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Congress of the United States  
House of Representatives

October 27, 2006

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The Honorable Michael Chertoff  
Secretary  
Department of Homeland Security  
Washington, D.C. 20528-0001

Dear Secretary Chertoff:

My office has been observing with concern unfolding events in Nicaragua that could pose a threat to U.S. national security.

Under the unprecedented election rules in Nicaragua, a presidential candidate rejected at the polls by 65% of actual voters can be declared the winner. As a result, the election of a pro-terrorist government is a contingency for which we must be prepared.

When FSLN leader Daniel Ortega -- now a presidential candidate -- previously governed Nicaragua, President Ronald Reagan denounced his regime as "one of the world's principal refuges for international terrorists" and a "partner of Iran, Libya, North Korea, and Cuba in a campaign of international terror." Nicaraguan passports were issued to international terrorists to facilitate their movement across borders. In 1993 it was reported in the Washington Post and elsewhere that one of the terrorist suspects arrested by the FBI for the first World Trade Center bombing carried five authentic, but fraudulent, Nicaraguan passports, apparently issued by officials in that country.

The FSLN, a pro-terrorist party with longstanding ties to designated terrorist groups, is today strongly backed by the anti-American regimes of Hugo Chavez and Fidel Castro. Terror acts backed by the FSLN have targeted and killed American citizens, including four United States Marines. Daniel Ortega is the FSLN presidential candidate in the elections scheduled for November 5<sup>th</sup>, 2006.

A return to power by Daniel Ortega and the FSLN would mean the U.S. government would have no reliable counterpart to satisfy legitimate national security concerns, especially those regarding the threat posed by pro-terrorist groups and the possible funding of those groups -- and that means a radical termination of the conditions that have permitted the unregulated movement of an estimated 2.5 billion dollars over the last five years in remittances from the U.S. to Nicaragua.

I am writing to call upon your department, in conjunction with Treasury Department, to prepare in accordance with U.S. law, contingency plans to block any further money remittances from being sent to Nicaragua in the event that the FSLN enters government.

I am attaching a statement that speaks to this subject in greater detail and which reflects the point of view of important elements of the national security community as well as Members of Congress committed to protecting the United States from terrorism.

Sincerely yours,

A handwritten signature in black ink that reads "Dana Rohrabacher". The signature is written in a cursive, slightly slanted style.

Dana Rohrabacher  
Member of Congress

Attachment

CC: Hon. Henry Paulson, Secretary of the Treasury

## STATEMENT ON UNITED STATES POLICY REGARDING THE FSLN, MONEY TRANSFERS AND U.S. NATIONAL SECURITY

### NEW WORLD REALITY OF TERRORISM

The global offensive waged by terror groups against the United States and the free world obliges our nation to make strong decisions to help assure our own security.

### REMITTANCES AN ISSUE OF U.S. NATIONAL SECURITY

The U.S. government, in permitting or prohibiting unregulated remittances from the United States to a foreign country, must concern itself above all with the national security of the United States.

Policy decisions regarding monetary remittances to foreign countries must now be evaluated with special attention paid to the degree of confidence and effective cooperation that exists with the counterpart government.

It has been determined through a number of official investigations that some of the same groups that direct terror campaigns against us and our allies may help finance those campaigns with money acquired in the United States and then transferred out of the country.

### REMITTANCES DESTINED FOR TERRORIST GROUPS MUST BE BLOCKED AND SEIZED

To fight this threat, tougher laws have been enacted and effective law enforcement efforts have been able to block and seize funds originating in the United States that were destined for foreign terrorist groups. Toward that end, international and bi-lateral cooperation is of the utmost importance.

Ample legal precedent exists to shut down U.S.-based organizations that send money or material support, directly or indirectly, to terrorist entities, and to seize their assets. The FBI and Department of the Treasury have done so on several occasions since the September 11, 2001, terrorist attacks.

### COUNTRY POLICY ON REMITTANCES AND PRO-TERRORIST REGIMES

The country policy regarding the unregulated flow of remittances should be urgently reviewed and, in most cases, those remittances must be immediately terminated, if a pro-terrorist party wins power or enters the government of a country.

### THE "FSLN" AS A PRO-TERRORIST PARTY

The "FSLN" (Frente Sandinista), a political party in Nicaragua, can be considered a pro-terrorist party because of its longstanding relations with designated foreign terrorist organizations such as the FARC, ETA, IRA and other groups. When Daniel Ortega and the FSLN party were last in power, then Attorney General Edwin Meese III, declared that they had turned Nicaragua into "a terrorist country club". The FSLN was found to be a sponsor of political violence in neighboring countries, including acts which targeted American citizens for assassination. The FSLN-sponsored murder campaign began with the 1981 assassination in El Salvador of U.S. Navy Lt. Cdr. Albert Schauffelberger and continued at least through 1989.

### FSLN IN GOVERNMENT COULD MEAN END OF REMITTANCES

If the Nicaraguan pro-terrorist party FSLN enters government in that country, it will be necessary for the United States on an urgent basis to review our policy on the flow of money remittances to Nicaragua, either from our country, in our currency, or using our financial system and our means of land- and space-based telecommunications.

#### U.S. PROHIBITION ON DESIGNATED FOREIGN TERRORIST ORGANIZATIONS

The U.S. Department of State has expressed the ramifications, based on U.S. law, of the designation of foreign terrorist organizations (FTO):

- It is unlawful for a person in the United States or subject to the jurisdiction of the United States to knowingly provide "material support or resources" to a designated FTO. (The term "material support or resources" is defined in 18 U.S.C. § 2339A(b)(1) as "any property, tangible or intangible, or service, including currency or monetary instruments or financial securities, financial services, lodging, training, expert advice or assistance, safe houses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel (1 or more individuals who maybe or include oneself), and transportation, except medicine or religious materials." 18 U.S.C. § 2339A(b)(2) provides that for these purposes "the term 'training' means instruction or teaching designed to impart a specific skill, as opposed to general knowledge." 18 U.S.C. § 2339A(b)(3) further provides that for these purposes the term 'expert advice or assistance' means advice or assistance derived from scientific, technical or other specialized knowledge."

- Representatives and members of a designated FTO, if they are aliens, are inadmissible to and, in certain circumstances, removable from the United States (see 8 U.S.C. §§ 1182 (a)(3)(B)(i)(IV)-(V), 1227 (a)(1)(A)).

- Any U.S. financial institution that becomes aware that it has possession of or control over funds in which a designated FTO or its agent has an interest must retain possession of or control over the funds and report the funds to the Office of Foreign Assets Control of the U.S. Department of the Treasury.

#### FSLN AND THE SUPPORT FOR PRO-TERRORIST GROUPS

The FSLN was created as an armed subversive communist organization that sought the violent overthrow of the Government of Nicaragua in order to replace it with a pro-Castro Marxist-Leninist regime. When the FSLN seized power in 1979, it turned to the East German Ministry of Security (MfS, or Stasi) to build a pervasive secret police system and apparatus to spread terrorism to other countries. Stasi archives since the fall of the Berlin Wall reveal these connections with the FSLN and with designated international terrorist groups.

#### FSLN: FOUNDED AS A PRO-TERRORIST PARTY

A 1986 report from the Heritage Foundation described the pro-terrorist origin of the FSLN. "The Sandinistas (Frente Sandinista de Liberacion Nacional, or as they are more popularly known, FSLN) have had international terrorist connections since the movement was founded in the early 1960s. In 1966, Fidel Castro brought to Havana more than 500 representatives of radical international leftist groups for the Tri-Continental Conference. There the Sandinistas, the PLO, and others met to formulate a strategy for what they called "the global revolutionary movement." Three years later, Tomas Borge, now Nicaragua's Interior Minister, was one of the 50 to 70 Sandinistas sent to Lebanon for training by Cubans and the PLO. Other Nicaraguan leftists received training at PLO camps in Libya. PLO-trained Sandinistas took part in several

terrorist operations in the Middle East during the early 1970s, including an attempt to overthrow the government of Jordan's King Hussein.

**THE PRO-TERRORIST RECORD OF THE FSLN WHEN LAST IN GOVERNMENT**  
President Ronald Reagan had this to say in 1985 about the role played by the FSLN in an international network of pro-terrorist states: "And finally there is the latest partner of Iran, Libya, North Korea, and Cuba in a campaign of international terror -- the Communist regime in Nicaragua. The Sandinistas not only sponsor terror in El Salvador, Costa Rica, and Honduras -- terror that led recently to the murder of four United States marines, two civilians, and seven Latin Americans -- they provide one of the world's principal refuges for international terrorists." "Members of the Italian Government have openly charged that Nicaragua is harboring some of Italy's worst terrorists. And we have evidence that in addition to Italy's Red Brigades other elements of the world's most vicious terrorist groups -- West Germany's Baader-Meinhof gang, the Basque ETA, the PLO, the Tupamaros, and the IRA -- have found a haven in Nicaragua and support from that country's Communist dictatorship. In fact, the Communist regime in Nicaragua has made itself a focal point for the terrorist network and a case study in the extent of its scope."

**REAGAN DENOUNCED TIES OF DANIEL ORTEGA TO NORTH KOREA AND IRAN**  
President Ronald Reagan in 1985: "Consider for just a moment that in addition to establishing strong international alliances with Cuba and Libya, including the receipt of enormous amounts of arms and ammunition, the Sandinistas are also receiving extensive assistance from North Korea. Nor are they reluctant to acknowledge their debt to the government of North Korea dictator Kim Il-song. Both Daniel and Humberto Ortega have recently paid official and state visits to North Korea to seek additional assistance and more formal relations. So, we see the Nicaraguans tied to Cuba, Libya, and North Korea. And that leaves only Iran. What about ties to Iran? Well, yes, only recently the Prime Minister of Iran visited Nicaragua bearing expressions of solidarity from the Ayatollah for the Sandinista Communists."

**ALLEGATIONS OF NICARAGUAN LINKS TO WORLD TRADE CENTER BOMBING**  
Published accounts also report that "There was even a Nicaraguan link to the 1993 World Trade Center bombing in New York; one of the terrorist suspects arrested by the FBI carried five legitimate, but fraudulent, Nicaraguan passports. Someone within the Nicaraguan foreign ministry had issued them. That same year, a large explosion in Managua revealed an underground arsenal of weapons, blank passports, and kidnapping targets from Mexico to Brazil. The weapons were owned by the FMLN guerrillas of neighboring El Salvador. The Clinton administration was convinced that top Sandinista military and intelligence officials knew about the cache, and United Nations Secretary General Boutros Boutros-Ghali issued an official statement of "serious concern" that the clandestine arms depot violated the UN peace accords for Central America, saying "the peace process itself could be placed in jeopardy."

#### **FSLN SEEKS RETURN TO POWER**

Since the collapse of its principal backer, the Soviet Union, the FSLN has been unsuccessful in its attempts to return to power in Nicaragua. However, under new rules in effect for the November 5<sup>th</sup> election, a presidential candidate rejected at the polls by 65% of actual voters can be declared the winner! As a result, the election of a pro-terrorist government is a contingency for which we must be prepared.

Even as the FSLN competes in the upcoming elections behind the presidential candidacy of Daniel Ortega, the FSLN leadership has not repudiated the pro-terrorism actions of its long-time allies, such as the FARC, ETA and the governments of Cuba, Iran and North Korea. The FSLN also continues to participate actively in international gatherings with violent and radical anti-U.S. groups and terrorist organizations.

#### EXCELLENT CURRENT RELATIONS BETWEEN U.S.- NICARAGUA

It must be emphasized that the United States has excellent relations with the current government of Nicaragua. This friendship is based on confidence, shared values, mutually beneficial international policies and strong personal relationships.

Strong bi-lateral relations permit a high-level of cooperation on important national security matters. Nicaragua provides security and intelligence cooperation and formed part of the original military coalition in post-war Iraq. The Nicaraguan government has also been an active promoter of the free trade agreement with the United States.

#### CURRENT U.S. POLICY TOWARD NICARAGUA IS BASED ON A STRONG STRATEGIC RELATIONSHIP

In the context of excellent relations and close cooperation, the U.S. government has not had special security concerns about the source and use of the estimated 700 million dollars sent by Nicaraguans in the United States to their home country over the last year. The current government of Nicaragua has shown itself to be a reliable and trustworthy counterpart regarding U.S. national security.

#### FSLN IN GOVERNMENT WOULD RADICALLY CHANGE THE EQUATION

If the FSLN enters the government of Nicaragua following the upcoming presidential elections scheduled, it will mean a radical termination of the conditions that have permitted the unregulated flow of remittances to take place. The U.S. government would have no reliable counterpart to satisfy legitimate national security concerns, especially those regarding the threat posed by pro-terrorist groups and the possible funding for those groups.

#### FSLN IN GOVERNMENT COULD REQUIRE U.S. TO TERMINATE REMITTANCES

In many instances, pro-terrorist groups conduct fundraising in the United States, and for that reason special controls and restrictions on the flow of funds have been applied where necessary. Given the pro-terrorist nature of the FSLN and its longstanding ties to designated terrorist groups, if the FSLN enters the government in Nicaragua, it will be urgent for the U.S. authorities to implement special restrictions, putting an end to the unregulated flow of remittances from the United States to Nicaragua.

#### FSLN IN GOVERNMENT WOULD FORCE A CHANGE IN U.S. IMMIGRATION PRACTICES REGARDING NICARAGUA

Since the 1980s, the United States has maintained a lenient immigration policy toward Latin Americans, particularly Central Americans, and has not significantly enforced its laws. In the past decade, successive Nicaraguan governments, offering Washington credible assurances of security and intelligence cooperation, have asked the U.S. for continued leniency toward their citizens who enter and work in the United States illegally. However, if a pro-terrorist party

enters government in Nicaragua that creates a radically different strategic reality and the U.S. will be compelled to change its immigration enforcement policy.

#### PRO-TERRORIST PRACTICES BY FSLN MAKE IT AN UNTRUSTWORTHY COUNTERPART

When Daniel Ortega and the FSLN were last in power, Nicaraguan passports were given to international terrorists to facilitate their movements across borders. If the Sandinistas return to power the U.S. will have no alternative but to apply maximum lawful security measures to Nicaraguan nationals living and working in the country illegally without valid identification, visas, work permits, and related papers. The Department of the Treasury may be forced to use its legal authority to cut off remittances and other cash transfers to Nicaragua, and the Department of Homeland Security may be compelled to end TPS and to undertake a massive review of Nicaraguan nationals residing in or entering the U.S. unlawfully.

#### TO RAPIDLY TERMINATE THE FLOW OF REMITTANCES, HOMELAND SECURITY MUST PREPARE A CONTINGENCY PLAN

The United States must be prepared to apply, on an urgent basis, the full array of legal instruments available should circumstances after the Nicaraguan election require the urgent termination of the flow of remittances to that country. Under U.S. law and in accordance with our national security policies, the immediate responsibility for preparing these plans resides with the Department of Homeland Security, working in conjunction with the Department of the Treasury and other agencies of the U.S. government.