

Executive Memorandum

The Heritage Foundation

214 Massachusetts Avenue N.E. Washington, D.C. 20002 (202)546-4400

3/12/86

Number 108

P.L.357 CAN CURB NICARAGUAN SPYING IN THE U.S.

Washington at last is taking steps to curb Moscow's use of its U.N.-based diplomats for espionage against the U.S. The Reagan Administration last week ordered that the Soviet mission to the U.N. cut its diplomats from 275 to 170 by 1988, a slash of 38 percent. It is now time, therefore, to curb the espionage activities in the U.S. of Soviet client states. This means Nicaragua. The members of its mission to the U.N. should face the same travel restrictions as members of missions of the Soviet Union, Afghanistan, Iran, Cuba, North Korea, and Vietnam. They are limited to travel within a 25-mile radius of New York City. Libyan U.N. delegates, meanwhile, must remain within New York City's five boroughs. There is no reason that Nicaragua, whose regime Ronald Reagan calls "not a government" at all but rather "one faction of the revolution that has taken over at the point of a gun," should be allowed to send "diplomats" to the U.S. who can go anywhere in the U.S. and conduct subversion and espionage.

The U.S. has a legal right to impose such restrictions. Section 6 of P.L. 357, enacted in 1947 by the 80th Congress, states that "nothing in the Agreement shall be construed as in any way diminishing, abridging or weakening the right of the U.S. to safeguard its own security." The Agreement to which this refers is the so-called Headquarters Agreement between the U.S. and the U.N. which governs U.N. activities in the U.S.

Section 6 further states that the Headquarters Agreement in no way denies the U.S. the right "completely to control the entrance of aliens into any territory of the U.S. other than the headquarters district and its immediate vicinity." According to a confidential memorandum of February 6, 1952 (made public in 1979), by the Assistant Secretary of State for U.N. Affairs, the legislative history of section 6, when read in conjunction with other sections of the Headquarters Agreement, indicates that 1) the U.S. may deny access to the headquarters to aliens for security reasons, and 2) the U.S. controls the entrance of aliens into the U.S. at large "completely."

This means that the U.S. may bar aliens in the U.S. from travelling beyond the U.N.'s Manhattan headquarters and its immediate vicinity. This should be made to apply to members of the Nicaraguan mission, now headed by Nora Astorga. She had been Nicaragua's nominee for Ambassador to the U.S. last spring, but was rejected by the Reagan Administration because of near certainty of her role in the murder of General Reynaldo Perez Vega in Managua on March 8, 1978.

If the Reagan Administration is serious when it talks about the Sandinista regime's threat to this hemisphere, then it should move immediately to curb that threat by limiting Nicaraguan diplomats' access to the U.S.

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For further information:

Foreign Relations of the United States 1952-1954, Volume III, United Nations Affairs
(Washington, D.C.: U.S. Government Printing Office, 1979).

Juliana Geran Pilon, "It's Time to Curb U.N.-Based Spies," Heritage Foundation Executive Memorandum No. 54, June 7, 1984.

Timothy Ashby, "Nicaragua's Terrorist Connection," Heritage Foundation Backgrounders No. 495, March 14, 1986.

Uri Ra'anana, et al., Hydra of Carnage (Lexington, Massachusetts: Lexington Books, 1986).