate of twenty-five percent in the 1960s, and fifteen percent in the 1970s.³⁴ However, the results on the living conditions of the poor were tremendous. Authoritarianism prevailed over the chance to reconcile conflicting demands of the social groups through a system of politics; the 1969 so-called Soccer War with Honduras shattered the Salvadoran economy, thus setting the stage for political turmoil.³⁵ As a matter of fact, in the 1970s, the Christian Democratic Party (*Partido Demócrata Cristiano*, PDC) led by José Napoleón Duarte, elected mayor of San Salvador from 1964 through 1970, joined with the Social Democratic Party (*Movimiento Nacional Revolucionario*, MNR) headed by Guillermo Ungo under the National Opposition Union (*Unión Nacional Opositora*, UNO), which ran on a platform of land reform and democracy in an effort to contrast the authoritarian military-oligarchic regime.³⁶ Nevertheless, the electoral victory of the Duarte-Ungo coalition in 1972 was countered through a military-managed electoral

³⁰ J. Beverley, “El Salvador”, p. 60.

³¹ *Ibidem*.

³² W. LaFeber, *Inevitable Revolutions: The United States in Central America*, W.W. Norton & Company, 1993, p. 154.

³³ M. Diskin, K.E. Sharpe, “El Salvador” p.52.

³⁴ R. S. Newfarmer, “The Economics of Strife”, in M. J. Blachman, W. M. Leogrande, K. E. Sharpe (eds.), *Confronting Revolution*, p. 213.

³⁵ W. M. Leogrande, *Our Own Backyard*, p. 35.

³⁶ M. Diskin, K.E. Sharpe, “El Salvador”, p. 52; J. Beverley, “El Salvador”, p. 62; R. Crandall, *The Salvador Option*, p. 23.

fraud and suppression of the subsequent protests.³⁷ In the turmoil following the removal of the legitimate coalition, Duarte was arrested, beaten, tortured, and exiled to Venezuela for the next seven years.³⁸ Under the rule of the PCN candidate Colonel Arturo Armando Molina, who was declared the winner after the fraudulent election process, the country descended into chaos, and popular organizations – which would form the nucleus of the insurgency – began to grow in El Salvador.³⁹

According to Diskin and Sharpe, optimism toward reformist chances for the country waned and gave rise to two forms of opposition.⁴⁰ On the one hand, non-violent direct action through sit-ins, demonstrations, occupations and civil disobedience was undertaken by a variety of popular organizations which sank their roots in different backgrounds. Among these were the Salvadoran Communal Union (*Unión Comunal Salvadoreña*), a moderate anticommunist peasant organization; Marxist-inspired student organizations opposed to the orthodoxy of the Communist party; and important organizations backed by the Catholic clergy, influenced by the “theology of liberation” theory that took root in the Latin American Catholic church in the 1960s.⁴¹ The Archbishop of El Salvador, Oscar Arnulfo Romero, was particularly outspoken in the defense of the poor and called for non-violent political organization, thus emerging as

³⁷ W. M. Leogrande, *Our Own Backyard*, p. 36.

³⁸ M. Diskin, K.E. Sharpe, “El Salvador” p.53; R. Crandall, *The Salvador Option*, p. 23.

³⁹ B. d’Haeseleer, *The Salvadoran Crucible*, p. 133. For a detailed account of the Salvadoran opposition in these years, see R. Crandall, “Guerrillas are Born”, in *The Salvador Option*, pp. 65-74.

⁴⁰ M. Diskin, K.E. Sharpe, “El Salvador” p.53.

⁴¹ *Ibidem*. The liberation theology doctrine is a rather complex topic, which has been extensively covered since its emergence in the sixties. As Russell Crandall points out, “a productive way to understand the two (Marxism and Liberation Theology) is to see liberation theology as a set of observations and principles that overlapped with Marxism’s secular diagnosis of the same problems”; and “...their approach to rectifying the country’s injustices differed. Marxists tended to believe that this change required armed revolution. The liberation theologians, on the other hand, were inclined to hold that change should come from non-violent forms of protest”, in R. Crandall, *The Salvador Option*, pp. 53-55. Another extensive and insightful analysis of the theology of liberation can also be found in P. Berryman, *Liberation Theology*, Temple University Press, 1987. The following passages are taken from the Spanish edition of Berryman’s book: “Como una descripción inicial podríamos decir que la teología de la liberación es 1. Una interpretación de la fe cristiana a través del sufrimiento, la lucha y la esperanza de los pobres; 2. Una crítica de la sociedad y de las ideologías que la sustentan; 3. Una crítica de la actividad de la Iglesia y de los cristianos desde el punto de vista de los pobres”, in Berryman, *Liberation Theology*, p. 11. Moreover, Barryman detects a “divergence” between the North-American and European assumptions and the Latin American issues: “...casi cualquier disertación sobre la teología de la liberación en Estados Unidos o en Europa provocará preguntas sobre violencia y sobre marxismo. Sin embargo, los teólogos tienen muy poco – prácticamente nada – que decir de la violencia y es sorprendente la poca atención que prestan a la discusión del marxismo”, *Ibidem*, p. 13. For a further and alternative point of view on the subject, see also J.L. Klaiber “Prophets and Populists”, *The Americas*, Vol. 46, No. 1 (Jul., 1989), pp. 1-15.

the leading critic of the regime from the clergy.⁴² On the other hand, armed insurgency groups including PCS dissidents, radicalized Christians, and student revolutionaries began to appear on the Salvadoran scene as a result of the fragmentation of the Salvadoran left. In 1972, Salvador Cayetano Carpio and his followers – who parted ways with the PCS earlier in 1970 – formed the Popular Liberation Forces (*Fuerzas Populares Libertad*, FPL); members of the newly-established FPL soon departed and formed an independent organization, the People’s Revolutionary Army (*Ejército Revolucionario del Pueblo*, ERP), which, in turn, further fragmented into the Armed Forces of National Resistance (*Fuerzas Armadas de la Resistencia Nacional*, FARN).⁴³ The twofold threat coming from both popular organizations and the armed opposition over the years was met by a threefold response by the Salvadoran ruling *Junta*. One response was the organization of paramilitary forces in support of the traditional Salvadoran security forces, the Treasury Police (*Policia de Hacienda*, PH), and the National Guard. These organizations served as an instrument to gather peasant support for the PCN through means of coercion on the opposition.⁴⁴ The most relevant paramilitary organization was ORDEN (*Organización Democrática Nacionalista*), which worked closely with ANSESAL (*Agencia Nacional de Seguridad de El Salvador*) to counter popular organizations in the countryside and fuel the civil war. Both agencies were founded with the help from U.S. special forces and assistance from the CIA and the U.S. military in the early 1960s.⁴⁵ General José Alberto Medrano, chief of the Salvadoran National Guard and founder of both ORDEN and ANSESAL stated that the two organizations “grew out of the State Department, the CIA, and the Green Berets during the time of Kennedy.”⁴⁶ Moreover, he described how he travelled to the United States to consult with the CIA during the years when Washington was using economic development and counterinsurgency to avert revolution in the hemisphere.⁴⁷ In addition to the implementation of paramilitary organizations, governmental security forces increased the violent repression under General Carlos Humberto Romero – elected as a

⁴² M. Diskin, K.E. Sharpe, “El Salvador” p.53; W. M. Leogrande, *Our Own Backyard*, p.37.

⁴³ B. d’Haeseleer, *The Salvadoran Crucible*, p. 134; M. Diskin, K.E. Sharpe, “El Salvador” p.54; R. Crandall, *The Salvador Option*, p. 65.

⁴⁴ B. d’Haeseleer, *The Salvadoran Crucible*, p. 134; R. Crandall, *The Salvador Option*, p. 22.

⁴⁵ B. d’Haeseleer, ‘Drawing the line’ in El Salvador, p. 136; M. Diskin, K.E. Sharpe, “El Salvador”, p. 54; J. Beverley, “El Salvador”, p. 62.

⁴⁶ J. A. Medrano, as cited in T.S. Montgomery, *Revolution in El Salvador: from Civil Strife to Civil Peace*, Westview Press, 2 edition, December 1994, p. 189.

⁴⁷ R. Crandall, *The Salvadoran Option*, p.43.

result of fraudulent elections in 1977 – and the infamous “death squads”, organized by the extreme right within the military and financed by the oligarchy, began to wage a campaign of indiscriminate assassination of civilians to smother the leftist insurgency.⁴⁸ The coming to power of General H. Romero marked the demise of the military modernizers within the ruling *Junta*: the refusal by the military conservators to allow popular participation in the political process precipitated the country in an ever-deepening political disorder that attracted high-level attention from the Carter’s administration in Washington.⁴⁹ In June 1977, the White Warriors Union (a right-wing death squad) accused the Salvadoran Catholic Church of promoting Communism and threatened to kill all the Jesuits in the country. The White House then warned General Humberto Romero that preventing the threatened massacre was vital to preserve relations with the United States.⁵⁰ Romero made use of face-lifts in order to improve his international image and reassure the Carter administration, which after having withheld funds authorized further aid to the regime. Nevertheless, the General ramped up repression in late 1977, when the Legislative Assembly of El Salvador passed the Public Order Law that legalized security force repression of movements opposed to the regime.⁵¹ This accelerated the spiral of violence and brought new recruits to the radical left, which stepped up its bombings and assassinations of government officials. By late 1978, the Carter administration, concerned that H. Romero’s indiscriminate repression, human rights violations, and refusal to contemplate reforms could lead to revolution as in neighboring Nicaragua, began to exert economic and diplomatic pressure on Romero’s regime.⁵² In 1979, the State Department was influential in getting General Romero to repeal the Public Order Law, increase wages, lift the state of siege, and promise an electoral reform that could legitimize political opposition.⁵³ Despite his promises, however, Humberto Romero refused to reschedule presidential elections, due in 1982. This led to a bloodless coup by junior officers and young civilians on 15 October 1979.

⁴⁸ M. Diskin, K.E. Sharpe, “El Salvador”, p. 54; J. Beverley, “El Salvador”, p. 62.

⁴⁹ W. M. Leogrande, *Our Own Backyard*, pp. 37-38.

⁵⁰ *Ibidem*.

⁵¹ M. Diskin, K.E. Sharpe, “El Salvador”, p. 55; R. Crandall, *The Salvadoran Option*, p.109.

⁵² M. Diskin, K.E. Sharpe, “El Salvador”, p. 54; R. Crandall *The Salvadoran Option*, p. 109.

⁵³ R. Crandall, *The Salvadoran Option*, p.110; J. Coatsworth, “The Cold War in Central America”, in M. Leffler & O. A. Westad (eds.), *The Cambridge History of the Cold War*, pp. 201-221.

The coup, which the officers believed to be the last chance to avoid revolution, was also backed by Washington, dissatisfied with Romero's conduct and concerned about the potential consequences of the overthrow of Somoza in Nicaragua on 19 July 1979.⁵⁴ A new five-man *Junta* was formed, which included members of the moderate opposition. The leaders of the *Junta* promised to address El Salvador's social problems and proclaimed human rights guarantees that would allow for free elections, reform, and the end of the violence. The popular response to the *Junta* was mixed, but within few weeks the *Junta*'s reform program convinced the popular organizations and the armed groups to give the government a chance.⁵⁵ Nevertheless, the government failed at honoring its promises and the practices of the police and the National Guard did not differ from those of the Romero regime. Investigation over the excesses of the military from the previous *Junta* was declared unfeasible because of the risk of shattering an already fragile unity within the military. Reform attempts were blocked by the rightists in the coalition, and the government was paralyzed. Turmoil in the urban scene – instigated by previously banned political and social groups, which were now free to organize – short-circuited the new government, which unleashed a new wave of death squad activity.⁵⁶ At first, the centrist, reformist *Junta* was seen in Washington as the perfect vehicle for US regional policy. But although the Carter administration backed the idea of reform, it was reluctant to include the radical left in the power sharing, and sided with the more conservative faction within the military, thus encouraging a rightward shift. US Ambassador to El Salvador Frank Devine explicitly warned the progressive officers against challenging their conservative colleagues, who refused to accede to civilian demands.⁵⁷

By the late 1979, the situation in El Salvador had reached a critical level, and it would be destined to worsen even further. As a matter of fact, after the failure of their last attempt to break the deadlock in December 1979 by demanding the removal of rightist defense minister, General José Guillermo García, the civilian cabinet – except from García – resigned in protest and the government moved sharply to the right, thus

⁵⁴ M. Diskin, K.E. Sharpe, "El Salvador", p. 54; W. M. Leogrande, *Our Own Backyard*, p. 39; R. Crandall, *The Salvador Option*, p. 112; J. H. Coatsworth, "The Cold War in Central America", p. 207.

⁵⁵ M. Diskin, K.E. Sharpe, "El Salvador", p. 55; W. M. Leogrande, *Our Own Backyard*, p. 40; R. Crandall, *The Salvador Option*, p. 125.

⁵⁶ R. Crandall, *The Salvador Option*, p. 126.

⁵⁷ M. Diskin, K.E. Sharpe, "El Salvador", pp. 55-56; W. M. Leogrande, *Our Own Backyard*, p. 40; R. Crandall, *The Salvador Option*, p. 125.

marking the beginning of *derechización* (rightward drift).⁵⁸ Pushed by the US, the Christian Democrats, led by Duarte (who had returned from exile and was now despised because of his American-backed status) rejoined the government in a new *Junta* in January 1980, and the military accepted a set of reforms (which included bank nationalizations and land reorganization) under heavy US pressure, albeit perpetrating the repression of the political left. Such strategy, baptized “reform bathed in blood” by Archbishop Oscar Romero, had the only result of alienating popular support from both the left and the right, thus leaving the ruling *Junta* in the hands of the United States.⁵⁹ On 24 March 1980, the Archbishop was murdered while conducting mass in a plot organized by a former member of both ORDEN and ANSESAL, Roberto d’Aubuisson, who had been organizing a clandestine death-squad network after the October coup. The death of Archbishop Oscar Romero marked another step towards civil war in the country.⁶⁰ A high-classified cable⁶¹ written by the newly-appointed US ambassador to El Salvador, Robert White, gives White’s account of the situation in the country, a reality clashing with the picture of a Managua-Moscow-Havana-backed revolution Washington was offering the world:

“It should be well understood in Washington...that pressure for change in El Salvador is irresistible. Nor is it Cuban infiltrators or Russian arm shipments that have created this threat of violent revolution but rather decades of oppression and...refusal on the part of the elite to make any concession for the masses”⁶²

White’s cable warned Washington about the danger coming from the ultra-right led repression, which he identified as “the principal enemy of a moderate solution”⁶³. What’s more, White had already sensed the threat of a violent removal of Archbishop Oscar Romero, which was confirmed only five days later.⁶⁴ Archbishop Romero himself

⁵⁸ M. Diskin, K.E. Sharpe, “El Salvador”, pp. 56; W. M. Leogrande, *Our Own Backyard*, p. 40; J. H. Coatsworth, *The Cold War in Central America*, p. 208.

⁵⁹ M. Diskin, K.E. Sharpe, “El Salvador”, pp. 56; W. M. Leogrande, *Our Own Backyard*, p. 40; R. Crandall, *The Salvador Option*, p. 130.

⁶⁰ B. D’Haeseleer, *The Salvadoran Crucible*, p. 146; M. Diskin, K. E. Sharpe, “El Salvador”, p. 57; R. Crandall, *The Salvador Option*, p. 143.

⁶¹ Robert White, “Preliminary Assessment of the Situation”, 19 March 1980, <http://www.assassinationofasaint.com/wp-content/uploads/2017/04/State-cable-3-19-80-Preliminary-Assessment-of-Situation-in-El-Salvador.pdf>, last accessed June 2019. The file was limited to 15 copies and classified as “NoDis”, which is above “secret”.

⁶² *Ibidem*.

⁶³ *Ibidem*.

⁶⁴ R. Bonner, *Weakness and Deceit: America and El Salvador’s Dirty War*; OR Books, 2016.

had previously asked in a letter to President Carter that the administration interrupt the flow of aid to El Salvador, as it would only have the effect of deepening the repression.⁶⁵ The Carter administration, nevertheless, pursued the path of funneling aid and promoting reform by clinging to Duarte, who was given the newly created position of president of what by December 1980 had become the fourth *Junta* since the bloodless coup of October 1979.⁶⁶ However, lacking allies in the military and public support, the Christian Democrats ended up presiding over levels of terror and repression that echoed the 1932 *matanza*. Duarte himself would write in his memories:

“No one seemed to be in control, neither the Junta, the security forces nor the leftists. The Army officers were fighting among themselves.... They had staged a coup, but they could not control the Army or the government. Nor did the government control them. [After October 1979] there was a power vacuum.”⁶⁷

While the government-backed repression continued to smother the opposition, the Salvadoran left moved towards the creation of a united front, a process which, however, was not exempt from setbacks. In April 1980, the groups that had been excluded from the government reunited in a leftist political entity, the Democratic Revolutionary Front (*Frente Democrático Revolucionario*, FDR), which included Guillermo Ungo (who had served as vice-president in the 1972 coalition with Duarte), and moderate members of the Christian Democrats. The FDR ran on a platform that emphasized the impossibility to achieve democracy and reform so long as military-hard liners controlled the government and smothered opposition through death squad activity.⁶⁸ The FDR soon took part to a formal alliance with the Farabundo Martí National Liberation Front (*El Frente Farabundo Martí para la Liberación Nacional*, FMLN), an “umbrella group” which (with Cuba’s mediation⁶⁹) managed to reunite El Salvador’s guerrilla groupings that had operated separately since the denial of Duarte’s presidency in 1972. The FDR-FMLN coalition became the major political opposition in the country, and in 1981 it

⁶⁵ Letter from Archbishop Oscar Romero to President Jimmy Carter, February 17, 1980, El Salvador <https://static1.squarespace.com/static/52a5d70ce4b05998c3897aa5/t/555ce119e4b0e946820fcb02/1432150297174/Romero%E2%80%99s+Letter+to+President+Carter.pdf> last accessed 23 May 2019.

⁶⁶ M. Diskin, K.E. Sharpe, “El Salvador”, p. 56; R. Crandall, *The Salvador Option*, p. 129.

⁶⁷ J. N. Duarte, as cited in R. Crandall, *The Salvador option*, p. 129.

⁶⁸ M. Diskin, K.E. Sharpe, “El Salvador”, p. 58.

⁶⁹ W. M. Leogrande, “Cuba”, in M. J. Blachman, W. Leogrande, K. Sharpe, (eds.), *Confronting Revolution*, p. 236.

obtained recognition as a representative political force by the Mexican, French, Dutch, and Spanish governments, as well as from some European Social Democratic parties.⁷⁰ In the latter half of 1980 repression escalated and severely undermined the FDR: in November 1980, six FDR leaders were summarily executed after being dragged out of a meeting in a Jesuit high school. Deprived of any chance of open political activity, the opposition turned its efforts to organizing guerrilla activity with the support of Cuba, which – up until this time – had been avoiding any major involvement in El Salvador in order not to interfere with American-Nicaraguan relations and to avert the threat of precipitating the situation of the whole Central American conflict.⁷¹ Yet, events in the US contributed to accelerate an already tumultuous situation in Central America. During the US election campaign, Reagan’s tough rhetoric and call for reasserting America’s military role alarmed the Salvadoran guerrilla, Cuba, and the Sandinistas in Nicaragua, who up until that time had been cautious about a Nicaraguan involvement in the neighboring country.⁷² In a last effort to present the incoming US president with a *fait accompli*, the FDR-FMLN coalition persuaded Cuba and Nicaragua that the timing was crucial to overthrow the Salvadoran government, and began planning a “final offensive” which relied on Nicaraguan and Cuban aid. In the last week of the Carter administration, CIA intelligence reports presented evidence of Nicaraguan support to the Salvadoran guerrilla, and Carter was recommended to suspend aid to the Sandinista government in Nicaragua. The final offensive launched on 10 January 1981, however, failed due to a variety of factors: poor level of organization within the newly-united revolutionary front, lack of guerrilla allies in San Salvador that could trigger a general insurrection against the government, and the failure of the guerrilla leadership to understand that among the civilians few saw revolution as the only viable option.⁷³ Despite its failure, the FDR-FMLN offensive reopened the debate over US aid for El Salvador, which had been suspended as a result of the charges of rape and murder of

⁷⁰ M. Diskin, K.E. Sharpe, “El Salvador”, pp. 58; R. Crandall, *The Salvador Option*, p. 66; W. M. Leogrande, *Our Own Backyard*, p. 47; T. Karl, “Mexico, Venezuela, and the Contadora Initiative”, in M. J. Blachman, W. Leogrande, K. Sharpe, (eds.), *Confronting Revolution*, p. 276.

⁷¹ W. M. Leogrande, “Cuba”, p. 237.

⁷² M. Diskin, K.E. Sharpe, “El Salvador”, pp. 58; W. M. Leogrande, “Cuba”, p. 237; W. M. Leogrande, *Our Own Backyard*, p. 68; Brian d’Haeseleer, *The Salvadoran Crucible*, pp. 151-152.

⁷³ M. Diskin, K.E. Sharpe, “El Salvador”, pp. 58; R. Crandall, *The Salvador Option* p. 178;

four American churchwomen by the Salvadoran Security Forces in December 1980.⁷⁴ The Salvadoran's army dire time in weathering the offensive and the evidence of increased arms flows from abroad ultimately led to the approval over the resumption of non-lethal military aid on 13 January 1981⁷⁵. The NSC approved additional \$5.9 million of lethal aid on the following day. The human rights bureau had been excluded from the meeting in which military aid was discussed on the final day of 1980, thus indicating the fact that 'the conditions upon which the phased resumption of military assistance was to be authorized have not been met'.⁷⁶ In order to accelerate the process, Carter invoked Section 506(a) of the Foreign Assistance Act, which enabled him to send aid without Congressional approval, thus setting a precedent for Ronald Reagan.⁷⁷

According to R. Bonner, the administration, unable to prove whether assistance was needed to defeat the guerrilla, needed to find a complementary pretext – which was, probably, engineered within the White House. On 14 January 1981, Ambassador R. White declared that there was evidence of Nicaraguan, Soviet, and Chinese involvement in the support of the insurgency, and that "this changes the nature of the insurgency movement here, and makes it clear that it is dependent on outside sources... We cannot stand idly by and watch the guerrillas receive outside assistance."⁷⁸ The case, albeit weak and flawed in its construction, hit hard on the media and provided strong evidence for the continuation of US support to the Salvadoran government.

2. Containment vs. Rollback

After the torch passed to the new US president, El Salvador increasingly rose to the top of the administration's concerns, giving way to a bitter policy debate to address the Salvadoran turmoil.

When Reagan came into office on 20 January 1981, he inherited Carter's last-minute draft plans for El Salvador, including a ten million program of military aid to the

⁷⁴ J. Coatsworth, "The Cold War in Central America", p. 208; M. Diskin, K.E. Sharpe, "El Salvador", p. 58; B.d'Haeseleer, *The Salvadoran Crucible*, p. 51.

⁷⁵ Memorandum from the President from Secretary of State Edmund S. Muskie, 8 January 1981, "Security assistance to El Salvador"; "Carter Decides to Resume Military Aid to El Salvador", *The Washington Post*, 14.1.1981, available at <https://www.nexis.com/docview/getDocForCuiReq?lni=3S8G-DT10-0009-W281&csi=280434&oc=00240&perma=true>, last accessed June 2019.

⁷⁶ Patt Derian, Assistant Secretary of State for Human Rights and Humanitarian affairs, as cited in R. Bonner, *Weakness and Deceit*, pos. 4716.

⁷⁷ W. M. Leogrande, *Our Own Backyard*, p. 70; R. Bonner, *Weakness and Deceit: America and El Salvador's Dirty War*; OR Books, 2016, pos. 4761.

⁷⁸ R. White, as cited in R. Bonner, *Weakness and Deceit*, pos. 4785.

Salvadoran armed forces, a set of documents linking communist weapon shipments to Salvadoran guerrillas, and a plan to send additional military advisers to the Central American country in order to prevent a communist takeover and help in the conduct of the counterinsurgency.⁷⁹ The issue of sending US advisers to El Salvador had already been raised earlier in 1980, when the US ambassador to El Salvador, Frank Devine, had been recalled to Washington and temporarily replaced by Deputy Assistant Secretary of State James Cheek.⁸⁰ While Cheek was filling in, in the wait of Robert White's confirmation by the US Senate as the new ambassador, he succeeded in thwarting an attempted coup by rightist officers by promising new military aid to the military, provided they remained loyal. After he went back to Washington, Cheek started arguing about the need to deploy military advisory teams to the country. At that time, White's stark opposition and threats to resign helped abandoning the plan.⁸¹ Nevertheless, the Pentagon stuck to the idea of sending US additional advisers to El Salvador. After having announced the dispatch of two teams of advisers as part of the aid plan approved at the beginning of January⁸², on 19 January 1981, the senior US military commander in El Salvador, Colonel E. Cummings, presented White with a cable requesting seventy-five military advisers, and he said he had been instructed to do so by the Pentagon. White, who ignored the existence of discussions over such a dramatic increase, denied authorization, but the advent of Ronald Reagan at Capitol Hill would eventually win over the determined ambassador.⁸³

⁷⁹ "El Salvador: Where Reagan Draws the Line", *The Washington Post*, 9.3.1981, available at <https://www.nexis.com/docview/getDocForCuiReq?lni=3S8G-DHD0-0009-W30M&csi=280434&oc=00240&perma=true>, last accessed May 2019; R. Bonner, *Weakness and Deceit*, pos. 4763.

⁸⁰ The Carter administration decided to replace Devine in an attempt to implement their strategy towards the Salvadoran regime. The White House wanted to continue support for the junta in order to foster reforms and rebuild a political centre, and it appointed ambassador Robert White (former ambassador to Paraguay), who had already shown particular interest in pressing for human rights improvement during his service in Paraguay. See W. M. Leogrande, p. 43; R. Crandall, p. 155.

⁸¹ W. M. Leogrande, *Our Own Backyard*, pp. 44-45.

⁸² The Pentagon had already sent a team of advisers to El Salvador in October 1980. Their existence was kept secret until December of the same year, and their presence was justified as part of a counterinsurgency operation code-named "Golden Harvest". See R. Bonner, *Weakness and Deceit*; W. M. Leogrande, *Our Own Backyard*, p. 45.

⁸³ R. Bonner, *Weakness and Deceit*, pos. 4853; "Baker supports added advisers for El Salvador", *The New York Times*, 26 February 1981, <https://www.nexis.com/docview/getDocForCuiReq?lni=3S8G-G3F0-000B-Y4FR&csi=237924&oc=00240&perma=true>, last accessed June 2019; "Arms Aid and Advisers: Debating the New Policy in El Salvador", *The New York Times*, 8 March 1981, <https://www.nexis.com/docview/getDocForCuiReq?lni=3S8G-G1Y0-000B-Y132&csi=237924&oc=00240&perma=true>, last accessed June 2019.

As already exposed, the Central American area was perceived as a major priority since the very beginning of the Reagan presidency, but it soon became the bone of contention among both key figures of the administration and the Democratic opposition in the Congress. As Constantine C. Menges, Special Assistant to the President for National Security Affairs from 1983-1986 states,

Throughout his administration, Ronald Reagan has been fighting a policy battle over Central America. The public knows his usual opponents: those Democrats in the Congress who year after year have disagreed with him about the seriousness of the communist takeover threat in Central America and – if that occurred – potentially in Mexico as well. What the public does not realize, however, is that some members of the president’s own foreign policy cabinet have also acted against his policy decisions on Central America. Believing their good intentions, they have conducted an invisible campaign to pursue their own foreign policy agenda, in Central America and elsewhere.⁸⁴

The internal schism in the administration opposed self-described hard-liners, who viewed military intervention in the region as the only way to handle the crisis, and pragmatists who favored a diplomatic compromise over a potentially dangerous US military involvement. Among the former were National Security officials who advocated the need to push containment of communism towards a further level, namely, the rollback of communism through means of both overt and covert U.S. military effort. Foreign policy professionals, on the other hand, generally saw the rollback solution as dangerous and too costly in both material and political terms.⁸⁵ Such division on doctrinal standpoints also reverberated into foreign policy as regarding Nicaragua, where in 1979 the Sandinista National Liberation Front (*Frente Sandinista de Liberación Nacional*, FSLN) overthrew the Somoza regime. Cleavages ran also over the importance key administration staff members attributed to single countries in Central America in the broader context of a Cold War struggle in the Third World. In a NSC meeting on “Strategy toward Cuba and Central America”, Reagan’s administration discussed a variety of options regarding country-specific policy and priority. The American UN ambassador, Jeane Kirkpatrick, stressed the importance to focus on El Salvador, Guatemala and Honduras by means of covert actions and proxy in the

⁸⁴ C. C. Menges, *Inside the National Security Council: the True Story of the Making and Unmaking of Reagan’s Foreign Policy*, Touchstone, 1989, p. 94.

⁸⁵ W. M. Leogrande, D. C. Bennett, M. J. Blachman, K. E. Sharpe, “Grappling with Central America: from Carter to Reagan”, in M. J. Blachman, W. M. Leogrande, K. Sharpe (eds.), *Confronting Revolution*, p. 312.

region.⁸⁶ On the other hand, the Director of the Central Intelligence Agency (CDI), William Casey, identified Nicaragua as the area from which to ‘wage war to the Soviet Union’.⁸⁷ In the case of Nicaragua, foreign policy divergences on the best strategy to implement – simple containment or overthrow of the Sandinistas – produced a schizophrenic and ambiguous foreign policy due to the fact that the objectives lying behind it were not completely shared from the members of the administration. El Salvador was a relatively easier matter as the common objective was that of defeating the Salvadoran rebels, and differences remained confined to the tactical level.⁸⁸

There was also another predominant matter to be taken into consideration. In the case of El Salvador, the US plans of preventing the left from coming to power had their basis in the support of the “legitimate” government in the country. In the case of Nicaragua, on the other hand, the design to overthrow the Sandinistas meant the overthrow of the legitimate government of the country, which under international law entailed a completely different set of problems. Secretary of Defense Weinberger agreed on the nature and seriousness of the problem, but he excluded any rushed unilateral use of force, and called for a step by step approach.⁸⁹

On the whole, Reagan and the White House staff’s general initial inclination towards a cautious approach to the situation in El Salvador and in Central America hardly attuned to Secretary of State Alexander Haig’s more direct and decisive line, according to which the new administration should have made the Salvadoran theatre a test case of its determination to roll back Soviet expansionism. As H. Johnson describes him, Alexander Haig was “an anomaly among the Reaganites, an outsider among the key insiders, and viewed with suspicion by them.”⁹⁰ He shared Reagan’s distrust of communism, but Haig’s view was focused particularly on what he saw as the pivotal role of Cuba in the broader Central American struggle. In a self-taught lesson drawing from the Vietnam experience, the Secretary of State believed in the need to “go to the source” when confronted with guerrilla war. In the case of the war in El Salvador – which he conceived as part of the same ideological struggle that brought Castro to

⁸⁶ “Strategy towards Cuba and Central America”, NSC meeting, 10 November 1981, <https://www.thereaganfiles.com/19811110-nsc-24.pdf>, accessed 24 May 2019.

⁸⁷ B. d’Haeseleer, *The Salvadoran Crucible*, pp. 165-166.

⁸⁸ W. Leogrande, “Rollback or Containment? The United States, Nicaragua, and the Search for Peace in Central America”, *International Security*, 1986, vol. 11, No. 2, pp. 89-120.

⁸⁹ “Strategy towards Cuba and Central America”, NSC meeting, 10 November 1981.

⁹⁰ H. Johnson, *Sleepwalking through History*, p. 255.

power – the source was identified in Cuba.⁹¹ The Secretary of State believed that “the problem with Nicaragua was Castro, and the problem with Castro was Moscow – he was a proxy for the Soviet Union”, a view that suggested a potential new role for Cuba as a site to demonstrate the administration’s commitment to rolling back the borders of Communism.⁹² In his individual conception of a foreign policy strategy to tackle the communist threat in Central America, Haig told his counsellor McFarlane in the spring of 1981 to put together “a band of brothers” from CIA, the Defense and the White House to devise a strategy for toppling Castro. The group⁹³ concluded that, because of the immense resources required for a naval and aerial blockade of Cuba, the Haig strategy was not a sensible thing to try, causing Haig’s outburst of rage at a staff meeting.⁹⁴

This position over the unwise character of Haig’s proposal was also endorsed by Secretary of Defense Caspar Weinberger, who had a clear view on the appropriate use of military power by a democracy in the aftermath of the Vietnam War, believing that it was too dangerous for the U.S. to be drawn into conflict by political commitments. His conception of the Reagan military build-up as a means of preserving peace rather than conducting war supported his opposition to any commitment of U.S. troops in pursuit of diplomatic and political objectives both in Central America and the Middle East.⁹⁵ In a 1984 speech that outlined the “Weinberger Doctrine”, the Secretary of Defense reiterated his conception of the use of combat forces abroad:

“...the outcome of decisions on whether -- and when -- and to what degree -- to use combat forces abroad has never been more important than it is today. While we do not seek to deter or settle all the world’s conflicts, we must recognize that, as a major power, our responsibilities and interests are now of such scope that there are few troubled areas we can afford to ignore. So we must be prepared to deal with a range of possibilities, a spectrum of crises, from local insurgency to global conflict. We prefer, of course, to limit any conflict in its early stages, to contain and control it -- but to do that our military forces must

⁹¹ W. Leogrande, *Our own Backyard*, p. 82; H. Johnson, *Sleepwalking through History*, p. 255; W. M. Leogrande, D. C. Bennett, M. J. Blachman, K. Sharpe, “Grappling with Central America”, 312.

⁹² A. Haig, as cited in L. Schoultz, *That Infernal Little Cuban Republic: the United States and the Cuban Revolution*, University of North Carolina Press, 2011, pp. 368-369.

⁹³ The team included Nestor Sanchez, then Director of Central Intelligence Agency (CIA) William Casey’s deputy for Latin America; Francis West, assistant Secretary of Defense for international security affairs; General Paul Gorman, assistant to the Joint Chiefs of Staff.

⁹⁴ L. Cannon, *President Reagan*, p. 299-302.

⁹⁵ *Ibidem*; L. Schoultz, *That Little Infernal Cuban Republic*, p. 367.

be deployed in a timely manner, and be fully supported and prepared before they are engaged, because many of those difficult decisions must be made extremely quickly.”⁹⁶

For most of 1981 three members of the White House Staff – James Baker, Edward Meese, and Mike Deaver – managed to dominate administration decision-making with an eye to the public mood and with the aim to avoid any action that might alter it in the President’s disfavor.⁹⁷ The trio’s top priority at this stage was that of securing bipartisan support for Reagan’s economic program, thus succeeding in winning presidential agreement on a three-week delay over a State Department “White Paper” that would provide evidence of the chain of Soviet-Cuban-Nicaraguan support for the Salvadoran guerrillas.⁹⁸ At this stage the debate over how to handle the situation in El Salvador dragged on inconclusively because of the failure to establish a clear consensus among the principal advisers, which led to Reagan’s deferral of the decision.⁹⁹ This was a recurring pattern during the Reagan presidency. As Lou Cannon, the most prolific biographer of Ronald Reagan, and Secretary of Treasury from 1981 to 1985 Donald Regan both observe, such inconclusiveness over foreign policy decisions was largely due to the President’s distaste for choosing between contradictory options advanced by key members of his cabinet and to Reagan’s own inability to evaluate the best out of the options we has presented. This, in turn, was rooted in Reagan’s lack of interest and knowledge about government dynamics, which eventually gave way to the individual paths pursued by some of the administration officials during the decade.¹⁰⁰

In the midst of the temporary stalemate on the plans for El Salvador, Secretary of State Alexander Haig had been working to make clear that the new administration would pursue a tougher line than that of Carter’s against any communist attempt to U.S. security in the Third World, establishing the resistance to “international terrorism” as one of the main concerns for the Reagan administration from as early as his first press conference on 28 January, 1981.¹⁰¹ In order to avoid the loss of what he perceived as a

⁹⁶ Statement by Secretary of Defense Weinberger at National Press Club, 28 November 1984, <http://insidethecoldwar.org/sites/default/files/documents/Statement%20by%20Secretary%20of%20Defense%20Weinberger%20at%20National%20Press%20Club,%20November%2028,%201984.pdf>, accessed 23 May 2019.

⁹⁷ W. Leogrande, *Our Own Backyard*, p. 84; R. Crandall, *The Salvador Option*, p. 218.

⁹⁸ L. Cannon, *President Reagan: the Role of a Lifetime*, pp. 298.

⁹⁹ W. Leogrande, *Our Own Backyard*, p. 85.

¹⁰⁰ L. Cannon, *President Reagan: the Role of a Lifetime*, pp. 293-294.

¹⁰¹ “Excerpts from Haig’s Remarks at his First News Conference as Secretary of State”, *The New York Times*, 29.1.1983, available at <https://www.nytimes.com/1981/01/29/world/excerpts-from-haig-s->

golden opportunity for the U.S., Haig in mid-February began what Patt Derian, Carter's human rights specialist, had called a "political blitzkrieg" that could give full support to his conception of El Salvador as a sensible Cold War hot spot, regardless of the position of other prominent U.S. officials in the administration.¹⁰² Haig's assault was supported by a State Department White Paper, *Communist Interference in El Salvador*, released on 23 February 1981. The document presented "definitive evidence" of indirect armed aggression by Communist powers, providing a detailed list of countries that had allegedly taken part in the campaign to arm the leftist guerrilla in El Salvador. The list included Vietnam, Ethiopia, Bulgaria, Czechoslovakia, East Germany, and the Soviet Union. The White Paper also included photos and lists of weapons which had reportedly been dispatched to El Salvador, as well as a detailed chronology of the steps that led to the "final offensive" of January 1981. The document presented the evidence in a rather apodictic way, qualifying the information provided as "incontrovertible".¹⁰³ In an effort to rally support for the U.S. policy on El Salvador, briefing teams armed with the White Paper were dispatched to Western Europe and Latin America, but despite accepting the evidence provided, the allies were unwilling to endorse what at the time was still an undefined conclusion on behalf of the U.S., with concerns that the U.S. might try to "dictate foreign policy".¹⁰⁴

While the White Paper failed to gather clear-cut support from allies at the international level, it nevertheless succeeded in producing the desired effect both on Congress and the domestic press. Support and acceptance of the Paper was expressed by members of the Democratic party such as the leader of House Majority Jim Wright [D-Tex], who claimed that "a bipartisan approach to Central America would be required and obtained on behalf of the administration in the light of the alarming situation in El Salvador."¹⁰⁵

[remarks-at-first-news-conference-as-secretary-of.html](#), last accessed June 2019; "El Salvador: Where Reagan Draws the Line", *The Washington Post*, 9.3.1981.

¹⁰² W. Leogrande, *Our Own Backyard*, pp.84-86; "El Salvador: Where Reagan Draws the Line", *The Washington Post*, 9.3.1981; R. Bonner, *Weakness and Deceit*, pos. 5371; R. Crandall, *The Salvador Option*, p. 221.

¹⁰³ U.S. Department of State, *Communist Interference in El Salvador* (Special Report No. 80), Bureau of Public Affairs, Washington D.C., available at <https://www.cia.gov/library/readingroom/docs/CIA-RDP85M00363R001403210042-9.pdf>, last accessed June 2019.

¹⁰⁴ "Europe and El Salvador", *The New York Times*, 21.2.1981, available at <https://www.nytimes.com/1981/02/21/world/europe-and-el-salvador-news-analysis.html>, last accessed June 2019.

¹⁰⁵ J. Wright, as cited in W. Leogrande, *Our Own Backyard*, pp.87-89; R. Crandall, *The Salvador Option*, p. 222.

The press took the White Paper at face value and journalists relied upon it in their articles with little regard for the documentation supporting the document. After some initial critique by John Dinges at the Pacific News Service, the *Wall Street Journal* and the *Washington Post* began to take a closer look at the White Paper argument. This eventually proved the White Paper to be a “selling” document.¹⁰⁶ Nevertheless, the timing of the White Paper clouded its actual reliability and gave Haig the key to drive the policy towards the direction he sought from the very beginning.¹⁰⁷

3. The policy towards El Salvador and the WPR

In the wake of the White Paper disclosure, the US foreign policy towards El Salvador became increasingly more aggressive. Following the Haig line was Roger Fontaine, former member of the Committee of Santa Fe and the new Director of the Latin America Affairs Directorate, National Security Council, who agreed on the need to place El Salvador among the top administration priorities and increase the U.S. counterinsurgency (COIN) effort to improve the Salvadoran military’s performance, which at the time was in a dire situation.¹⁰⁸ Moreover, some members of the administration had plans to increase the U.S. personnel in El Salvador from approximately twenty-five to fifty-four. On 27 February 1981, additional military advisers were assigned to El Salvador as part of the new NSC-sponsored policy for the country, which comprehended the approval of \$25 million in military aid. Following the Carter “precedent”, \$20 million of these funds were to be sent immediately and without congressional approval under the President’s special emergency powers granted by the Foreign Assistance Act of 1961, section 506(a).¹⁰⁹

Such tendency to resort to unilateral decision-making as a means to override the Congress would constitute another regular pattern of the Reagan Presidency. On 9 March 1981 Reagan signed a Presidential Finding devised by CIA director William Casey, “pursuing to section 662 of the Foreign Assistance Act of 1961” and pertaining to Central America. The finding authorized CIA operations with the stated purpose to

¹⁰⁶ R. Crandall, *The Salvador Option*, p. 221.

¹⁰⁷ W. Leogrande, *Our Own Backyard*, pp.87-89; R. Crandall, *The Salvador Option*, p. 220; R. Bonner, *Weakness and Deceit*, pos. 5385-5387.

¹⁰⁸ Brian d’Haeseleer, *The Salvadoran Crucible*, p. 151.

¹⁰⁹ W. Leogrande, *Our Own Backyard*, pp.87-89; R. Crandall, p. 216; R. Bonner, *Weakness and Deceit*, pos. 5661.

“provide all forms of training, equipment and related assistance to cooperating governments through Central America in order to counter foreign-sponsored subversion and terrorism...[section unavailable]...Encourage and influence foreign governments around the world to support all of the above objectives.”¹¹⁰

According to William Leogrande, the overall package of military aid to El Salvador was crafted in a way that could accommodate domestic opposition: the appropriations were substantially below the level the Pentagon thought necessary to put an end to conflict. As part of this effort of taming political concerns, the advisers – now amounting to fifty-four in El Salvador – were given instructions that prohibited them from entering combat zones.¹¹¹ The most controversial aspect of the El Salvador program resided in the increase in the number of stationed advisers. This expansion entailed potential dangers: by increasing U.S. military personnel in El Salvador, and thus bringing Americans closer to an involvement in combat, the Congress might be provoked into invoking the War Powers Resolution.¹¹² Duarte himself would warn the Reagan administration that increasing the number of advisers bore the risk of turning the Salvadoran conflict into “America’s War”¹¹³. Nevertheless, the Salvadoran leader would soon be requesting further aid to confront the FMLN’s swelling military strength.¹¹⁴

While the U.S. proceeded in providing financial aid and deploying additional military advisers to El Salvador, the Congress began debating the decision in the light of the ever-present Vietnam experience, confirming Weinberger’s clear-headed assessment according to which “you can’t fight Congress and public opinion and an enemy at the same time. That’s why Vietnam was the crime of the century.”¹¹⁵ From the very beginning of the Salvadoran endeavor in the 1980s, The Salvador-Vietnam association spread quickly in the American press, which compared the sending of military advisers to the country with the opening phase of the American build-up in Vietnam in the early

¹¹⁰ “Finding Pursuant to Section 662 of the Foreign Assistance Act of 1961, As Amended, Concerning Operations Undertaken by the Central Intelligence Agency in Foreign Countries, Other Than Those Intended Solely for the Purpose of Intelligence Collection”, available at https://www.brown.edu/Research/Understanding_the_Iran_Contra_Affair/documents/d-nic-5.pdf, last accessed May 2019.

¹¹¹ W. Leogrande, *Our Own Backyard*, p. 90.

¹¹² B. d’Haeseleer, *The Salvadoran Crucible*, pp. 171-173.

¹¹³ J. N. Duarte, as cited in R. Crandall, *The Salvador Option*, p. 217.

¹¹⁴ *Ibidem*.

¹¹⁵ C. Weinberger, as cited in L. Cannon, *President Reagan: the Role of a Lifetime*, p. 301.

1960s.¹¹⁶ The Reagan administration struggled to avoid such parallelisms and designated the advisers as “trainers”, insisting on substantial differences between the US personnel in El Salvador and the US personnel stationed in Vietnam nearly two decades earlier.¹¹⁷ In an interview with CBS News reporter Walter Cronkite of 3 March 1981, Reagan was asked whether he saw any parallel between committing advisers and military assistance to El Salvador and the early stages the conflict in Vietnam. The President replied:

“...you use the term ‘military advisers’. You know, there’s sort of technicality there. You could say they are advisers in that they’re training, but when it’s used as ‘adviser’, that means military men who go in and accompany the forces into combat, advise on strategy and tactics. We have no one of that kind. We’re sending and have sent teams down there to train. They do not accompany them into combat. They train recruits in the garrison area... So, I don’t see any parallel at all.”¹¹⁸

Meanwhile the Democrats, heavily underpowered by their unexpected defeat in the 1980 campaign and fatally struck by the sudden loss of the Senate to the Republicans, had been taking a wary stance against Haig’s reassessment of U.S. foreign policy towards Central America. While accepting the fact – backed by the White Paper and acknowledged at the end of the Carter’s administration – that the Salvadoran guerrilla was getting outside aid, the liberals would not support the administration’s framing of the Salvadoran conflict into a Cold War struggle.¹¹⁹ Yet, their available space of maneuver was even more limited by the fact that the Congress was not needed for the approval of the Presidential decisions of late February; these decisions, moreover, were

¹¹⁶ Major Paul P. Cale, *The United States Military Advisory Group in El Salvador* <https://smallwarsjournal.com/documents/cale.pdf>, accessed 18 April 2019; See for example “Using El Salvador to Battle the Ghosts of Vietnam while Battling the Ghosts of Vietnam, *The Washington Post*, 1.3.1981, https://www.washingtonpost.com/archive/opinions/1981/03/01/using-el-salvador-to-battle-the-ghosts-of-vietnam-battling-the-ghosts-of-vietnam/54f004fb-a9cb-4fe6-bece-399b9513568b/?noredirect=on&utm_term=.b74d6177b574, last accessed June 2019; “Congress Mail Heavy on El Salvador Issue”, *The New York Times*, 26.3.1981, <https://www.nytimes.com/1981/03/26/world/congress-mail-heavy-on-el-salvador-issue.html>, last accessed June 2019; “U.S. Presence Grows in El Salvador: Advisers, Talks of Body Count Conjures Up Vietnam Ghosts”, *The Washington Post*, 18 March 1981, <https://www.nexis.com/docview/getDocForCuiReq?lni=3S8G-DG90-0009-W0PC&csi=237924&oc=00240&perma=true>, last accessed June 2019.

¹¹⁷ R. Bonner, *Weakness and Deceit*, pos. 5706.

¹¹⁸ Excerpts from an Interview with Walter Cronkite of CBS News, 3 March 1981, <https://www.reaganlibrary.gov/research/speeches/30381c>, last accessed June 2019.

¹¹⁹ “House Democrats Seeking to Limit Involvement by U.S. in El Salvador”, *The New York Times*, 1 March 1981, <https://www.nexis.com/docview/getDocForCuiReq?lni=3S8G-G2S0-000B-Y378&csi=237924&oc=00240&perma=true>, last accessed June 2019.

not bound to go through congressional review. The only weapon in the hands of the liberals was to hold hearings in order to gather evidence to oppose the administration line.¹²⁰

One of the most influential men for the opposition to the new administration policy was Robert White, former U.S. ambassador to El Salvador during the Carter presidency. During his service in the country, White was a strong advocate of the need to encourage moderation and reform by backing the FDR. The failure to grasp reality by shaping foreign policy through the assumption that the left had to be split, contained or excluded from the government was the spark that ignited the fuse of the events leading to the FDR-FLMN “final offensive” in early January.¹²¹ Moreover, as R. White had already pointed out in his cable describing the situation in El Salvador, the stubbornly trodden path of clinging to Duarte and the Christian Democrats as the only viable means to achieve reform in the country would begin to shape into a two-edged sword in that the U.S. – while dubbing the ruling *Junta* as moderate despite its decisive swing rightward – was actually backing the worsening repression. As a virtual confirmation of the American endorsement to the military regime in El Salvador, barely a week after Reagan’s inauguration, White was fired in the process of reorganizing the US administration toward a more hardline policy.¹²²

During testimony before three different committees, White warned that the aggressive stance of Reagan’s policy in his battle against Communism would have the counterproductive effect of authorizing the rightists in El Salvador to perpetrate violence and repression to smother the insurgent guerrilla, thus producing the resulting picture of the US supporting human right abuses.¹²³ The administration downplayed the alleged government abuses or tried to blame them on the guerrillas; such claims were eventually contradicted by international human rights organizations such as Americas Watch, Amnesty International, and the United Nations Human Rights Commission, which attributed the majority of noncombatant murders to the government.¹²⁴

¹²⁰ W. M. Leogrande, *Our Own Backyard*, pp. 90-91.

¹²¹ *Ibidem*; M. Diskin, K. Sharpe, “El Salvador”, pp. 58-60.

¹²² M. Diskin, K. Sharpe, “El Salvador”, pp. 58-60; R. Crandall, *The Salvador Option*, p. 218.

¹²³ W. M. Leogrande, *Our Own Backyard*, p. 92.

¹²⁴ *Ibidem*; R. Crandall, *The Salvador Option*, p. 218 “Where we disagree [with White] is where the immediate, principal threat is coming from. He seems to think it’s coming from the right. We think it’s coming from the leftist insurgents.

As previously mentioned, the decision to deploy additional military personnel to El Salvador was the most contentious because it inevitably brought to mind the Vietnamese quagmire. This in turn reflected into the public opinion: the feeling was confirmed in a series of Gallup polls taken from 1981 to 1983, showing that roughly two thirds of those aware of the events¹²⁵ in the Central American country thought it likely that it would turn into a situation like Vietnam.¹²⁶

And indeed, upon expressed concern by colleagues and some constituents over the applicability of the Resolution to El Salvador, William S. Broomfield, the ranking Republican on the House Foreign Affairs Committee and its Subcommittee on International Security and Scientific Affairs, raised some questions on the matter to the State Department. The Pentagon, aware of the chance that the issue of the advisers might raise concern, had cautiously engineered the rules of engagement with the aim to minimize the risk of triggering the War Power Resolution, which would give the Congress the right to review and approve the deployment.¹²⁷ The Department answered that the War Powers Resolution did not apply to the situation in El Salvador – therefore excluding the need for the President to report the authorization to increase U.S. military advisers to the Congress – as “the U.S. personnel in El Salvador are not being introduced into hostilities or a situation where their involvement in hostilities is imminent”¹²⁸. In case of a change in the future circumstances tilting the situation towards an involvement in potential hostilities, the answer continued, the State Department would comply with the provisions of the resolution. Moreover, the Department reminded that “section 4(a)2 of the War Powers Resolution requires the president to notify the Congress within 48 hours after the introduction into foreign territory of U.S. Armed Forces while equipped for combat”¹²⁹. The justification for the

¹²⁵ According to the information gathered by R. Sobel in his article “*Public Opinion About United States Intervention in El Salvador and Nicaragua*”, knowledge of details about Central America is limited. Moreover, as Leogrande noted “The event-driven nature of polling means that data are typically collected during extraordinary times. Base levels may never be identified, and long lags between surveys occur in calm periods [...]. Problems with longer time series, such as knowledge filters on contra aid and Vietnam-syndrome questions (Gallup series, April 1983-September 1987) and different wordings (Harris series, August 1983-July 1987) complicate the tracking of trends”.

¹²⁶ R. Sobel, “Public Opinion About United States Intervention in El Salvador and Nicaragua”, *The Public Opinion Quarterly*, Vol. 53, No.1 (Spring, 1989), pp. 114-128.

¹²⁷ W. Leogrande, *Our Own Backyard*, p. 94.

¹²⁸ *Congressional Record*, March 5, 1981, p. 3743, available at <https://www.govinfo.gov/app/details/GPO-CRECB-1981-pt3/GPO-CRECB-1981-pt3-8>, last accessed June 2019.

¹²⁹ *Ibidem*.

absence of a Presidential report on the matter would reside in the fact that the U.S. personnel in El Salvador would only carry personal side-weapons for purpose of self-defense or defense of other Americans.¹³⁰ John Bushnell, a State Department official, would later claim during Congressional testimony:

“We don't have anyone in El Salvador that is going out on missions with Salvadoran forces. All the people that we have are technicians or trainers who are doing a back-up job, teaching them to use helicopters, repair helicopters, make plans, this sort of thing.”¹³¹

As evidence collected in the following years proved, such claim had the only purpose of reassuring the opponents of Reagan's policy towards El Salvador. As a matter of fact, a later report issued by the General Accounting Office (GAO) in July 1982 actually questioned the position of the Department of Defense on the grounds that it was partially based on the representation that the military personnel would not receive hostile fire pay. In fact, evidence collected during the GAO investigation led to the representation of a different story. According to the report,

“a request to designate El Salvador as an “hostile fire area” was approved in early 1981 and then reversed to avoid the impression that the United States had combat forces in El Salvador. However, we found that HFP has been paid to most of the U.S. Army personnel in El Salvador. The continuous nature of these payments indicates that DOD virtually treats El Salvador as a hostile fire area.”¹³²

What's more, the military advisers stationed in El Salvador would not exclude a direct involvement in combat, as one of them claimed in an interview in early March 1981: “We're not to get involved in any fighting activity unless it is self-defense...But if I see one of my members is about to get killed or something I'm going to take some action.”¹³³ Throughout 1982, American military advisers were reportedly seen carrying M-16 automatic rifles – which the State Department rules of engage forbade – in

¹³⁰ *Ibidem*.

¹³¹ State Department, *American Foreign Policy Current Documents*, 1981 (Washington: Dept. of State, 1981), 1258 in B. d'Haeseleer, *The Salvadoran Crucible*, cit., p. 173; “Administration, Catholic Hierarchy Clash on U.S. Role in El Salvador”, *The Washington Post*, 6 March 1981, <https://www.nexis.com/docview/getDocForCuiReq?lni=3S8G-DHV0-0009-W3TG&csi=237924&oc=00240&perma=true>, last accessed June 2019.

¹³² “Applicability of Certain U.S. Laws that Pertain to U.S. Military Involvement in El Salvador”; Untitled, *The Associated Press*, 29.7.1982, available at <https://www.nexis.com/docview/getDocForCuiReq?lni=3SJ4-G260-0011-54J1&csi=280434&oc=00240&perma=true>, last accessed August 2019.

¹³³ “U.S. Advisers Warily Face the Press in El Salvador”, *The Washington Post*, 9 March 1981, <https://www.nexis.com/docview/getDocForCuiReq?lni=3S8G-DH90-0009-W2SR&csi=237924&oc=00240&perma=true>, last accessed June 2019.

combat zones; by 1983, one of the advisers would say that their job was impossible to do without entering areas at risk.¹³⁴

In addition to that, despite the informal limit of fifty-five advisers the Reagan administration agreed upon as a means to reassure the Congress, such limitation was honored only at a technical level. Salvadoran troops were trained both in the U.S. and in neighboring Honduras, where the U.S. dispatched about one hundred advisers at the beginning of 1982. Moreover, the limit was further circumvented by qualifying additional troops sent to El Salvador as Special Forces medics, which implied that they had nevertheless received elite combat training. As a correspondent from the *Washington Post* wrote in 1983, “If it were not for the Spanish that floats from the tents, this could be Vietnam.”¹³⁵ The administration arguments brought charges by Senator T. Eagleton, who had helped drafting the War Powers Resolution back in 1971 and claimed that Congress was being “snookered by the hair-splitting interpretations of the executive branch.”¹³⁶

On 1 May 1981, eleven members of the Congress filed suit to challenge the President’s decision to send additional military advisers to El Salvador on the grounds that he violated the Constitution, the War Powers Resolution, and the Foreign Assistance Act.¹³⁷ This constituted the first case of controversy over a presidential decision to

¹³⁴ See for example: “U.S. Tells Officer who Carried Rifle to Leave Salvador”, *The New York Times*, 14.2.1982, <https://www.nytimes.com/1982/02/14/world/us-tells-officer-who-carried-rifle-to-leave-salvador.html>, last accessed June 2019; “U.S. Military Advisers are Found in a Combat Zone in Salvador”, *The New York Times*, 24.6.1982, <https://www.nytimes.com/1982/06/24/world/us-military-advisers-are-found-in-a-combat-zone-in-el-salvador.html?auth=login-smartlock>, last accessed June 2019; “U.S. Advisers in Salvador: a Delicate Mission”, *The New York Times*, 26.5.1983, <https://www.nytimes.com/1983/05/26/world/us-advisers-in-salvador-a-delicate-mission.html>, last accessed June 2019.

¹³⁵ R. Bonner, *Weakness and Deceit*, pos. 5782-5795; “U.S. Raises the Total of Military Advisors in Honduras to 100”, *The New York Times*, 20.3.1982, <https://www.nytimes.com/1982/03/20/world/us-raises-the-total-of-military-advisors-in-honduras-to-100.html>, last accessed June 2019; “Green Beret Training Base in Honduras Looks ‘Just like...’Nam””, *The Washington Post*, 5.9.1983, https://www.washingtonpost.com/archive/politics/1983/09/05/green-beret-training-base-in-honduras-looks-just-like-nam/de3dae39-2b72-44c9-939f-db278bac2023/?utm_term=.69415d828e57 last accessed 1983.

¹³⁶ Senator T. Eagleton, as cited in “Once Again, Power Pendulum Swings Toward the Executive Branch”, *The New York Times*, 22 March 1981, <https://www.nytimes.com/1981/03/22/weekinreview/once-again-power-pendulum-swings-toward-the-executive-branch.html>, last accessed June 2019.

¹³⁷ “House Democrats File Suit to Stop U.S. aid to Salvador”, *The New York Times*, 2 May 1981, <https://www.nytimes.com/1981/05/02/world/around-the-world-house-democrats-file-suit-to-stop-us-aid-to-salvador.html>, last accessed June 2019; Untitled, *The Associated Press*, 12.2.1982, available at <https://www.nexis.com/docview/getDocForCuiReq?lni=3SJ4-JHJ0-0011-5560&csi=280434&oc=00240&perma=true>, last accessed August 2019.

deploy U.S. troops abroad since the WPR's enactment in 1973. The application of the War Powers Resolution to the presence of US military advisers in El Salvador was a delicate issue, as the term "hostilities" in the WPR framework lacks a clear definition and can therefore lead to a variety of possibly clashing interpretations.

The task of determining whether hostilities existed in the context of the deployment of U.S. troops in El Salvador lay with a Federal District court in *Crockett vs. Reagan*. The plaintiffs presented evidence of direct U.S. military involvement in El Salvador, supporting the suit with news articles that would picture U.S. armed forces fighting side by side with government troops against the Farabundo Martí National Liberation Front (FMLN). Moreover, the fact that the State Department reportedly accorded the advisers "hostile fire" pay would confirm the fact that the U.S. personnel actually was in a context of "imminent hostilities".¹³⁸ This, in turn, would domino-trigger the application of section 21(c) of the Arms Control Export Act, requiring a report to Congress in case of "significant hostilities" in a country hosting U.S. advisers.¹³⁹ The government, on the other hand, maintained that "the factual circumstances in El Salvador did not trigger the WPR as U.S. troops had not been introduced into hostilities or situations where imminent involvement in hostilities is clearly indicated by the circumstances."¹⁴⁰ To support their position, the defendants submitted the declaration of Lieutenant General Ernest Graves, Director of the Defense Security Assistance Agency, whose responsibilities included the administration and oversight of all security assistance programs conducted by the Department of Defense. Graves stated that the only function of the deployed U.S. personnel was that of training Salvadoran military personnel and that they had never accompanied military units on combat operations.¹⁴¹

On 4 October, 1982, U.S. District Court Judge Joyce Green dismissed the suit on the grounds that

"The factfinding that would be necessary to determine whether U.S. forces have been introduced into hostilities and imminent hostilities in El Salvador renders this case in its current posture nonjusticiable. The questions as to the nature and extent of the United States' presence in El Salvador and whether a

¹³⁸ "Most U.S. Troops in Salvador get Hostile Fire Pay", *The Washington Post*, 30.7.1982, available at <https://www.nexis.com/docview/getDocForCuiReq?lni=3S8G-FJR0-0009-W3K6&csi=280434&oc=00240&perma=true>, last accessed June 2019.

¹³⁹ Arms Control Export Act [Public Law 90-629].

¹⁴⁰ *Crockett v. Reagan*, 558 F. Supp. 893 (D.D.C. 1982), <https://law.justia.com/cases/federal/district-courts/FSupp/558/893/1809649/>, last accessed May 2019.

¹⁴¹ *Ibidem*.

report under the WPR is mandated because our forces have been subject to hostile fire or are taking part in the war effort are appropriate for congressional, not judicial, investigation and determination.”¹⁴²

As David Hall explains, the position of the *Crockett* Court as regarding Reagan’s decision to deploy additional U.S. advisers to El Salvador must be understood in the context of the political question doctrine. Historically, the judiciary has rarely inquired the question of presidential war power, and even when it had been called upon to do so, the courts have upheld the President.¹⁴³ The reason for this cautious approach can be retraced in the *Marbury vs. Madison* case of 1803. The question before the court was whether the Judiciary Act of 1789 could be invalidated by the Supreme Court because of his conflicting status with Article III of the Constitution.¹⁴⁴ The *Marbury* case was particularly significant because it raised issues of deep political consequence, highlighting the delicate distinction between law and politics.

Federalist John Adams, in the closing phase of his presidency, sought to reorganize the nation’s court system by means of the Judiciary Act of 1801. The Act established sixteen judgeships for six judicial circuits on the grounds of the Federalist argument of protecting the federal government against hostile state government.¹⁴⁵ Federalist judges were appointed for the newly-created positions, and the new President Thomas Jefferson sought to put limitations on the power of these so-called “Midnight Judges”. One of these, William Marbury, asked the Supreme Court to direct Jefferson’s Secretary of State James Madison to confirm his appointment as a justice of the peace for the District of Columbia, which Madison refused. Justice Marshall ruled that Madison’s refusal was illegal; nevertheless, because the provision of the 1789 Judiciary Act enabling *Marbury* to address the Supreme Court expanded the Supreme Court’s power beyond those granted by Art. III of the U.S. Constitution, Marshall concluded the Supreme Court could not act as asked by Marbury— while recognizing it as a proper way

¹⁴² *Ibidem*.

¹⁴³ D. L. Hall, *The Reagan Wars*, p. 81.

¹⁴⁴ *Ibidem*, p. 82. The 1789 Judiciary Act included a provision that purported to extend the Supreme Court’s original jurisdiction beyond the scope established by Art. III, sec. 2. As Hall explains, it is useful to remind that Article III of the U.S. Constitution establishes the power of the federal courts to resolve disputes, limiting such power to the determination of “cases... arising under this Constitution” and federal statutory law and “controversies” either involving the United States as a party or involving parties of diverse citizenship”. Art. III does not define the limits of the court’s judicial power and does not vest any of the branches of the government with the power to determine the scope of such power.

¹⁴⁵ “Landmark Legislation: Judiciary Act of 1801, Federal Judicial Centre, available at <https://www.fjc.gov/history/legislation/landmark-judicial-legislation-text-document-1>, last accessed June 2019.

to seek remedy.¹⁴⁶ Marshall ruled that a congressional act conflicting with the constitution was to be considered invalid, and that the power of deciding whether a conflict existed was vested in the Supreme Court: in so deciding, Justice Marshall claimed for the court the power of judicial review as a means to protect the separation of powers.¹⁴⁷

The decision of the *Marbury* Court bears significant importance in law-making history, as it clearly underlines the delicate distinction between law and politics. Chief Justice Marshall ruled that the Supreme Court retained the power to protect the separation of power to make sure that no branch exceeded its constitutional authority. One of the mechanisms serving this purpose is the prohibition against judicial resolution of political questions. Such self-imposed prohibition, crystallized as the “political question doctrine”, restrains courts from exceeding their mandate to decide cases and controversies when this might bear the risk of venturing into public disputes.¹⁴⁸ According to Hall’s analysis, this proves the fact that the judiciary is aware of the existence of an area of inquiry where the danger to interfere with the political will of the people is particularly tangible. Foreign policy decisions constitute perhaps the best example of political questions due to their inherent nature of executive decisions, which prevents the judiciary from having full access to the information required to analyze such cases.¹⁴⁹ This has turned into what the author calls “functional approach”¹⁵⁰ of the courts, characterized by the court’s tendency not to venture beyond the limits of their expertise in reaching constitutional issues, as the judiciary considers itself relatively incompetent to address foreign affairs. It was on these grounds that the *Crockett* Court considered the WPR controversy over the military advisers in El Salvador non-justiciable.

The fact that the WPR does not provide a clear-cut definition of the term “hostilities” triggers a variety of issues when it comes to interpretation of its provisions. First of all, the lack of a definition of the term, in the case of the deployment of additional military advisers to El Salvador, immediately rules out any chance for the courts to be involved in the fact-finding. The *Crockett* Court actually mentioned an hypothetical case

¹⁴⁶ “*Marbury v. Madison*” Oyez, www.oyez.org/cases/1789_1850/5us137, last accessed May 2019.

¹⁴⁷ A. Testi, *La Formazione degli Stati Uniti*, Il Mulino, Le Vie della Civiltà, 2003, p. 106.

¹⁴⁸ D.L. Hall, *The Reagan Wars*, pp. 83-86

¹⁴⁹ *Ibidem*.

¹⁵⁰ *Ibidem*, p. 87.

entailing ‘facts less elusive than these’¹⁵¹ that could enable the court to determine the existence of hostilities. The reference was to the Vietnam War, where the dramatic factual record of one million deaths inevitably pointed to the existence of hostilities. Short of comparable evidence to back the thesis of hostilities being in place in El Salvador at the time of the U.S. advisers’ deployment, a report under the WPR was judged as pertaining to congressional, as opposed to judicial, investigation and determination.¹⁵² Peter S. Michaels, on the other hand, contends that, if we consider the definition of hostilities as including “any situation where troops could possibly be subject to the hostile acts of enemy troops” – as indicated by legislative history – the presence of US troops in Salvador necessarily falls under this category.¹⁵³ Moreover, another problem deriving from the absence of clear evidence as regarding to a state of hostilities being in place is that the determination of the activation of the sixty-day “clock” when the President has not reported to Congress under the WPR has been considered dependent on Congressional action.¹⁵⁴

The issue presents even further difficulties: on the one hand, if Congress fails to act to invoke the WPR by means of a bill or resolution, such inaction, according the Court, might be interpreted as congressional consent to the President’s action. On the other hand, if Congress had required a report on the situation in El Salvador and if the U.S. forces stationed in the country for more than sixty days following the imposition of the reporting requirement, then the Court could have been requested to order the withdrawal of troops. This, in turn, would trigger a loophole on the matter of identifying whether hostilities exist in the first place.¹⁵⁵

Crockett v. Reagan gave further confirmation to the fact that, as Arthur Schlesinger wrote, “people generally raised constitutional questions when they disagreed with the policy, and few of these questions had precise or absolute constitutional answers”¹⁵⁶. Precisely because of the political nature of executive decisions in the domain of foreign

¹⁵¹ “Crockett v. Reagan”.

¹⁵² D. L. Hall, *The Reagan Wars*, p. 113

¹⁵³ P. S. Michael, “Lawless Intervention: United States Foreign Policy in El Salvador and Nicaragua”, *Boston College Third World Law Journal*, Vol. 7, Issue 2, Article 6, 5.1.1987, available at <https://lawdigitalcommons.bc.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1377&context=twlj>, last accessed August 2019.

¹⁵⁴ D. L. Hall, *The Reagan Wars*, p. 113; A. Rudalevige, *The New Imperial Presidency: Renewing Presidential Power After Watergate*, Ann Arbor, University of Michigan Press, 2005, p. 196

¹⁵⁵ *Ibidem*, p. 115.

¹⁵⁶ A. M., Schlesinger, *The Imperial Presidency*, Houghton Mifflin Company, 1973, p. 287.

policy, courts have generally declined undertaking intervention on the matter. Under the Ford and Carter presidencies, military initiatives were limited both in number and scope¹⁵⁷, but the Reagan presidency began an increasing use of presidential war powers which have tested, and revealed the flaws of, the War Powers Resolution. According to Louis Fisher, and David Gray Adler, such flaws ultimately undermined the purpose of limiting presidential discretion by granting the President new statutory authority to begin wars without congressional consent.¹⁵⁸ Senator Eagletown, one of the sponsors of the War Power Resolution, came to criticize the bill emerged from conference in that it “gives the President of the United States unilateral authority to commit American troops anywhere in the world, under any conditions he decides, for sixty to ninety days”¹⁵⁹ The War Powers Resolution, moreover, has been framed in such a way that the sixty-to-ninety days clock begins ticking only if the President reports under the specific Section 4(a)(1), something which Presidents have side-stepped by reporting “consistent with the War Powers Resolution” without explicitly citing the “triggering” provision.

What’s more, Justice Greens dismissed the plaintiffs’ charges of violation of the Foreign Assistance Act of 1961 on the grounds that Congress had taken no action to stop aid to El Salvador.¹⁶⁰ As a matter of fact, in December 1981, the International Security and Cooperation Act was signed into law. The Act was the result of concerted efforts by liberals in the Congress which began as early as March 1981, shortly after the military aid package for El Salvador was made public and after the State Department submitted its foreign aid budget for fiscal year 1982.¹⁶¹ The International Security and Cooperation act would link the continuation of US aid to El Salvador to periodical presidential reports, which had to certify that the government of El Salvador was making progress towards land reform, substantial control over its armed forces, and, more importantly, that it made “concerted and significant efforts to comply with

¹⁵⁷ President Ford used military force in the evacuation of Southeast Asia and in the *Mayaguez* capture, which was reported with an explicit reference to section 4(a)(1); President Carter used force in the attempted rescue of the American hostages in Iran.

¹⁵⁸ L. Fisher, D. G. Adler, “The War Powers Resolution: Time to Say Goodbye”, in *Political Science Quarterly*, vol. 113, No. 1 (Spring 1998), pp. 1-20, available at <https://www.jstor.org/stable/2657648>, last accessed June 2019; A. M. Schlesinger, *The Imperial Presidency*, p. 302.

¹⁵⁹ Sen. Eagletown, as cited in L. Fisher, D. G. Adler, “The War Powers Resolution: Time to Say Goodbye”.

¹⁶⁰ *Crockett v. Reagan*.

¹⁶¹ W. M. Leogrande, *Our Own Backyard*, p. 131.

internationally recognized human rights.”¹⁶² The first report was due thirty days after the enactment of the law and was submitted in January 1982. Even though it clashed with reports from both activist organizations and newspapers describing the excesses of the Salvadoran military, which began to appear at the end of January 1982, liberals in the House could not gather enough votes to defund or block the White House policy towards El Salvador.¹⁶³ Three months after the first, a second report was filed pursuant to the dispositions of the International Security and Cooperation Act. The court, despite conceding that a potential inquiry over such certification might detect “infirmities”, placed the plaintiffs’ dispute “primarily with their fellow legislators...who have accepted the President’s certifications.”¹⁶⁴

4. The debate in the media and public opinion and the a policy shift

The Reagan administration’s policy towards El Salvador would soon be confronted with the additional front of the American public. As a matter of fact, Congressional concerns about the deployment of additional military advisers to El Salvador were also shared by the public opinion, which was particularly apprehensive towards any military involvement that echoed – even remotely – the Vietnam years. Gallup polls results of late March 1981 showed that only half of the Americans familiar with the situation in El Salvador approved of the Administration’s policy towards the region, as it might lead to a deeper US involvement; moreover, only two percent of the polled public agreed on sending US troops to help the local government.¹⁶⁵ The public view that the US military presence in El Salvador could potentially lead to a greater escalation grew in the first few years of the guerrilla war: in March 1982, a *Newsweek* poll reported that seventy-four percent of the American public aware of the Salvadoran situation thought it likely that it could turn into the 1980s’ Vietnam. Protests and demonstrations, largely coordinated by the Committee in Solidarity with the People of El Salvador (CISPES)¹⁶⁶,

¹⁶² International Security and Cooperation Act of 1981 [Public Law 97-113] , sec. 728.

¹⁶³ R. Crandall, *The Salvador Option*, p. 257; W. M. Leogrande, *Our Own Backyard*, pp. 130-134.

¹⁶⁴ *Crockett v. Reagan*.

¹⁶⁵ C. Arnson, *Crossroads: Congress, the President, and Central America, 1976-1993*, Penn State University Press, 1993, p. 66; “Reagan Gets First Public Opinion Backlash – On Salvador Policy”, *The Washington Post*, 27.3.1981, https://www.washingtonpost.com/archive/politics/1981/03/27/reagan-gets-first-public-opinion-backlash-on-salvador-policy/cd2a73e0-56fa-4482-b91d-0e0aba695908/?utm_term=.283f787f5cb0, last accessed June 2019.

¹⁶⁶ The CISPES was founded in October 1980. According to its founding statements, the Committee declared its solidarity with the FDR-FLMN to “support the self-determination of the Salvadoran people”. See R. Crandall, pp. 240-241.

were staged across the United States during the first anniversary of the assassination of Archbishop Oscar Arnulfo Romero in March 1981, and continued beyond the decade, up until the formal end of the civil war in 1992.¹⁶⁷

Despite the Reagan administration's reassurances that El Salvador was different from Vietnam, the parallels were unquestionably alarming. In February 1982, Congressman Joseph Moakley expressed his personal concerns over the US military involvement in the Central American region in letter to President Reagan:

"...I am also terribly concerned over the fact that the United States military involvement in El Salvador has increased so rapidly. The parallels between our involvement in Vietnam and our present policy towards Salvador are uncanny. I am fearful that in the not too distant future we will see the first American soldier come home from El Salvador in a coffin."¹⁶⁸

After the deployment of the military advisers, the "slippery slope" of the unfolding events would provide further evidence to justify the claims about the Vietnam-El Salvador parallel. In January 1982, reports of a massacre in El Mozote relying on the testimony of three survivors began to appear in the press.¹⁶⁹ According to the survivors' statements, soldiers entered the village of El Mozote in late December 1981 and cold-bloodedly executed men, women, and children. Radio Venceremos, a FMLN-connected underground propaganda radio, broadcasted the first, terrible reports on the killings at the end of December. According to the reconstruction, evidence on the scene unequivocally linked the massacre to the Atlacatl Battalion, which reportedly signaled its presence in the village by drawing "A chalk skull...in the confessional along with an

¹⁶⁷ R. Crandall, *The Salvador Option*, p. 240; W. M. Leogrande, *Our Own Backyard*, p. 97; See for example: "Protests on Salvador Are Staged Across U.S." , *The New York Times*, 25.3.1981, <https://www.nytimes.com/1981/03/25/us/protests-on-salvador-are-staged-across-us.html>; "Thousands in Washington March to Protest U.S. Policy in El Salvador", *The New York Times*, 28. 3.1982, <https://www.nytimes.com/1982/03/28/world/thousands-in-washington-march-to-protest-us-policy-in-el-salvador.html>, last accessed June 2019; "160 Demonstrators are Arrested in the U.S. for Salvador Sit-ins", *The New York Times*, 21.3.1989, <https://timesmachine.nytimes.com/timesmachine/1989/03/21/497089.html?pageNumber=8>, last accessed June 2019.

¹⁶⁸ "Letter to President Ronald Reagan from Congressman John Joseph Moakley about Moakley's Objection to the Training of Salvadoran Troops by the United States military", 1 February 1982, <https://moakleyarchive.omeka.net/files/show/2934>, last accessed June 2019. The letter is also cited in R. Crandall, *The Salvador Option*, p. 234.

¹⁶⁹ See for example: "Salvadoran Peasants Describe Mass Killing", *The Washington Post*, 27.1.1982, https://www.washingtonpost.com/archive/politics/1982/01/27/salvadoran-peasants-describe-mass-killing/bc5bb029-b5e6-4282-bd24-35739ea5b38c/?utm_term=.96e692c1af80, last accessed June 2019; "Massacre of Hundreds Reported in Salvador Village", *The New York Times*, 27.1.1982, <https://www.nytimes.com/1982/01/27/world/massacre-of-hundreds-reported-in-salvador-village.html>, last accessed June 2019.

inscription: Atlacatl Battalion. Hell's angels."¹⁷⁰ According to the radio reports, the troops performed the same Vietnam-style search-and-destroy sweeps in the neighboring villages of Rancherías, Los Toriles, La Joya, Poza Honda, El Rincón, El Potrero, Yancolo, Flor de Muerto, and Pando Hill.

The Atlacatl Battalion was the most professional force in the entire Salvadoran Army, and it had been the first unit to be trained for counterinsurgency warfare by the US special military advisers back in March 1981. The Salvadoran officers coordinating the massacre showed to have mastered the lessons of the American advisers, who trained the unit psychologically as well as militarily: paranoid anticommunism virtually justified any means to defeat the enemy.¹⁷¹ John Waghelstein, leading army colonel for the U.S. advisory team in El Salvador declared that "real counterinsurgency techniques are a step toward the primitive." While Waghelstein's statement did not explicitly support the levels of violence reached in the Salvadoran Civil War, theorists of "low-intensity warfare" would later identify terror and brutality as some of its structural elements.¹⁷²

The Battalion "clean-up" tactics and the dynamic of the massacre inevitably brought to mind another shocking episode dating back to the Vietnam War, namely, the My Lai massacre of 1968.¹⁷³ As in the case of My Lai, the El Mozote massacre underwent a cover-up process. In early February 1982, Assistant Secretary of State for Inter-American affairs Thomas Enders denied the existence of evidence connecting Salvadoran government forces to the killings in El Mozote. According to Raymond Bonner, Enders' statement was based on a cable from the US Embassy in San Salvador which actually did little to clarify the dynamic of the events, as it later appeared that the investigators never actually reached the villages where the massacre occurred, nor did

¹⁷⁰ C. H. Consalvi, *Broadcasting the Civil War in El Salvador: a Memory of Guerrilla Radio*, University of Texas Press, 2011, pp.82-84.

¹⁷¹ R. Crandall, *The Salvador Option*, p. 223; B. d'Haeseleer, *The Salvadoran Crucible*, pp. 192-193.

¹⁷² J. Waghelstein, as cited in G. Grandin, *Empire's Workshop*, p. 78; G. Grandin, *Empire's Workshop*, p. 81.

¹⁷³ On the morning of 16 March 1968, the Charlie Company headed by US Lieutenant William Calley entered the hamlet of My Lai and began their usual search and destroy routine, which culminated in the mass murder of some five hundred civilians, the burning of the houses, the destruction of livestock and the fouling of the area's drinking supplies. For an extended reconstruction of the events in My Lai, see M. Bilton, K. Sim, *Four Hours in My Lai*, Penguin USA, 1992; M. Belknap, *The Vietnam War on Trial: the My Lai Massacre and the Court-Martial of Lieutenant Calley*, University Press of Kansas, 2013; S. Hersh, *Cover-Up*, New York, Random House, 1972.

they gather first-hand testimony.¹⁷⁴ Evidence collected in the following years would confirm the reports of mass atrocities the administration struggled to deny from the very beginning, thus increasingly widening what Russell Crandall, borrowing terminology from the Vietnam Years, refers to as the U.S. government's "credibility gap". In 1992, an Argentinian forensic team led exhumations in El Mozote, which were authorized by the Salvadoran government of Alfredo Cristiani as a result of pressure coming from human rights group. The operations confirmed the account of Rufina Amaya, the last living survivor of the massacre. On the massacre site, the exhumation team found bullet cartridges indicating that the bullets were manufactured in Lake City, Missouri, for the U.S. Government.¹⁷⁵

In addition to triggering opposition at home, Secretary of State Alexander Haig's tough rhetoric on El Salvador backfired and provoked reactions also at the international level. In April 1981, Mexico and Venezuela mutually agreed to launch a mediation effort in order to foster a political settlement in El Salvador, as well as to promote non-intervention in neighboring Nicaragua. The Venezuelan policy approach to Mexico was particularly alarming to Washington: as a matter of fact, up until this sudden U-turn Venezuela had been supporting many of the goals underpinning US policy towards Latin America, namely, anti-communism, exporting "democracy" to neighboring countries, and preventing "more Cubas".¹⁷⁶ In the spring of 1981, Nicaraguans, Hondurans, Costa Ricans, and Cubans met to discuss plans to reduce tensions in the region by reducing support to the FDR-FLMN, which in the meantime had signaled its availability for negotiations after the failure of the final offensive in January.¹⁷⁷ In April 1981, a promising opportunity came with the mediation offer of Salvadoran Archbishop Arturo Rivera y Damas, who had managed to obtain approval for the negotiations by Duarte, the FDR, and representatives of the guerrilla groups with the backing of International Social Democrats, and the blessing of the Pope. Nevertheless, Vice-

¹⁷⁴ R. Bonner, *Weakness and Deceit*, pos. 7082; R. Crandall, *The Salvador Option*, p. 227.

¹⁷⁵ R. Crandall, *The Salvador Option*, p. 229; "Salvador Skeletons Confirm Reports of Massacre", *The New York Times*, 22.10.1992, <https://www.nytimes.com/1992/10/22/world/salvador-skeletons-confirm-reports-of-massacre-in-1981.html> last accessed June 2019.

¹⁷⁶ T. Karl, "Mexico, Venezuela, and the Contadora Initiative", in M. J. Blachman, W. M. Leogrande, K. E. Sharpe (eds.), *Confronting Revolution*, p. 278, 282-283;

¹⁷⁷ R. Crandall, *Weakness and Deceit*, pos. 5925-5939; M. Diskin, K. Sharpe, "El Salvador", in *Confronting Revolution*, p. 60.

President Bush and William Clark declined the offer, stating that the United States was not interested.¹⁷⁸

At the end of August of the same year, the Mexican government, which had already provided a base of operation for the FDR-FMLN at the direst point of right-wing repression, issued a joint communiqué together with the French government to the UN Security Council that recognized the FDR-FLMN as “representative political forces”. The communiqué had the effect of legitimizing the Salvadoran opposition both politically and diplomatically, while promoting efforts to reach a political settlement.¹⁷⁹

Two months later, in a UN speech in October 1981, Sandinista leader Daniel Ortega called for negotiations in order to promote internationally supervised elections with the participation of the Salvadoran guerrillas. In mid-December, the General Assembly passed a resolution – strongly opposed by US Ambassador Kirkpatrick – calling for a negotiated solution. Two weeks later, the FDR-FMLN reiterated their offer for peace without preconditions, but the Reagan administration declined on the grounds that it opposed power sharing.¹⁸⁰

At the end of 1981, the Mexican government acted as an intermediary and promoted diplomatic talks with Secretary of State Haig. In late February 1982, Mexican President López Portillo presented a negotiation plan to deal with three “knots of tension” in the region, namely, the Salvadoran Civil War, US-Cuban relations, and developments in Nicaragua. A few days later, the Permanent Conference of Political Parties in Latin America (*Comite Organizativo Permanente de Partidos Politicos de America Latina*, COPPPAL) met in Managua and issued a declaration containing an analysis of the causes of the political crisis in Central America, and a recommendation for the U.S. and Central American countries to find a political solution. Nevertheless, the Reagan administration reacted “coolly” to the proposed negotiation plans, focusing instead on the newly announced Caribbean Basin Initiative and on a new electoral strategy to win El Salvador.¹⁸¹

¹⁷⁸ *Ibidem*.

¹⁷⁹ *Ibidem*, p. 277; R. Crandall, *The Salvador Option*, p. 74; “Salvador Rebels Gain New Support”, *The New York Times*, 29 August 1981, <https://timesmachine.nytimes.com/timesmachine/1981/08/29/251108.html?pageNumber=1>, last accessed June 2019.

¹⁸⁰ R. Bonner, *Weakness and Deceit*, pos. 5996-6010.

¹⁸¹ T. Karl, “Mexico, Venezuela, and the Contadora Initiative”, in M. J. Blachman, W. M. Leogrande, K. E. Sharpe (eds.), *Confronting Revolution*, p. 276; COPPPAL – Declaration from Managua, found in

The first public mention of a “political solution” by a US official came in a speech given at the World Affairs Council by Assistant Secretary of State for Inter-American Affairs Thomas Enders in July 1981, barely a month after his appointment to the office. According to W. M. Leogrande, Enders sought to implement a sounder political-based message in the administration’s policy for El Salvador, as he thought that anticommunism alone could not justify the continuation of US intervention in the Central American country. This strategic policy reassessment – which the administration reportedly rushed to describe as a “clarification” rather than a change¹⁸² – was initially opposed by hardliners like National Security Adviser Richard Allen and Under Secretary of Defense Fred Iklé, who believed that the weakness of American foreign policy – namely, the Vietnam syndrome – could only be overcome through a confrontational approach with Congress. Nevertheless, Enders eventually managed to gain the support of White House Chief of Staff James Baker, who at that time was still concerned about keeping Reagan’s domestic agenda safe from external complications.¹⁸³ In the speech, Enders recognized the domestic character of El Salvador’s socio-economic problems and stated that only the Salvadoran Government could eventually overcome internal divisions “by establishing a more democratic system.”¹⁸⁴ Nevertheless, the acknowledgement was weathered down by such remarks as “...elections are quintessentially matters of internal policy, *but* there may be ways other nations can assist...to facilitate such contacts and discussions or negotiations on electoral issues among eligible political parties” (emphasis added). Salvadoran leaders, the statement continued, “will not and should not grant the insurgents the power sharing the rebels have not been able to win on the battlefield.”¹⁸⁵

“Declarations of International Political Party Organizations”, in R. Alvarez, B.M. Bagley, K. J. Hagedorn (eds.), *Contadora and the Central American Peace Process: Selected Documents*, Westview Press, 1985; “U.S. to Cool Peace Ideas Mexican Leader Offered”, *The New York Times*, 27.2.1982, <https://www.nytimes.com/1982/02/24/world/us-to-cool-peace-ideas-mexican-leader-offered.html>, last accessed June 2019; “Central American Agony: the Mexican View”, *The New York Times*, 14.2.1982, <https://www.nytimes.com/1982/02/14/opinion/1-central-american-agonies-the-mexican-view-190377.html>, last accessed June 2019.

¹⁸² “U.S. Clarification of Salvador Stand Stresses Election”, *The New York Times*, 17.7.1981, <https://www.nytimes.com/1981/07/17/world/us-clarification-of-salvador-stand-stresses-elections.html>, last accessed July 2019.

¹⁸³ W. M. Leogrande, *Our Own Backyard*, pp. 125-127.

¹⁸⁴ “Excerpts from El Salvador Speech”, *The New York Times*, 17.7.1981, <https://www.nytimes.com/1981/07/17/world/excerpts-from-el-salvador-speech.html>, last accessed July 2019; R. Bonner, *Weakness and Deceit*, pos.6019; R. Crandall, *The Salvador Option*, p. 262.

¹⁸⁵ “Excerpts from El Salvador Speech”.

The administration's focus on elections as the only viable solution to the Salvadoran civil war was met with mixed reactions in the Congress. Maryland Democrat Representative and chairman of the House Subcommittee on Inter-American affairs M. Barnes praised Enders' speech as a clear signal that the administration now supported talks, albeit a more desirable solution than negotiations. Representative S. J. Solarz [D-Oh], who was among the proponents of the International Security and Cooperation Act, called the proposal "the best case for a bad policy" and thought it "totally unrealistic" that the guerrillas could lay down their weapons without any insurance from the *Junta* that the elections would be safe and fair.¹⁸⁶ Widespread opposition also came from different sectors of the Salvadoran society. US ambassador Deane Hinton warned the administration that the Salvadoran Army opposed the elections as they would strengthen the power of the PDC and provide the civilians with leverage to undermine the "military institution". El Salvador's National Federation of Lawyers refused to participate in the drafting of the 1982 electoral law on the grounds that fair elections could not be held under a state of siege; this position was also shared by Archbishop Rivera y Damas, who reiterated his call for negotiations in a Sunday homily shortly after Enders' speech.¹⁸⁷

Nevertheless, in March 1982, elections for a Constituent Assembly were held in El Salvador in order to draft a new constitution and prepare the way for presidential elections, which were scheduled for 1983. Firmly committed to his "political solution", the Reagan administration funneled in enormous amounts of money through investments by US agencies in Salvador, such as the Agency for International Development (AID) and the American Institute for Free Labor Development (AIFLD), as well as through CIA and Intelligence Support Activity (ISA)¹⁸⁸-backed covert propaganda operations aimed at undermining both the guerrillas and the ultraconservative, death-squad linked party of the Nationalist Republican Alliance (*Alianza Republicana Nacionalista*, ARENA).¹⁸⁹ Elections were finally held on 28 March 1982 under a massive polling affluence and extensive media coverage by

¹⁸⁶ "U.S. Clarification of Salvador Stand Stresses Election".

¹⁸⁷ R. Bonner, *Weakness and Deceit*, pos. 6051-6082; T. S. Montgomery, *Revolution in Salvador: from Civil Strife to Civil Peace*, Westview Press, 1994, p. 145.

¹⁸⁸ ISA was a team established by the Department of Defense in 1980 during the planning of the rescue mission for the American hostages in Iran.

¹⁸⁹ R. Crandall, *The Salvador Option*, p. 264; R. Bonner, pos. 6093; T.S. Montgomery, *Revolution in Salvador*, p. 147.

hundreds of foreign correspondents. Election day was described as a “public relations triumph” and “a defeat for the guerrillas”, and President Reagan would continue to refer to the elections as a clear sign of the birth of Salvadoran democracy. In fact, reality was much more complex.¹⁹⁰ According to R. Bonner’s examination:

“to call the Salvadoran elections...democratic would be akin to describing a U.S. election democratic if the liberal wing of the Democratic party were not allowed to participate. No parties representing political views from the left of the Christian Democrats were...represented in the Salvadoran elections”¹⁹¹

Additional factors contribute to raise doubts about the democratic character of the elections: many Salvadorans reportedly voted under death threats coming from the military, and they actually had little or no idea about the meaning of the electoral process. In addition to this, the voting procedure had been devised in a way that enabled the government to keep track of the votes through numbered ballots; finally, allegations about the fact that the poll results had been altered were virtually confirmed a few months after the elections, when Ambassador Hinton turned down a request by Jesuit university officials that an investigation be conducted in order to shed light on the actual electoral turnout.¹⁹²

The Christian Democrats (PDC), led by Duarte, emerged from the elections with forty percent of the votes, gaining a plurality and twenty-four out of sixty seats in the Constituent Assembly. Nevertheless, the percentage did not allow the PDC to form a controlling majority with the Democratic Action (*Acción Demócrata*, AD), its closest ideological partner.¹⁹³ On the other hand, the ultraconservative ARENA, led by former ORDEN and ANSESAL member Roberto d’Aubuisson, gathered twenty-six percent of the votes and nineteen deputies, and immediately began to press for the exclusion of the PDC by signing an agreement to form a majority coalition with all the other extreme-right wing parties.

A former major with reported Nazi inclinations, D’Aubuisson was excluded from the military after the October coup of 1979, and had been arrested a few days after the murder of Archbishop Oscar Romero in 1980 on charges of plotting against the

¹⁹⁰ *Ibidem.*

¹⁹¹ R. Bonner, *Weakness and Deceit*, pos. 6171.

¹⁹² *Ibidem*, pos. 6227-6339.

¹⁹³ The percentages appearing in the books used here for the reconstruction of the events oscillate between 35 and 40%. I reported the data from the Central Elections Council (CCE), San Salvador, as used in T. S. Montgomery, *Revolution in Salvador*.

Salvadoran government.¹⁹⁴ US relations with d'Aubuisson and the extreme right had been resumed as a result of the appointment of Deane Hinton to the Salvador embassy after the firing of Robert White in 1981. By 1982, prominent Republicans pushed for the creation of a right-wing party to contest the 1982 elections. D'Aubuisson had thus been gradually rehabilitated and, with the help of US advertising agency McCann-Eriksson and the financial assistance of Miami-based wealthy Salvadorans, he had begun a campaign that brought him to the remotest areas of the country, where the PDC would not dare enter. ARENA was built on the late 1970s death-squad network that D'Aubuisson had kept alive after his removal from the armed forces, and it was as modelled after the Guatemalan neo-fascist National Liberation Movement (MLN) headed by Mario Sandoval Alarcon, who personally provided financial and military assistance to the creation of the Salvadoran extreme right-wing party. Moreover, after D'Aubuisson's unexpected success in the 1982 elections, US intelligence agencies reportedly began to alter his profiles by clearing them of charges related to death squad activities.¹⁹⁵

ARENA's electoral results soon became a thorny issue for the Reagan administration, as the Constituent Assembly also had the power to designate a provisional president that could replace the former Duarte-led *Junta*. ARENA members claimed that the democratic path imposed by Washington had technically given them such power, and indicated Roberto D'Aubuisson as their candidate for the position. The Reagan administration knew that the appointment of D'Aubuisson could escalate repression and dangerously threaten the implementation of the agrarian reform, thereby undermining congressional support for the continuation of aid to El Salvador, which at that time was still dependent on the certification requirements of the International Security and Cooperation Act. After US Ambassador Deane Hinton's repeated – and vain – threats about the suspension of American aid, a delegation of high-level congressional members led by House Majority Leader J. C. Wright, Jr. [D-Tex] was sent to El Salvador to reinforce the position of the Reagan administration. The deadlock was

¹⁹⁴ R. Bonner, *Weakness and Deceit*, pos. 6383; W. M. Leogrande, *Our Own Backyard*, p. 159; "U.S. is Learning to Love the Mean Little Major in Salvador", *The New York Times*, 27.4.1982, https://www.washingtonpost.com/archive/politics/1982/04/27/us-is-learning-to-love-the-mean-little-major-in-el-salvador/3e9b032f-8db5-4a65-8893-c50e1b2c5049/?noredirect=on&utm_term=.19e58a2e4728, accessed July 2019.

¹⁹⁵ *Ibidem*.

eventually broken by recurring to a fifty-year old “habit” within Salvadoran politics, namely, the imposition of a settlement by the Salvadoran military. As a matter of fact, the army had become increasingly more frustrated by the inability of the civilians to find a compromise to include the PDC in the government, and upon US pressure in late April 1982, Salvadoran politicians were summoned by the military high command and presented with a list of three names to choose from. The military officers indicated an expressed preference for the independent Álvaro Alfredo Magaña, president of the *Banco Hipotecario de Salvador* (the nation’s mortgage bank), who was eventually sworn in on 3 May 1982. D’Aubuisson, however, was assigned the position of President of the National Assembly, and most of the extremist members of the right gained crucial government ministries, thereby marking a further shift to the right that would cause even more problems to the Reagan administration.¹⁹⁶

As a matter of fact, the extreme right had campaigned on the abolition of the reform program introduced by the PDC in 1980 as a result of pressure from former US ambassador Robert White, which they viewed as the cause of the poor state of the country’s economy. The program included a three-phase agrarian reform which was met with hostility by the landowners’ oligarchy, the political backbone of ARENA. Scholar William Leogrande provides another example of a parallel between El Salvador and the Vietnam years, as he reports that phase III of the Salvadoran agrarian reform¹⁹⁷ was designed in the U.S. by Professor R. Posterman, who had already worked on the “Land to the Tiller” program in 1970, a land reform plan which was fundamental to Washington’s counterinsurgency strategy in Vietnam. Once in power, the rightist-controlled Constituent Assembly took vengeance for the US intervention to alter the electoral results by repealing parts of the U.S. supported land reform program and undermining the implementation of Phase I and II through the control of the Ministry of Agriculture and the Institute of Agrarian Transformation (ISTA)¹⁹⁸. The Assembly’s attempts to suspend the agrarian reform triggered harsh reactions among liberals in the

¹⁹⁶ K. Walter, P.J. Williams, “The Military and Democratization in El Salvador”, in *Journal of Interamerican Studies and World Affairs*, Vol. 35, No. 1 (1993), pp. 39-88, Cambridge University Press, <https://www.jstor.org/stable/166102>, last accessed July 2019; R. Bonner, *Weakness and Deceit*, pos. 6439-6450; W. M. Leogrande, *Our Own Backyard*, pp. 161-164 ; R. Crandall, *The Salvador Option*, pp.269-270; M. Diskin, K. Sharpe, “El Salvador”, p.65.

¹⁹⁷ Enacted in the U.S. as “Decree 207”.

¹⁹⁸ W. M. Leogrande, *Our Own Backyard*, p.166-169; M. Diskin, K. Sharpe, *Confronting Revolutions*, p.65; R. Crandall, *The Salvador Option*, p. 270; B. d’Haeseleer, *The Salvadoran Crucible*, p. 204.

Congress, who threatened to cut off military aid to the Salvadoran government. The Chairman of the Foreign Relations Committee, Senator C. Percy [R-Ill] stated that “If the Salvador government is renegeing on the land-reform program, then it is the expressed opinion of this senator that, under the law, not one cent of funds shall go to the government of El Salvador.”¹⁹⁹ Senator Paul E. Tsongas [D-Mas] commented “...enough is enough. We're on a slippery slope. If we back down [from our commitment to the land reform] the message to d'Aubuisson is clear. We're telling him, 'We're with you.' It's tragic. We can't back down.”²⁰⁰ As a result, the Senate Foreign Relations Committee, which by happenstance was meeting to discuss appropriations for FY1983 at the time of the Salvadoran Assembly’s suspension of the agrarian reform, unanimously approved an amendment sponsored by Senators C. Dodd and N. Kassebaum that would freeze military and Economic Security Assistance (ESF) aid at FY1982 levels, slashing the administration’s request of \$166.3 billion to \$66 billion.²⁰¹ The threat about the interruption of US aid soon resonated within the Salvadoran military, which had been standing idly before the rightists’ attempts to undermine the agrarian reform. After pressures from the American embassy, by June 1982 Defense Minister José Guillermo García managed to convince most of the skeptical senior officers that the restoration of Decree 207 was vital to preserve the continuation of American aid, thus successfully thwarting D’Aubuisson’s effort to roll back the land reform. US Ambassador Deane Hinton’s tenacious work to keep d’Aubuisson out of the presidency and preserve the implementation of the agrarian reform helped assure the continuation of US by the Congress and resulted in a slight increase in public support for the administration’s policy in El Salvador. Nevertheless, hearings on the second certification report issued by the Reagan administration in July 1982 under the International Security and Cooperation Act alimented congressional liberals’ suspicion over claims of progress in the certification requirements.²⁰²

¹⁹⁹ “Bid to Curb Land Reform in Salvador Stirs Critics”, *The New York Times*, 21.5.1982, https://www.washingtonpost.com/archive/politics/1982/05/21/bid-to-curb-land-reform-in-salvador-stirs-critics/cdc5a25e-4679-4ebb-a511-338aedb61dc8/?utm_term=.9b49678798e8, last accessed July 2019.

²⁰⁰ “Proposal for Aid to Salvador Cut by Senate Panel”, *The New York Times*, 27.5.1982, <https://www.nytimes.com/1982/05/27/world/proposal-for-aid-to-salvador-cut-by-senate-panel.html>, last accessed 2019.

²⁰¹ W. M. Leogrande, *Our Own Backyard*, p. 169; “Proposal for Aid to Salvador Cut by Senate Panel”.

²⁰² W. M. Leogrande, *Our Own Backyard*, pp. 171-173; R. Crandall, *The Salvador Option*, p. 258; B. d’Haeseleer, *The Salvadoran Crucible*, p. 158.

For the rest of 1982, Enders and Hinton continued to rely on Defense Minister García to pursue their strategy for post-election El Salvador. At this time, US efforts to secure congressional support and strengthening the Salvadoran regime were aimed at reducing and controlling death squad-led repression, opening a dialogue with FDR leaders to persuade them to take part in the next elections, and making substantial progress in the investigation about the murder of the four US churchwomen of December 1980 and the killing of AIFLD (American Institute for the Labor Development) representatives in January 1981. Nevertheless, D'Aubuisson and his allies within the military strongly opposed both García's attempts to bring two National Guard officials to justice and Magaña's efforts to establish contacts with the FDR-FLMN through a special Peace Commission created in September 1982.²⁰³

Towards the end of 1982, the aggravating situation in El Salvador led to foreign policy skirmishes among key officials of the US administration. As a matter of fact, right wing-led death squad repression rose as a result of the FDR-FLMN opening to peace talks without preconditions, and by October 1982 major leftist leaders were kidnapped following a familiar pattern that echoed the November 1980 murder of the FDR leadership. Between October and November, the ultrarightists also planned a coup to remove García from power, which was averted with the strong backing of the US embassy. On 29 October 1982, US Ambassador Deane Hinton gave a speech to the Salvadoran-American Chamber of Commerce in San Salvador, in which he publicly condemned the rightist death squads – dubbed the “gorillas of this mafia” – for the destruction of the country, comparing them to the leftist guerrillas in the country and threatening that the US could be “forced to deny assistance to El Salvador.”²⁰⁴ Hinton's reference to human rights abuses was partially inscribed in a new strategy supported by Enders and George Schultz – Reagan's new Secretary of State – who had been advocating a more moderate approach to El Salvador in order to address the structural problems of the Salvadoran society. Shultz's rhetorical reorientation – which, however, would not abandon references to Soviet-Cuban intervention in the region – had been raising conservative concerns about a drastic policy shift towards negotiations, a

²⁰³ W. M. Leogrande, *Our Own Backyard*, pp. 175-177;

²⁰⁴ R. Crandall, *The Salvador Option*, p. 287; M. Diskin, K. Sharpe, “El Salvador”, p.65; “U.S. Envoy warns El Salvador”, *The New York Times*, 30.10.1982, <https://www.nytimes.com/1982/10/30/world/us-envoy-warns-salvador.html>, last accessed July 2019.

solution that was strongly opposed by hard-liners as they viewed it as a step towards surrender.²⁰⁵ Hinton's remarks thus enraged both the Salvadoran rightists and hardline officials within the Reagan administration, who explicitly told the US ambassador to refrain from making public statements criticizing abuses by the Salvadoran military. National Security Adviser W. Clark rebuked Hinton through words leaked to the *New York Times* behind anonymity, and Reagan virtually confirmed Washington's endorsement of the Salvadoran military when, after a meeting with Magaña in Costa Rica in December 1982, he told reporters that we would undoubtedly certify El Salvador's improvement on human rights records at the next certification round due in January 1983.²⁰⁶

By the end of 1982, however, the situation in El Salvador had deteriorated considerably as a consequence of a series of guerrilla attacks which exhausted the Salvadoran army's military supplies. The stalemate which began in 1981 continued due to the fact that, despite massive amounts of US military aid and training, the Salvadoran armed forces still lacked the professional skills to effectively confront the guerrillas. Moreover, congressional limitations and wariness about funding what was perceived as another Vietnam-like war made it difficult to unlock the situation in favor of the Salvadoran army. The failure to make substantial progress towards the defeat of the leftist insurgents frustrated both administration hard-liners and the Pentagon, which began to press for additional US aid and criticize Enders' quiet approach to Central America.²⁰⁷

5. The height of the Civil War and Reagan's struggle to win bipartisan support

By 1983, the stalemated situation in El Salvador had gradually undermined Reagan's credibility at domestic level, and Congress had grown increasingly more reluctant to authorize additional military aid in spite of Reagan's certifications about progress towards reform and control of death squads. In addition to this, the never-ending foreign

²⁰⁵ G. Schultz, *Strengthening Democracy in Central America*, 16.3.1983, United States Department of State, Bureau of Public Affairs, Washington D.C., <https://babel.hathitrust.org/cgi/pt?id=umn.31951d00822967h&view=1up&seq=1>, last accessed July 2019; W. M. Leogrande, *Our Own Backyard*, p. 189.

²⁰⁶ R. Crandall, *The Salvador Option*, p. ; W. M. Leogrande, *Our Own Backyard*, pp. 178-180; R. Bonner, *Weakness and Deceit*, pos. 7423; "U.S. Envoy to Salvador is Ordered to Stop Criticizing Rights Abuse", *The New York Times*, 10.11.1982, available at <https://www.nytimes.com/1982/11/10/world/us-envoy-to-salvador-is-ordered-to-stop-criticizing-rights-abuse.html>, last accessed June 2019.

²⁰⁷ W. M. Leogrande, *Our Own Backyard*, pp. 190-191; M. Diskin, K. Sharpe, "El Salvador", p.68.

policy debate within the administration further embittered relations among key members of the administration, producing ambivalent and, in some cases, failing results. In January 1983, Assistant Secretary of State for Inter-American Affairs Thomas Enders began to shape a new Central American policy that included a two-track approach towards Central America: in the case of El Salvador, one track would pursue a power-sharing, negotiated solution with the Salvadoran left, while the other would keep the US aid flowing to support the government fighting against the insurgents. Special Assistant to the President for National Security Affairs Constantine Menges – who was among the most hawkish members of Reagan’s staff – wrote in his memoir that a friend informed him that Enders intended to use the consensus about the need to increase military aid as leverage to help Secretary of State George Shultz sell the new approach to the President.²⁰⁸ When taking this statement into consideration, however, one must also bear in mind that, according to Lou Cannon, Menges was among the group of officials that preferred to pursue foreign policy with little or no regards to congressional opposition or American public opinion.²⁰⁹ Moreover, as argued by William Leogrande and Christopher Dickey, Enders was significantly familiar with congressional opposition, as he had to struggle to sell Reagan’s policy at hearings on the semi-annual certifications. Therefore, Enders’ two-track policy, which at the time was conveniently leaked to the media by Kirkpatrick and misrepresented as his advocating for a “coalition government with the Communists”, can be read as a means to gather congressional consensus on additional US aid to El Salvador, which would not have been possible in the absence of a diplomatic initiative coming from the administration.²¹⁰ As a consequence, it can be argued that Enders’ replacement with former Florida senator Richard Stone in May 1983 was not entirely dependent on his allegedly yielding policy proposal, but, rather, on a personal attitude which, over time, caused a deterioration in his relationship with the most conservative members of the Reagan administration. As a matter of fact, Enders secretly tried to boycott Kirkpatrick’s fact-finding trip to Central

²⁰⁸ L. Cannon, *President Reagan*, pp. 326-327; C. Menges, *Inside the National Security Council*, pp. 106-107.

²⁰⁹ Menges’ unyielding anticommunism reportedly earned him such nicknames as “Constant Menace” and “Menges Khan”. See L. Cannon, *President Reagan*, p. 303; W. Leogrande, *Our Own Backyard*, p. 353; “Washington Talk: Foreign Policy; Behind the Scenes, Plot, and Counterplot, *The New York Times*, 7.12.1988, available at <https://www.nytimes.com/1988/12/07/us/washington-talk-foreign-policy-behind-scenes-plot-and-counterplot.html>, last accessed July 2019.

²¹⁰ W. M. Leogrande, *Our Own Backyard*, p. 191; C. Dickey, “Central America: from Quagmire to Cauldron?”, *Foreign Affairs*, Vol. 62, No. 3, America and the World 1983 (1983), pp. 659-694.

America, during which the UN Ambassador would personally deliver presidential letters to Central American heads of state, assuring them that the US would maintain their support to foster democracy in the region. It appeared that Enders had secretly briefed US ambassadors in Central America about a new strategy which would be approved after Shultz's return from China. The cable also instructed to ignore Kirkpatrick and the letter from Reagan she was carrying. Nevertheless, that message played a crucial role as far as Enders' stance within the administration was concerned: Kirkpatrick handed the cable to Clark and Casey, who used it to persuade Reagan that Enders was acting on his own to undermine the official and agreed policy towards Central America.²¹¹

Hence, Leogrande's representation of Enders' replacement as an "...an antidote for [his] pacifism"²¹², stands in direct contrast with the public declarations made by Enders himself, as reported in different articles from the *New York Times*:

"Administration officials told Congress today that El Salvador faced a 'crisis' and could run out of military supplies in 30 days unless the United States provided an additional \$60 million in military aid. [...] The two officials -Thomas O. Enders, [...] and Nestor D. Sanchez, [...] - insisted that 'major national interests' of the United States were at stake in El Salvador. Should the Salvadoran Government be defeated by the guerrillas, the officials said, the result would threaten other nations in Central America as well as Mexico and the Panama Canal.

Mr. Enders, under questioning from the House panel, said [...] the United States would now try to use the ceiling of 55 [advisers] 'more effectively.' [...] 'There's no current intention to go beyond 55, but we will look at it after we fully utilize existing ceilings'."²¹³

When considering these declarations that Enders made before Congress, it stands out to reason that his emphasis on the threats that would result from a possible guerrilla victory, which he used as his main argument to persuade the congress about the need to authorize additional US military aid, hardly matches the notion of pacifism. This misrepresentation is partially addressed by Russell Crandall, who suggests that Enders (and Hinton, who was also removed in May 1983) should be considered as "less

²¹¹ L. Cannon, *President Reagan*, p. 327; C. Menges, *Inside the National Security Council*, pp. 108-109.

²¹² "W. M. Leogrande, *Our Own Backyard*, p. 194.

²¹³ "2 U.S. Aides Say Salvador Faces an Arms 'Crisis'", *The New York Times*, 2.3.1983, available at <https://www.nytimes.com/1983/03/02/world/2-us-aides-say-salvador-faces-an-arms-crisis.html>, last accessed July 2019; "U.S. Aides See Need for Big Effort to Avert Rebel Victory in Salvador", *The New York Times*, 22.4.1983, available at <https://www.nytimes.com/1983/04/22/world/us-aides-see-need-for-big-effort-to-avert-rebel-victory-in-salvador.html>, last accessed July 2019.

hawkish than their hardline colleagues”, rather than moderates.²¹⁴ As a consequence, it can be argued that Enders’ careful approach towards Congress, albeit in contrast with the growing tendencies to push for a more direct policy in the first half of 1983, and therefore perceived as a step towards abandoning El Salvador, might as well be interpreted as a realistic insight that took into consideration the policy shaping dynamics of the post-Vietnam era. With Reagan caught between a deteriorating stance with American public opinion and a reluctant Congress, Enders understood that the President’s only chance to sell his policy was that of “luring” Congress by offering the bait of negotiations to ease Congressional opposition and get the funds to continue the military assistance to the Salvadoran regime.

As Kirkpatrick and National Security Advisor William Clark gained increasingly more control over foreign policy decisions as to Central America, they eventually faced the same problems Enders had to confront before being reassigned to Spain. In their view, the Salvadoran stalemate at the beginning of 1983 could only be unlocked through a massive increase in military aid, something which, however, could not be won unless Reagan himself committed to the cause before Congress. From February to April 1983, in a series of speeches imbued with anti-communist rhetoric and domino theory references to the threat of losing Salvador to the guerrillas, President Reagan publicly called for the urgency of sending more aid and advisers to the Salvadoran regime.²¹⁵

On 27 April 1983, Reagan spoke before a joint session of the Congress, praising the efforts of the Salvadoran government to guarantee democracy, and calling for the need to build a bipartisan consensus for a policy aimed at supporting democracy, reform, economic development, regional security, and, quite surprisingly, “dialogue and negotiations both among the countries of the region and within each country.”²¹⁶

Although the concept of negotiations in Reagan’s formulation did not include the guerrillas, at least Enders’ idea of offering a diplomatic path to parallel the US aid request did actually find its way into an official foreign policy statement. The

²¹⁴ R. Crandall, *The Salvador Option*, p. 284.

²¹⁵ W. M. Leogrande, *Our Own Backyard*, pp. 200-202; “Remarks and Question-and-Answer Session with Members of the Commonwealth Club of California in San Francisco”, 4 March 1983, available at <https://www.reaganlibrary.gov/research/speeches/30483c>, last accessed July 2019; “Remarks on Central America and El Salvador at the Annual Meeting of the National Association of Manufacturers”, 10 March 1983, available at <https://www.reaganlibrary.gov/research/speeches/31083a>, last accessed July 2019.

²¹⁶ “Address before a Joint Session of the Congress on Central America”, 27 April 1983, available at <https://www.reaganlibrary.gov/research/speeches/42783d>, last accessed July 2019.

administration's request for the implementation of this policy towards Central America was of \$600 million dollars, with a more than doubled annual military aid request for El Salvador of \$136 million, as opposed to the amount already approved by the Congress for FY1983 (\$66 million).²¹⁷ Given the time-consuming character of the ordinary budgetary process, the only reasonable alternatives for getting additional military aid within reasonable time were either reprogramming funds originally approved for other countries – thereby placing Reagan's policy under congressional committees' examination – or invoking the President's emergency powers under section 506(a) of the Foreign Assistance Act, as Reagan had already done in 1981 and 1982. The latter alternative was discussed by Secretary of Defense Caspar Weinberger in February 1983, when he told the House Foreign Assistance Committee that there were plans within the administration to obtain about \$60 through presidential emergency powers, but the option immediately triggered fierce opposition under claims of presidential usurpation of congressional authority.²¹⁸ The huge aid request by the administration led to several defections from prominent moderates coming from both parties in the Senate; coalition efforts were made in order to limit and condition further military aid, but on none of the reviewing committees were there the votes that could either secure or reject the administration's request. Reagan's speech before the joint session of the Congress was praised by conservative Republicans, who shared the administration's security concerns about an alleged "Communist expansion in the region". On the other hand, Reagan's policy was opposed by Democrats such as Senator Christopher Dodd, who believed it to be "a formula for failure", adding that "American dollars alone cannot buy military victory."²¹⁹ In an effort to destabilize opposition by blaming a potential policy failure on the Congress, hardline administration officials attacked by referring to plans "to create a Communist Central America" within the US Congress, aimed at securing a victory of Marxist forces in the country; National Security Adviser William Clark dubbed

²¹⁷ *Ibidem*; R. Crandall, *The Salvador Option*, p. 280.

²¹⁸ W. M. Leogrande, *Our Own Backyard*, p. 203; "El Salvador Aid Approved — With Strings." In *CQ Almanac 1983*, 39th ed., 154-64. Washington, DC: Congressional Quarterly, 1984. <http://library.cqpress.com/cqalmanac/cqal83-1198526>; "Reagan Being Warned Against Bypassing Congress on Salvador Aid", *The New York Times*, 4.3.1983, available at <https://www.nytimes.com/1983/03/04/world/reagan-being-warned-against-bypassing-congress-on-salvador-aid.html>, last accessed July 2019.

²¹⁹ "Support, Skepticism Democrats Fault Focus on Military", *The Washington Post*, 28.4.1983, available at <https://www.nexis.com/docview/getDocForCuiReq?lni=3S8G-HPY0-0009-X2DX&csi=280434&oc=00240&perma=true>, last accessed July 2019.

Reagan's opponents "advocates of Marxism", and in September the attacks continued when Under Secretary of Defense Fred Iklé accused the Congress of crippling the president's assistance program and undermining the administration's goals of seeking "victory for the forces of democracy."²²⁰

Eventually, after six weeks of bargaining, a compromise deal was struck. One of the most critical bargaining points was the request by congressman Clarence Long – who in the previous two years had been a strong opponent of additional military aid – to appoint a special envoy to El Salvador, "somebody whose stature is so great that once they appoint him they can't pull the rug out from under him", so that he could broker a dialogue between the government in El Salvador and the guerrillas.²²¹ Long's request was eventually accepted, but the appointed envoy (Richard Stone, who had just been appointed for Enders' position after his reassignment) would report only to Reagan and would limit his role at trying to include the guerrillas into the electoral process. On 26 April, the day before Reagan's address at the joint congressional sessions, the House Foreign Operations Subcommittee had approved only half of Reagan's fund reprogramming request, with \$30 million in military aid authorized for El Salvador.²²² However, Reagan's active role, coupled with the administration's "politics of blame", ultimately succeeded in destabilizing congressional opposition, which was gradually relaxed in favor of efforts to reach a bipartisan compromise: the struggle over aid to El Salvador produced no foreign aid authorization bills for FY1984, and funding would continue to be appropriated through means of a continuing resolution. Moreover, Reagan's public support for the handling of foreign policy gained a substantial – but temporary – boost in the aftermath of the successful invasion of Grenada in October 1983, thereby weakening congressional attempts to influence Central American policy.²²³

²²⁰ "Remarks Prepared for Delivery by the Honorable Fred C. Iklé, Under-Secretary of Defense for Policy to Baltimore Council on Foreign Affairs", 12.10.1983, News Release Office of the Assistant Secretary of Defense, available at <https://www.cia.gov/library/readingroom/docs/CIA-RDP85M00364R001302200010-6.pdf>, last accessed June 2019; J. Kirkpatrick, as cited in W. M. Leogrande, *Our Own Backyard*, p. 214.

²²¹ "American Special Envoy to El Salvador in Works", *The Washington Post*, 17.4.1983, available at <https://www.nexis.com/docview/getDocForCuiReq?lni=3S8G-HTG0-0009-X531&csi=280434&oc=00240&perma=true>, last accessed July 2019.

²²² W. M. Leogrande, *Our Own Backyard*, pp. 202-207; "El Salvador Aid Approved — With Strings".

²²³ W. M. Leogrande, *Our Own Backyard*, pp. 216-218; R. Crandall, *The Salvador Option*,

However, in the heated reprogramming debate, the military advisers “cap” was a particularly sensitive issue. The Pentagon had been pushing for an increase in the number of deployed advisers from as early as the US military role escalation in early 1981, but it had to settle for the formal limit of fifty-five advisers operating under strict rules of engagement – which, as already exposed, could be, and were, easily circumvented. Such bounding limit, however, was somehow “crystallized” in a statement made in 1981 by Undersecretary of State Walter J. Stoessel, who had declared that there would be no plans contemplating an increase beyond the “cap” without Congressional approval.²²⁴ At the beginning of 1983, the deteriorating situation in Salvador led to talks in the Pentagon about the possibility to increase the number of the stationed advisers in El Salvador, but incidents on the battlefield contributed to keep the debate about the US presence on the Salvadoran soil among the top controversial issues in the foreign policy debate. As a matter of fact, in early February 1983, three US advisers were relieved of duty after violating the rules of engagement: an American helicopter reportedly flew over a battle area it was supposed to stay out of, and a US radio operator got wounded from ground fire, making him the first American soldier wounded in Salvador since the deployment of the advisers in 1981. The investigation on the case also found out that another trainer took part to a different operational flight in violation of standing instructions.²²⁵

This, however, would only constitute a temporary setback for the Pentagon and the administration: throughout the year, references and requests for additional military advisers and updated rules of engagement were repeatedly made by both the military and the administration. At the time of the reprogramming debate, congressional draft bills included a proposal to attach a binding limit of 55 to the fiscal 1983-1984 foreign aid authorization bill in order to write the ceiling into law, but the administration refused to accept such imposition, reiterating instead the pledge to consult with Congress in case of a change in the number of the deployed personnel.²²⁶

²²⁴ “15 U.S. Green Berets to Aid Salvadorans”, *The New York Times*, 14.3.1981, available at <https://www.nytimes.com/1981/03/14/world/15-us-green-berets-to-aid-salvadorans.html>, last accessed July 2019.

²²⁵ “3 Advisors Relieved of Duties in Salvador”, *The New York Times*, 6.2.1983, available at <https://www.nytimes.com/1983/02/06/world/3-advisors-relieved-of-duties-in-salvador.html>, last accessed July 2019.

²²⁶ W. M. Leogrande, *Our Own Backyard*, p. 208; “Reagan Weighing More U.S: Advisers for El Salvador”, *The New York Times*, 1.3.1983, available at

Meanwhile, in El Salvador, the FLMN guerrillas changed their strategy, shifting from that of direct contact with the Salvadoran Armed Forces to tactics that included hit-and-run ambushes, kidnappings, and assassinations in major cities throughout the country, with the aim of destabilizing the political leadership. On 25 May 1983, US Navy Seal Lieutenant Commander Albert A. Schaufelberger was killed by a FLMN gunman while he was waiting for his girlfriend outside the Catholic University campus. The guerrillas soon claimed responsibility for the killing – which was initially attributed to right-wing death squads by the US embassy – threatening to “send other advisers home in coffins, one by one, until the entire mission was withdrawn.” This signaled a further departure from earlier guerrilla warfare strategy, which up until this time did not contemplate the killing of Americans.²²⁷ Although the murder of Lieutenant Schaufelberger helped strengthen opposition to Defense Department proposals about increases in the number of the deployed advisers, the domestic response to the death of the US adviser was surprisingly restrained if compared to the staunch congressional opposition over the issue of US combat troops in El Salvador:

“...It seemed unlikely that a doubting Congress would simply go along with the president. No one on the Hill was eager to play politics with the Schaufelberger killing. Hard-liners did not call for sending in the Marines; liberals did not call for pulling out all U.S. military advisers straightway. But the drift of events disturbed the opposition. With a campaign approaching, the president has hinted that he will blame the Democrats for losing Central America if they do not support his ideas for shoring up the region. "One could hope [this death] would catalyze a consensus . . . that there are no short-term solutions for El Salvador," said Sen. Patrick Leahy, a Vermont Democrat. "[We must] recognize that and work hard for a long-range. . . policy, not one in which the signals are changed every few minutes." Rep. Gerry Studds, a

<https://www.nytimes.com/1983/03/01/world/reagan-weighing-more-us-advisers-for-el-salvador.html>, last accessed July 2019; “Advisers role may grow in El Salvador”, *The Washington Post*, 3.3.1983, available at <https://www.nexis.com/docview/getDocForCuiReq?lni=3S8G-J4M0-0009-X0ND&csi=280434&oc=00240&perma=true>, last accessed July 2019; “Pentagon Seeking a Rise in Advisers in Salvador to 125”, *The New York Times*, 24.7.1983, available at <https://www.nytimes.com/1983/07/24/world/pentagon-seeking-a-rise-in-advisers-in-salvador-to-125.html>, last accessed July 2019.

²²⁷ W. M. Leogrande, *Our Own Backyard*, p. 209; R. Crandall, *The Salvador Option*, p. 367; R. Bonner, *Weakness and Deceit*, pos. 2267; “The Odds in El Salvador”, *The New York Times*, 24.7.1983, available at <https://www.nexis.com/docview/getDocForCuiReq?lni=3S8G-K050-0008-Y4J5&csi=280434&oc=00240&perma=true>, last accessed July 2019; “Central America: Shooting to Kill”, *Newsweek*, 6.6.1983, available at <https://www.nexis.com/docview/getDocForCuiReq?lni=3SJ4-FVC0-0008-X2JT&csi=280434&oc=00240&perma=true>, last accessed July 2019; “Leftists Threaten to Kill More American Military Advisers”, *The Associated Press*, 28.5.1983, available at: <https://www.nexis.com/docview/getDocForCuiReq?lni=3SJ4-N4Y0-0011-52VD&csi=280434&oc=00240&perma=true>, last accessed July 2019.

Democrat from liberal Massachusetts, issued a tougher warning. "There will be a lot more deaths, both Salvadoran and American, if the present policies persist," he said."²²⁸

What's more, even after the much-anticipated hypothesis of the death of a US soldier in the Salvadoran civil war finally became reality, Congress did not take further action to enact a concurrent resolution introduced in the House on 23 February 1983 by representative Richard Ottinger [D-NY], which would have placed Reagan's decision to send US military personnel to El Salvador under section 4(a) of the War Powers Resolution – thereby requiring a presidential report pursuant to the section, and triggering in turn the "sixty-day clock".²²⁹ Schaufelberger was reportedly "casual about his own safety", ignoring basic precautions and keeping a high profile, but his death provided unquestionable evidence about "hostilities or imminent hostilities" being in place. Theoretically, this should have pushed the State Department to honor the pledge to comply with the provisions of the War Powers Resolution in case of a change in the circumstances, as stated when the issue was first raised in March 1981. In fact, President Reagan called the killing of Schaufelberger "an act of terrorism [that] is not going to change our attitude about the necessity to continue both the economic and the military aid which we are giving"; Senator Patrick J. Leahy [D-Ver], when asked whether the US should withdraw the advisers from the country, called the issue "premature", and stated that he hoped "nobody for or against our aid to El Salvador would use that to buttress their argument."²³⁰ Moreover, on 26 July 1983, the House rejected an amendment to the Department of Defense Authorization Act [H.R. 2969] proposed by Representative Shannon, which read

"Sec. 505. The number of active duty military advisers stationed in El Salvador shall not exceed 55. The number of active duty military personnel stationed in El Salvador shall not exceed the number so stationed on July 25, 1983.

²²⁸ "Central America: Shooting to Kill".

²²⁹ "H. Con. Res. 67 – A Concurrent Resolution Declaring that the President's Decision to Commit United States Military Personnel to El Salvador Requires that He Comply with Section 4(a) of the War Powers Resolution, available at <https://www.congress.gov/bill/98th-congress/house-concurrent-resolution/67/titles?q=%7B%22search%22%3A%5B%22War+powers+resolution%22%5D%7D&r=6&s=8>; last accessed July 2019; R. Grimmett, *The War Powers Resolution: After Thirty Years*, Congressional Research Service, 22 April 2010, available at <https://fas.org/sgp/crs/natsec/R41199.pdf>, last accessed July 2019.

²³⁰ "Reagan Says Killing Won't Change Policy", *The New York Times*, 27.5.1983, available at <https://www.nexis.com/docview/getDocForCuiReq?lni=3S8G-KHD0-0008-Y40B&csi=280434&oc=00240&perma=true>, last accessed July 2019.

Sec. 505. (b) There shall be excluded in applying the limitations contained in paragraph (a) any members of the Armed Forces stationed in El Salvador with respect to whom the President has submitted a report pursuant to section 4(1) of the War Powers Resolution.”²³¹

Among the opponents of the amendment proposal was Representative Burton of Indiana, who stated that

“To try to hamstring President Reagan by limiting the number of advisers at a very crucial point in history I think is a step in the wrong direction. He has said that he does not intend to send American troops down there. But at the same time he asked for military aid from this body to help those people fight the battle themselves, the duly-elected Government of El Salvador. We have continually tried to cut that amount of money. You do not want to send aid down there so you obviously want to let the Communists continue to take control of that area of the world, 900 miles from our southern border. In addition you are trying to hamstring the President by not allowing him the latitude he may need to deal with that problem.”²³²

However, even if the administration continued to pay lip service to the fifty-five-men limit, it simultaneously acted on different paths to circumvent it. The operating rules of the advisers were secretly loosened, allowing US advisers to accompany Salvadoran units on training missions and even taking part at army offensive operations from front-line command posts in 1984. A further “linguistic loophole” was employed to change the definition of “trainer” in order to exclude several military positions from it. Under this expedient, US combat troops in El Salvador reportedly totaled 102 in August 1983.²³³ The administration also turned to Honduras, where the number of US military advisers was tripled, and a hundred Green Berets were sent to the newly-established Regional Military Training Centre at Puerto Castillo as part of a new Pentagon plan to make the training of Salvadoran forces cheaper than training them in the US. Finally,

²³¹ R. Grimmett, “The War Powers Resolution: After Thirty Years” ; H. Amdt.253 to H.R. 2969, available at <https://www.congress.gov/amendment/98th-congress/house-amendment/253?q=%7B%22search%22%3A%5B%22H.R.+2969%22%5D%7D&r=64&s=10> <https://www.congress.gov/amendment/98th-congress/house-amendment/253?q=%7B%22search%22%3A%5B%22H.R.+2969%22%5D%7D&r=64&s=10>, last accessed July 2019; *Congressional Record* , House, July 26, 1983, p. 20918, available at <https://www.govinfo.gov/app/details/GPO-CRECB-1983-pt15/>, last accessed July 2019.

²³² *Congressional Record* , House, July 26, 1983, p. 20923.

²³³ “Reagan Likely to Retain Limit of 55 on Trainers”, *The Washington Post*, 18.8.1983, available at <https://www.nexis.com/docview/getDocForCuiReq?lni=3S8G-H040-0009-X294&csi=280434&oc=00240&perma=true>, last accessed July 1983; “Americans and Combat: Rules Unclear in El Salvador”, *The Washington Post*, 23.10.1984, available at <https://www.nexis.com/docview/getDocForCuiReq?lni=3S8G-K4V0-0009-X2H8&csi=280434&oc=00240&perma=true>, last accessed July 2019; W. M. Leogrande, *Our Own Backyard*, p. 210.

additional US advisers were covertly trained by the CIA, a device that provided the administration with the advantage of keeping all the related operations under the exclusive scrutiny of congressional intelligence committees. Moreover, combat operations under the cover of CIA intelligence operations could lift the administration from the burden of complying with the provisions of the War Powers Resolution – which would have been triggered if any of the regular US advisers had been tasked with combat operations.²³⁴

Meanwhile, the Pentagon undertook a radical strategic reassessment of the US military plans in El Salvador, with the aim of unlocking the stalemated situation in favor of the Salvadoran government forces. After Defense Minister General García was replaced as a result of a compromise deal struck with the backing of the US in March 1983, the US and the Salvadoran Army launched a plan – the National Campaign Plan (NCP) – aimed at restructuring the counterinsurgency tactics of local forces in order to confront the guerrilla advances of the previous months. According to the Commander of the US military team, Colonel Waghelstein, the plan was modelled after the recommendations of the “Woerner report”, a document issued in November 1981 as a result of studies conducted on the Salvadoran Army by an ad-hoc military assistance team. The Woerner analysis outlined three policy options, two of which, the report stated, could not provide a strategic victory. The recommended course of action to achieve a military victory was calculated on a \$402 million budget to provide the adequate equipment and training to successfully confront the FLMN guerrillas. The NCP plan also drew from the Civil Operations and Rural Development Support (CORDS), a relatively successful pacification plan created in the Vietnam years under the Johnson presidency which is still currently regarded as a particularly efficient implementation of the counterinsurgency (COIN) strategy.²³⁵ NPC was an ambitious program combining military efficiency and civic development plans in order to win popular support and bring crucial areas under governmental control. At first, intelligence estimates and

²³⁴ R. Crandall, *The Salvador Option*, p. 253; W. M. Leogrande, *Our Own Backyard*, p. 211; P. L. Shepherd, “Honduras”, in M. Diskin, W. M. Leogrande, K. Sharpe, *Confronting Revolution*, p. 131; R. Bonner, *Weakness and Deceit*, pos. 3678; “Inquiry Discloses CIA Officers’ Aid to Salvador Army”, *Los Angeles Times*, 9.7.1987, available at <https://www.latimes.com/archives/la-xpm-1987-07-09-mn-3097-story.html>, last accessed July 2019.

²³⁵ B d’Haeseleer states that *Field Manual 3-24*, which provides “the most current US doctrine in counterinsurgency”, cites the CORDS among the most relevant COIN programs of the Vietnam years. B. d’Haeseleer, *The Salvadoran Crucible*, p. 15.

official statements by the US ambassador – who at the time was still Hinton – praised the success of the NPC. Nevertheless, mounting corruption within the National Commission for the Reconstruction of Affected Areas (CONARA) – the agency tasked with overseeing the NCP – and the ravaged economy of a country in the midst of a civil war made it difficult to successfully sustain the implementation of the US-designed policies. This, in turn, prevented to make substantial progress outside priority areas, where the insurgents directed their sabotage offensive: beginning in September 1983 with a guerrilla resurgence in San Vicente, the FLMN launched a series of violent attacks and gained control of new areas. By December 1983, the Salvadoran army retained control only on the major cities and the main roads in the country.²³⁶

Although the replacement of General García cleared the way for the new military strategy, one of its most crucial byproducts was the escalation of the repression, a result of the assignment of key security forces positions to members of the ultra-right faction as part of the compromise deal that removed García from power. Diskin and Sharpe report that between October 1979 and late 1983, violence peaks reached three hundred to five hundred people murdered each week, whereas violence “lows” totaled around one hundred and twenty a week.²³⁷

In a policy review issued in the summer of 1983, the State Department – in line with private remarks by the new US ambassador Thomas Pickering – recommended that the President take a more direct approach by threatening the suspension of US aid unless key death squads’ leaders were removed from the military. This, the State Department argued, could pave the way for the successful building of bipartisan support. Nevertheless, Reagan did not act according to the prescription, as hard-liners were still relevantly influential in the process of policy shaping.²³⁸

However, the upsurge of death-squad repression of US-supported trade unionists and political leaders in late 1983 triggered the first harsh public reactions by US officials:

²³⁶ W. M. Leogrande, *Our Own Backyard*, pp. 223-226; M. Diskin, K.E. Sharpe, “El Salvador” , p. 66; B. d’Haeseleer, *The Salvadoran Crucible*, pp. 175-178, 215-221; F. Woerner, “Report of the El Salvador Military Assistance Team (Draft)”, 12.9-8.11.1981, available at <http://documents.theblackvault.com/documents/dod/readingroom/12/460.pdf>, last accessed July 2019; P. Chalk, J. Dobbins, C. C. Fair, S. G. Jones, R. Lal, O. Olikier, “Securing Tyrants or Fostering Reform? U.S. Internal Security Assistance to Repressive and Transitioning Regimes”, National Security Research Division, 2006, full book available at https://www.rand.org/content/dam/rand/pubs/monographs/2006/RAND_MG550.pdf, last accessed July 2019.

²³⁷ M. Diskin, K.E. Sharpe, “El Salvador” , p. 67.

²³⁸ W. Leogrande, *Our Own Backyard*, p. 227.

Ambassador Pickering publicly condemned “extremist terror” as “the essential stumbling block to democracy in El Salvador”, warning that “none of us can afford to continue in the self-deluding belief that nothing is really known about the shadowy world of these individuals and therefore nothing can be done”, and Undersecretary of Defense Fred Iklé branded death squad repression as “fascist”.²³⁹

Yet, in November 1983, President Ronald Reagan unexpectedly pocket-vetoed a congressional bill that would have extended the certification law, which had expired at the end of September. This was part of an administration plan pushed by NSC hardliners to address a set of crucial issues, namely, the fact that certification hearings periodically put El Salvador high on the congressional agenda; the belief that legislative restriction on the President’s authority to conduct foreign policy should have been done away with; and the fact that the next certification round due in January 1984 would have been extremely difficult to sustain against the mounting repression in El Salvador. Despite the fact that the administration’s certifications on progress had been repeatedly criticized as “a farce”, the suspension further alarmed Reagan’s critics, as it bore the risk of sending “confusing signals...at a time when we are trying to send a...clear signal that political violence must cease”.²⁴⁰

In an effort to counter the effect of controversial public allegations made by Ronald Reagan, in which the President accused the Salvadoran leftists of infiltrating cities as rightists in disguise to bring down the government – thereby giving an implicit endorsement to d’Aubuisson and the ultraright – Washington sent Vice President George H.W. Bush to El Salvador in December 1983 in order to demand a series of specific actions that included the removal of high-ranking officials involved in death squad activity. Hosted by President Magaña on December 11, the Vice President reiterated the fact that the continuation of US aid was dependent on the adoption of such measures, with a particular emphasis on the death squads, which Bush described as

²³⁹ “U.S. Envoy Castigates Salvadorans on Terrorism”, *The New York Times*, 26.11.1983, available at <https://www.nytimes.com/1983/11/26/world/us-envoy-castigates-salvadorans-on-terrorism.html>, last accessed July 2019; M. Diskin, K.E. Sharpe, “El Salvador”, p. 67.; W. Leogrande, *Our Own Backyard*, p. 227.

²⁴⁰ “El Salvador: The Stage of Siege Continues”, *The New York Times*, 20.2.1983, available at <https://www.nytimes.com/1983/02/20/magazine/el-salvador-the-state-of-siege-continues.html>, last accessed July 2019; “El Salvador Aid Approved — With Strings.” In *CQ Almanac 1983*, 39th ed., 154-64.; R. Bonner, *Weakness and Deceit*, pos. 7616; W. Leogrande, *Our Own Backyard*, pp 228-229; R. Crandall, *The Salvador Option*, p. 292.

“cowards...[the] best friends the Soviets, the Cubans, and the comandantes and the Salvadoran guerrillas have”.²⁴¹ As R. Crandall notes,

“Bush comments...reflected the Reagan’s administration’s belated realization that it not only needed to isolate the shadowy rightist forces responsible for so much bloodshed, but also to cajole and even threaten its putative allies, lest it see its still bipartisan-endorsed Salvador Option unravel in Washington.”²⁴²

6. The Kissinger Commission Report and the 1984 presidential elections

The 1984 events were be crucial for the evolution of both the Salvadoran situation and the Reagan administration’s overall strategy towards the region. Firstly, On 10 January 1984, the National Bipartisan Commission on Central America published its report, soon to be commonly known as the Kissinger Commission Report. Appointed in July 1983, the Commission was the brainchild of neoconservatives J. Kirkpatrick, W. Clark, and Senator H. Jackson [D-Mas], who thought it could serve as an instrument for reaching a congressional compromise over Central America. In fact, the Commission was only nominally bipartisan, as it was composed by conservative Republicans and liberal Cold-War Democrats, with the only exception of moderate Democrat and San Antonio mayor Henry Cisneros. The choice of former Secretary of State Henry Kissinger as chairman for the Commission reportedly displeased people across the political spectrum, as it brought to mind such infamous foreign policy decisions as the 1972 Christmas bombings over Hanoi and the CIA-backed toppling of the democratically-elected Allende government in Chile in 1973. In addition to that, Kissinger had openly manifested his own lack of interest towards Latin America, when he told the foreign minister of Chile in 1969 that “nothing important can come from the South...the axis of history starts in Moscow, goes to Bonn, crosses over to Washington, and then goes to Tokyo. What happens in the South is of no importance.”²⁴³ Ignorance of Central America was a common feature to all the members of the commission, who

²⁴¹ W. Leogrande, *Our Own Backyard*, pp 231; M. Diskin, K.E. Sharpe, “El Salvador” , p. 68; “Question-and-Answer Session with High School Students on Domestic and Foreign Policy Issues”, 2.12.1983, Public Papers of Ronald Reagan, available at <https://www.reaganlibrary.gov/research/speeches/120283c>, last accessed July 2019; R. Crandall, *The Salvador Option*, p. 294; “In Salvador, Bush Assails Death Squads”, *The New York Times*, 12.12.1983, available at <https://www.nytimes.com/1983/12/12/world/in-salvador-bush-assails-death-squads.html>, last accessed July 2019.

²⁴² R. Crandall, *The Salvador Option*, p. 294.

²⁴³ H. Kissinger, as cited in R. Bonner, *Weakness and Deceit*, pos. 7470

heavily relied on the information presented to them, the flow of which was reportedly controlled by Kissinger himself in an effort to influence the result of the commission's hearings.²⁴⁴

Although recognizing the socio-economic drivers of the Salvadoran insurgency, the Kissinger Commission Report – described as “a vindication of Reagan’s policy”²⁴⁵ – nevertheless referred to “international terrorism, imported revolutionary ideologies, the ambitions of the Soviet Union, and the example and the engagement of a Marxist Cuba” as hindering obstacles to political progress in the region.²⁴⁶ Given the composition of the Commission, as Leogrande notes, “there was never any doubt that the...report would frame the Central American crisis in East-West terms and call for increased military assistance.”²⁴⁷ As a matter of fact, the commission proposed \$8.4 billion in economic aid to Central America over five years, with substantial increases in military aid for El Salvador.²⁴⁸ To make prospects of a deeper US military involvement in the region more palatable, the commission recommended that US assistance be dependent on El Salvador’s

Demonstrated progress towards free elections; freedom of association; the establishment of the rule of law and an effective judicial system; and the termination of the activities of the so-called death squads, as well as vigorous action against those guilty of crimes and the prosecution to the extent possible of past offenders.²⁴⁹

What’s more, the Kissinger Commission Report confirmed the position of the Reagan administration throughout the previous years by opposing power-sharing, a solution described as a potential “...prelude to a take-over by the insurgent forces.”²⁵⁰ The recommended course of action for a “true political solution”, the report continued, was holding “free elections in which all significant groups have a right to participate”. Nevertheless, the document specified that “neither supporters or opponents of the regime can be expected to participate in elections so long as terrorists from the right or

²⁴⁴ W. M. Leogrande, *Our Own Backyard*, p. 237-240; R. Crandall, *The Salvador Option*, p. 300-305; L. Cannon, *President Reagan*, pp.329-330; B. d’Haeseleer, *The Salvadoran Crucible*, p. 225.

²⁴⁵ R. Bonner, *Weakness and Deceit*, pos. 7478.

²⁴⁶ “Report of the National Bipartisan Commission on Central America”, January 1984, available at <https://hdl.handle.net/2027/uiug.30112105133950>, last accessed July 2019.

²⁴⁷ W. M. Leogrande, *Our Own Backyard*, p. 239.

²⁴⁸ L. Cannon, *President Reagan*, p. 329.

²⁴⁹ “Report of the National Bipartisan Commission on Central America”.

²⁵⁰ *Ibidem*.

the left run free.” As Brian d’Haeseleer writes, “the Kissinger commission’s focus on the struggle for political legitimacy conspicuously excluded an important actor—the FMLN”, a tendency in line with the attitude of the Reagan administration during the previous years.²⁵¹

Reactions to the report were mixed: President Reagan was particularly enthusiastic about it, and he would repeatedly refer to in the following months to support his claims about the need to increase military aid to El Salvador. On the other hand, congressional liberals opposed it, accusing the commission of ignoring “the past lessons of military solutions”, and associating the commission’s “fears about impotence and credibility” with the justifications for the American involvement in Indochina, an ever-present concern in the foreign policy debate.²⁵² Historian Arthur Schlesinger analyzed the report in a *New York Times* article in January 1984, describing it as “serious...literate...eloquent”, yet ultimately condemning it as “seriously deficient in its sense of political reality.”²⁵³ Nevertheless, the report’s emphasis on the human rights-linked conditionality of US aid helped institutionalize a more moderate approach, ironically pointing to the path embraced during the previous years by both Hinton and Enders, which was bluntly opposed by the administration’s hawks.

In March 1984, presidential elections were held in El Salvador, under the new constitution drafted by the Constituent Assembly established in 1982. Once again, the running candidates for the country’s major parties were José Napoleón Duarte (PDC) and Roberto d’Aubuisson (ARENA). A victory from either of the two nominees, however, was seen as potentially dangerous in Washington: on the one hand, the widespread suspicion towards Duarte in the private sector could urge some factions within the Salvadoran military to overthrow him; on the other hand, a victory from d’Aubuisson would fatally undercut congressional support for the US military aid,

²⁵¹ B. d’Haeseleer, *The Salvadoran Crucible*, p. 226.

²⁵² W. M. Leogrande, *Our Own Backyard*, p. 240; R. Crandall, *The Salvador Option*, p. 304; R. Bonner, *Weakness and Deceit*, pos. 7489; “A Military Solution”, *The New York Times*, 15.1.1984, available at <https://www.nytimes.com/1984/01/15/opinion/a-military-solution.html>, last accessed July 2019; “Congressional Reaction to Report Found Divided Along Party Lines”, *The New York Times*, 12.1.1984, available at <https://www.nytimes.com/1984/01/12/world/congressional-reaction-to-report-found-divided-along-party-lines.html>, last accessed July 2019.

²⁵³ “Failings of the Kissinger Report”, *The New York Times*, 17.1.1984, available at <https://www.nytimes.com/1984/01/17/opinion/failings-of-the-kissinger-report.html>, last accessed July 2019.

which at the time was desperately needed given the stalemated military situation.²⁵⁴ The US embassy initially lobbied for the nomination of businessman Fidel Chavez Mena as the PDC candidate, and efforts were made to signal d'Aubuisson's unacceptability as ARENA's main candidate. US pressures, however, failed at influencing the parties' decision. Washington's subsequent plans to throw its support behind PCN (*Partido de Conciliación Nacional*) candidate Francisco Guerrero were abandoned in the wake of the first electoral run on 25 March 1984 due to Guerrero's poor popular support. The Reagan administration thus turned to Duarte, financing his campaign through both overt AID assistance and covert CIA funding. Duarte eventually won the 6 May electoral runoff with fifty-four percent of the votes, but his victory was immediately denounced by ARENA as a fraudulent outcome, heavily dependent on the CIA's meddling with Salvadoran internal affairs.²⁵⁵ Senator J. Helms, who reportedly had made no mystery of his positive consideration and personal ties with d'Aubuisson during the previous years, denounced Ambassador Pickering's role in "rigging" the elections and accused the State Department and the CIA of buying the election for Duarte.²⁵⁶ Senator Helms' comments sent dangerous signals to the Salvadoran ultraright: as a matter of fact, American intelligence uncovered plots to assassinate the US ambassador in May 1984 and in October of the same year. Nevertheless, despite US pressures to rein in the extreme right after the discovery of the May assassination plot, the American embassy adopted a more conciliatory policy towards d'Aubuisson, who was later granted a visa and continued to enjoy widespread support among grassroots Republican conservatives in the US.²⁵⁷

On the whole, Duarte's victory in the Salvadoran presidential elections was a watershed event that drastically transformed congressional opposition into bipartisan support for

²⁵⁴ "U.S. Aides Fear Salvador Setback, Even a Coup, on Election's Wake", *The New York Times*, 2.2.1984, available at <https://www.nytimes.com/1984/02/02/world/us-aides-fear-salvador-setback-even-a-coup-in-election-s-wake.html>, last accessed July 2019.

²⁵⁵ W. M. Leogrande, *Our Own Backyard*, pp. 246-250; R. Crandall, *The Salvador Option*, pp. 317-326; M. Diskin, K. Sharpe, "El Salvador", p. 70; "Duarte Claims Salvador Victory but Opponent Refuses to Concede", *The New York Times*, 8.5.1984, available at <https://www.nytimes.com/1984/05/08/world/duarte-claims-salvador-victory-but-opponent-refuses-to-concede.html>, last accessed July 2019.

²⁵⁶ *Congressional Record*, Senate, 8 May 1984, available at <https://www.govinfo.gov/app/details/GPOCRECB-1984-pt8/GPO-CRECB-1984-pt8-8-1>, last accessed July 2019; "Helms Bids Envoy to Salvador Quit", *The New York Times*, 3.5.1984, available at <https://www.nytimes.com/1984/05/08/world/duarte-claims-salvador-victory-but-opponent-refuses-to-concede.html>, last accessed July 2019.

²⁵⁷ W. M. Leogrande, *Our Own Backyard*, pp. 246-250; R. Crandall, *The Salvador Option*, pp. 317-326.

Reagan's policy as to Central America. In addition to that, Duarte's personal lobbying at the House for the continuation – and increase – of US military aid, coupled with the conviction of the National Guardsmen charged for the 1980 killing of the American churchwomen, helped break the resistance of many moderate Democrats within the Congress. As a result of the establishment of a majority coalition supporting American aid, US military aid to El Salvador for FY1984 totaled almost two hundred million dollars between original appropriations and supplementals. Moreover, appropriations for FY1985 – which were again to be authorized through means of a continuing resolution – totaled 128 million dollars, with only mild conditions imposed by the House. Until 1989, Congress continued to approve military aid to El Salvador with little or no reservations, and after Reagan's landslide victory in the presidential campaign of 1984 the Salvadoran civil war – although far from being under control during the Duarte presidency – gradually disappeared from the administration's foreign policy agenda.²⁵⁸

Nevertheless, the much-requested substantial increase in military did not turn into a swift victory by the Salvadoran armed forces on the leftist guerrilla. Brian d'Haeseleer suggests that, as an alternative to the classic characterization of the phase as one of "stalemate", the 1984-1989 period should be most appropriately referred to as one of "moving equilibrium".²⁵⁹ To be sure, the conspicuous increase in US military aid did actually improve the Salvadoran army's performance, but it most notably provided hardware ranging from combat equipment to a navy – which, up until that time, the country did not possess – and a renewed air force. In particular, air strikes assumed an increasingly prominent role in the next years of war, as the Salvadoran army employed helicopters for both firepower support to its ground troops and the systematic bombing of alleged guerrilla-harboring zones, with virtually no discrimination between FLMN members and Salvadoran civilians. To confront the technological and logistical superiority of the Salvadoran Army, FLMN commanders directed the adoption of a new strategy of prolonged warfare, focused on increased hit-and-run raids, sabotage,

²⁵⁸ W. M. Leogrande, *Our Own Backyard*, pp. 256-259; R. Crandall, *The Salvador Option*, pp. 327-330; M. Diskin, K. Sharpe, "El Salvador", p. 70; B. d'Haeseleer, *The Salvadoran Crucible*, p. 230-232; "El Salvador Aid Approved — With Strings." In *CQ Almanac 1983*, 39th ed., 154-64; "Congress Passes Extra \$70 Million Aid to Salvador", *The New York Times*, 11.8.1984, available at <https://www.nytimes.com/1984/08/11/world/congress-passes-extra-70-million-in-aid-to-salvador.html>, last accessed July 2019.

²⁵⁹ B. d'Haeseleer, *The Salvadoran Crucible*, p. 233.

kidnappings, and assassinations, with the aim of destabilizing the country's government and economy.²⁶⁰ The new course of action drew from Vietnamese General Vo Nguyen Giap's guerrilla warfare strategy, which abandoned the idea of directly confronting the opponent in an open battle in favor of political organization and prolonged attrition tactics aimed at wearing the enemy down. The new strategy was condensed in the FLMN slogan "*convirtir El Salvador en un mar de guerrillas y pueblo organizado*" (to transform El Salvador into a sea of guerrilla and organized people).²⁶¹

As a result of the guerrilla strategic reassessment, insurgent attacks in the capital and acts of sabotage increased dramatically. On the evening of 19 June 1985, FLMN commandos opened fire against unarmed US Marines at the Chili's restaurant in the nightlife quarter of Zona Rosa in San Salvador. The attack resulted in the killing of four American soldiers and nine civilians, two of whom were American businessmen. The FMLN General Command issued a statement in the following days, declaring that it considered the US marines as legitimate military targets. Paying homage to the remains of the US soldiers at the Andrews Air Force Base, Reagan publicly pledged to "find the jackals and bring them and their colleagues in terror to justice"; meanwhile, hardliners in the administration argued for aggressive retaliation measures such as air strikes against the guerrilla or the suspension of the legal ban on assassination of Executive Order 12333 of 1981. Although such drastic proposals were eventually dropped, later newspaper reports mentioned a US Rangers retaliatory mission that resulted in the killing of around eighty people from the guerrilla.²⁶² While the "off-duty" status of the US marines killed at the Zona Rosa could have been conveniently used to circumvent the definition of hostilities, the alleged retaliatory response could hardly fall under a

²⁶⁰ R. Crandall, *The Salvador Option*, pp. 346-350, 362-370; W. M. Leogrande, *Our Own Backyard*, pp. 264-268; B. d'Haeseleer, *The Salvadoran Crucible*, pp. 235-239; 224-246.

²⁶¹ B. D'Haeseleer, *The Salvadoran Crucible*, p. 255.

²⁶² R. Crandall, *The Salvador Option*, p.371-373; W. M. Leogrande, *Our Own Backyard*, pp. 269-270; "Transcripts of Remarks by Reagan", *The New York Times*, 23.6.1985, available at <https://www.nytimes.com/1985/06/23/world/transcript-of-remarks-by-reagan.html>, last accessed July 2019; "Executive Order 12333 – United States Intelligence Activities", 4.12.1981, Part 2.11: "*Prohibition on Assassination*. No person employed by or acting on behalf of the United States Government shall engage in, or conspire to engage in, assassination", available at <https://www.archives.gov/federal-register/codification/executive-order/12333.html#2.11>, last accessed July 2019; "U.S. Said to Have Weighted Raid on Training Camp in Nicaragua", *The New York Times*, 24.7.1985, available at <https://www.nytimes.com/1985/07/24/world/us-said-to-have-weighted-raid-on-training-camp-in-nicaragua.html>, last accessed July 2019; "Report: Army Rangers Killed 83 in Retaliation for 1985 Massacre", *Associated Press*, 15.6.1995, available at <https://apnews.com/b73b23529a7e68a88ce3cea6b1336b81>, last accessed July 2019;

different characterization. As a matter of fact, according to one of the rangers who took part to the mission, gunfire erupted immediately, and “It got pretty hairy for a while, but we didn’t have major casualties.”, thereby undeniably placing the US troops in a situation of hostilities.²⁶³ Nevertheless, after chief Pentagon spokesman Ken Bacon denied the existence of information supporting the report, no action to conduct an in-depth investigation was undertaken, nor did members of the Congress apparently raised the issue for clarification.

The US military advisers’ involvement in the Salvadoran civil war eventually produced evidence that could contradict the administration’s claims about the safe status of the US personnel on the ground: on 31 March 1987, the leftist guerrilla attacked the army base at El Paraiso, killing 43 Salvadoran soldiers and Staff Sergeant Gregory Fronius, the first US adviser to be killed in battle since 1981. Yet, after the 1984 elections and the establishment of a broad and enduring bipartisanship to back Reagan’s policy towards El Salvador, such tragedy did not trigger the staunch congressional opposition that had characterized Reagan’s first term in office. To provide an indicative example, media coverage for the combined keywords “advisers” and “Salvador” in the *New York Times* Digital Archives totals 927 entries between 1981 and 1984, whereas the total from 1985 and 1988 drastically drops at 268. Moreover, congressional actions citing the War Powers Resolution in relation to the US military presence in Salvador “peaked” in the 98th Congress (1983-1984), a period which corresponds both to the height of congressional opposition and to the zenith of leftist guerrilla manpower. As previously mentioned in the chapter, H. Con. Res. 67 of 1983 was aimed at forcing presidential compliance to the WPR for the deployment of military personnel to El Salvador, and H. Amdt. 253 to H.R. 2969 of the same year sought to write the limit of US advisers into law while also linking any future increase to a presidential report under the WPR provisions. In addition to that, H. J. Res. 557 of 1984 called for the removal of the United States Armed Forces from Honduras and El Salvador, which, for the purposes of the WPR, were considered to have been introduced in “imminent hostilities”.²⁶⁴

²⁶³ “Report: Army Rangers Killed 83 in Retaliation for 1985 Massacre.”

²⁶⁴ H. Con. Res. 67, <https://www.congress.gov/bill/98th-congress/house-concurrent-resolution/67?q=%7B%22search%22%3A%5B%22War+powers+resolution%22%5D%7D&s=1&r=6>, last accessed July 2019; H. Amdt. 253 to H.R. 2969, <https://www.congress.gov/amendment/98th-congress/house-amendment/253?q=%7B%22search%22%3A%5B%22War+powers+resolution%22%5D%7D&s=10&r=6>

Nevertheless, congressional opposition to Reagan's foreign policy gradually waned in the President's second term in office, and references to the presence of US troops on the Salvadoran ground in violation of the War Powers Resolution virtually disappeared from the contemporary public debate.

The next chapter will examine Reagan's foreign policy towards Nicaragua, where the revolutionary left took power in 1979, thus confronting the US with the actual "threat" of a communist regime right at America's "back door".

18, last accessed July 2019; H. J. Res. 557, <https://www.congress.gov/bill/98th-congress/house-joint-resolution/557?q=%7B%22search%22%3A%5B%22War+powers+resolution%22%5D%7D&s=10&r=21>, last accessed July 2019.

Chapter 3 – Confronting Congress on Nicaragua

1. The roots of Nicaraguan social instability

The two Central American countries of El Salvador and Nicaragua share a past of repressive, US-backed governments responsible of major human rights abuses and systematic corruption. El Salvador and Nicaragua also share a story of radical opposition organizing under the partially common label of “National Liberation Front” – each in its own national declination - and fighting a guerrilla war in a desperate attempt to put an end to institutionalized violence and corruption. In the case of Nicaragua, the Sandinista revolution had succeeded in toppling the US-backed dictatorship of Anastasio Somoza Debayle in 1979, thereby presenting the Reagan administration with a completely different set of problems as opposed to El Salvador. As previously exposed, the late 20th century Central American turmoil was filtered through Washington’s Cold War conception of a geostrategic power-play between the US and the Soviet Union, thereby fatally framing it into broad security terms. As the chapter will describe, although the rationale for the US intervention in Nicaragua follows the same objective the Reagan administration pursued in El Salvador – namely, the prevention of another communist-oriented government in the hemisphere – the implementation of US foreign policy differed substantially. To understand the reasons behind the need to adopt a different – and, as the events unfolded, unlawful – foreign policy strategy, it is helpful to trace the steps that brought Nicaragua among the top US security concerns.

In the 1970s, domestic opposition to the Somoza dictatorship dramatically increased as result of intertwining problems. Among these were growing unemployment among the lower class, childhood malnutrition, and the polarization of society resulting from both the gradual transformation of the Nicaraguan economy into an agro-export economic system and the rise of a national industrial system which began in the 1950s. Widespread social instability had been a constant feature of the Nicaraguan society

since the years of the US marines' occupation of the country from 1912 to 1933, which was aimed at preserving pro-American governments in power. In particular, from 1926 to 1933, the marines had to confront a guerrilla peasant army organized under the leadership of nationalist Augusto César Sandino. The stiff resistance of the insurgents and the protracted indecisiveness of the conflict resulted in the American withdrawal from Nicaragua, a decision which was also pushed by growing domestic opposition in the US. Nevertheless, shortly before leaving, the US marines installed the American-educated politician Anastasio Somoza García "Tacho" at the guide of the country's marine-trained army, the National Guard. In one of his first acts as commanding officer, Somoza commanded the assassination of Sandino. Somoza García then proclaimed himself president of the country after a coup staged in 1936 with the backing of the National Guard, which he turned into an instrument to increase his personal power.¹ After the boycott of the elections held later in the same year, Somoza consolidated his power and inaugurated a family-centered dictatorship which ruled over Nicaragua from 1936 to 1979.

The Somoza dynasty presided over a process of slow and difficult economic development that, as in El Salvador under the military *Juntas*, increasingly impoverished the lower classes while enriching the elites, a tendency that periodically required the use of repressive force by the military to hold the system together and smother armed attempts to overthrow the regime. Nevertheless, Anastasio Somoza García managed to strengthen his grip on the country by pursuing the path of *continuismo*, namely, the maneuvering of key institutions by accommodating the demands of affluent sectors of the Nicaraguan society such as the agro-exporting economic elites, the National Guard, and, most importantly, of the United States. As a matter of fact, sensing that the continuation of US support was vital to preserve his power, Somoza aligned with US policies throughout the decades he was in power, and once the Cold War broke, he swiftly secured the continuation of American backing by adopting staunch anti-communist measures.²

¹ D. Gilbert, "Nicaragua", in M. Diskin, W. M. Leogrande, K. Sharpe (eds.), *Confronting Revolutions*, pp. 88-124; C. L. Staten, *The History of Nicaragua*, The Greenwood Histories of the Modern Nations Series, Greenwood, 2010, p. 43; T. W. Walker, *Reagan vs. the Sandinistas*, p. 2; J. M. Scott, *Deciding to Intervene: the Reagan doctrine and American Foreign Policy*, Duke University Press, 1996, p. 153.

² C. L. Staten, *The History of Nicaragua*, pp. 50-53; ² D. Gilbert, "Nicaragua", p. 90.

After the death of Anastasio Somoza García, nine days after an assassination attempt in 1956, his eldest son and President of the Nicaraguan Congress Luis Somoza Debayle took power and continued to rule through *continuismo*. Luis Somoza's younger brother, Anastasio Somoza Debayle, known as "Tachito", became the new, sanguinary head of the National Guard. A few years later, the success of the Cuban revolution in 1959 brought its consequences to the neighboring countries, including Nicaragua, where students began to publicly protest against the Somoza dictatorship. The manifestations, however, were violently repressed. At the beginning of the 1960s, influent members of the 1944 and 1959 revolutionary movements such as Tomás Borge, Carlos Fonseca, and Silvio Mayorga began to organize a new political-military guerrilla entity inspired by the teachings of Sandino and the Cuban revolution. This small group would constitute the basis of the Sandinista National Liberation Front (*Frente Sandinista de Liberación Nacional*, FSLN). However, as Denis Gilbert writes, "Sandinista ideology was and remains ill-defined, heterodox and pragmatic". As a matter of fact, although rooted in Marxism, the Sandinista ideology envisioned a society which contemplated both the presence of private enterprise within a planned economic system and radical Catholics among the leadership, a conception far from the Marxist-Leninist orthodoxy. Nevertheless, the group's first attempts to establish rural base camps on the Nicaraguan mountains were hindered by poor organization and lack of peasant support, and after a massive defeat from the National Guard the FSLN retreated to avoid its total suppression. From 1963 to the beginning of the next decade, the FSLN kept a relatively low profile but continued to recruit members, who joined the group under oaths of secrecy. The members were organized in small cells with limited inter-group contact, a solution aimed at preventing the divulgation of sensible information to the National Guard.³

On 1 August 1966, Anastasio Somoza Debayle announced his candidacy for the Nicaraguan presidency, and after having crushed a mass rally organized by the opposition's candidate Fernando Aguero Rocha in late January 1967, he was elected president a few weeks after. Under the rule of Anastasio Somoza Debayle, corruption and repression became the pillars for the continuation of the regime, as was the case in El Salvador with the late 1979 *derechización*. The critical conditions of the Nicaraguan

³ C. L. Staten, *The History of Nicaragua*, pp. 58-59, 67-71; J. M. Scott, *Deciding to Intervene*, p. 153; D. Gilbert, "Nicaragua", p. 92.

society under the Somoza dictatorship were further frustrated in the aftermath of a devastating earthquake that hit Managua in late December 1973, killing more than ten thousand people and leaving more than three hundred thousand people with their home, jobs, and relatives buried under the rubbles. President Nixon reassured Somoza that the US would sustain the reconstruction efforts, and authorized a total of 32 million dollars in relief aid. Yet, Somoza hijacked the aid flow towards family-owned companies that monopolized and delayed the reconstruction process of the capital. Moreover, the price for the Somoza-owned land outside the city center, which was crucial for the relocation of former city-based business, skyrocketed; most of the US-donated relief supplies, which were supposed to be distributed for free to the desperate population, were instead sold at local markets; and AID-sponsored housing emergency funds were invested in luxury housing for the National Guard, whereas the poor were crammed in crumbling wooden hovels. These actions had tremendous political consequences for Somoza, who managed to anger virtually the totality of the Nicaraguan society through his ruthless display of corruption and greed.⁴

As a result of Somoza's post-earthquake actions, social upheaval increased drastically. On the political front, the moderate opposition including business, labor, and political organizations united in two alliances, the Democratic Liberation Union (*Unión Democrata de Liberación*, UDEL), and the Broad Opposition Front (*Frente Amplio Opositor*, FAO). Moreover, former *Somocistas* (Somoza supporters) left the Liberal Nationalist Party (*Partido Liberal Nacionalista*, PLN), through which Luís Somoza had sought to extend his family's power beyond the presidency. Among the lower classes, strikes and public manifestations were regularly organized throughout the country, thus providing fertile soil to the FSLN's recruiting and anti-government activities. Moreover, the poorest members of society began to react positively to the radical social ideas coming from the Liberation Theology movement that was developing in the Latin American Catholic Church.⁵

At the end of December 1974, tension escalated after the Sandinista kidnapping of members of the Somoza family, several prominent Nicaraguan businessmen, and the Chilean ambassador. Actually, the FSLN had initially planned to kidnap the US Ambassador Shelton, who, however, had already left the building by the time the

⁴ C. L. Staten, *The History of Nicaragua*, p. 77-78; D. Gilbert, "Nicaragua", p. 90.

⁵ C. L. Staten, *The History of Nicaragua*, pp. 77-79; D. Gilbert, "Nicaragua", pp. 91-92

Sandinistas began their operation. Somoza took his revenge by declaring the martial law and a complete censorship of the press. Between 1975-1976, a brutal repression was unleashed on the country. Hundreds of alleged Sandinistas were captured and tortured regardless of their social positions; villages were napalmed and peasants' fields were burned; the overall number of disappearances and political prisoners soared to unprecedented levels. Although the repression drastically reduced the power of the FSLN, it exacerbated the public contempt towards the Somoza regime, bringing international attention to the human rights abuses of the dictatorship.⁶

During the Somoza repression, however, an internal split had divided the FSLN as a result of the killing of Sandinista leader Carlos Fonseca in 1975, who was the most influential figure within the Front at that time. The factions resulting from the internal division of the FSLN followed three main conceptions on how to overthrow the Somoza regime. The Prolonged People's War tendency (*Guerra Prolungada Popular*, GPP), supported by Tomás Borge and Henry Ruiz was the most cautious approach, as it focused on the gradual developing of a rural and urban guerrilla army before acting against the government. Jaime Wheelock's Proletarian Tendency (*Tendencia Proletario*, TP), instead, called for a tactical reassessment towards political organization among the urban lower classes. The Insurreccional Tendency (*Tendencia Insurreccional* or the *Terceristas*), led by Daniel and Humberto Ortega, was based on the assumption that the public contempt with the Somoza regime had sunk so deep into the Nicaraguan society that it would ultimately enable to unify the entire nation to topple the dictatorship. During the following years, the *Terceristas* would assume increasingly more authority as the unfolding events confirmed their assessment, and the faction would eventually lead a unified FSLN to the victory against Somoza.⁷

2. The U.S. and the Sandinista revolution

US concerns towards Nicaragua rose in the midst of the 1975-1976 repression, when US congressional supporters of the human rights movement began to turn their attention to the ever-increasing violence of the Somoza dictatorship. The following year, the election of Jimmy Carter to the American presidency marked the beginning of an unprecedented foreign policy reshaping in the history of post-WW II United States. As

⁶ C. L. Staten, *The History of Nicaragua*, p. 79; J. M. Scott, *Deciding to Intervene*, p. 153.

⁷ C. L. Staten, *The History of Nicaragua*, p. 79; D. Gilbert, "Nicaragua", p. 92.

a matter of fact, Carter proposed to reconsider the developments in the Third World as events unfolding beyond the East-West superpower-play rationale that had underlined the US conception of the world dynamics up until that time. In particular, the administration's policy towards Latin America was influenced by two reports issued by the Commission on US Latin-American Relations (CUSLAR), later to be collectively known as the "Linowitz Commission Report".⁸ The two documents – titled *The Americas in a Changing World* and *The United States and Latin America: Next Steps*, respectively issued in 1975 and 1976 – recommended the adoption of a new US policy towards the hemisphere, which should give priority to a series of initiatives such as the negotiation of a treaty with Panama, a relaxation of US-Cuban relations, and an active promotion of human rights.⁹ Robert Pastor, a member of the NSC under the Carter presidency, defined the Linowitz report as "globalistic", in that it called for a more balanced relationship between the US and Latin America, as opposed to the inherently paternalistic tone and substance of the Monroe Doctrine and of Kennedy's Alliance for Progress.¹⁰ On the particular issue of human rights, the report stated:

"We believe that the U.S. government can help to reduce the incidence of repression if it applies quiet but firm pressure and speaks clearly and with one voice...The Commission reaffirms its belief that the U.S. should consider human rights violations to be a major factor in deciding on the substance and tone of its bilateral and multi-national relations with all countries."¹¹

The role of human rights as a pillar of the new US foreign policy was made clear from the very beginning of the Carter presidency, when the newly-appointed President stated in his inaugural address:

"Because we are free we can never be indifferent to the fate of freedom elsewhere. Our moral sense dictates a clear-cut preference for these societies which share with us an abiding respect for individual

⁸ The commission was chaired by Sol Linowitz, US Ambassador to the OAS during the Johnson presidency. During the Carter presidency, Linowitz was appointed as chief negotiator for the Panama Canal Treaty.

⁹ W. M. Leogrande, D. C. Bennett, M. J. Blachman, K. Sharpe, "Grappling with Central America: from Carter to Reagan" in M. J. Blachman, W. M. Leogrande, *Confronting Revolution in Central America*, p. 296;

¹⁰ R. Pastor, "The Carter Administration and Latin America: a Test of Principle", The Carter Center, July 1992, available at <https://www.cartercenter.org/documents/1243.pdf>, last accessed July 2019.

¹¹ Commission on US-Latin American Relations (CUSLAR), *Second Report by the Commission on United States-Latin American Relations*, as cited in "Linowitz Report on Latin America: Blueprint for Confrontation", in *Executive Intelligence Review*, Vol. 4, No. 1, 4.1.1977, available at https://larouchepub.com/eiw/public/1977/eirv04n01-19770104/eirv04n01-19770104_064-linowitz_report_on_latin_america.pdf, last accessed July 2019.

human rights. We do not seek to intimidate, but it is clear that a world which others can dominate with impunity would be inhospitable to decency and a threat to the well-being of all people.”¹²

Historians Leogrande, Bennett, Blachman and Sharpe contend that Carter’s rhetoric on the crucial role of human rights in the new administration’s foreign policy was actually a convenient misrepresentation of the real aims of the administration, with the aim to make it more palatable for public consumption. In fact, the authors state that the new policy orientation served a broader purpose than moral concerns alone, that is, distancing the US from repressive autocracies in order to reduce threats to US national security. As a matter of fact, the Carter administration sensed that unconditioned support to brutal regimes would be counterproductive on the long run, as the revolting population would remember that the US had sided with tyrants in the event of the collapse of these repressive autocracies.¹³ To be sure, even if private diplomacy still continued to be the preferred confrontational stance against repressive regimes in the world, the Carter White House was actually willing to exert diplomatic and economic pressures in case of a failure on the diplomatic front – at least up until the emergence of multiple security concerns around the world between 1978 and 1979. Moreover, in the aftermath of the Vietnam War, the Watergate Scandal, and the publication of the Church Committee Report¹⁴, the US Congress was willing to endorse a more ethically-based foreign policy. The first congressional display of support to the administration’s rhetoric intransigence towards human rights abuses came with the approval over the reduction of military aid to repressive governments, starting with Argentina, Uruguay, and Ethiopia in March 1977.¹⁵ Throughout the same year, Carter’s nominally “global” human rights policy found its most consistent implementation in Central America, where the US perceived the challenges to the existing oppressive regimes as relatively feeble. The supposed absence of major security concerns in the region thus allowed the

¹² Jimmy Carter, Inaugural Address, 20 January 1977, available at <https://www.bartleby.com/124/pres60.html>, last accessed July 2019.

¹³ W. M. Leogrande, D. C. Bennett, M. J. Blachman, K. Sharpe, “Grappling with Central America”, p. 297.

¹⁴ The Church Committee Report published in 1975 investigated the alleged CIA role in the assassinations of a number of foreign leaders including Patrice Lumumba (Congo), Fidel Castro (Cuba), Rafael Trujillo (Dominican Republic), Ngo Dinh Diem (Vietnam), and Rene Schneider (Chile).

¹⁵ J. Smith, *The United States and Latin America: a History of American Diplomacy, 1776-2000*, Routledge, 2005, p. 146; “Argentina Says Carter Interferes”, *The New York Times*, 1.3.1977, available at <https://www.nytimes.com/1977/03/01/archives/argentina-says-carter-interferes.html>, last accessed July 2019; M. H. Morley, *Washington, Somoza, and the Sandinistas: State and Regime in U.S. Policy Toward Nicaragua, 1961-1981*, Cambridge University Press, 1994, p. 93.

US administration to actively pressure the governments of Nicaragua, El Salvador, Honduras, and Guatemala on human rights issues. Country-specific reports on human rights abuses perpetrated by the Central American military regimes were also sent to the US Congress in compliance with the dispositions of sec. 301 of the International Security Assistance and Arms Export Control Act of 1976 [Public Law 944-329]. The legislation created the position of Coordinator for Human Rights and Humanitarian Affairs, a figure that would assist the Secretary of State in the creation of reports analyzing “the observance of and respect for internationally recognized human rights in each country proposed as a recipient of security assistance”.¹⁶ Leogrande, Bennett, Blachman and Sharpe highlight that, however, the human rights issue was “always muted” in the presence of national security concerns involving key US allies such as South Korea, Iran, or the Philippines.¹⁷ Morris Morley expands on this notion, contending that the selective application of this foreign policy approach – described as “sequential and calibrated diplomatic strategy” by Assistant Secretary of State for Human Rights Mark Schneider – was not aimed at challenging the legitimacy of the repressive regimes, but rather at pushing these oppressive governments to control the violence of their armed forces, thereby reducing the risk of triggering national anti-US tendencies in the Western Hemisphere.¹⁸ A significant observation made by Hauke Hartmann reinforces the thesis that Carter’s human rights rhetoric, albeit “innovative” as far as US Cold War foreign policy is concerned, was far from indicating a radical reassessment of the US role vis-à-vis other countries:

¹⁶ International Security Assistance and Arms Export Control Act of 1976 [Public Law 90-329], available at <https://www.govinfo.gov/content/pkg/STATUTE-90/pdf/STATUTE-90-Pg729.pdf>, last accessed July 2019.

¹⁷ W. M. Leogrande, D. C. Bennett, M. J. Blachman, K. Sharpe, “Grappling with Central America”, p. 297.

An insightful perspective on the issue of both defining and interpreting the concept of “human rights” throughout history can be found in S. Moyn, *The Last Utopia: Human Rights in History*, The Belknap Press of Harvard University Press Cambridge, Massachusetts, and London, England, 2010. “Though they were born as an alternative to grand political missions—or even as a moral criticism of politics—”, Moyn writes in the introduction of the book, “human rights were forced to take on the grand political mission of providing a global framework for the achievement of freedom, identity, and prosperity. They were forced, slowly but surely, to assume the very maximalism they triumphed by avoiding.”

¹⁸ M. H. Morley, *Washington, Somoza, and the Sandinistas: State and Regime in U.S. Policy Toward Nicaragua, 1961-1981*, Cambridge University Press, 1994, p. 93.

“It took the Carter administration, which had declared the protection of international human rights to be a central aspect of its foreign policy, over a year, until 17 February 1978, to work out a Presidential Directive on its human rights policy.”¹⁹

As Hartmann’s reconstruction shows, the failure to find an agreement over a comprehensive strategy for human rights was due to the administration’s preference for flexibility in the conduct of foreign policy, which was incompatible with the implications of pursuing economic and social rights, a particular human rights category that many advocates considered as the original cause of instability and repression. As a matter of fact, a socio-economic human right agenda would have implied a revision of the long-standing relationship between the US and repressive military regimes, which, in turn, would have entailed the abandonment of traditional US geostrategic concerns. With particular reference to Latin America, such a radical reshaping of long-time US alliances was ruled out by Carter himself, who had repeatedly left open the possibility of US intervention in the internal affairs of other countries in case of a direct threat to US security interests in the hemisphere. As a consequence, the efforts to avoid binding limitations in the human rights field soon resulted in a discrepancy between the administration’s words and its unwillingness to sacrifice broader policy goals for fear of a political backlash.²⁰

Before the gradual erosion of the administration’s domestic credibility in the summer of 1977, however, several Latin American military governments – Guatemala, Argentina, Brazil, and El Salvador – had protested the new US human rights-based criteria by preemptively declaring their rejection of American aid, and turning to Western Europe and Israel for military supplies. Among the critics of the new foreign policy reorientation was the leading conservative Ronald Reagan, who wrote “little wonder that friendly nations such as Argentina, Brazil, Chile, Nicaragua, Guatemala, and El Salvador have been dismayed by Carter's policies.”²¹ In the case of Nicaragua, the substantial reduction of US aid to the Somoza regime actually accelerated the escalation of the Sandinista revolution, as the National Guard faced ever-increasing difficulties in

¹⁹ H. Hartmann, “US Human Rights Policy under Carter and Reagan, 1977-1981”, in *Human Rights Quarterly*, Volume 23, Number 2, May 2001, pp. 402-430.

²⁰ H. Hartmann, “US Human Rights Policy under Carter and Reagan, 1977-1981, p. 412; R. Pastor, “The Carter Administration and Latin America: a Test of Principle, p. 19.

²¹ R. Reagan as cited in R. Pastor, “The Carter Administration and Latin America: a Test of Principle, p. 26; W. M. Leogrande, D. C. Bennett, M. J. Blachman, K. Sharpe, “Grappling with Central America”, p. 297; J. Smith, *The United States and Latin America: a History of American Diplomacy*, p. 155.

containing mounting guerrilla attacks throughout the country. In October 1977, the *terceristas* within the FSLN launched a nation-wide offensive, which required a joint military counterinsurgency effort by the US, Guatemalan, Salvadoran, and Nicaraguan National Guard forces.

However, the crisis of Carter's administration human rights policy began in the aftermath of the assassination of Joaquín Chamorro, UDEL leader and editor of *La Prensa*, Managua's most important moderate opposition newspaper, on 10 January 1978. Although the Nicaraguan dictator denied any involvement in the death of Chamorro, few in the nation were willing to believe that the Somozas were extraneous to the assassination. Estimates of fifty thousand people showed up at Chamorro's funeral procession, turning it into a mass demonstration against the regime. Nationwide strikes were organized throughout the year to force the resignation of Somoza, and political defection spread among former Somoza supporters, including members of the Conservative Party in the Nicaraguan Congress and prominent businessmen and members of the agro-export of elite. The threat of political instability, coupled with pressure coming from pro-Somoza members of Congress, led to the release of twelve million dollars in economic aid in June 1978, a decision which raised concerns over the administration's foreign policy coherence. In August, *tercerista* forces within the FSLN stormed the National Palace in Managua and seized members of the Nicaraguan Congress and other civilians as hostages in public attempt to seize the initiative before the US could intervene to establish a pro-US, non-revolutionary government in the country. The raid proved successful in strengthening the popular support for the Sandinistas, who launched a powerful, nationwide offensive in September 1988. Once again, Somoza answered with brutal repression reaching unprecedented levels of violence, and, after thirteen days of bombings and artillery fire, he managed to retake the cities occupied from the rebels.²²

²² C. L. Staten, *The History of Nicaragua*, p. 81-84; D. Gilbert, "Nicaragua", p. 93-94; "The Wrong Message to Nicaragua", *The New York Times*, 2.6.1978, available at <https://www.nytimes.com/1978/06/02/archives/the-wrong-message-to-nicaragua.html>, last accessed June 2019. As a partial, yet indicative press coverage for the 1978 turmoil in Nicaragua, see "New Rioting Erupts in Nicaragua Capital", *The New York Times*, 13.1.1978, available at <https://www.nytimes.com/1978/01/13/archives/new-jersey-pages-new-rioting-erupts-in-nicaragua-capital-protesters.html>; "Murder of Anti-Somoza Newsman has Deepened Crisis in Nicaragua", 14.1.1978, available at <https://www.nytimes.com/1978/01/14/archives/murder-of-antisomoza-newsman-has-deepened-crisis-in-nicaragua.html>;

The September 1978 insurrection presented the US with a crucial dilemma: on the one hand, national opposition to the regime made the continuation of US support to Somoza impossible to sustain; on the other hand, a victory by the Sandinistas would install a Marxist-oriented regime in the country, thereby triggering a new set of hemispheric security concerns.²³ Between October 1978 and January 1979, in an attempt to reach a solution to the crisis, the US promoted a mediation effort through the OAS in order to broker a compromise between Somoza and the moderate opposition. Such compromise, however, would leave little or no space for the Sandinistas – another example of the exclusion of the left from power-sharing. Nevertheless, Somoza refused any concessions and, sensing the lack of resolve within the US administration, conveniently delayed the mediation; in the meantime, the FSLN retreated from the negotiations and resumed the armed resistance.²⁴ As a result of the diplomatic stalemate, the mediation efforts were eventually abandoned in January 1979, and the moderate opposition began to coalesce around the FSLN. The increasing support and the growing perception of a possible victory for the revolutionary forces led to the reunification of the FSLN factions into a united front in March 1979 and to the beginning of the Sandinista “final offensive” in April of the same year. By June, the FSLN controlled virtually the totality of the country, except from Managua, where the insurgents concentrated their forces against the National Guard in a final attempt to overthrow Somoza, who was taking shelter at the capital’s Intercontinental Hotel. The US frantically rushed to find an alternative to a Sandinista victory by calling a special OAS meeting, where Secretary of State Cyrus Vance presented a plan that included the resignation of Somoza, the

“Somoza Appears Politically Isolated as Unrest Spreads in Nicaragua”, *The New York Times*, 25.4.1978, available at <https://www.nytimes.com/1978/04/25/archives/somoza-appears-politically-isolated-as-unrest-spreads-in-nicaragua.html>; “A New Assassination is Blamed on the Embattled Right”, *The New York Times*, 14.5.1978, available at <https://www.nytimes.com/1978/05/14/archives/nicaraguas-opposition-begins-a-quick-left-march.html>; “Anti-Somoza Strike Halts Most Business in Managua”, *The New York Times*, 20.7.1978; available at <https://www.nytimes.com/1978/07/20/archives/antisomoza-strike-halts-most-business-in-managua-new-period-of.html>; “National Mutiny in Nicaragua”, *The New York Times*, 30.7.1978, available at <https://www.nytimes.com/1978/07/30/archives/national-mutiny-in-nicaragua-nicaragua.html>. All articles last accessed in July 2019.

²³ “Upheavals in Iran and Nicaragua Illustrate Washington’s Dilemma”, *The New York Times*, 12.11.1978, available at <https://www.nytimes.com/1978/11/12/archives/us-policy-on-rights-gets-a-crucial-test.html>, last accessed July 2019.

²⁴ C. L. Staten, *The History of Nicaragua*, pp. 85-86; W. M. Leogrande, D. C. Bennett, M. J. Blachman, K. Sharpe, “Grappling with Central America”, p. 299-300; “US-led Mediators Urge Full Plebiscite in Nicaragua”, *The New York Times*, 24.11.1978, available at <https://www.nytimes.com/1978/11/24/archives/usled-mediators-urge-full-plebiscite-in-nicaragua.html>, last accessed July 2019.

establishment of a government of National Reconciliation, the preservation of the National Guard, and the creation of a OAS “peacekeeping” force to be deployed to Nicaragua to impose a cease-fire. Nevertheless, the US proposals were met with strong criticism by both the Sandinistas in Nicaragua and the representatives of Latin American countries at the OAS emergency meeting, who instead proposed a resolution calling for the establishment of a “democratic government pledged to hold free elections...” and for the respect of the principle of non-intervention.²⁵ Despite being an humiliation for the administration’s Nicaraguan policy, the US failure at the OAS meeting presented President Carter with the reality of the facts: the Sandinistas enjoyed the support of Latin American non-communist countries such as Venezuela and Costa Rica, and the only chance for a peaceful solution to the Nicaraguan civil war necessarily had to go through Somoza’s removal from power. As a result, the US ambassador to Nicaragua, Lawrence Pezzullo, conveyed a veiled ultimatum to the Nicaraguan dictator, who accepted to resign and fled the capital on July 17. Three days later, the victorious Sandinistas entered Managua and celebrated the victory of the revolution.²⁶ Morley’s synthesis of the US policy towards Nicaragua in the first half of 1979 is particularly accurate:

“Washington was willing to sacrifice a longstanding client and accommodate a regime change as long as the state structure (or, at a minimum, its coercive branch) survived the process intact. The fundamental strategic objective of the Carter White House was to prevent the Sandinistas from emerging as the military apparatus of the post-Somoza state, thereby creating an uncontested internal basis for political,

²⁵ C. L. Staten, *The History of Nicaragua*, p. 86; W. M. Leogrande, D. C. Bennett, M. J. Blachman, K. Sharpe, “Grappling with Central America”, p. 300; J. M. Scott, *Deciding to Intervene*, pp. 153; “Memorandum from the President’s Assistant for National Security Affairs (Brzezinski) to President Carter”, Washington, 20 June 1979, in *Foreign Relations of the United States 1977-1980; Volume XV; Central America; 1977-1980; Doc. No. 218*, available at <https://history.state.gov/historicaldocuments/frus1977-80v15/d218>, last accessed July 2019; “Vance Proposes Replacement of Somoza Rule in Nicaragua; Asks for an O.A.S. Force”, *The New York Times*, 22.6.1979, available at <https://www.nytimes.com/1979/06/22/archives/vance-proposes-replacement-of-somoza-rule-in-nicaragua-asks-for-an.html>, last accessed July 2019; “Nicaraguan Rebels Reject U.S. Request for an OAS Force”, *The New York Times*, 23.6.1979, available at <https://www.nytimes.com/1979/06/23/archives/nicaraguan-rebels-reject-us-request-for-an-oas-force-somoza-silent.html>, last accessed July 2019; “U.S. Proposals in Nicaragua Crisis Meet Sharp Criticism from OAS”, *The New York Times*, 23.6.1979, available at <https://www.nytimes.com/1979/06/23/archives/us-proposals-on-nicaragua-crisis-meet-sharp-criticism-from-oas.html>, last accessed July 2019.

²⁶ J. Smith, *The United States and Latin America: a History of American Diplomacy*, pp.146-147; J. M. Scott, *Deciding to Intervene*, pp. 153;

socioeconomic, and foreign policy initiatives antagonistic to basic U.S. interests in Nicaragua and Central America”²⁷

3. The Sandinista government and the reorientation of the US policy towards Nicaragua, 1979-1980

When the efforts to prevent the success of the Sandinista revolution failed, Carter tried to establish a friendly relationship with the newly-installed revolutionary government in order to avoid what he perceived as the mistakes of the past, namely, the alienation of another Central American country from Washington’s sphere of influence, as was the case with Castro’s Cuba from 1959 to 1961.²⁸ To be sure, the success of the Sandinista revolution was perceived as a watershed implicating a reappraisal of the long-time US policies towards the region, which for decades had been based on alliances with military regimes and oligarchies, and it therefore generated a heated debate among the top policymakers in the Carter administration. On the one hand, hardliners at the Pentagon and at the National Security Council were particularly concerned about the perceived threat of an increased Soviet-Cuban influence in the area aimed at exporting the revolution to neighboring countries, which, according to their view, could only be averted by increasing military assistance to the dictatorial regimes in El Salvador and Guatemala. On the other hand, the State Department and the White House had a more balanced assessment of the situation. While accepting the notion that the resistance of US clients in the region was heavily dependent on the continuation of US aid, these agencies also wanted to minimize the risk of recreating the conditions that led the Sandinistas to power. In addition to that, the State Department was also highly concerned about the potential domestic and regional political backlash of increasing military support to repressive regimes. Finally, the pressures for a more direct military involvement coming from the Pentagon were met with stiff resistance from the diplomats, who opposed any dangerous involvement in unpopular conflicts abroad. As a matter of fact, the Vietnam syndrome still haunted many in the country.²⁹ Despite widespread security concerns towards a Sandinista-governed Nicaragua, US policy

²⁷ M. Morley, *Washington, Somoza, and the Sandinistas: State and Regime in U.S. Policy Toward Nicaragua*, p. 214.

²⁸ J. Smith, *The United States and Latin America: a History of American Diplomacy*. 148.

²⁹ M. Morley, *Washington, Somoza, and the Sandinistas: State and Regime in U.S. Policy Toward Nicaragua*, 220-223.

towards the country in the immediate post-Somoza phase assumed a more flexible character, moving towards a gradual acceptance of the transition, with the aim to forge a constructive relationship with the Sandinistas. As a matter of fact, a realistic appraisal of the viable US policy options – short of military intervention – led to the assumption that a non-confrontational approach was the most effective way to “contain” the revolutionary process within acceptable boundaries. Moreover, the interest in maintaining good relations was also shared by the Sandinistas, who were now faced with the daunting task of rebuilding a country in desperate economic conditions, an endeavor that required both Washington’s foreign assistance and its backing for rallying support from other Latin American countries, Western Europe, and international financial institutions. Morley suggests that the desperate economic conditions of Nicaragua were perhaps the most influential factor in shaping Carter’s “conditional accommodation” policy, as they would inevitably keep the Sandinistas from severing the ties with the international capitalistic system – and, by extension, with the US.³⁰ In mid-August 1979, the Carter administration released around thirty-five million dollars in development assistance and emergency relief, which had already been approved by the Congress prior to the fall of Somoza, with the aim of influencing the Sandinista government.³¹

In September 1979, members of the Nicaraguan *Junta* of National Reconstruction (JNR)³² were invited at the White House to discuss the terms of the new relationship between the US and the Sandinista government. “If you don’t hold me responsible for everything that occurred under my predecessors...I won’t hold you responsible for your predecessors’ actions.”³³ With these words Carter pledged to turn the page and establish a friendlier relation with the revolutionary government, to begin “a new era” based on mutual respect and cooperation. At the meeting, the Sandinistas assured that they would not intervene to assist foreign guerrilla movements, as the Nicaraguan government’s efforts at that point were mainly focused on the reconstruction of the country.

³⁰ M. Diskin, K. E. Sharpe, “Grappling with Central America”, p. 301; M. Morley, *Washington, Somoza, and the Sandinistas: State and Regime in U.S. Policy Toward Nicaragua*, p. 227, p. 236.

³¹ M. Morley, *Washington, Somoza, and the Sandinistas*, p. 246; R. Crandall, *The Salvador Option*, p. 120.

³² The JNR served as the chief executive body.

³³ “Memorandum of Conversation”, Washington, 24 September 1979, in *Foreign Relations of the United States 1977-1980; Volume XV; Central America; 1977-1980*, Doc. No. 308, available at <https://history.state.gov/historicaldocuments/frus1977-80v15/d308>, last accessed July 2019.

Sandinista leader Daniel Ortega also made clear that, contrary to a widespread belief in the US public, in the Congress, and in the administration he was aware of, “Nicaragua...is not a factor in the radicalization of El Salvador; it was not in the past, nor the present, and will not be in the future, nor in Guatemala.”³⁴ In turn, to meet the requests of the members of the *Junta*, the US pledged not to establish contacts with, and provide assistance to former National Guardsmen, who were reportedly plotting from Honduras and El Salvador to overthrow the newly-established revolutionary government.

At least at the beginning of the Sandinista regime, the US adopted a policy based on diplomacy and dialogue, while simultaneously exploring ways to influence the moderate sectors of the Nicaraguan government with the aim of weakening the revolutionary impulses and bringing the situation under control. As part of this effort, President Carter signed an intelligence finding in early 1980, which authorized CIA-backed financial and propaganda support to opposition parties in Nicaragua.³⁵ However, the congressional debate about the authorization of US aid to the Sandinista government was particularly tenuous, as many members of both the House and the Senate became disillusioned by the perception that Nicaragua had inevitably fallen to a Marxist-controlled government. Throughout the debate, many conservative-sponsored amendments were introduced to insure that US funds were destined to the Nicaraguan private sector, and to direct the suspension of US economic assistance in case of expanded Soviet-Cuban interference in the region or Sandinista assistance to Central American guerrilla movements. Finally, on 27 February 1980, the House approved – with a narrow majority of five votes – a supplemental aid package of \$75 billion dollars, which, however, was severely controlled by a set of tight conditions.³⁶ The House version of the bill was then discussed back in the US Senate, where it was approved on May 19 with the all the attached restrictions. Finally, the 1980 fiscal appropriation bill including the Nicaraguan aid package was signed by President Carter on July 8, 1980. The bill included an additional amendment which would have blocked the disbursement of the funds until October 1, a provision that the US Ambassador Pezzullo described as

³⁴ *Ibidem*.

³⁵ R. Crandall, *The Salvador Option*, p. 120.

³⁶ M. Morley, *Washington, Somoza, and the Sandinistas*, pp. 249-253; “House, by 5-Vote Margin, Passes Bill on Assistance for Nicaragua”, *The New York Times*, 27.2.1980, available at <https://timesmachine.nytimes.com/timesmachine/1980/02/28/113937512.pdf>, last accessed July 2019;

a potential fatal damage for the US credibility in dealing with the Nicaraguan government.³⁷ As a matter of fact, the debate had considerably delayed the release of the funds – which had been interrupted in January 1980 –, pushing the Sandinistas to pursue diversified relations with the rest of the world. In March 1980, a Sandinista delegation visited Moscow, while another one travelled in Western Europe to gather potential donors.³⁸

Meanwhile, in Nicaragua, internecine conflict began to emerge within the provisional government. In the months following the revolution and up until early 1980, the initial composition of the government did actually reflect the plurality of anti-Somoza political forces, with key cabinet posts and representation provided for the private sector both in the JNR and in the Council of State, the country's new legislative assembly which would be inaugurated in March 1980. However, political and economic decision-making was vested *de facto* in the nine-member Sandinista National Directorate, the highest revolutionary authority in the country. While the FLSN intended to honor its pledges of preserving political pluralism and maintaining a mixed economy, it was also committed to do so by pursuing what some Sandinistas called “the logic of majority”, a system that, in Gilbert's description, implied “a fundamental reorientation of Nicaragua's agro-export economy...; redistributive policies in such areas as agrarian reform, education, health, and nutrition...As such, [it] amounted to an attack on the privileges of the upper class”³⁹ Moreover, the pursuit of the “logic of majority” required a deeper integration between state and government, which resulted in a substantial reorganization at the top of the country's key Ministries in favor of prominent Sandinistas in late 1979. In addition to this, the expansion of the labor movement – which was aggressively constrained under Somoza – and such measures as worker-initiated expropriations and increased taxation raised concerns among members of the

³⁷ Full Senate debate in *Congressional Record*, 19 May 1980, available at <https://www.govinfo.gov/content/pkg/GPO-CRECB-1980-pt9/pdf/GPO-CRECB-1980-pt9-7-2.pdf>, last accessed July 2019.

³⁸ D. Paszyn, *The Soviet Attitude To Political and Social Change 1979-1990: Case Studies on Nicaragua, El Salvador, and Guatemala*, St. Martin's Press, Inc., 2000, p. 32; M. Morley, *Washington, Somoza, and the Sandinistas*, p. 301; J. Smith, *The United States and Latin America*, p. 148; “Nicaragua Leaders Sign Pact with the Soviet Union”, *The New York Times*, 22.3.1980, available at <https://timesmachine.nytimes.com/timesmachine/1980/03/23/112141950.pdf>, last accessed July 2019.

³⁹ D. Gilbert, “Nicaragua”, p. 96; D. Paszyn, *The Soviet Attitude To Political and Social Change 1979-1990*, p. 34.

upper class, who felt their interests increasingly threatened by the consolidation and expansion of the institutional power in the hands of the FSLN.⁴⁰

A crisis began in April 1980, when two non-Sandinista members of the JNR, industrialist Alfonso Robelo and Violeta Chamorro (widow of Pedro Chamorro), resigned from the *Junta* in protest over the announcement of a reorganization of the Council of State which would have favored the FSLN. The crisis was temporarily countered with the mediation of US Ambassador Lawrence Pezzullo, who helped the finalization of a settlement between the FSLN and private sector representatives, whereby the National Directorate pledged to offer democratic rights and private enterprise guarantees, as well as an official date for national elections. However, tension mounted again in August 1980, when the National Directorate announced a delay on the elections, which were postponed until 1985. Private sector concerns about a potential radicalization of the Sandinista regime deepened after the death of Jorge Salazar, a vice-president of the Superior Council of Private Enterprise (*Consejo Superior de la Empresa Privada*, COSEP) who died in November 1980 in an “armed confrontation with security forces.”⁴¹ The killing of Salazar was followed by public charges directed at the several members of the private sector, who were accused of conspiring to overthrow the government; on the opposite front, members from upper-class circles accused the government of plotting to eliminate Salazar. By the end of 1980, an anti-Sandinista interest coalition coalesced around prominent members and institutions representing the middle and upper-class, including COSEP and *La Prensa*, which had become the main organ of the new anti-Sandinista opposition. In the following months and years, working in coordination with the U.S. Embassy, the opposition repeatedly opposed the chances for a constructive dialogue with the ruling *Junta*, developing instead a more confrontational stance.⁴²

Throughout 1980, however, the US conception of the events in Nicaragua fatally suffered from the increasing revival of the traditional Cold War, East-West

⁴⁰ C. L. Staten, *The History of Nicaragua*, p. 93; D. Gilbert, “Nicaragua”, p. 96; M. Morley, *Washington, Somoza, and the Sandinistas*, p. 292-293.

⁴¹ D. Gilbert, “Nicaragua”, p. 97; “Security Forces in Nicaragua Kill Business Leader”, *The New York Times*, 18.11.1980, available at <https://timesmachine.nytimes.com/timesmachine/1980/11/19/111310700.pdf>, last accessed July 2019.

⁴² D. Gilbert, “Nicaragua”, p. 97; M. Morley, *Washington, Somoza, and the Sandinistas*, p. 296; C. Staten, *The History of Nicaragua*, p. 97. According to Staten’s reconstruction, the anti-Sandinista conspiracy Salazar took part to was actually part of a broader plot by the Sandinistas; T. Walker, *Reagan Versus the Sandinistas*, p. 7.

confrontation thesis, which was boosted by a sequence of crucial events. At the international level, the “loss” of Iran, the Soviet invasion of Afghanistan, and the growing guerrilla activity by the FMLN in Salvador were perceived as multiple security threats by the US administration, which began to shift towards a more confrontational foreign policy. As references to an increased Soviet interventionism in the Third World spread in the public debate, the deepening Sandinista relationship with the Soviet Union and, most notably, Cuba, fueled the US assumption that Nicaragua would soon become a theater for a broader superpower struggle. US-Nicaraguan relations worsened between November and December 1980, when the US intelligence presented substantial evidence of Nicaraguan weapon supplies to the Salvadoran guerrilla to President Carter, who swiftly suspended economic assistance to the country in one of his final acts as US President, on 17 January 1981. Ironically, in September 1980, Carter had sought to overcome congressional resistance over the authorization of US aid to Nicaragua by certifying that the country’s revolutionary government was not supporting “violence or terrorism in Central America” , and by invoking “national security reasons” to side-step the prohibition to authorize funds prior to October 1. Congressional opposition to US aid to Nicaragua dwelled on the appearance of the first intelligence reports about an alleged Nicaraguan involvement as a “pass through” country for Cuban support to the Central American guerrillas, which the State Department had conveniently dismissed as “not conclusive”.⁴³ Crandall’s reconstruction of Sandinista support for the FMLN⁴⁴ sets the first contacts between Managua and representatives of the Salvadoran guerrillas in July 1979, a few days after Somoza’s escape from the capital. Secret meetings and negotiations took place in Havana throughout the second half of 1979 and July 1980, during which the logistical and operational details of the clandestine arms flow the

⁴³ M. Morley, *Washington, Somoza, and the Sandinistas*, p. 255, 298-300; J. M. Scott, *Deciding to Intervene*, p. 155, C. Staten, *The History of Nicaragua*, p. 98; “U.S. Aid to Nicaragua Now Facing Election Hurdle”, *The New York Times*, 4.9.1980, available at <https://timesmachine.nytimes.com/timesmachine/1980/09/05/111287247.pdf>, last accessed July 2019; “Congress Releases Aid to Nicaraguans”, *The New York Times*, 12.9.1980, available at <https://timesmachine.nytimes.com/timesmachine/1980/09/13/111292776.pdf>, last accessed July 2019.

⁴⁴ R. Crandall warns that this part is based on “inherently biased U.S. intelligence written in the mid-1980s”. See R. Crandall, *The Salvador Option*, p. 167. Crandall refers to “Revolution Beyond Our Borders: Sandinista Intervention in Central America” (Special Report No. 132), US Department of State, September 1983, available at <http://insidethecoldwar.org/sites/default/files/documents/Revolution%20Beyond%20Borders%20Sandinista%20Intervention%20in%20Central%20America%20September%201983.pdf>, last accessed August 2019.

Salvadoran guerrillas were defined. Nicaragua reportedly covered a major role both as a crucial junction for the transfer of weapons from the Soviet Bloc and Cuba into El Salvador and as a safe haven for meetings between Cuba and the representatives of the Central American guerrillas. As a matter of fact, US intelligence reports detected an increase in the frequency of aircraft flight from Cuba to Nicaragua in September 1980, which prompted the Carter administration to warn the Sandinista government that, if confirmed, the Nicaraguan involvement in the support of the Salvadoran guerrilla would have had grave repercussions on the release of the recently approved 75\$ million in development funds. This led the Sandinistas to suspend the arms flow for roughly a month, a move which convinced Carter to step in to anticipate the release of the funds. Nevertheless, after the second US aid tranche was disbursed in November 1980, the Nicaraguan government resumed and increased weapons shipments by sea and air. On 6 January 1981, the CIA presented the White House with a report providing what NSC aide Robert Pastor now described as “conclusive proof” of Managua’s substantial involvement in arming the Salvadoran guerrilla.⁴⁵ Carter was thus forced by law to order the suspension of US aid to Nicaragua. As a matter of fact, section 536(g) of the Foreign Assistance Act as amended directs:

“In the event that the President transmits such a certification [as Carter did in September 1980], but at a later date he determines that the Government of Nicaragua cooperates with or harbors any international terrorist organization or is aiding, abetting, or supporting acts of violence or terrorism in other countries, the President shall terminate assistance to the Government of Nicaragua under this chapter.”⁴⁶

4. US foreign policy towards Nicaragua under President Reagan

As previously exposed, the election of Ronald Reagan marked a departure from Carter’s foreign policy towards Nicaragua, which, up until its fatal unravelling in late 1980, had been based on the assumption that the US could play an active role in “de-radicalizing” the Sandinista revolution, thereby pushing it towards a moderate course. As a matter of fact, criticism towards Carter’s apparent tolerance of the Marxist-inspired Sandinista government in the Central American region became one of the bedrocks of Reagan’s presidential campaign. Although the focus of Reagan’s Central American foreign policy

⁴⁵ R. Crandall, *The Salvador Option*, pp. 167-171; “Revolution Beyond Our Borders: Sandinista Intervention in Central America”; W. M. Leogrande, *Our Own Backyard*, p. 68-69.

⁴⁶ “Presidential Determination No. 82-26, 12 September 1980”, 45 *Federal Register* 62799, as cited in W. M. Leogrande, *Our Own Backyard*, p. 69, footnote 69.

for the most part of 1981 remained El Salvador, general recommendations for the direction of US foreign policy towards Central America had been already outlined in the Republican party platform of 1980.⁴⁷ With particular reference to Nicaragua, an article issued in the *Heritage Foundation Backgrounder* in October 1980, former CIA officer in Latin America Cleto di Giovanni suggested:

“The United States should aid the aspirations of the Nicaraguan people to achieve the free society they have long sought. [...] In a well-orchestrated program targeted against the Marxist Sandinista government, we should use our limited resources to support the free labor unions, the Church, the private sector, the independent political parties, the free press, and those who truly defend human rights. We should discontinue subsidizing a bankrupt government which clearly is planning on remaining in power through its police and security forces and whose interests are inimical to those of its neighbors and the U.S. The longer that government remains in power, the stronger its security apparatus will become, and the more difficult it will be to dislodge it. We should not abandon the Nicaraguan people, but we must abandon the Sandinista government.”⁴⁸

The article called for a “determined, coordinated, and targeted effort” aimed at dislodging the Sandinista government, which, at least at theoretical level, would partially mirror the CIA destabilization program implemented to overthrow the Chilean elected government of Salvador Allende in 1973. The *Heritage* article, however, identified two criticalities which were particular to post-revolutionary Nicaragua: on the one hand, because of the economic, political, and military isolation of former supporters of the Somoza government, a revolution from within the country was virtually impossible. On the other hand, the Sandinista government was defended by a popular army, which meant that the US had no leverage to turn the Nicaraguan army against the revolution. Recognizing that the Sandinista government could not be removed except through military action, the recommended course of action hinted at the possibility that discontented Nicaraguans could be employed as the vehicle for the achievement of the US goals in Nicaragua.⁴⁹

⁴⁷ “Excerpts from Platform to be Submitted to Republican Delegates”, *The New York Times*, 12.8.1980, available at <https://timesmachine.nytimes.com/timesmachine/1980/07/13/112159173.pdf>, last accessed August 2019.

⁴⁸ C. di Giovanni, “U.S. Policy and the Marxist Threat to Central America”, in *Heritage Foundation Backgrounder*, No. 128, 15.10.1980, available at <https://www.heritage.org/americas/report/us-policy-and-the-marxist-threat-central-america>, last accessed August 2019.

⁴⁹ C. di Giovanni, “U.S. Policy and the Marxist Threat to Central America”; K. Norsworthy, W. J. Robinson, *David and Goliath: Washington’s War Against Nicaragua*, Zed Books, 1987, p. 42.

As a presidential candidate, Ronald Reagan had been a vigorous opponent of the Sandinista government, and had publicly advocated for the interruption of US assistance to the regime in Nicaragua. Earlier in 1978, when he was still Governor of California, he dismissed the charges of human rights violations directed at Anastasio Somoza Debayle, whom he described as a “staunch supporter of the United States.”⁵⁰ It also appears that the first contacts between conservatives related to Reagan and former National Guardsmen and Somoza associates took place in Miami prior to the actual November 1980 electoral victory of Ronald Reagan.⁵¹ However, according to Morley, contacts between US right-wing Pentagon officials and Colonel Enrique Bermúdez – former National Guard officer and Nicaraguan defense attaché to Washington – were established in late 1979 to discuss the viable options for a reversal of the Sandinista revolution. Moreover, some Carter officials reportedly considered Bermúdez as a potential candidate for a Somoza-modelled military institution in the event of the overthrow of the Sandinista regime. In addition to that, Bermúdez soon became an influential member of the September 15 Legion⁵², a paramilitary group which comprised officers from the high command of Somoza’s National Guard. The group was trained by Argentinian military advisers as part of a coordinated program sponsored by the Guatemalan military and prominent members from the local, conservative upper-class. By mid-1980, Bermúdez had also turned into an active CIA asset, later to become Washington’s top man for the Contra program during the Reagan years. Morley’s focus on the elements of continuity between the Carter and Reagan administrations – of which US connections with Bermúdez represent an example – provides an insightful point of

⁵⁰ C. Staten, *The History of Nicaragua*, p. 99; “Central American Future”, *The New York Times*, 20.11.1980, available at <https://timesmachine.nytimes.com/timesmachine/1980/11/20/111312103.pdf>, last accessed August 2019; L. Walsh, “Final Report of the Independent Counsel for Iran/Contra Matters”, Washington: United States Court of Appeals for the District of Columbia, 1993, available at <https://fas.org/irp/offdocs/walsh/index.html>, last accessed August 2019; “Fear and Loathing in Central America”, *The Fordham Ram*, 7.3.1985, available at <http://digital.library.fordham.edu/digital/collection/RAM/id/17573>, last accessed August 2019.

⁵¹ C. Staten, *The History of Nicaragua*, p. 99; “Nicaragua Charges Former Officers with Plotting to Kill Junta Leaders”, *The New York Times*, 18.9.1980, available at <https://timesmachine.nytimes.com/timesmachine/1980/09/18/111294385.pdf>, last accessed August 2019.

⁵² According to K. Norsworthy and W. J. Robinson, among the members of the group was Ricardo “El Chino” Lau, the actual murder of Salvadoran Bishop Oscar Arnulfo Romero. Death squad and later ARENA leader D’Aubuisson had reportedly paid Lau \$120.000 to carry out the assassination. See *David and Goliath*, p. 44.

view, which allows the author to contest Blachman et al.'s thesis about "vast differences" between the two presidencies as far as Nicaragua is concerned.⁵³

Nevertheless, in Gilbert's accurate definition, the Sandinista revolution was seen by the Reagan administration "through the double prism of U.S.-Soviet relations and the civil war in Salvador."⁵⁴ Such "double prism", in turn, influenced Reagan's policy towards Nicaragua at least until the decision to pursue the covert war against the Sandinistas in late 1981, which has been described by historian William Leogrande as "a function of the effort to win the war in Salvador."⁵⁵ As a matter of fact, in January 1981, the immediate concern of the Reagan administration as regards Nicaragua was whether to resume US aid to the Sandinista regime against evidence of Nicaraguan support to the Salvadoran guerrilla. Ambassador Lawrence Pezzullo stepped in to suggest the possibility that the new administration could restore the understanding existing before Reagan's election, whereby the continuation of US aid to the Sandinistas would be contingent upon a Nicaraguan restraint in assisting the Salvadoran guerrilla. Nevertheless, hardliners within the Reagan administration wanted to adopt a more aggressive foreign policy. As a result of this, pressure on the Nicaraguan revolutionary government increased from late January to 1 April 1981, when, in spite of the reduction of Nicaraguan support to the FMLN in El Salvador, the Reagan administration announced that US aid would not be released.⁵⁶ This marked the beginning of a deterioration in the relationship between the Sandinistas and the Reagan administration, which resulted in increased US hostility towards the Nicaraguan government. About one month before the announcement of the suspension of economic assistance, President Reagan signed a presidential finding that authorized \$19.5 million for the beginning of a "destabilization" program proposed in late February by CIA Director

⁵³ M. Morley, *Washington, Somoza, and the Sandinistas*, p. 311-316. References to contacts between former members of the Somoza regime and the Carter administration can also be found in K. Norsworthy, W. J. Robinson, *David and Goliath*, p. 43

⁵⁴ D. Gilbert, "Nicaragua", p. 99.

⁵⁵ W. M. Leogrande, "Rollback or Containment? The United States, Nicaragua, and the Search for Peace in Central America", p. 91.

⁵⁶ *Ibidem*; "U.S. Halts Nicaragua Aid Over Help for Guerrillas" , *The New York Times*, 23.1.1981, available at <https://www.nytimes.com/1981/01/23/world/us-halts-nicaragua-aid-over-help-for-guerrillas.html>, last accessed August 2019; "Wheat Sale to Nicaragua Delayed", *The New York Times*, 11.2.1981, available at <https://www.nytimes.com/1981/02/11/world/wheat-sale-to-nicaragua-delayed.html>, last accessed August 2019.

William Casey and discussed within the National Security Planning Group (NSPG).⁵⁷ Casey's draft called for a "regional effort to expose and counter Marxist and Cuban-sponsored terrorism, insurgency, and subversion in El Salvador, Nicaragua, Guatemala, Honduras, and elsewhere", and the presidential finding crystallized Casey's proposal by authorizing the CIA to conduct operations aimed at training, equipping, and assisting Central American "cooperating governments" in order to counter "foreign-sponsored subversion and terrorism."⁵⁸

Shortly after the submission of the presidential finding to the congressional intelligence committees, the CIA hired some 150 paramilitary experts to train former National Guardsmen and Somocistas in Central America, where they received counter-insurgency training and instructions, so that they could provide logistical assistance to lay the foundation of the covert program in the region. Former CIA director Vernon Walters was dispatched to Central America in spring 1981 as a US special envoy, with the aim of rallying support from local governments including Honduras and Argentina, which would provide further substantial logistical and military assistance to the contras in the following years. Actually, Walters had already taken contacts with the military regime in Argentina in late 1980, with the aim of arranging the dispatch of Argentinian military advisers and trainers for the contras as part of a strategy aimed at reducing costs, reducing linguistic and cultural obstacles, and deflecting attention from the US responsibility in the operations. In May 1981, the CIA funneled fifty thousand dollars to the paramilitary groups through the Argentinian military network, in order to encourage the creation of a united anti-Sandinista front; in the same period of time, paramilitary training camps were created with the backing of the CIA in Florida, Texas, and California, which violated the dispositions of the 1794 Neutrality Act.⁵⁹ During this

⁵⁷ The NSPG included CIA director William Casey, UN Ambassador Jeane Kirkpatrick, Secretary of State Alexander Haig, Secretary of Defense Caspar Weinberger, and National Security Adviser Richard Allen. See J. M. Scott, "Interbranch Rivalry and the Reagan Doctrine in Nicaragua", *Political Science Quarterly*, Vol. 112, No. 2 (Summer, 1997), pp. 237-260, available at <https://www.jstor.org/stable/2657940>, last accessed August 2019.

⁵⁸ M. Byrnes, *Iran-Contra: Reagan's Scandal and the Unchecked Abuse of Presidential Power*, University Press of Kansas, 2014, p. 28; "Finding Pursuant to Section 662 of the Foreign Assistance Act of 1961, As Amended, Concerning Operations Undertaken by the Central Intelligence Agency in Foreign Countries, Other Than Those Intended Solely for the Purpose of Intelligence Collection", 9 March 1981, available at https://www.brown.edu/Research/Understanding_the_Iran_Contra_Affair/documents/d-nic-5.pdf, last accessed August 2019. The text of the document is still partially inaccessible.

⁵⁹ "Iran-Contra Affair and Neutrality Act", *The New York Times*, 7.1.1987, available at <https://www.nytimes.com/1987/01/07/opinion/1-iran-contra-affair-and-neutrality-act-877687.html>, last accessed August 2019.

period, isolated hit-and-run attacks against Nicaraguans were launched, and paramilitary patrolling groups from Honduras periodically ventured into Nicaraguan soil. In August, a Restricted Interagency Group – also known as the Core Group – was established to coordinate covert warfare operations against in Nicaragua. Among the members of the Core Group were Duane Clarridge, the newly-appointed CIA operations chief for Latin America, who had been establishing contacts with the new, anti-communist chief of the Honduran Public Security Force, Colonel Gustavo Álvarez Martínez; Assistant Secretary of State for Inter-American Affairs Thomas Enders; General Paul Gorman (Joint Chiefs of Staff), Nestor Sanchez (representing the Office of the Secretary of Defense) and Vietnam War veteran Colonel Oliver North from the NSC staff.⁶⁰

In the same month, a diplomatic effort was attempted by Thomas Enders, when, according to C. Menges, he went to Nicaragua “without interagency agreement”⁶¹ to offer a set of concessions including a non-aggression treaty under the terms of the Rio Treaty⁶², the pledge to ask congress for a renewal of US aid, and a US commitment to close the training camps for Nicaraguan exiles in the United States. In return, Enders asked that the Sandinistas “stop training and supplying Salvadoran guerrillas...give pluralism a chance in their country...and limit their military buildup.”⁶³ Denis Gilbert reports that Enders’ proposal was phrased according to the pressures coming from the hardliners in the administration, who were opposed to a negotiated solution, and thus forced the Enders to adopt an offensive stance in delivering the proposal. Nevertheless, Enders’ attempt to provide a diplomatic link to the administration’s policy failed for a set of intertwining factors. Firstly, the Sandinistas had grown extremely weary at Washington’s diplomatic proposals, as their concession to reduce support to the FDR-FLMN in El Salvador in March had resulted in a complete termination of US aid in April; secondly, hardliners in the administration had substantially kept an hawkish stance, and they were actually becoming even more aggressive as the covert plan

⁶⁰ J. M. Scott, *Deciding to Intervene*, pp. 158-160; T. W. Walker, *Reagan versus the Sandinistas*, pp. 22-24; K. Norworthy, W. J. Robinson, *David and Goliath*, pp. 42-44; M. Byrnes, *Iran-Contra*, pp. 28-31; International Court of Justice, “Case Concerning Military and Paramilitary Activities Against Nicaragua” (Nicaragua v. United States of America), Vol. 1, available at <https://www.icj-cij.org/files/case-related/70/070-19840425-ORA-01-00-BI.pdf>, last accessed August 2019, p. 48.

⁶¹ C. Menges, *Inside the National Security Council*, p. 104.

⁶² Inter-American Treaty of Reciprocal Assistance of 1948, available at <http://www.oas.org/juridico/english/treaties/b-29.html>, last accessed August 2019.

⁶³ T. Enders, “Strategic situation in Central America: statement before the Subcommittee of Western Hemisphere Affairs of the Senate Foreign Relations Committee”, 14 December 1981. Department of State Bulletin, February, 80-81, as cited in J. M. Scott, *Deciding to Intervene*, p. 159.

developed throughout 1981; finally, the sudden resurgence of the Salvadoran guerilla after a period of military quiescence in late 1981 led to a substantial review of the US policy towards Central America. By the end of the year, a slow and difficult negotiated solution was finally excluded from the Reagan administration plans for the region.⁶⁴

At the end of 1981, after having secured congressional support for his domestic program, Reagan gradually turned his attention towards foreign policy hotspots, and Central America began to acquire an increasingly relevant role. After the failure of Enders' diplomatic approach in the summer of 1981, and confronted with a substantial Cuban rearming, the Reagan administration undertook a radical policy reassessment, although reaching a compromise proved to be a difficult endeavor. In late September, pushed by Haig's paranoid obsession with Castro's Cuba, the Pentagon drew plans including a wide range of military actions, and the Secretary of State adopted a more hawkish approach in his public speeches, calling for "imminent decisions" to meet Cuban interventionism in Central America. In November 1981, Haig also turned down a request by Congressman G. Studds, who asked him whether the administration would exclude efforts to overthrow the Nicaraguan government. Despite the fact that Haig's aggressive tone was probably intended as a psychological warfare act aimed at frightening Cuba and Nicaragua, it had bad repercussions on the public opinion, just as it did in early 1981. Moreover, it also strained relations with Pentagon officials, as the prospect of a direct military intervention in Central America could possibly jeopardize the US goals and position at the international level.⁶⁵

Throughout his first term in office, however, when Reagan mentioned Central America in public appearances or interviews, he mostly did so by referring extensively to the need to support the Salvadoran government in his fight against the guerrilla, rather than to the US policy of supporting the anti-Sandinista forces in Nicaragua. While up until the end of 1981 the reason for such a selective rhetoric approach can be identified in the adoption of the "double prism" of the Salvadoran insurgency inscribed in a broader Cold War struggle, from December 1981 onwards the secrecy surrounding Reagan's

⁶⁴ W. M. Leogrande, "Rollback or Containment? The United States, Nicaragua, and the Search for Peace in Central America", p. 92-93; J. M. Scott, *Deciding to Intervene*, p. 159; C. Menges, *Inside the National Security Council*, p. 104-105; D. Gilbert, "Nicaragua", p. 101.

⁶⁵ W. M. Leogrande, *Our Own Backyard*, pp. 139-140; "Haig is Said to Press for Military Options for Salvador Actions", *The New York Times*, 5.11.1981, available at <https://www.nytimes.com/1981/11/05/world/haig-is-said-to-press-for-military-options-for-salvador-action.html>, last accessed August 2019.

Nicaraguan policy was justified by the unlawful character of undertaking covert operations to seek the overthrow of a government which was enjoying broad popular support at the national level.

The final decision to undertake a covert effort to overthrow the Sandinista regime was justified by the fact that it would allow the pursuit of US objectives without the constraints coming from both the US Congress and public opinion. Moreover, biographer Lou Cannon stated that covert action was “the only remaining military alternative for opposing the advance of Soviet-style regimes in the Third World”, a by-product of the combination of two factors: on the one hand, the fact that a nuclear war was out of the question; on the other hand, a widespread reluctance to wage direct war. As a consequence, against the ever-lasting backdrop of the Vietnam experience, CIA covert operations provided the foundation of a low-intensity strategy aimed at destabilizing the Sandinista regime by applying economic, psychological, and diplomatic pressures.⁶⁶ In addition to that, as explained by CIA director William Casey, covert operations had the advantage of being “much easier and much less expensive” than regular operations, and they required “few people and little support to disrupt the internal peace and economic stability of a small country.”⁶⁷ On the whole, going covert was a choice that could accommodate the contrasting views within the Reagan administration, as it represented an active compromise short of direct military action. To be sure, the covert option encountered opposition: among the skeptics were Secretary of State Alexander Haig, who believed that secrecy could not meet the scope required for an effective operation, and a number of army officials, who suggested a return to a political and diplomatic solution, as the Sandinistas still enjoyed the support of a vast majority of the Nicaraguan population.⁶⁸

The decision to direct the US administration’s Nicaraguan policy towards covert assistance to the *contras* was undertaken between November and December 1981. On 23 November 1981, President Reagan approved National Security Decision Directive

⁶⁶ T. W. Walker, *Reagan versus the Sandinistas*, p. 22; L. Cannon, *President Reagan*. Pp. 302-303.

⁶⁷ W. Casey, 3 March 1983, as cited in T. W. Walker, *Reagan versus the Sandinistas*, p. 21 and in M. Byrnes, *Iran-Contra*, p. 28.

⁶⁸ L. Cannon, *President Reagan*, pp. 308-309; W. M. Leogrande, *Our Own Backyard*, p. 142

(NSDD) 17.⁶⁹ The document, which authorized \$19 million in military aid for the implementation of a detailed CIA-drafted option paper, was approved after a series of National Security Council meetings taking place in mid-November, during which President Reagan himself mentioned the possibility to resort to covert actions:

“The President then observed that what worries him most is this: if the people won’t support the leader and the cause, then there will be failure. The President then said it was clear the press would like to accuse us of getting into another Vietnam. How can we solve this problem with Congress and public opinion being what they are? We are talking about an impossible option. Can covert operation be traced back at us. How do we deal with the image in Latin America of the Yankee Colossus?”⁷⁰

At the same meeting, Reagan asked to “hear more” about the possible range of destabilizing activities in Nicaragua, “including mining”. Moreover, the President also wondered whether there was a chance to introduce “a few battalions” into Panama or Honduras, asking if the US had ever done such a thing in Central America, but received a negative answer by General Gorman from the Joint Chiefs of Staff (JCS).⁷¹ While a vast majority of the literature covering US foreign policy under Ronald Reagan shares the conception of the President as a rather “passive” figure, the previous passage – included in Byrnes’ reconstruction, which draws from newly available documents – undoubtedly challenges the classic notion that policy planning, with particular reference to Nicaragua, was conducted unbeknownst to Reagan.⁷² However, on 1 December 1981, President Reagan signed a second presidential finding – required by law to launch covert operations – which gave the CIA a green light to “support and conduct paramilitary operations against Nicaragua”, thereby marking the official beginning of

⁶⁹ “National Security Decision Directive on Cuba and Central America” (NSDD 17), available at <https://www.reaganlibrary.gov/sites/default/files/archives/reference/scanned-nsdds/nsdd17.pdf>, last accessed August 2019.

⁷⁰ “Strategy Towards Cuba and Nicaragua”, (NSC 24), 10 November 1981, available at http://insidethecoldwar.org/sites/default/files/documents/NSC%2024--Strategy%20Toward%20Cuba%20and%20Central%20America%2C%20November%2010%2C%201981.%2018_2.pdf, last accessed August 1981.

⁷¹ *Ibidem*.

⁷² L. Cannon spends an entire chapter titled “Passive President” on describing the alleged passivity of Ronald Reagan; W. M. Leogrande states that “President Reagan was one of the least enthusiastic supporters of the covert action proposal at first...He was only convinced the plan had merit when it was presented as a way to roll back the Nicaraguan revolution. The contra army would be Washington’s answer to Soviet support for wars of national liberation” (*Our Own Backyard*, p. 145), he cites as a source a *New York Times* article: “U.S. and the Nicaraguan Rebels: Six Years of Questions and Contradictions”, *The New York Times*, 3.5.1987, available at <https://www.nytimes.com/1987/05/03/world/us-and-the-nicaraguan-rebels-six-years-of-questions-and-contradictions.html>, last accessed August 2019.

the covert operation. The approved plan included financial support to opponents of the Sandinista regime inside Nicaragua, the training of a five-hundred Latin American commandos paramilitary unit, and support for a thousand-man force composed of Nicaraguan exiles and trained in Honduras by the Argentinians. The CIA warned that “The program should not be confined to that funding level or to the 500-man force described... more funds and manpower will be needed.”⁷³ Lou Cannon observes that, on the day the “historic decision” was made, Reagan was not flanked by a National Security Adviser – who would have normally been at the President’s side in such foreign policy planning meetings – as Richard Allen had taken a leave in late November in the aftermath of allegations made against him, and William Clark would take his place only in early 1982.⁷⁴

A few days after the President’s approval, Casey managed to obtain support from the Senate and House Intelligence Committees by presenting a relatively vague, ad-hoc version of NSDD 17, engineered for congressional “consumption”. The CIA operations were presented as a defensive and limited effort aimed exclusively at disrupting the flow of weapons from Managua to El Salvador and pushing the Sandinistas towards negotiations; moreover, Casey pointed out that most of the CIA activities would go through Argentina and Honduras, with the limited aim of undermining the “Cuban support structure” that was fueling the revolution in Nicaragua and the arms supply to the Salvadoran guerrilla. No explicit mention about the toppling of the Sandinista regime was made.⁷⁵ Craig Johnston, Ender’s deputy at the State Department, later commented that “No one [among the people who knew the details] thought that we were going to send a group out and capture some guy running across with weapons”,

⁷³ T. W. Walker, *Reagan vs the Sandinistas*, p. 24; W. M. Leogrande *Our Own Backyard*, p. 285.

⁷⁴ H. Johnson, *Sleepwalking through History*, pp. 258-259; L. Cannon, *President Reagan*, p. 308; “Allen Takes Leave Until F.B.I. Inquiry on \$1,000 is Ended”, *The New York Times*, 30.11.1981, available at <https://www.nytimes.com/1981/11/30/us/allen-takes-leave-until-fbi-inquiry-on-1000-is-ended.html>, last accessed August 2019; “The White House and Allen’s Leave: Necessary Step in ‘Damage Control’: News Analysis”, *The New York Times*, 30.11.1981, available at <https://www.nytimes.com/1981/11/30/world/the-white-house-and-allen-s-leave-necessary-step-in-damage-control-news-analysis.html>, last accessed August 2019.

“Finding Pursuant to Section 622 of the Foreign Assistance Act of 1961, as Amended, Concerning Operations Undertaken by the Central Intelligence Agency in Foreign Countries, Other Than Those Intended Solely for the Purpose of Intelligence Collection”, 1 December 1981, available at https://www.brown.edu/Research/Understanding_the_Iran_Contra_Affair/documents/d-all-45.pdf, last accessed August 2019.

⁷⁵ W. M. Leogrande, *Our Own Backyard*, p. 285; P. Kornbluh, “The Covert War”, p. 24; H. Johnson, *Sleepwalking Through History*, p. 259.

and called Casey's deliberate omission a "major blunder...that cost us dearly down the line" once the scandal broke.⁷⁶ As Byrne states, the presidential finding, rather than serving as a "legal record of the president's decision", was actually the first attempt to hide the administration's policy from Congressional scrutiny, which would become the recurring pattern in the next five years.⁷⁷

Nevertheless, after a request coming from the chairman of the House Select Committee on Intelligence, Edward Boland, Casey agreed to brief the committee at regular intervals, a measure which was deemed necessary by both skeptical Democrats and Republicans in the House Committee. Such a measure, however, had little impact on reducing the scope of the CIA cover plan, as it required only that the president inform the Congress, which had no power to block the operation through the rejection of a presidential finding. While the Congress could still recur to its power of the purse to influence the conduct of the administration's foreign policy by prohibiting funds, at that time the prospect of a confrontation with the President met few enthusiasts among the members of Intelligence Committees.⁷⁸

In 1982, a series of international developments led to a deeper US involvement in the contra war, which became increasingly more difficult to manage unbeknownst to congressional and public opinion. As a matter of fact, the original plan for the proxy war established a control structure known as *La Tripartita*, whereby, as described by Col. Enrique Bermúdez, "Honduras [would] provide the territory, the United States [would] provide the money, and Argentina [would] provide the 'front.'"⁷⁹ Nevertheless, the *Tripartita* structure would soon unravel. The first problem came in late February, after Mexican president López Portillo offered Mexico's mediation to the US in order to deal with three "knots of tension" in the region – as exposed in chapter two, these were related to El Salvador, Nicaragua, and Cuba. While the proposal was immediately accepted by the Cubans, the Nicaraguans, and the Salvadoran guerrillas, the US expressed its concerns about the lack of "one fundamental ingredient", namely, a

⁷⁶ C. Johnston, as cited in W. M. Leogrande, *Our Own Backyard*, 287.

⁷⁷ M. Byrnes, *Iran-Contra*, p. 29.

⁷⁸ W. M. Leogrande, *Our Own Backyard*, p. 286.

⁷⁹ M. Byrnes, *Iran-Contra*, p. 31; W. M. Leogrande, *Our Own Backyard*, p. 118; P. Kornbluh, "The Covert War", p. 25.

reference to the Nicaraguan arms shipments to Salvadoran rebels.⁸⁰ Nevertheless, when Mexico asked for high-ranking meetings with US officials to discuss the matter, Washington was confronted with a crucial dilemma: on the one hand, refusing to pursue a diplomatic solution would jeopardize congressional support for the Central American policy; on the other hand, embarking in a diplomatic solution would have compromised the achievement of the actual goals of the administration. One US official commented that the US was “effectively ambushed by Congress and public opinion”, which forced the administration to accept negotiations in order not to appear unreasonable. This resulted in an abrupt relaxation of the US administration’s tone, which led to high-ranking meetings between Secretary of State Haig and Mexican Foreign Minister Castañeda in March 1982.⁸¹

Meanwhile, on 14 March 1982 – the same day the new US ambassador to Nicaragua Anthony Quanton arrived in Managua – the secret war had begun: CIA-backed saboteurs blew up two bridges in the north-eastern Nicaraguan territory bordering Honduras, thereby marking an unofficial declaration of war. The Sandinistas reacted by declaring a state of emergency, the first suspension of civil liberties in the post-Somoza era.⁸² Two days after the bridge sabotage operations, a bill was introduced in the House by the chair of the Subcommittee on Inter-American Affairs of the Foreign Affairs Committee, Representative M. Barnes [D-Mar], with the aim of preventing any support by the Reagan administration to “any clandestine operation against the Sandinist Government in Nicaragua.” At the time, however, Congress still ignored the scope of the US involvement in the contra war, and the legislation was reportedly introduced to “prevent an episode such as the Bay of Pigs incident in 1961.”⁸³

⁸⁰ “Mexico Giving US Latin Plan Details”, *The New York Times*, 6.3.1982, available at <https://www.nytimes.com/1982/03/06/world/mexico-giving-us-latin-plan-details.html>, last accessed August 2019.

⁸¹ “Mexicans Pessimistic on Talks Between U.S. and Caribbean Leftists”, *The New York Times*, 10.5.1982, available at <https://www.nytimes.com/1982/05/10/world/mexicans-pessimistic-on-talks-between-us-and-caribbean-leftists.html>, last accessed August 2019; “Mexico Giving U.S. Latin Plan Details”, *The New York Times*, 6.3.1982, available at <https://www.nytimes.com/1982/03/06/world/mexico-giving-us-latin-plan-details.html>, last accessed August 2019.

⁸² P. Kornbluh, “The Covert War”, p. 24; D. Gilbert, “Nicaragua”, p. 102; M. Byrnes, *Iran-Contra*, p. 29; J. M. Scott, *Deciding to Intervene*, p. 161.

⁸³ “Bill is Introduced to Prevent U.S. moves Against Managua”, *The New York Times*, 16.3.1982, available at <https://www.nytimes.com/1982/03/16/world/bill-is-introduced-to-prevent-us-moves-against-managua.html>, last accessed August 2019.

On the diplomatic front, rumors that negotiations could effectively be resumed leaked at the end of the month, and in early April a State Department officer said that US offered a new plan, modelled after Enders' diplomatic initiative in the summer of 1981, which would have restored peaceful relations between the US and Nicaragua in exchange for the interruption of Nicaraguan support to the Salvadoran guerrilla.⁸⁴ However, in a NSPG meeting in April 1982, the administration's hardline officials identified "serious difficulties with U.S. public and Congressional opinion, which jeopardizes our ability to stay the course." "International opinion, particularly in Europe and Mexico" - the policy paper went on - "continues to work against our policies". As a recommendation to avoid "congressionally mandated negotiations", the paper suggested to "step up efforts to co-opt negotiations issue", as well as to "adopt more active diplomatic campaign to turn around Mexico and Social Democrats in Europe, while keeping them "them isolated on Central American issues."⁸⁵ Between April and July 1982, while the CIA was secretly escalating the war, the US conveniently opposed or delayed the chances for a dialogue, culminating in the abandonment of bilateral talks at the end of August, when Assistant Secretary of State for Inter-American Affairs Enders aggressively described the Sandinista government as

"[...] Marxist-Leninist ideologues...[consolidating] a monopoly of force with Cuban assistance, building the largest military establishment in the history of Central America. Convinced their own power would be safe only if similar governments were instilled elsewhere in Central America, Nicaragua's new caudillos joined with Cuba to train and supply violent leftists in El Salvador attempting to seize power by exploiting the turbulence unleashed by the breakdown of traditional order and the new government's reform efforts."⁸⁶

⁸⁴ "News Summary; Wednesday, March 24, 1982, *The New York Times*, 24.3.1982, available at <https://www.nytimes.com/1982/03/24/nyregion/news-summary-wednesday-march-24-1982.html>, last accessed August 2019; "Nicaragua is Given New U.S. Proposal to Mend Relations", *The New York Times*, 10.4.1982, available at <https://www.nytimes.com/1982/04/10/world/nicaragua-is-given-new-us-proposal-to-mend-relations.html>, last accessed August 2019.

⁸⁵ "U.S. Policy in Central America and Cuba Through F.Y. '84, Summary Paper", full text published in "National Security Council Document on Policy in Central America and Cuba", *The New York Times*, 7.4.1983, available at <https://www.nytimes.com/1983/04/07/world/national-security-council-document-on-policy-in-central-america-and-cuba.html>, last accessed August 2019.

⁸⁶ W. Goodfellow, "The Diplomatic Front", in T. W. Walker, *Reagan versus the Sandinistas*, p. 147; T. Enders, "Building Peace in Central America", *U.S. Department of State Bulletin*, October 1982, full text available at https://archive.org/stream/departmentofstatd1982unit/departmentofstatd1982unit_djvu.txt, last accessed August 2019.

While the administration bought time on the diplomatic front, the original organizational structure of “The Project”, as the intelligence community referred to the covert war, began to unravel in early April, at the outbreak of the Falklands/Malvinas War between Argentina and the UK. When the US intelligence gathered evidence that Argentine forces were about to invade the islands, Reagan threw his weight behind US efforts to avert a crisis by personally speaking on the telephone with Argentine General Leopoldo Galtieri, with the aim of dissuading him from the military operation, which would have triggered the use of force by the United Kingdom. Nevertheless, Galtieri refused to withdraw his troops, claiming that the Malvinas belonged to Argentina “by reasons of history, culture, and proximity”. As the conflict escalated, Reagan urged his Secretary of State to mediate the dispute. For the following three weeks, Haig shuttled between London and Buenos Aires to broker a peaceful solution, but to no avail. Washington’s long-time relationship with the UK, coupled with Reagan’s personal and ideological ties with British Prime Minister Margaret Thatcher, ultimately pushed the US to support its NATO ally, a decision which led to the loss of Washington’s “spear carrier” for the contra war. As a matter of fact, after the ousting of Galtieri and the democratic election of Raúl Alfonsín, the CIA took over the control of the war in Nicaragua, directing the focus of contra activities towards the targeting of rural population and production centers. As these sorts of attacks increasingly turned into daily routine, keeping the covert war outside the public spotlight became an extremely delicate task.⁸⁷

5. The covert war triggers congressional constraints

After the CIA took the lead in managing the *contra* program, the ever-expanding scope of the covert operations presented the Reagan administration with the issue of selling a substantially secret policy to an already suspicious Congress, as well as to the public opinion.

By mid-1982, the contras had grown into a professionally trained and equipped paramilitary army of four thousand members. Weapons for the contras were purchased

⁸⁷ R. Reagan, *An American Life*, Simon & Schuster, 1990, pp. 221-222; M. Middlebrook, *The Falklands War*, Pen & Sword Books Ltd, South Yorkshire, 2012, p. 55; W. M. Leogrande, p. 292; K. Norworthy, W. J. Robinson, *David and Goliath*, p. 56; “U.S. Support for Britain Imperiling Latin Policy”, *The New York Times*, 16.5.1982, available at <https://www.nytimes.com/1982/05/16/world/us-support-for-britain-imperiling-latin-policy.html>, last accessed August 2019.

through a secret channel operating through the Soviet bloc. This served a double purpose: on the one hand, it eliminated the possibility of unauthorized US combat weapons being found in the hands of the rebels; on the other hand, it provided the contras with evidence to support the claims of Soviet-sponsored weapons being captured in Nicaragua. Initially, the contras operated under two main coalitions. These were the Honduras-based Nicaraguan Democratic Force (*Fuerza Democrática Nicaraguense*, FDN), headed by Bermúdez and mainly commanded by former National Guardsmen, and the Costa Rica-based Democratic Revolutionary Alliance (*Alianza Revolucionaria Democrática*, ARDE), founded in September 1982 and headed by Edén Pastora, a former revolutionary fighter also known as *Comandante Cero*, whom had been groomed for the contra war by Duane Clarridge with the promise of making him “the star of the second revolution as he had been the star of the first.” By mid-April 1982 Pastora, who had accepted Clarridge’s proposal on the condition that he have “absolute deniability”, announced the formation of the Revolutionary Front of Sandino (*Frente Revolucionario Sandino*, FRS) and publicly declared that “the nine [...] have betrayed the ideals of the popular revolution and I am going to remove them by bullets from their mansions and Mercedes Benz.” As a matter of fact, Pastora enjoyed the reputation of a legendary, anti-somocista guerrilla commander, which Clarridge thought could be conveniently exploited to make ARDE a credible, anti-Sandinista alternative to the FDN, the composition of which inherently carried strong connections with the Somoza experience. Despite the nominal and rhetorical differences between the two coalitions, these operated in coordination until mid-1984, when Pastora refused to accept a CIA request that ARDE join the FDN in a two-front war alliance, thereby alienating the support of the CIA to his faction.⁸⁸ The ever-growing size of the contra army, coupled with the increasing number of press leaks regarding the secret war in Nicaragua soon raised concern among members of the Congressional Intelligence Committees, who had begun to worry that the covert operations might have exceeded the boundaries set in late 1981. Despite the fact that the House Intelligence Committee rejected a proposal made by liberal Democrats aimed at deleting the funding of the contra war in early April 1982, the Committee successfully added restrictive language to a classified annex of the FY1983 Intelligence Authorization, which would have

⁸⁸ P. Kornbluh, “The Covert War”, p. 26; K. Norsworthy, W. J. Robinson, *David and Goliath*, p. 68. The “nine” refers to the Sandinista Directorate; H. Johnson, *Sleepwalking Through History*, p. 265.

prohibited US economic assistance to paramilitary groups “for the purpose of overthrowing the Government of Nicaragua or provoking a military exchange between Nicaragua and Honduras”. The language, crafted in a way that enabled the committee to express its uneasiness without interfering with the operation, implied that the Committee still supported the goal of interdicting the arms flow. This, in turn, enabled the Reagan administration to interpret the restriction as allowing support for the operations as long as the purpose was not one of those forbidden by the law.⁸⁹

In November 1982, a *Newsweek* cover story titled “A Secret War for Nicaragua” extensively described the CIA role in the contra war, which was presented as “a covert operation to restrict the flow of Cuban arms to El Salvador [expanded] into a larger plan to undermine the Sandinista government in Managua, mirroring the Reagan administration deeper in Central America.”⁹⁰ The *Newsweek* report and the subsequent wave of disturbing revelations about the developments of the contra war fueled congressional opposition to the CIA program: in early December 1982, Representative T. Harkin [D-Iow] offered an amendment to the Department of Defense Appropriation Act for FY1983 which would have prohibited US aid to “any group or individual, not part of a country's armed forces, for the purpose of assisting that group or individual in carrying out military activities or against Nicaragua.”⁹¹ Harkin’s proposal was widely supported by congressional liberals, who saw it as a chance to stop what was perceived as a “new Vietnam”, but it was ultimately deemed “not necessary” by the chairman of the Intelligence Committee Edward Boland. Reassuring the congressmen who spoke in opposition to the contra war that the Committee shared their concern, Boland revealed the restrictive language included in the FY1983 intelligence authorization bill back in April, and offered a substitute to Harkin’s amendment that adopted the same language, explaining that “it is agreeable to the executive branch. They do not like it, but it is agreeable to them”. Boland’s amendment, which was less restrictive than Harkin’s, and therefore more palatable to the Republican leadership, passed the House 411-0, and was

⁸⁹ W. M. Leogrande, “The Contras and Congress”, in T. W. Walker, *Reagan versus the Sandinistas*, p. 204; M. Byrnes, *Iran-Contra*, p. 33.

⁹⁰ “A Secret War for Nicaragua”, *Newsweek*, 8.11.1982, available at <https://www.cia.gov/library/readingroom/docs/CIA-RDP84B00049R001403500031-0.pdf>, last accessed August 2019.

⁹¹ H. Amdt. 973 to H.R. 7355, <https://www.congress.gov/amendment/97th-congress/house-amendment/973/text?r=22&s=3>, last accessed August 2019.

subsequently included into Public Law 97-377, sec. 793 on 21 December 1982.⁹² While its passage clearly indicated growing congressional suspicion and opposition to the scope of the contra war, the fact that the Boland Amendment merely reaffirmed existing law meant that most members of the US administration could continue to side-step it by interpreting it as they did with the language of the April classified annex.

As a matter of fact, in 1983, in spite of the gradual erosion of the administration's credibility and the deterioration of congressional support for its Central American policy, the Reagan White House continued to expand the covert war. In late 1982, the growing concern over the political and military viability of the contras led the CIA to undertake a rushed effort to boost the public image of their clients by recruiting a new civilian directorate for the FDN, which was announced at a news conference in Miami in December 1982. According to Edgar Chamorro – a former Jesuit, member of the newly-appointed FDN board – the CIA justified the urgency on the need to “repackage the program in a way to be palatable to Congress.”⁹³ While the real control of the organization would still be retained by the CIA and a restricted elite of three selected Nicaraguans, the organizational facelift of the FDN directorate allowed the CIA to instruct its officials on how to talk with congressional members, who would later be received with a tailor-made approach in their visits to Central America. In addition to this, in early 1983, reporters were allowed to visit contra camps in Honduras, although press visits were subjected to a preventive clearing by the Agency and to an agreement whereby the journalists had to uphold the fiction that the camps were not in Honduras.⁹⁴ This was part of a broader series of actions undertaken by the administration with the aim of reducing congressional interference in foreign policy. These actions included the creation of the Office of the Public Diplomacy for Latin America and the Caribbean (S/LPD), the declared purpose of which was that of developing and implementing a public diplomacy strategy for Central America. In fact, although the new office was set

⁹² W. M. Leogrande, *Our Own Backyard*, pp. 302-303; “The Contras and Congress”, pp. 204-205; M. Byrnes, *Iran-Contra*, p. 33; *Congressional Record*, 8 December 1982, p. 29466, available at <https://www.govinfo.gov/content/pkg/GPO-CRECB-1982-pt21/pdf/GPO-CRECB-1982-pt21-6.pdf>, last accessed August 2019; H. Amdt. 974 to Department of Defense Appropriation Act [H.R. 7355], <https://www.congress.gov/amendment/97th-congress/house-amendment/974?s=2&r=18>, last accessed August 2019.

⁹³ “CIA Impact Enormous: The Contras: How U.S. Got Entangled”, *Los Angeles Times*, 4.3.1985, available at <https://www.latimes.com/archives/la-xpm-1985-03-04-mn-24174-story.html>, last accessed August 2019.

⁹⁴ W. M. Leogrande, *Our Own Backyard*, pp 306-307; M- Byrnes, *Iran-Contras*, p. 34.

up within State Department, it actually reported – at the President’s request – to the NSC staff, particularly to CIA propaganda expert Walter Raymond Jr., whom CIA director Casey had appointed to a key position within the forum in an “attempt to manipulate the media, the Congress and public opinion to support the Reagan administration’s policies” in Nicaragua. As Byrne states, this was crucial to “dodge the strict letter of the statute” prohibiting CIA officials from domestic lobbying.⁹⁵ In addition to this, the administration declared its support for a diplomatic initiative involving the foreign ministers of Mexico, Venezuela, Panama, and Colombia known as the Contadora Initiative, named after the island where the government officers of these countries first met to discuss plans to mediate a regional peace settlement. Despite public declarations in favor of the initiative, however, hardliners in the Reagan administration constantly worked to block negotiations, which they reportedly viewed as “an avenue for ‘accommodation’”. Finally, in July 1983, Reagan announced the appointment of the National Bipartisan Commission on Central America, which would serve as an instrument to build a national consensus on the US Central American policy.⁹⁶

While the administration sought to muster popular support for the contras with such initiatives, the size of the CIA-backed army continued to expand exponentially, doubling from the 5.500 units of February 1983 to 10.000 in July of the same year. In March 1983, the contras staged the first major offensive in the interior of the country, when they infiltrated the Matagalpa province with the aim of securing control over a portion of territory that could allow the strategic establishment of a provisional government, thereby enabling them to seek recognition and aid from the US. The Nicaraguan Deputy Foreign Minister Victor Hugo Tinoco publicly blamed the assault on “the Reagan administration, which is determined to destroy the Nicaraguan revolution”, and stated that the invasion corresponded to “the machinations and political

⁹⁵ M. Byrnes, *Iran-Contra*, pp. 34-35; J. M. Scott, “Interbranch Rivalry and the Reagan Doctrine in Nicaragua”, p. 246; “Alleged ‘White Propaganda’ of S/LPD Criticized by Comptroller General, O’Dwyer’s PR Services Report, January 1989, available at <https://www.nexis.com/docview/getDocForCuiReq?lni=3SJJ-0160-003N-DOR7&csi=280434&oc=00240&perma=true>, last accessed August 2019.

⁹⁶ J. M. Scott, “Interbranch Rivalry and the Reagan Doctrine in Nicaragua”, p. 245-246; T. Karl, “Mexico, Venezuela, and the Contadora Initiative”, pp. 284-286.

will of the current Administration in Washington”, which, however, denied any involvement in the contra attack.⁹⁷

Despite the fact that the contra offensive was eventually repelled, members of the contra army in Tegucigalpa expressed their optimistic prediction of being “in Managua by December”⁹⁸, which had inevitable repercussions at the domestic level in the US. As a matter of fact, a new series of press reports documenting the extent of the US involvement in the covert operations contributed to confirm congressional suspicion that the actual aim of the Reagan administration was that of overthrowing the Nicaraguan government. The view was reinforced by two mutually confirming reports redacted by Senate and House Intelligence Committees delegates, who had independently been visiting Central America in early 1983 to witness the situation first-hand.

The further disclosure of the details of the US involvement in Nicaragua pushed the Congress to take the initiative to oppose the administration’s plans. In mid-April 1983, the House Foreign Affairs Western Hemisphere Subcommittee voted to end all American support for the contras in absence of congressional approval, even though the amendment eventually failed to reach the House floor. A few days later, Boland declared that evidence that the administration was violating the law was “very strong”, an allegation which was swiftly denied by President Reagan (“we are not doing anything to try and overthrow the Nicaraguan government”⁹⁹). The systematic lack of transparency on the part of the Reagan administration led the House Intelligence and Foreign Affairs Committee to the introduction of the Boland-Zablocki bill [H.R. 2670] on 27 April 1983, the same day President Reagan delivered his momentous speech on Central America before a joint session of the Congress, aimed at rebuilding bipartisan support for his policy towards the region. After describing the events in El Salvador, Reagan moved to the Nicaraguan theatre, where, in spite of what he depicted as an attitude of hostility on the part of the Nicaraguan government, he made clear that the US

⁹⁷ “Heavy Fighting in Nicaragua Reported by Rebels”, *The New York Times*, 21.3.1983, available at <https://www.nytimes.com/1983/03/21/world/heavy-fighting-in-nicaragua-reported-by-rebels.html>, last accessed August 2019; “Nicaragua Charges an Invasion by 2,000”, *The New York Times*, 23.3.1983, available at <https://www.nytimes.com/1983/03/23/world/nicaragua-charges-an-invasion-by-2000.html>, last accessed August 2019.

⁹⁸ “CIA Impact Enormous: The Contras: How U.S. Got Entangled”.

⁹⁹ “Nicaragua Covert Aid Issue Compromised”, *CQ Almanac 1983*, 39th ed., 123-32. Washington, DC: Congressional Quarterly, 1984. <http://library.cqpress.com/cqalmanac/cqal83-1198446>, last accessed August 2019.

was not seeking its overthrow. In a dramatic display of cold-war rhetoric, Reagan then asked:

“Are democracies required to remain passive while threats to their security and prosperity accumulate? Must we just accept the destabilization of an entire region from the Panama Canal to Mexico on our southern border? Must we sit by while independent nations of this hemisphere are integrated into the most aggressive empire the modern world has seen?”¹⁰⁰

Introduced a few hours before Reagan’s speech, the Boland-Zablocki bill would ban funding “for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual.”, while still authorizing eighty million dollars to any Central American country with the overt aim of preventing the use of its territory for the transfer of arms from or through Cuba or Nicaragua. After a bitter debate split along party lines, the bill was approved 9-5 on 3 May. President Reagan angrily condemned the bill as “irresponsible” in that it set “a very dangerous precedent” by “taking away the ability of the executive branch to carry out its constitutional responsibilities.”¹⁰¹

In early May 1983, Reagan publicly described the contras in Nicaragua as “freedom fighters”. The conference was particularly significant in that it marked the first time a senior official spoke in favor of supporting armed groups challenging the legitimacy of the Sandinista government in Nicaragua.¹⁰² During the same month, the proposal to end the covert program in favor of an overt plan for Central America prompted a legal review within the Senate Intelligence Committee, which, according to Committee chairman Senator Barry Goldwater [R-Ariz], identified at least nine laws prohibiting the

¹⁰⁰ “Address before a Joint Session of the Congress on Central America”, 27 April 1983, available at <https://www.reaganlibrary.gov/research/speeches/42783d>, last accessed July 2019; L. Cannon, *President Reagan*, p. 324.

¹⁰¹ W.M. Leogrande, *Our Own Backyard*, pp. 311-313; J. M. Scott, “Interbranch Rivalry and the Reagan Doctrine in Nicaragua”, p. 245; “Key House Member Fears U.S. Breaks Law on Nicaragua”, *The New York Times*, 14.4.1983, available at <https://www.nytimes.com/1983/04/14/world/key-house-member-fears-us-breaks-law-on-nicaragua.html>, last accessed August 2019; “...for Open Debate”, *The New York Times*, 19.7.1983, available at <https://www.nytimes.com/1983/07/19/opinion/for-open-debate.html>, last accessed August 2019; “Nicaragua Covert Aid Issue Compromised”; “Reagan Defends Nicaragua Role”, *The Washington Post*, 5.5.1983, available at <https://www.nexis.com/docview/getDocForCuiReq?lni=3S8G-HMF0-0009-XORT&csi=280434&oc=00240&perma=true>, last accessed August 2019.

¹⁰² “President Calls Nicaragua Rebels Freedom Fighters”, *The New York Times*, 5.5.1983, available at <https://www.nytimes.com/1983/05/05/world/president-calls-nicaragua-rebels-freedom-fighters-session-transcript-page-d22.html>, last accessed August 2019.

US to “engage in the type of overt action that we now call covert”. The laws included the Charter of the Organization of American States, a 1970 United Nations declaration on “friendly relations” among nations, and the War Powers Resolution, which the committee reportedly found particularly problematic with regards to the dispositions on reporting requirements, the sixty-days “clock”, and the need for a joint resolution to authorize military operations short of a declaration of war. As a result of the review, the Senate Panel voted for the continuation of the covert plan until 30 September 1983, on the condition that Reagan review the plan “in a way acceptable to the panel” in a new presidential finding after the deadline.¹⁰³

The House debate over the Boland-Zablocki bill and the contra aid raged on throughout the summer of 1983. On 19 July, the House of Representatives secretly convened to discuss Washington’s war against the Nicaraguan government, justifying the urgency for the meeting – the fourth secret session in the House history – on the expansion of the CIA covert operations into a “full-scale support for thousands of anti-government guerrillas in Nicaragua”, which clearly exceeded the limited purpose of interdicting the flow of arms in the region. The session, however, produced no results that could substantially influence the public House debate scheduled for the following week, and its relevance in the media was soon obscured by the leaking of news about a series of joint US-Honduran military exercises due to begin in August. The operation, code-named “Big Pine II”, was the brainchild of General P. Gorman, who had called for a substantial expansion of the military exercises with Honduras in May 1983. Such exercises had been one of the pillars of the US policy towards Central America since 1981, as they provided the Reagan administration with the possibility to expand military assistance beyond congressional constraints. In addition to that, the militarization of Honduras was a function of the administration’s low intensity warfare policy, in that it opened an additional front to intimidate and destabilize the Nicaraguan government. The first phase of the development of such exercises (Big Pine I) took place intermittently from October 1981 to February 1983, and consisted in war games staged

¹⁰³ “Senate Panel Fear Legal Problems if CIA-Nicaragua Aid Went Public”, *The Associated Press*, 27.5.1983, available at <https://www.nexis.com/docview/getDocForCuiReq?lni=3SJ4-N570-0011-53D4&csi=280434&oc=00240&perma=true>, last accessed August 2019; “Senate Panel Compromises on Nicaragua”, *The Washington Post*, 7.5.1983, available at <https://www.nexis.com/docview/getDocForCuiReq?lni=3S8G-HM30-0009-X093&csi=280434&oc=00240&perma=true>, last accessed August 2019.

in a broad geographic zone with the double aim of dispatching additional equipment to the contras while providing a justification for the financing of military infrastructures in the region.¹⁰⁴ Gorman's proposal was discussed by an inter-agency task force in a National Security Council meeting on 8 July 1983, where a set of policy proposals calling for a military build-up were discussed. The task force stated that

"Honduras is pivotal to U.S. policy because it is geostrategically situated astride the major regional infiltration routes; and Honduras has offered the U.S. use of military facilities, at considerable risk. Honduras has openly aligned itself with the U.S.; we have an opportunity to provide assistance prior to the situation reaching a crisis point"¹⁰⁵

A few days later, the task force briefing was followed by the unveiling of a detailed Pentagon plan calling for a substantial increase in military aid for FY1984 and FY1985. In addition to a 120 percent increase over the initial FY1984 aid request, the plan also included a recommendation by Secretary of Defense Weinberger that the ceiling on the number of US advisers in El Salvador be raised to 125, as well as a substantial expansion of the military exercises modelled after Gorman's proposal. At the urging of Regan's National Security Adviser William Clark, the plan was approved outside of the normal inter-agency process on July 15. On 28 July, President Reagan signed NSDD 100, an official sanctioning of a military build-up in the region:

"The democratic states of Central America must be assisted to the maximum degree possible in defending themselves against externally supported subversion or hostile neighbors. U.S. military activities in the region must be significantly increased to demonstrate our willingness to defend our allies and to deter further Cuban and Soviet Bloc intervention."¹⁰⁶

¹⁰⁴ "Nicaragua Covert Aid Issue Compromised"; "House Meets in Secret on War in Nicaragua", *The Washington Post*, 20.7.1983, available at <https://www.nexis.com/docview/getDocForCuiReq?lni=3S8G-H4H0-0009-X3GN&csi=280434&oc=00240&perma=true>, last accessed August 2019; P. Shepherd, "Honduras", pp. 131-133; E. Gold, "Military Encirclement", in T. W. Walker, *Reagan versus the Sandinistas*, pp. 41-47; W. M. Leogrande, *Our Own Backyard*, p. 314-319.

¹⁰⁵ K. Norsworthy, W. J. Robinson, *David and Goliath*, pp. 82-83; "U.S. Said to Weigh 40% Increase in Military Funds for Latin Allies", *The New York Times*, 17.7.1983, available at <https://www.nytimes.com/1983/07/17/world/us-said-to-weigh-40-increase-in-military-funds-for-latin-allies.html>, last accessed August 2019; "Pentagon Details Honduras Action", *The New York Times*, 26.7.1983, available at <https://www.nytimes.com/1983/07/26/world/pentagon-details-honduras-action.html>, last accessed August 2019.

¹⁰⁶ "Enhanced U.S. Military Activity and Assistance to the Central American Region" (NSDD 100), available at <https://www.reaganlibrary.gov/sites/default/files/archives/reference/scanned-nsdds/nsdd100.pdf>, last accessed August 2019.

The “Big Pine II” exercises began in early August and were intended to continue until January 1984 – the longest set of military exercises ever held by the US – and involved up to five thousand US ground forces, as opposed to the sixteen hundred units involved in the first phase. The General Accounting Office later determined that, despite the attempts to circumvent existing legislation, the Pentagon financed and conducted Big Pine II in an illegal way.¹⁰⁷ US officials declared that the purpose of the joint military exercises was that of “calming Honduran worries and thus avoid any rash action by the military here as border tensions increase”; Honduran General Álvarez claimed that the arrival of US troops for joint military maneuvers in the area should “dissuade” the Nicaraguans from making any overt moves against Honduras.¹⁰⁸

To be sure, the military muscle flexing further embittered congressional opposition. A number of congressional Democrats accused Reagan of violating the War Powers Resolution, and legislation was introduced in the House by Representative E. J. Markey [D-Mas] with the aim of prohibiting the deployment of US military forces in Central America without congressional approval. The hour-long debate on the Markin proposal was characterized by references to Vietnam by Democrats (“We are now on the brink of an era which very much resembles 1965; “We hear echoes in this chamber tonight of Vietnam...and with the appointment of Mr. Henry A. Kissinger to the president's commission on Central America, we see ghosts of Vietnam. If there is anything we vowed when we came to this House it was never to be involved in repeating that mistake again”), and stark opposition by Republicans, who thought Reagan had made an “honest try to set to rest the idea that he is trying to foster a situation that could lead to war”. Eventually, the House rejected the amendment 259-165.¹⁰⁹

At the eve of the House debate over contra aid, scheduled for 27 July 1983, President Reagan gave a press conference in which he stated that

¹⁰⁷ “Pentagon Seeking a Rise in Advisers in Salvador to 125”; “Honduras”, pp. 131-133; W. M. Leogrande, *Our Own Backyard*, p. 318; E. Gold, “Military Encirclement”, p. 42.

¹⁰⁸ “Democrats Press for Halt in Secret Nicaraguan Actions; Exercises Said to be ‘Shield’ for Honduras”, *The Washington Post*, 28.7.1983, available at <https://www.nexis.com/docview/getDocForCuiReq?lni=3S8G-H380-0009-X1ND&csi=280434&oc=00240&perma=true>, last accessed August 2019.

¹⁰⁹ “Reagan Latin Remarks Ignite Debate”, *The Washington Post*, 27.7.1983, available at <https://www.nexis.com/docview/getDocForCuiReq?lni=3S8G-H3D0-0009-X1WC&csi=280434&oc=00240&perma=true>, last accessed 2019; H. Amdt. 254 to H.R. 2969, available at <https://www.congress.gov/amendment/98th-congress/house-amendment/254?s=1&r=1>, last accessed August 2019.

“the United States, along with our friends, seriously opposes the use of force by one neighbor against another in Central America, but we're not seeking a larger presence in that region, and U.S. forces have not been requested there. The United States stands firmly on the side of peace. As a nation, we remain steadfast in policy and purpose. We want to see an end to violence and bloodshed, to the export of revolution.”¹¹⁰

Nevertheless, the administration's efforts to dispel fears over a potential direct US military involvement in the region were countered by the ever-increasing press coverage of both the military exercises and the swelling of the contra forces. While Republicans denied any violation of the Boland Amendment within the development of the contra operations, House Democrats expressed their deep concern about the escalation of the US military presence in the region. Representative Markey rhetorically asked whether the “first hint of Marxism” in the region justified the abandonment of the founding “principles of law and decency” of the Nation to “embark on a course of violence”. Representative Dicks stated that “the dispatch...of over 20,000 total personnel without any congressional consultation or notification is a distressing indication of disregard for the spirit of the War Powers Act, and the opinions and judgment of the U.S. Congress and the American people”. On the other side of the political spectrum, Republicans accused their Democratic colleagues of misrepresenting the US policy in Nicaragua as an American war against the Central American country, and accused the advocates of such a representation of wishing “to see [the US] reduced to impotence so that we could experience the misery of slavery under the Soviet Union from Moscow through Havana, Cuba, through Managua, Nicaragua”. Meanwhile, the Boland-Zablocki amendment was bitterly discussed in the House on 27 and 28 July 1983. After two days of fierce debate and tricky parliamentary procedures aimed at strategically amending proposed legislation, the Boland-Zablocki bill was approved with only minor changes by a tally of 228-195.¹¹¹

¹¹⁰ “The President's News Conference”, 26 July 1983, available at <https://www.reaganlibrary.gov/research/speeches/72683e>, last accessed August 2019.

¹¹¹ *Congressional Record*, House, 27 July 1983, available at <https://www.govinfo.gov/content/pkg/GPO-CRECB-1983-pt15/pdf/GPO-CRECB-1983-pt15-6-2.pdf>; *Congressional Record*, House, 28 July 1983, available at <https://www.govinfo.gov/content/pkg/GPO-CRECB-1983-pt16/pdf/GPO-CRECB-1983-pt16-1-2.pdf>; W. M. Leogrande, *Our Own Backyard*, p. 314-315; W. M. Leogrande, “The Contras and the Congress”; “Nicaragua Covert Aid Issue Compromised”. For a detailed reconstruction of the House debate, see also R. Kagan, *A Twilight Struggle: American Power and Nicaragua, 1977-1990*, New York, Free Press, 1996, chapter 28, “An Amendment to the Amendment, as Amended”, pp. 280-285.

The staunch opposition in the House pushed the Reagan administration to move towards a closer collaboration with members of the Senate Select Committee on Intelligence, which resulted in the approval of a compromise finding on 16 September 1983. The finding, signed three days later, was crucial in that it allowed the administration to draw money from the CIA contingency fund, which was put aside as part of the compromise offered by Senator Barry Goldwater back in May. While managing to rally the support of the Senate Intelligence Committee by a vote of 13-2, the finding did little to convince the House Intelligence Committee to change its position on the contra aid. As a matter of fact, the new finding extended the rationale for the covert aid way beyond the purpose of interdicting the arms flow in the Central American region:

“[unavailable line] in cooperation with other governments, provide support, equipment and training assistance to Nicaraguan paramilitary resistance groups as a means to induce the Sandinistas and Cubans and their allies to cease their support for insurgencies in the region; to hamper Cuban/Nicaraguan arms trafficking; to divert Nicaragua’s resources and energies from support to Central American guerrilla movements; and to bring the Sandinistas into meaningful negotiations and constructive, verifiable agreement with their neighbors on peace in the region.”¹¹²

While the administration sought to mitigate congressional opposition, the escalation of the secret war continued incessantly. In addition to a new series of sabotage operations conducted by CIA agents between September 1983 and April 1984, the Agency sought to expand the number of the active personnel for the contra war by relying on a network of operatives recruited in the region, known as Unilaterally Controlled Latino Assets (UCLAs). These units were trained in unconventional warfare tactics by US forces in Panama, Honduras, and the United States, with the aim of conducting additional sabotage operations and “try to make it appear that the contras had done it”. Between September and October, these UCLAs units attacked Nicaragua’s major port and oil facilities in Puerto Sandino and Corinto, causing serious damage to the Nicaraguan economic infrastructure.¹¹³

¹¹² “Finding Pursuant to Section 662 of the Foreign Assistance Act of 1961, As Amended, Concerning Operations Undertaken by the Central Intelligence Agency in Foreign Countries, Other Than Those Intended Solely for the Purpose of Intelligence Collection”, 19 September 1983, available at [https://www.brown.edu/Research/Understanding_the_Iran_Contra_Affair/documents/13%20\(CIA%20Covert%20Operations%20in%20Nicaragua\).pdf](https://www.brown.edu/Research/Understanding_the_Iran_Contra_Affair/documents/13%20(CIA%20Covert%20Operations%20in%20Nicaragua).pdf), last accessed August 2019; M. Byrnes, *Iran-Contra*, p. 37.

¹¹³ M. Byrnes, *Iran-Contras*, p. 37; P. Kornbluh, “The Covert War”, pp. 28-29.

On the congressional front, the House persisted in his battle to turn the Boland-Zablocki amendment into effective law. Confronted with the refusal by the Republican-controlled Senate to consider the bill – and, in case of an unlikely passage in the Senate, with a potential veto by President Reagan – House Democrats conveniently sought to attach the provisions of the Boland Zablocki amendment to the FY Intelligence Authorization bill. On 20 October 1983, by a vote of 227-194, the House succeeded in the attempt, and on 2 November it passed the Defense Appropriations Bill [H.R. 4185], which included the prohibition on contra aid and the elimination of any overt aid for arms interdiction. After a deadlock stalled the House-Senate conference committee discussing the bill, a compromise was reached whereby a cap of \$24 million was authorized for FY1984, prohibiting any supplement through the CIA contingency fund or reprogramming. Despite the substantial slashing of the original administration request, the program was not completely compromised, and the battle would have to continue in 1984, an election year.¹¹⁴

6. The mining of the harbors, Boland II, and Reagan’s second victory

Towards the end of 1983, Congress had begun to effectively make use of the “power of the purse” to substantially influence foreign policy. What Congress could not foresee, however, was that while the cap on contra aid did force the administration to come back to Congress to get more money, it also planted the seeds for what would later develop into the Iran/Contra scandal. As a matter of fact, in the wake of the late October House votes on contra aid, Reagan’s new National Security Adviser Robert C. McFarlane established a Special Inter-Agency Working Group with the aim of reviewing the administration’s Central American policy. The board concluded that, given the “distinct possibility” that the Congress would not authorize further funding for FY1984 or FY1985, the Nicaraguan situation had to be brought “to a head” in 1984. On the military level, the conclusion implied a further escalation of the conflict, an endeavor which inevitably required continuous and adequate funding. Confronted with

¹¹⁴ W. M. Leogrande, *Our Own Backyard*, p. 324; Id., “The Contras and Congress”, pp. 206-207; H.R. 2968 – Intelligence Authorization Act for Fiscal Year 1984, available at <https://www.congress.gov/bill/98th-congress/house-bill/2968?q=%7B%22search%22%3A%5B%22H.R.+2968%22%5D%7D&s=2&r=1>, last accessed August 2019; H.R. 4185 – Department of Defense Appropriation Act, 1984, available at <https://www.congress.gov/bill/98th-congress/house-bill/4185/actions?q=%7B%22search%22%3A%5B%22H.R.+4185%22%5D%7D&r=1&s=2>, last accessed August 2019.

congressional impediments, in early February 1984 McFarlane first suggested that the administration turn to other countries in order to gather additional funds, a proposal W. Casey agreed with.

However, in December 1983, Reagan approved a NSC proposal to intensify “harassment operations” against Nicaraguan infrastructure. This resulted in a series of raids conducted by CIA personnel and UCLAs between January and April 1984. While the frequency of these attacks was higher than that of the previous years, the nature of the “harassment” campaign had already become routine as a result of a major review effort undertaken by the CIA in mid-1983 with the aim of drastically improving the chances of victory over the Sandinistas. This was one of the results of the shift of foreign policy control in the hand of the hard-liners within the administration after the replacement of Enders in May 1983.¹¹⁵ Nevertheless, the new plans for a military escalation included an highly controversial option, namely, the mining of Nicaraguan harbors with the aim of dealing mortal damage to the Nicaraguan economy. While a precise determination of the moment the final decision was taken is still a problematic issue due to conflicting information, most of the existing literature credits Dewey Clarridge with the original idea of using mines. According to Leogrande’s and Kornbluh’s reconstruction, Clarridge, who had studied the employment of naval mines in the Russo-Japanese War of 1904-1905, came up with the plan after CIA director Casey pressed him for further ideas to cripple the Nicaraguan economy.¹¹⁶

The House and Senate Intelligence Committees were respectively – and only partially – informed in late January and in early March, and the first press reports about Washington’s role in the operation became public only in early April. Nevertheless, according to FDN leader Edgar Chamorro, the mining operations began as early as January 1984:

“At 2 A.M. on January 5, 1984, George [the deputy chief of the CIA mission] woke me up at my safehouse in Tegucigalpa and handed me a press release in excellent Spanish. I was surprised to read that we – the contras – were taking credit for having mined several Nicaraguan harbors. George told me to

¹¹⁵ W. M. Leogrande, *Our Own Backyard*, pp. 326-336; P. Kornbluh, “The Covert War”, pp. 29-33; M. Byrnes, *Iran-Contra*, 37-38; “Final Report of the Independent Counsel for Iran/Contra Matters”, Part I: “Iran/Contra: The Underlying Facts”.

¹¹⁶ W. M. Leogrande, *Our Own Backyard*, pp. 332; P. Kornbluh, “The Covert War”, footnote 51.

rush to our clandestine radio station and read this announcement before the Sandinistas broke the news. Of course, we played no role in the mining of the harbors.”¹¹⁷

Daniel Ortega first denounced the mining on 26 February 1984, when two Nicaraguan fishing vessels hit the devices. In addition to these, between January and April the mines had also damaged boats from the Netherlands, Panama, Japan, Liberia, and the Soviet Union. After the damaging of the Soviet tanker *Lugansk* on 20 March 1984, the Soviet government condemned the act of mining as “an act of banditry and piracy” committed with the Reagan’s administration complicity, which, to be sure, was followed by a US refusal to accept the protest.¹¹⁸

One of the reasons for the secrecy and the relative delay in informing the congressional intelligence committees about the mining operations was that, in the meantime, the administration was pursuing an attempt to short-circuit the regular legislative process in order to extract additional funds for the contra war. As a matter of fact, in early March, Republican Senator Ted Stevens tried to attach a \$21 million request in contra aid to H. J. Res. 493, an unrelated bill that the House had already passed. This first attempt, however, was narrowly defeated by a 15-14 vote in the Appropriations Committee chaired by M. Hatfield, a Republican opponent of Reagan’s policy in Nicaragua. Nevertheless, towards the end of March 1984, a compromise was struck thanks to the mediation of Senators D. Inouye and D. P. Moynihan, vice chairman of the Intelligence Committee, whereby \$7 million in contra aid would be immediately authorized, while the remaining fourteen million would be placed in the CIA contingency fund. This would, at least theoretically, allow the committee to monitor the development of the contra operations. With the endorsement of the Intelligence Committee, the administration tried to attach the \$21 million request to another unrelated supplemental appropriation regarding African famine relief, child nutrition programs, and, most importantly, summer jobs, which had already passed the House. (H.J. Res. 492). After a

¹¹⁷ “Confessions of a Contra”, *The New Republic*, 5.8.1985, available at <https://newrepublic.com/article/70847/confessions-contra>, last accessed August 2019; “Case Concerning Military and Paramilitary Activities Against Nicaragua” (Nicaragua v. United States of America); “C.I.A. Now Asserts it Sought Delays in Senate Briefing”, *The New York Times*, 17.4.1984, available at <https://archive.org/details/CIA-RDP90-00965R000302640022-6>, last accessed August 2019.

¹¹⁸ K. Norsworthy, W. J. Robinson, *David and Goliath*, p. 100; “Case Concerning Military and Paramilitary Activities Against Nicaragua” (Nicaragua v. United States of America); “Soviets Blame U.S. in Tanker Blast”, *The Washington Post*, 22.3.1984, available at <https://academic.lexisnexis.eu/>, last accessed August 2019.

personal lobbying effort by President Reagan, the Appropriations Committee approved the proposal.

When the supplemental reached the Senate floor for discussion in early April, it triggered an extensive discussion over Central America. Several amendments were introduced, three of which were directly aimed at affecting the contra war: the proposals ranged from the complete elimination of the twenty-one million request to the adoption of restricting language to limit the scope of the military aid. Nevertheless, the Inouye-Moynihan compromise helped consolidate the Republican front, and the entire supplemental was approved.¹¹⁹ In early April, however, at the request of the Intelligence Committee staff, the CIA provided an operational brief fully detailing the US role in the UCLA raids and in the mining of the Nicaraguan harbors. The news broke during the Senate hearings on the contra aid, when Senator J. Biden happened to read a memo summarizing the CIA briefing, which up until that time was virtually unknown to the Senate Committee. Goldwater reportedly read the classified memo aloud on the Senate floor, thereby opening the Pandora box: on the following day, a *Wall Street Journal* article revealed that the CIA had a direct responsibility for the mining, and that the President had approved such operations. The leaking of the news had a devastating effect on Capitol Hill, where members of the US Senate turned their back to the administration for the first time, supporting a nonbinding resolution which called for an immediate halt to the mining. Senator Goldwater, whom had suffered a reputation damage by failing in the task of overseeing the contra operations, wrote a resentful letter to CIA Director Casey:

“Bill, this is no way to run a railroad, and I find myself in a hell of a quandary. I am forced to apologize to the members of the Intelligence Committee because I did not know the facts on this. At the same time, my counterpart in the House did know. The president has asked us to back his foreign policy. Bill, how can we back his foreign policy when we don't know what the hell he is doing? Lebanon, yes, we all knew that

¹¹⁹ W. M. Leogrande, *Our Own Backyard*, pp. 326-328; Id., “The Contras and Congress”, pp. 206-207; “Senate Unit Bars New Funds to Aid Nicaragua Rebels”, *The New York Times*, 9.3.1984, available at <https://www.nytimes.com/1984/03/09/world/senate-unit-bars-new-funds-to-aid-nicaragua-rebels.html>, last accessed August 2019; “Sandinistas’ Foes and El Salvador Win a Senate Vote”, *The New York Times*, 6.4.1984, available at <https://www.nytimes.com/1984/04/06/world/sandinistas-foes-and-el-salvador-win-a-senate-vote.html>, last accessed August 2019; “Senators Uphold Aid to Insurgents”, *The New York Times*, 5.4.1984, available at <https://www.nytimes.com/1984/04/05/world/senators-uphold-aid-to-insurgents.html>, last accessed August 2019.

he sent troops over there. But mine the harbors in Nicaragua? This is an act violating international law. It is an act of war. For the life of me, I don't see how we are going to explain it.”¹²⁰

Ironically, a few days before the unveiling of the CIA involvement in the mining operations, Goldwater had called for the repeal of the War Powers Resolution, which he saw as a necessity “to avoid a terrible constitutional confrontation at some time of grave international crisis in the future, when a firm and prompt United States response is required”. Calling the law “impractical and dangerous”, Goldwater was actually calling for the repeal of a legislation he and other advocates of a stronger Executive saw as an impediment to what may be referred to as a return to an imperial kind of Presidency.¹²¹

One of the immediate consequences of the breaking of the news, Goldwater warned, was the likely defeat of the supplemental request in the House. To make things worse, the Reagan administration notified the United Nations that the US would refuse the jurisdiction of the World Court, which Nicaragua had addressed a few days after the news hit the media. The administration described the Nicaraguan contention as an effort “to divert attention from the real issues in the region and to disrupt the on-going regional peace process by a protracted litigation of claims and counter-claims.”¹²²

On the day following Goldwater’s letter, Casey briefed the Intelligence Committee on the mining operation. His initial attitude was that of stonewalling by claiming that the senators had certainly known about the US involvement in the operation, and that, if asked the right questions, he would have certainly responded accordingly. Nevertheless, after a tenuous debate, Casey had to give in, as his aggressive stance bore the risk of jeopardizing the entire policy. At the end of April, he assumed the responsibility for the “failure in communications which have developed to impair an activity which I thought we were handling well together.”¹²³

¹²⁰ “Goldwater Writes CIA Director Scorching Letter”, *The Washington Post*, 11.4.1984, available at <https://www.nexis.com/docview/getDocForCuiReq?lni=3S8G-MBR0-0009-X4BH&csi=280434&oc=00240&perma=true>, last accessed August 2019.

¹²¹ “Goldwater: War Powers Should be Repealed”, *United Press International*, 4.4.1984, available at <https://www.upi.com/Archives/1984/04/04/Goldwater-War-powers-act-should-be-repealed/2179449902800/>, last accessed August 2019.

¹²² M. Byrne, *Iran-Contra*, p. 38; J. M. Scott, “Interbranch Rivalry and the Reagan Doctrine”, p. 248; “Illegal, Deceptive, and Dumb”, *The New York Times*, 11.4.1984, available at <https://www.nytimes.com/1984/04/11/opinion/illegal-deceptive-and-dumb.html>, last accessed August 2019; “World Court Evasion”, *The New York Times*, 11.4.1984, available at <https://www.nytimes.com/1984/04/11/opinion/world-court-evasion.html>, last accessed August 2019.

¹²³ B. Goldwater, *Goldwater*, p. 307 as cited in W. M. Leogrande, *Our Own Backyard*, p. 336.

The disclosure of the US role in the mining of the harbors in Nicaragua had a disastrous impact on the public image of the US administration, which, in turn, negatively affected the chances for the preservation of the contra aid. As a matter of fact, on 25 May, the House voted 241-177 to add a provision – later to be known as the Second Boland Amendment, or Boland II – prohibiting the use of the funds appropriated to the supplemental bill for military or paramilitary operations against Nicaragua. Once again, the device of strategically attaching the bill to crucial legislation proved to be an effective vehicle for the opposition to the contra program: the prospect of losing the summer jobs bill eventually forced the Republican-controlled Senate to give in.¹²⁴ Boland II was eventually signed into law on 12 October 1984:

“During Fiscal Year 1985, no funds available to the Central Intelligence Agency, the Department of Defense, or any other agency or entity involved in intelligence activities may be obligated or expended for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement or individual.”¹²⁵

Boland described the compromise provision as one that clearly ended US support for the war in Nicaragua. Nevertheless, it only constituted a temporary setback for the Reagan administration. As a matter of fact, the Republicans decided not to compromise Reagan’s re-election campaign by debating an unpopular policy. Having failed to obtain additional aid for FY1984, the administration postponed the fight to 1985, when they expected to gain a stronger hand in the wake of Reagan’s re-election. In the meantime, the degree of secrecy and illegality of the contra war intensified: according to the Walsh Iran/Contra report, as early as May 1984, National Security Adviser Robert McFarlane had convinced Saudi Arabia to contribute to Washington’s covert war, which was managed through a secret bank account under the supervision of Lt. Gen. Oliver L. North, McFarlane’s assistant at the JCS.¹²⁶ As part of the strategy to fulfill the President’s will of keeping the “body and soul” of the contras alive, General North was also tasked with the management of a covert operation named “Project Democracy”, which he ran together with Assistant Secretary of State Elliott Abrams, and Alan Fiers,

¹²⁴ W. M. Leogrande, *Our Own Backyard*, pp. 343-

¹²⁵ *Congressional Record*, House, 10 October 1984, p. 31476, available at <https://www.govinfo.gov/app/details/GPO-CRECB-1984-pt22/GPO-CRECB-1984-pt22-3>, last accessed August 2019.

¹²⁶ “Final Report of the Independent Counsel for Iran/Contra Matters”, Part I: “Iran/Contra: The Underlying Facts”.

the Director of the CIA Central American Task Force. The operation, running through an intricate network of covert financial transactions, arms smugglers, and shipping companies, was aimed at maintaining the flow of weapons to the contras in spite of the letter of the Boland Amendments. What's more, in the wake of the congressional ban, further financial support for the contra war came from the private sector. According to Kornbluh, supporting the contras became a "cause célèbre for the new Right", resulting in the organization of several contra charities which began to raise money and general supplies – conveniently classified as "humanitarian aid" to avoid the violation of the Neutrality Act.¹²⁷

As was the case with El Salvador, the landslide victory of Ronald Reagan at the 1984 elections did provide the administration with the chance to reverse congressional opposition to its Nicaraguan policy. While the covert operation sank deeper in the underground network established to guarantee the survival of the contra forces, in April 1985 Reagan came back at the House with a request for the release of the fourteen million that had been appropriated in a compromise struck during the FY1985 debate in late 1984. Despite the fact that the Democrats initially managed to block the President's request, their margin of victory had been considerably narrowed down if compared with the share they managed to secure during the House debates in Reagan's first term. The subsequent, unexpected defeat of the Barnes-Hamilton amendment, the whole purpose of which was that of providing political cover for moderate and conservative Democrats, opened a breach which the administration lost no time in exploiting. Moreover, just as bad timing caused serious damage to Reagan's policy in various occasions during the first term, the news that Sandinista leader Daniel Ortega was on his way to Moscow was determining to undermine the soundness of congressional opposition.¹²⁸ As a matter of fact, the administration seized the initiative and pressed for additional contra aid. Between June and July, the Democratic leadership in the House suffered four consecutive defeats, and by mid-July 1985, Congress approved twenty-seven million in nonlethal aid until the end of FY1985 and for the first half of

¹²⁷ P. Kornbluh, "The Covert War", pp. 31-32; "North on Reagan's 'Body and Soul' Request", 25.7.1989, available at https://www.brown.edu/Research/Understanding_the_Iran_Contra_Affair/v-on16.php, last accessed August 2019;

¹²⁸ W. M. Leogrande, "The Contras and Congress", pp. 210-211; "In the Nation: Ortega's Bad Trip", *The New York Times*, 24.5.1985, available at <https://www.nytimes.com/1985/05/24/opinion/in-the-nation-ortega-s-bad-trip.html>, last accessed August 2019.

FY1986. Galvanized by Reagan's second electoral victory, the US administration would continue its strategy of "attrition" to wear down congressional resistance up until the fatal disclosure of the Iran-Contra scandal in October 1986, which made the contra effort officially impossible to be supported at the domestic level.

Nevertheless, the investigations on the Iran-contra affair, described as having created the administration's "most damaging crisis in six years" and "one of the nation's most confusing scandals", did not lead to the end of Reagan's political adventure. While the political showdown of the Iran-Contra hearings led to what historian Sean Wilentz described as the most direct confrontation between the branches since the beginning of the constitutional debate under George Washington, the outcome was mixed. As a matter of fact, while Reagan emerged virtually unharmed, several members of his inner circle were either indicted or convicted. On 1992 Christmas Eve, six of them would be pardoned by president G. H. W. Bush, who justified his decision on the grounds that the prosecutions incarnated the "criminalization of policy differences". However, the immediate consequence of the controversial affair was a radical makeup of the Reagan administration, whereby hardline ideologues were replaced by "temperate pragmatists". To be sure, although Reagan avoided major political or judicial consequences, its approval ratings would be fatally damaged from the disclosure of the Iran-Contra affair. Nevertheless, the relaxation and improvement in the superpowers' relations helped restore Reagan's standing with the American people: after Reagan and Gorbachev signed the INF Treaty on 8 December 1987 in Washington, at their third summit since the Soviet leader's election, the public approval of Reagan's conduct of the East-West relations momentarily soared up to sixty percent. Once the superpowers' leaders reached a shared vision about the reduction of their country's nuclear arsenals, the Cold War entered its conclusive phase.¹²⁹

Reagan's popularity would be further boosted as a result of the Moscow Summit, in May 1988. Speaking against the backdrop of a towering Lenin bust at the Moscow University, the US President rhetorically emphasized the beginning of a new era in the

¹²⁹ "The Right to Trust the Government", *The New York Times*, 30.11.1986, available at <https://www.nytimes.com/1986/11/30/opinion/the-right-to-trust-the-government.html>, last accessed September 2019; H. Johnson, *Sleepwalking Through History*, pp. 301; S. Wilentz, *The Age of Reagan*, pp. 240-243; M. Byrne, *Iran-Contra*, p. 275.

US-Soviet relations, and concluded his speech with a masterfully delivered closing statement:

“In this Moscow spring, this May 1988, we may be allowed that hope: that freedom, like the fresh green sapling planted over Tolstoy's grave, will blossom forth at last in the rich fertile soil of your people and culture. We may be allowed to hope that the marvelous sound of a new openness will keep rising through, ringing through, leading to a new world of reconciliation, friendship, and peace.”¹³⁰

Although the existing literature provides different perspectives on the alleged drivers behind the end of the Cold War, several of these discrete perspectives feature Ronald Reagan as one of the main contributors to the denouement of the superpowers' struggle. Beth Fischer argues that Reagan's critical role in the process lay in the US President's idealism and his pivotal design to eliminate nuclear arsenals, which eventually proved determining in the relaxation of the US-Soviet relations and in Reagan's recovery from the political disgrace of the Iran-Contra scandal.¹³¹

¹³⁰ Ronald Reagan, “Moscow State University Address”, 31 May 1988, Moscow, Russia, available at <https://www.americanrhetoric.com/speeches/ronaldreaganmoscowstateuniversity.htm>, last accessed September 2019.

¹³¹ B. A. Fischer, “US Foreign Policy under Reagan and Bush”, in in M. Leffler & O. A. Westad (eds.), *The Cambridge History of the Cold War*, Cambridge, Cambridge University Press, 2010, pp. 267-288.

Conclusion

The enactment of the War Powers Resolution was conceived as a legislative attempt to restore the system of mutual “checks and balances” existing between the executive and the legislative branch, which had been imperiled by the ever-increasing imperial drift undertaken under the Nixon presidency, with specific regard to the conduct of foreign policy. The debate over the precise location of the war powers has been a bitterly dividing issue ever since the Constitutional Convention of 1787, and it continues to spark contrasting constitutional interpretations tilting in favor of one of the two branches.

This dissertation has focused on the foreign policy of the Reagan presidency, with particular regards to El Salvador and Nicaragua, two Central American countries which proved to be two highly insightful testing theatres. As already exposed, they provided a test case for the US administration’s will to actively roll back the wave of Soviet-inspired communist expansion, thereby serving – in the eyes of the Reagan officials – as the vehicle to restore the US power abroad and get rid of the Vietnam syndrome, which had been stifling the country for almost a decade. The historical reconstruction based on a set of newest publications and a conspicuous amount of primary sources has enabled to identify both the similarities and the differences underpinning the shift from the Carter and the Reagan presidency, contributing to challenge the traditional views over a drastic swerve in favor of a more fluid transition. To be sure, the two presidencies differed as far as the use of force abroad and the overall rhetoric are concerned, but I maintain that the exclusion of the left by means of internal meddling in those countries’ affairs ultimately was the foundational stone of both the late Carter and the overall Reagan presidency.

As an additional level of analysis, the major military buildup undertaken under President Reagan, and the aggressive foreign policy of the Reagan administration have provided the first major test of the efficacy of the War Powers Resolution. As a matter of fact, despite some sporadic invocations of the legislation under the Ford and Carter presidencies, the foreign policy decisions undertaken during Reagan’s terms in office

have repeatedly tested, and revealed the flaws of, a resolution which was intended to provide a far more efficient balancing mechanism between the branches than what it eventually accomplished.

I believe that the examination of the events through the War Powers Resolution “lens” sparks a sets of different questions, which ultimately lead back to a fundamental distinction: on the one hand, one might ask whether Reagan actually violated the provisions of the War Powers Resolution in the case of El Salvador and Nicaragua. On the other hand, one might as well ask whether the War Powers Resolution is an efficient tool to forestall any future imperial drift by the executive.

As far as the first question is concerned, the evidence collected in the case of El Salvador clearly indicates that the Reagan administration acted in violation of the War Powers Resolution, as the US advisers repeatedly found themselves in situations that can hardly be described differently than “hostilities”. Even conceding loose definition boundaries, the *Zona Rosa* attacks in 1985, and the death of G. Fronius in 1987 arguably constitute self-explanatory evidence in favor of the WPR violation thesis. Conversely, El Salvador has revealed a number of breaches in the legislation. Firstly, it has exposed the linguistic frailty of the resolution, thereby providing the Reagan administration with a number of legal loopholes which were conveniently exploited in order to circumvent the law. Secondly, it has exposed the inherent unbalance of the mechanism of checks and balances. On the one hand, by abstaining from the fact-finding and declaring it more suitable for a political management, the judiciary has placed the burden on the Congress; on the other hand, it has aggravated such burden by highlighting the consequences of congressional inaction. Therefore, while an *ex post facto* examination of the evidence arguably points to an actual violation of the legislation, the evident flaws highlighted throughout the chapter point to an inherent difficulty to successfully enforce the legislation.

While the US foreign policy towards Nicaragua has only marginally sparked questions about its implications within the WPR (as was the case with the Big Pine II exercises on the Nicaraguan-Honduran border), it nevertheless provides an alternative test case for understanding the congressional role in foreign policy shaping. As a matter of fact, the development and the gradual disclosure of the scope of the contra operations led the US Congress to the enactment of a series of restrictive amendments which, by 1984, openly

put the US support for the contra war to an end. The fact that the US administration eventually turned to third countries to continue financing the contras by deepening the levels of secrecy and intricacy in violation of the existing law is highly indicative of the fact that, confronted with a congressional display of its “power of the purse”, the executive is left with a narrow array of options, namely, the violation of the law, or the outright abandonment of a given policy design.

Therefore, a comparative assessment of the aforementioned dynamics enables to detect the flaws of the War Powers Resolution, as well as the alternative and more effective tools which the Congress can make use of in order to effectively reassert its fundamental role in the realm of foreign policy. Although this still implies the need for a strong congressional will to challenge any administration policy, the adoption of ad-hoc legislation has proved more determining for the purpose of the checks and balances preservation.

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