

STATEMENT BY CONGRESSMAN JOE MOAKLEY OF MASSACHUSETTS  
ON H.R. 822

NOVEMBER 7, 1985

BEFORE THE  
SUBCOMMITTEE ON IMMIGRATION, REFUGEES, AND INTERNATIONAL LAW

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE, THANK YOU VERY MUCH FOR HOLDING HEARINGS ON MY LEGISLATION, H.R. 822, A BILL WHICH WOULD TEMPORARILY HALT THE DETENTION AND DEPORTATION OF SALVADORANS NOW IN THE UNITED STATES.

I BELIEVE TODAY--AS I DID WHEN I FIRST INTRODUCED THIS BILL TWO YEARS AGO--THAT SALVADORANS ARE IN DESPERATE NEED OF TEMPORARY PROTECTION. I HAVE ON NUMEROUS OCCASIONS URGED THE REAGAN ADMINISTRATION TO GRANT SALVADORANS A TEMPORARY STAY OF DEPORTATION. AS YOU KNOW, WITH THE STROKE OF A PEN, THE ADMINISTRATION COULD PROVIDE A HELPING HAND TO THE SALVADORAN REFUGEES BY GRANTING THEM EXTENDED VOLUNTARY DEPARTURE (EVD). HOWEVER, THE ADMINISTRATION HAS STEADFASTLY REFUSED TO BUDGE ON THIS ISSUE. AND THIS IS WHY I HAVE INTRODUCED H.R. 822 AND WHY I HAVE BEEN FIGHTING SO HARD TO GET THIS BILL OUT OF COMMITTEE. IF CONGRESS DOESN'T MOVE ON THIS ISSUE NOW, I FEAR THAT THERE WILL BE NOTHING DONE TO HELP PROTECT THESE REFUGEES.

MR. CHAIRMAN, I WANT TO STRESS AT THE OUTSET THAT THE ISSUE BEFORE US IS THE SAFETY AND WELL BEING OF THE SALVADORAN REFUGEES--AND NOT WHETHER WE SUPPORT OR ARE CRITICAL OF PRESIDENT DUARTE AND HIS GOVERNMENT. H.R. 822 IS NOT MEANT AS A VERDICT ON THE DUARTE GOVERNMENT OR ON UNITED STATES POLICY IN THE REGION. THE BILL IS MEANT TO EMBARRASS NO ONE--IT IS SIMPLY A HUMANITARIAN GESTURE TO A PEOPLE WHO ARE IN NEED OF OUR HELP.

SINCE EXTENDED VOLUNTARY DEPARTURE AND THE PROVISIONS IN H.R. 822 ARE NEARLY ONE IN THE SAME, THE ARGUMENTS IN FAVOR OF BOTH ARE ALSO VERY SIMILAR. THE MAJOR DIFFERENCE, OF COURSE, IS THAT EVD IS AN ADMINISTRATION ACTION AND MY BILL IS AN ACT OF CONGRESS.

IN THE PAST EVD OR A TEMPORARY STAY OF DEPORTATION HAS BEEN GRANTED TO NATIONALS WHOSE COUNTRIES WERE UNDERGOING EXTREME CIVIL STRIFE AND VIOLENT CONDITIONS. I HAVE ATTACHED TO MY TESTIMONY A CHART COMPARING THE CONDITIONS IN SOME OF THE COUNTRIES THAT HAVE BEEN GRANTED EVD IN THE PAST WITH THE CURRENT CONDITIONS IN EL SALVADOR. IT IS EVIDENT FROM THE CHART, WHICH I HAD THE CONGRESSIONAL RESEARCH SERVICE PUT TOGETHER, THAT THE CONDITIONS IN EL SALVADOR ARE EQUALLY BAD IF NOT WORSE THAN SOME OF THE OTHER COUNTRIES WHOSE NATIONALS WERE OFFERED TEMPORARY PROTECTION. WHY AREN'T WE CONSISTENT? I, FOR EXAMPLE, CERTAINLY SUPPORT THE GRANT OF EVD TO POLES WHO HAVE FLED THE VIOLENCE IN THEIR HOMELAND. BUT, CLEARLY THE EVIDENCE SHOWS THAT THE PHYSICAL SAFETY OF THE SALVADORANS IN EL SALVADOR IS MORE THREATENED THAN THE PHYSICAL SAFETY OF THE POLES IN POLAND. WHY WILL WE HELP THE POLES--OR FOR THAT MATTER THE ETHIOPIANS, UGANDANS AND AFGHANS--BUT NOT THE SALVADORANS?

THE HUMAN RIGHTS SITUATION AND THE GENERAL CONDITIONS OF VIOLENCE IN EL SALVADOR TODAY ARE QUITE STARTLING. THE NEW YORK TIMES ON

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OCTOBER 14, RAN A FRONT PAGE STORY BY JAMES LEMOYNE ENTITLED: "A YEAR AFTER TALKS, SALVADOR PEACE RECEDES." THE ARTICLE, LIKE MANY SIMILAR ONES WHICH HAVE APPEARED RECENTLY ACROSS THE NATION, DETAIL THE CONTINUING ATROCITIES AFFLICTED UPON SALVADORAN CIVILIANS BY GUERRILLA FORCES, DEATH SQUADS AND THE GOVERNMENT ARMED FORCES. THE AMERICAS WATCH COMMITTEE RECENTLY RELEASED ITS REPORT ON EL SALVADOR IN WHICH IT DOCUMENTS THAT DEATH SQUAD KILLINGS AND DISAPPEARANCES IN THE FIRST SIX MONTHS OF 1985 WERE HIGHER THAN THEY WERE IN THE LAST SIX MONTHS OF 1984. AT LEAST 4,000 SOLDIERS, GUERRILLAS AND CIVILIANS ARE ESTIMATED TO HAVE BEEN KILLED OR WOUNDED DURING THE LAST YEAR. THE TOTAL NUMBERS OF DEAD SINCE THE WAR BEGAN IN LATE 1979 IS SOMEWHERE OVER 50,000.

THERE CONTINUES TO BE VIRTUALLY NO JUDICIAL SYSTEM IN EL SALVADOR--AND I SHOULD ADD THAT, DESPITE WHAT MAY BE THE BEST INTENTIONS OF THE DUARTE GOVERNMENT, TO DATE, THERE HAS NOT BEEN A SINGLE MEMBER OF THE POLICE, ARMED FORCES, OR PARAMILITARY DEATH SQUADS PROSECUTED OR PUNISHED FOR VIOLATIONS AGAINST SALVADORANS CITIZENS.

MR. CHAIRMAN, I COULD GO ON AND ON. FOR THE BENEFIT OF THE MEMBERS OF THE SUBCOMMITTEE I WOULD LIKE TO SUBMIT THE LATEST AMERICAS WATCH HUMAN RIGHTS REPORT ON EL SALVADOR, WHICH GOES INTO MUCH MORE DETAIL.

THE NUMBER OF DISPLACED PERSONS INSIDE EL SALVADOR CONTINUES TO GROW; THE U.S. EMBASSY IN SAN SALVADOR ESTIMATES THAT THERE ARE NOW 525,000. PEOPLE CONTINUE TO STREAM OUT OF AREAS WHERE HEAVY BOMBING AND FIGHTING HAVE MADE IT IMPOSSIBLE FOR THEM TO LIVE. ALSO CONTRIBUTING TO THE DISPLACEMENT IS THE SALVADORAN MILITARY, WHICH HAS BEGUN FORCIBLY RELOCATING CIVILIANS AWAY FROM CONFLICT AREAS.

MR. CHAIRMAN, I HAVE HEARD THE ADMINISTRATION CLAIM THAT SALVADORANS NOW IN THE UNITED STATES ARE UNDESERVING OF TEMPORARY PROTECTION BECAUSE THEY ARE PRIMARILY ECONOMIC MIGRANTS. HOWEVER, ACCORDING TO THE U.S. CENSUS BUREAU, THERE WERE ONLY 94,000 SALVADORANS IN THE UNITED STATES LEGALLY AND ILLEGALLY IN 1980, VERY EARLY ON IN THE CONFLICT. TODAY IT IS ESTIMATED THAT AS MANY AS 500,000 SALVADORANS MAY BE IN THE UNITED STATES. THE U.S. CENSUS BUREAU IN TESTIMONY EARLIER THIS YEAR NOTED THAT " SALVADORANS BEGAN FLEEING THEIR COUNTRY EN MASSE IN APRIL, 1980 AS THE CONFLICT BETWEEN GOVERNMENT TROOPS AND OPPOSITION FORCES ESCALATED AFTER THE ASSASSINATION OF CATHOLIC ARCHBISHOP OSCAR ROMERO."

ALSO, A STATISTICAL ANALYSIS RECENTLY COMPLETED AT THE MASSACHUSETTS INSTITUTE OF TECHNOLOGY STATED THAT "EMPIRICAL ANALYSIS INDICATES THAT FEAR OF POLITICAL VIOLENCE IS AN IMPORTANT AND PROBABLY THE DOMINANT MOTIVATION OF SALVADORANS WHO HAVE MIGRATED TO THE U.S. SINCE THE BEGINNING OF 1979."

ALL OF THIS ASIDE--MOTIVES FOR MIGRATION HAVE NEVER BEEN A FACTOR IN GRANTING NATIONALS EVD. RATHER, THE GRANT OF THIS STATUS WAS BASED ON THE GENERAL CONDITIONS OF VIOLENCE AND CIVIL UNREST IN THE REFUGEE'S HOMELAND. WHY SHOULD WE HAVE DIFFERENT CRITERIA FOR SALVADORANS?

IT IS OFTEN STATED THAT THOSE SALVADORANS WHO TRULY HAVE REASON TO FEAR DEATH OR PERSECUTION IF RETURNED HOME NEED ONLY APPLY FOR

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POLITICAL ASYLUM. LAST YEAR, 328 SALVADORANS WERE GRANTED ASYLUM, WHILE MORE THAN 13,000 APPLICATIONS WERE DENIED. OBVIOUSLY, ASYLUM IS NOT A VIABLE OPTION FOR MANY SALVADORANS WHO ARE IN THE UNITED STATES, WHO MAY NOT BE ABLE TO PROVE "AN INDIVIDUALIZED FEAR OF PERSECUTION" BUT, NONETHELESS, ARE FEARFUL OF RETURN TO THEIR HOMELAND AT THIS TIME. THIS IS WHY EXTENDED VOLUNTARY DEPARTURE OR H.R. 822 IS APPROPRIATE FOR SALVADORANS--JUST AS IT IS FOR POLES, ETHIOPIANS, AFGHANS AND UGANDANS.

I HAVE OFTEN HEARD THE ADMINISTRATION CLAIM THAT THERE IS NO EVIDENCE THAT DEPORTED SALVADORANS HAVE BEEN PERSECUTED OR KILLED. YET THERE ARE STUDIES ON THIS PARTICULAR SUBJECT WHICH PRESENT EVIDENCE TO THE CONTRARY. THE WHOLE ISSUE OF THE FATE OF THE RETURNEES, HOWEVER, IS NOT CENTRAL. IN THE PAST, THE QUESTION OF WHETHER OR NOT SOMEONE WOULD BE KILLED UPON RETURN WAS NOT A CRITERIAN USED IN CONSIDERING A GRANT OF EXTENDED VOLUNTARY DEPARTURE STATUS-- RATHER, AS I HAVE ALREADY STATED, GRANTS FOCUSED ON CIVIL STRIFE AND GENERAL CONDITIONS OF HUMAN RIGHTS IN THE HOME COUNTRY. WHY, ALL OF A SUDDEN, IS IT NECESSARY TO PROVIDE DEATH LISTS OF RETURNEES AS A PRECONDITION TO GRANTING EXTENDED VOLUNTARY DEPARTURE?

THE ADMINISTRATION ALSO CLAIMS THAT ALL SALVADORANS CAN FIND SAFETY IN CENTRAL AMERICA. BUT, THE OTHER COUNTRIES WITHIN THE REGION, WHO ALREADY HOUSE ABOUT 250,000 SALVADORANS, CANNOT PROVIDE PROTECTION AND SAFETY FOR ALL THOSE WHO NEED IT. AN EXAMPLE OF THE PRECARIOUS SITUATION OF SALVADORANS WAS ILLUSTRATED BY THE AUGUST 29 HONDURAN MILITARY ATTACK ON THE SALVADORAN REFUGEE CAMP AT COLOMONCAQUA. THE HONDURAN SOLDIERS KILLED TWO REFUGEES, INCLUDING A TWO MONTH OLD BABY WHO WAS KICKED TO DEATH. MANY OTHERS WERE INJURED AND THE MILITARY TOOK TEN REFUGEES CAPTIVE.

MR. CHAIRMAN, I COME BEFORE THIS SUBCOMMITTEE, HAVING DONE ALL MY HOMEWORK ON H.R. 822. I HAVE COMPILED A BI-PARTISAN LIST OF 170 COSPONSORS. THE BILL HAS BEEN ENDORSED BY PROTESTANT, CATHOLIC AND JEWISH ORGANIZATONS--INCLUDING THE CHURCH WORLD SERVICE, THE U.S. CATHOLIC CONFERENCE AND THE AMERICAN JEWISH COMMITTEE. IT HAS ALSO BEEN ENDORSED BY THE ACLU, THE AFL-CIO, AND A NUMBER OF STATE LEGISLATURES AND CITY COUNCILS.

AS YOU KNOW THE BILL BEFORE YOU TODAY IS SOMEWHAT DIFFERENT FROM THE BILL YOU HELD HEARINGS ON DURING THE LAST SESSION. I HAVE TAKEN YOUR ADVICE AND ADDED A CUT-OFF DATE AND HAVE LESSEned THE TOTAL LENGTH OF THE SUSPENSION OF DEPORTATIONS. I AM ALSO HAPPY TO REPORT THAT THE SENATE SUBCOMMITTEE ON IMMIGRATION HAS ALREADY REPORTED IDENTICAL LEGISLATION TO THE FULL JUDICIARY COMMITTEE.

THERE ARE SOME WHO MAY FEEL THAT H.R.822 IS A PIECE-MEAL APPROACH TO A LARGER ISSUE. PERHAPS AT SOME POINT WE SHOULD LOOK TO FORMULATE LEGISLATION TO STANDARDIZE EXTENDED VOLUNTARY DEPARTURE. HOWEVER, WE ALL KNOW THAT SUCH AN UNDERTAKING WOULD TAKE YEARS. AND YEARS ARE EXACTLY WHAT WE DO NOT HAVE WHEN IT COMES TO PROTECTING LIVES THAT ARE NOW IN DANGER.

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE, EACH OF US KNOWS WHAT IS GOING ON TODAY IN EL SALVADOR. IN THAT TINY COUNTRY, ABOUT

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THE SIZE OF MY HOME STATE OF MASSACHUSETTS, DEATH AND DESTRUCTION CONTINUE TO BE A FACT OF LIFE. NONE OF US CAN DENY THIS. NO MATTER WHAT WE BELIEVE ABOUT U.S. POLICY IN THE REGION OR ABOUT THE DUARTE GOVERNMENT, IT DOES NOT CHANGE THE FACT THAT RIGHT NOW WE ARE SENDING PEOPLE BACK TO A WAR ZONE. IT IS WRONG.

I PLEAD WITH THE MEMBERS OF THIS SUBCOMMITTEE TO ACT QUICKLY ON H.R. 822. I HOPE THAT THIS BILL WILL RECEIVE A MARK-UP IN THE VERY NEAR FUTURE. I REALIZE THAT THIS SUBCOMMITTEE HAS MANY IMPORTANT PIECES OF LEGISLATION TO CONSIDER. HOWEVER, WE HAVE ALL HAD TWO YEARS WITH WHICH TO STUDY THIS LEGISLATION. AND I BELIEVE THE TIME FOR ACTION IS NOW.

THANK-YOU.