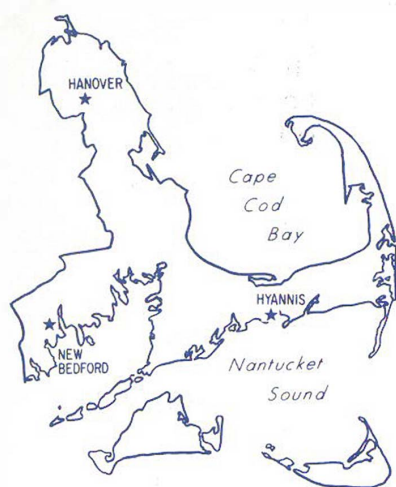


From the office of

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STATEMENT OF CONGRESSMAN GERRY E. STUDDS ON INTRODUCTION OF RESOLUTION TO SUSPEND MILITARY AID TO EL SALVADOR

President Reagan has certified that the government of El Salvador is in compliance with the conditions placed by U.S. law on military aid to that country. Many, myself included, disagree, and believe the evidence is overwhelming that the President has certified more to what he wishes were the case in El Salvador, than to what is actually taking place. Thus, the President's certification does not settle the debate surrounding U.S. military aid to El Salvador; it marks simply the beginning of a new phase.

I have today introduced a Joint Resolution which, if enacted, would declare President Reagan's certification "null and void." This legislation would suspend U.S. military assistance until the House and Senate have jointly concluded that the conditions established by law have truly been achieved.

More individuals died from violence in El Salvador last year than the year before. Systematic acts of kidnapping, torture and murder continue to be characteristic of Salvadoran security forces. The agrarian reform program is in danger of collapse. The armed forces have continually obstructed efforts to discuss a political solution to the violence, and little real progress in bringing to justice those responsible for the savage murder of U.S. citizens has been achieved.

The Reagan Administration wants to believe that its policy in El Salvador has been successful, and it wants Congress and the American people to join in this belief. But conviction in such matters should stem from facts, not from faith, and the tragic facts of El Salvador have not changed.

The conditions placed last year by the Congress on military aid to El Salvador have clearly not been met.

Congress has the responsibility, to itself but more importantly to the public, to guarantee the meaningful implementation of what was a carefully drafted and thoroughly debated provision of law. Failure to satisfy, in fact rather than simply in wish, any of the five conditions spelled out in the law, ought to be sufficient grounds to compel any Member of Congress to support the legislation which has been introduced today. It is my intention to push this Resolution to a vote in the Committee on Foreign Affairs and the full House of Representatives as soon as possible. The majority of the American people, according to every available public opinion poll, opposes U.S. military aid to El Salvador. The people have the right, in this election year, to discover, on the record, whether their Representative in Congress shares this view.

CONDITION ONE: The Government of El Salvador must be making a concerted effort to comply with internationally recognized human rights.

CONDITION TWO: The Government of El Salvador must be achieving substantial control over all elements of its own armed forces, so as to bring to an end the indiscriminate torture and murder of Salvadoran citizens by these forces.

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The ability of the Government of El Salvador to comply with condition #1 depends, in large measure, on its willingness and its ability to meet the standard set by condition #2. Hence, for purposes of discussion, these two conditions may be combined.

According to President Reagan's certification, the government of El Salvador:

through the removal of officers, institution of a code of conduct, and command emphasis on civilian-military relations and halting abuses...has taken concrete steps to bring all elements of its armed forces under control. These efforts are beginning to have a positive effect. The level of violence -- and particularly the number of deaths -- is difficult to quantify, but statistics compiled by our Embassy in San Salvador indicate a declining level of violence over the past year and a decrease in alleged abuses by security forces. There has been a definite trend in this regard.

This sanguine assessment accords with the view of few other observers either inside or outside El Salvador. One reason may be that the source of the President's information is the U.S. Embassy in San Salvador. On January 27, The Washington Post reported that Embassy officials admit that their information "is based entirely on information published in the San Salvador press." That same article states that even Embassy statistics dispute the "trend" claimed in the Reagan certification:

The Report found an encouraging...decrease in violence for the September 1980 to September 1981 period that is the main body of the survey, but the official said that the level of violence jumped sharply upward again in November and December and has continued upward in January.

Perhaps the most objective view of the events of 1981 was provided on January 3 by the Apostolic Administrator of San Salvador, Monsignor Arturo Rivera y Damas. Referring to statistics compiled by his office, the Monsignor said that in 1981, 11,723 persons had been murdered, most of them peasants between the ages of 16 and 30, many of them non-combatants. He said that an additional 1,808 persons were arrested or were missing, and that most of these were workers, students or professionals. Rivera y Damas said that the International Red Cross had visited with 775 persons arrested for political reasons.

A number of human rights organizations have either conducted specific studies, or been continuously monitoring the human rights situation in El Salvador during the past year.

According to the Legal Aid Office of the Archdiocese of El Salvador, 10,714 people were killed in "acts of repression" from January 1981 to late September. Of these, 6,703 were estimated to have been killed by the army or by security forces. Many of the others were suspected to have been killed by "death squads" operating with the protection and tolerance of the military.

It should be noted that some, including Monsignor Rivera y Damas and the Episcopal Conference of El Salvador, have criticized what they describe as the failure of the Legal Aid Office to investigate violent actions taken by leftist forces with the same vigor used to pursue reports of killings committed by the armed forces. This criticism has not extended, however, to a disavowal of the accuracy of the statistics compiled by the Legal Aid Office with respect to repression by the security forces. It should be remembered, also, that U.S. law speaks only to the ability of the government of El Salvador to control its own armed forces and to reduce violations of human rights. In this context, the elaborately-documented statistics provided by the Legal Aid Office are clearly relevant.

The reports of other organizations provide additional evidence that the government of El Salvador has failed to meet the standard set by the conditions of U.S. law.

In its 1980-1981 Annual Report, the Inter-American Commission on Human Rights found that:

The most serious violation of human rights concerning the right to life, took the form of summary execution. Such executions occur primarily, although not exclusively, in El Salvador and Guatemala.

In the context of the climate of generalized violence prevalent in these two countries, there occurs, in alarming numbers, what the Commission calls illegal or extrajudicial executions.

In most cases, such executions were directly committed by the security forces which act with impunity outside the law, as well as by paramilitary groups which operate with the acquiescence or tacit consent of the governments.

As a general rule, such consent has indicated that governmental authorities do not carry out adequate and effective investigations to determine those responsible for these crimes.

On October 28, the Special Representative of the United Nations Commission on Human Rights issued a Report which included the following findings:

As for civil and political rights, the information collected by the Special Representative has convinced him that, under the regime of the Government Revolutionary Junta which assumed power on 15 October 1979, there has been in El Salvador a consistent pattern of gross violations of these rights which, in many cases has culminated tragically in attempts on human life. Members of the State apparatus, and violent groups of the extreme right apparently acting in collusion with them and armed groups of the extreme left are both responsible for these violations. At present the Special Representative is not in a position to establish, even approximately, how much responsibility lies with one or the other sector, although he has to admit to having received more abundant, precise and detailed information concerning violations of human rights imputable to members of the State apparatus and violent groups of the extreme right.

The Special Representative is also convinced that the executive and judicial organs of the Republic of El Salvador have adopted a very widespread attitude of passivity and inactivity with regard to these violations of human rights.

The Nobel-prizewinning human rights organization Amnesty International released an assessment of the human rights situation in El Salvador on January 25. This statement concluded that:

A systematic and brutal policy of government-sponsored intimidation and repression has characterized the past year in El Salvador. People from all sectors of Salvadoran society have been detained without warrant, "disappeared" and been tortured or murdered. Among the reported atrocities have been dismemberments, including children being slashed to death with machetes and decapitated, strangulations, massive bombings and summary executions of internal refugees and displaced persons. Methods of torture while in detention have included the use of electric shock, beatings, the use of sulphuric acid resulting in scorched flesh on portions of the body and the use of hallucinogenic drugs.

It is Amnesty International's considered opinion, after reviewing hundreds of detailed accounts reaching our organization, that in the majority of the reported cases, official security forces have been implicated and that these human rights violations have

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occurred on such a massive scale that they constitute a gross and consistent pattern of human rights abuses. Testimony received by Amnesty International implicates all branches of the Salvadoran security forces whether nominally military, military police or paramilitary in human rights abuses aimed at civilian members of the population who had no part in guerilla activity. Sources of information supporting this conclusion have included missions of investigation and observation to the region, including those carried out by Amnesty International as well as other organizations, data provided by Salvadoran human rights and church organizations, foreign and Salvadoran journalists and personal testimonies and reports issued by a wide variety of organizations which have recently visited the country.

Also in January of 1982, the American Civil Liberties Union and the American Watch Committee issued a massively detailed Report which found that:

1. The Revolutionary Governing Junta of El Salvador, both by commission and omission, is responsible for a widespread and systematic pattern of gross violations of human rights.
2. Despite its avowedly reformist character, the human rights situation in El Salvador has steadily worsened since the Revolutionary Governing Junta came to power on October 15, 1979. In fact, not since la Matanza, the 1932 massacre of as many as 30,000 peasants, has the human rights situation in El Salvador been as bad as it is now.
3. The violations of human rights taking place in El Salvador are not aberrations. Rather, they are selectively directed against those perceived as opposing the country's economic and political system.

The general findings of these organizations are based on an enormous volume of reported violations of human rights. These include the kidnapping at night of individuals or families, the daily discovery of bodies dumped alongside city streets, and the more dramatic tales of massacres or systematic terrorism perpetrated by the uniformed armed forces of El Salvador.

In November, both The Washington Post and The New York Times reported a "body dump" in El Playon, approximately 15 miles outside San Salvador. According to the Post:

Like many such dumps, El Playon was converted into a clandestine dumping ground for bodies several weeks ago -- no one is certain just when. However, the size of the site makes it unique. There are so many bodies -- several dozen -- perhaps as many as a hundred -- that no one is bothering to pick them up any more.

Both newspapers also ran stories, in late January, about what was apparently a major massacre perpetrated by Salvadoran armed forces in or near the village of Mozote in December. If these stories are even generally true, the Reagan Administration's boasts with respect to the human rights situation in El Salvador will have to be considered false. This is true not simply because a massacre took place, but because the military unit which led the campaign through the Mozote region area in mid-December was the U.S.-trained Atlacatl Battalion, the unit which has been the focus of U.S. military training and advice throughout the past year.

The response of the U.S. Embassy to stories of the massacres provides an indication, perhaps, of the quality of the information upon which President Reagan relied in making his certification with respect to human rights in El Salvador. According to a Washington Post interview with U.S. Ambassador Deane Hinton, published on January 31:

In December, the Army launched a major offensive in the province of Morazan where large groups of insurgents virtually control the countryside. "That was a big operation," Hinton said. "Over 20 companies. It's the biggest one they ever mounted, and with some of the fewest results, too."

Guerillas and peasants near the town of Mozote in Morazan told visiting reporters that one thing the Army did do on the sweep was massacre hundreds of civilians.

"From the details I read in the story, there definitely must have been something," Hinton said. "But I don't think it's anywhere near what they say in the propaganda."

Hinton said the embassy had been trying, without success, to confirm the events surrounding the alleged massacre. The embassy has considered sending someone to the scene, but, as Hinton put it, "We're not going to go over to Nicaragua and walk in with the guerillas. And I don't know whether Mozote is guerilla territory or not. It sounds like it might be. That's sort of a little problem if it is."

President Reagan's certification alleges that the armed forces are being brought under control and that a serious effort to control human rights abuses has begun to take hold. However, on January 5, the Defense Ministry announced that Eugenio Vides Casanova, the Director of the National Guard, was being promoted from Colonel to General, and that Francisco Moran, Director of the notorious Hacienda Police, was being promoted to full Colonel. In addition, an arrest warrant issued for Major Robert D'Abuissou, a man whom former U.S. Ambassador to El Salvador Robert White characterized as a "pathological killer" with links to the March 1980 murder of Archbishop Oscar Romero, has been withdrawn.

If words can still validly be used to describe what has been and still is occurring inside El Salvador, the government of that country -- and let us remember that the armed forces are very much a part of the government of El Salvador -- is engaged in a consistent pattern of gross violations of internationally recognized human rights. The rhetoric of Napoleon Duarte and the wishful thinking of Ronald Reagan aside, the facts about what is occurring in El Salvador are plainly there for all, who are not wilfully blind to them, to see.

CONDITION THREE: The Government of El Salvador must be demonstrating continued progress in implementing essential economic and political reforms, including land reform and support for the private sector.

What President Reagan describes as the "cornerstone" of the Salvadoran government's reform efforts is the land reform program initiated in early 1980 with the strong backing of the Carter Administration and many Salvadoran agriculture experts, such as former Undersecretary of Agriculture Jorge Villacorta Munoz, who have since gone into exile.

There is no question that elements of the government of El Salvador are strongly committed to the agrarian reform program. Many rank and file government officials have risked their lives to implement the program, and some changes have indeed occurred. The judgement that must be made, however, is whether the government has been able to demonstrate "continued progress" in this effort.

A major Salvadoran peasant organization, Union Comunal Salvadorena (UCS), which has been intimately involved from the beginning in the agrarian reform program, delivered a report to Junta President Duarte on December 10 of last year. According to this Report:

- The Land to the Tiller component of the program "today finds itself in danger of total collapse";
- only 2 of 300 cooperatives on large estates have been granted titles;

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- 25,000 families have been illegally evicted from their lands;
- many campesinos and 20 of their representatives have been murdered while seeking to exercise their legal rights;
- fewer than 15,000 out of 150,000 families of former tenants and sharecroppers have received their provisional titles; only a few hundred of these titles contain a sufficiently adequate description of the land involved to be useful;
- survey data indicate that approximately 75,000 campesinos have been robbed or forced to make illegal rent payments to the former landlords;
- the evictions that have occurred have been accomplished "in the majority of cases with the assistance of members of the military forces";
- at least 90 officials and promoters of the democratic campesino organizations have died during 1981 "at the hands of ex-landlords and their allies who are often members of the local security forces."

The Report concludes that:

What had begun in March and April of 1980 with bright promise, and continued to show bright promise even through the end of 1980, now threatens to become a nightmare of bureaucratic red tape, evictions and killings, in which it will soon be beyond the capacity of the government or the campesino leadership to prevent a complete loss of faith by our country's campesinos in the agrarian reform program. If and when this happens, the extreme left will have free rein throughout the countryside and all prospects for ending the violence or instituting democracy will be at an end.

The UCS study included a series of "urgent suggestions" which, if implemented, might produce the "continued progress" which U.S. law requires in order to prevent the suspension of military aid.

On January 30, The New York Times reported that two UCS leaders had written a letter to a labor official in Washington in which they stated that "many of the suggestions" made in their report "have been taken into account by the Government, and, if the problems pointed out are overcome, the process will be intensified." The letter, again according to the Times, further noted "certain positive attitudes on the part of the government which, were they to be translated into deeds, might consolidate the process and contribute to a democratic way out of the Salvadoran crisis."

This letter, combined with the December report, makes it clear that after two years of "good intentions" and "positive attitudes" on the part of certain elements of the government, the land reform program remains stalled. An ugly tendency exists among some elements of the Salvadoran opposition and its supporters in other countries to respond with glee to the failures of the agrarian reform program. This is extremely unfortunate, because the agrarian reform effort is precisely the type of project which ought to be supported by the United States, and which will, if effective, do the most to bring some measure of political and economic justice to countries such as El Salvador.

Unfortunately, the Salvadoran program is not achieving its purpose. Even Ambassador Hinton admitted in a recent interview with The Washington Post that the major legal reforms proposed by the UCS are not likely to take place in "the immediate future."

President Reagan's desire to continue providing military aid despite the role of some elements of the armed forces in obstructing the land reform process is not in accord with the conditions established by the Congress. It was the view of those who proposed the conditions now in law that our military aid ought to be contingent on the progress of the land reform program,

thus creating an incentive for the Salvadoran military to support the reforms. Under President Reagan's policies, however, the military will receive its aid whether or not the progress occurs, and whether or not the armed forces are guilty of assisting in illegal evictions and the assassination of government officials and campesino leaders. Such a policy brought the land reform program to the brink of collapse in 1981; it should not -- and will not if U.S. law is fairly implemented -- be continued.

CONDITION FOUR: The Government of El Salvador must be committed to the holding of free elections at an early date and to that end must have demonstrated its good faith efforts to begin discussions with all major political factions in El Salvador which have declared their willingness to find and implement an equitable political solution to the conflict, with such solution to involve a commitment to --

- (A) a renouncement of further military or paramilitary activity; and
- (B) the electoral process with internationally recognized observers.

This condition of law is based on the premise that discussions between the major political factions in El Salvador are vital to the holding of meaningful free elections. Such discussions are necessary to create a political climate inside El Salvador within which such elections may be possible.

As the Special Representative of the United Nations Commission on Human Rights asserted in his October 28 Report:

The Government plan for holding elections is perfectly legitimate and acceptable if and when the electoral process takes place in a prevailing climate of peace in which the rights of free expression, association and assembly are fully respected, both de jure and de facto, a complete and genuine roll of voters is available and, lastly, the authenticity of the ballot and effective respect of the people's will are guaranteed.

Consequently, as a sine qua non for holding elections, the Government of El Salvador and the other parties concerned should take all necessary steps to end the serious violations of human rights occurring in the country, including steps to ensure compliance with the 1949 Geneva Conventions and the 1977 Protocols. The Special Representative is not in a position to specify, in this interim report, what these measures should be, although he thinks that some of them are obvious, such as the exercise of real control by the Government over all members and units of the armed and security forces and over all types of armed organizations and individuals committing these violations, and penalties for possible violations. But the Government of El Salvador should also show itself to be open and flexible as regards any other type of measures which might lead to pacification of the country, and dialogue with the opposition forces should not be excluded from the latter measures.

The Government of El Salvador, with the backing of the Reagan Administration has consistently opposed negotiations, a dialogue, or serious discussions with the Political Diplomatic Commission of the FDR/FMLN, a principal opposition group in the country. Refusal to engage in such talks has been expressed directly in statements to the public and press, through the rejection of offers by a host of international governmental, political and clerical groups willing to play a mediating role, and through the publication by the Army, last spring, of a list of 138 "psychopaths" "traitors" and "terrorists" which the military declared its intention to "relentlessly pursue." This list included virtually every significant member of the FDR's leadership, as well as many others, and was understandably perceived by those leaders as a sign that the government was not interested in discussions.

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No question exists that the government of El Salvador has failed to demonstrate good faith efforts to begin serious discussions with the FDR/FMLN. The key question in terms of the law, then, is whether this group is a "major political faction" which has declared its willingness to find and implement an equitable political solution of the nature envisioned in the legislation. There is persuasive evidence that this is the case.

The Political Diplomatic Committee made numerous statements throughout 1981 which demonstrated a willingness to negotiate or engage in a dialogue with the government. The precise wording of these declarations varied during the year but the central theme remained constant.

In May, Dr. Fabio Castillo, a member of the Political-Diplomatic Committee, told a press conference that:

The Political-Diplomatic Committee has not set any conditions. Preconditions for a dialogue and an eventual mediation would be part of the negotiations. The only condition that has been established is that the international mediation group should consist of representatives from four sectors: European democrats, the European Christian Democrats and two important independent persons -- one from Latin America and the other from North America. This is the committee's proposal, of course. However, this is open to negotiation because it can be accepted or rejected. If necessary, counterproposals will be heard.

On October 1, the Political-Diplomatic Commission announced that it had developed "a very specific and concrete plan for negotiations," and urged the Salvadoran junta to enter into a dialogue without prior conditions in order to discuss the possibility of such negotiations. The plan for negotiations included five points:

1. Negotiations shall take place between the conflicting sides without excluding any of our forces.
2. The negotiations shall be facilitated by the presence of international mediators.
3. Discussion should be of a global character concerning all aspects of the Salvadoran situation based on an agenda agreed upon by both sides.
4. The Salvadoran people must be informed of the progress of the negotiations; a means must also be developed whereby the Salvadoran people have the final decision about the results of the negotiations.
5. There shall be no preconditions of any kind by either side.

The October announcement included a declaration that "our two organizations, the FDR and the FMLN, have repeatedly stated that we do not reject elections. We consider elections an important instrument of popular participation." The statement also expressed a "commitment to seek a political solution to the present state of armed conflict."

On January 27, 1982, a letter from five commanders of El Salvador's armed opposition groups was delivered to the White House. This letter, according to The New York Times, suggested the initiation of talks between the junta and the opposition groups "without preconditions by any of the parties to the conflict."

President Reagan's certification incredibly fails entirely to discuss the government's unwillingness to enter into discussions with the FDR-FMLN for the purpose of creating conditions within El Salvador under which free elections may be held. On these grounds alone, Congress has a responsibility to declare the certification null and void. The evidence is clear that the junta, and particularly its military component, is not willing to seek a political solution to the conflict if this entails discussions with any group which has not previously agreed to a military surrender. The government

may have what it perceives to be valid strategic reasons for adopting this posture, but the conditions contained in U.S. law require, nevertheless, a more forthcoming attitude.

The position of the FDR-FMLN toward discussions of the type envisioned by the law appears to be sufficiently explicit and cooperative for this group to qualify as one of the "major political factions" included in the fourth condition. An even more explicit declaration, tailored with precision to the language contained in the law, would be helpful if the FDR-FMLN were truly desirous of eliminating doubts on this score. A meaningful test of the sincerity of such a statement, and of the other statements concerning negotiations which have been issued by the FDR-FMLN might then be possible, but only if the government of El Salvador agrees, as it ought in order to remain legally eligible for U.S. military aid, to do its own part toward finding a political solution to the violence.

CONDITION FIVE: The Government of El Salvador must have made good faith efforts both to investigate the murders of six U.S. citizens in El Salvador in December 1980 and January 1981 and to bring to justice those responsible for those murders.

According to President Reagan, the government of El Salvador has put sufficient energy into these investigations to satisfy him that "good faith" efforts have been made. Others, however, are not so easily satisfied.

Mr. William P. Ford, brother of one of four churchwomen slain in El Salvador on December 2, 1980, wrote a letter to President Reagan on January 25, 1982 in which he states:

To date, the families have not seen any evidence of a good faith effort by El Salvador to investigate the murders and bring to justice those responsible. Every indication seen by the families points to a cover-up by the Salvadoran government. At a minimum, basic decency suggests that the State Department tell the families about any progress before releasing statements to the press. I ask you not to certify to the Congress that progress has been made into the investigation, until the State Department tells the families and the American people just what progress has been made.

Making a firm judgement with respect to this condition of the law will not be easy for Congress due to the unwillingness of the Administration to make detailed information concerning the investigation available. In addition, there is some question, given the breakdown of the judicial process within El Salvador, whether truly good-faith efforts on the part of Salvadoran law enforcement officials would have produced more conclusive results in the two investigations than those which have actually been forthcoming. Nevertheless, even a superficial review of the information which has been made public indicates that the pace of the investigation has responded more directly to political pressure from the United States, than from internal concern for law and justice on the part of the Salvadoran government.

The investigation into the murders of the churchwomen, particularly, has been marked by long periods of inactivity, including two weeks for "Christmas vacation" less than a month after the killings occurred. The extraordinarily slow pace, and incomplete nature of ballistics, fingerprinting and polygraph tests cannot be excused. The sum total of activity in the fourteen months since the murders could have been achieved, if good-faith were truly evident and El Salvador and FBI resources fully utilized, in a matter of weeks. Instead, the case has been allowed to drag on and on, the investigation periodically pronounced dead by those responsible for carrying it forward, and then revived in response to new bursts of interest on the part of people in the United States. The latest activity, generously publicized by the State Department in recent weeks, seems to be occurring in direct

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response to the understanding that a certification of good-faith efforts would be required. If the requirements of law do indeed push the investigation forward, this will be all to the good. But, Congress will need to utilize a more reasonable definition of "good-faith" than the President if there is to be any real meaning in this condition of the law.

Congress must also renew its efforts to obtain detailed information concerning the investigations in order to make a truly firm judgement about the extent to which El Salvador has demonstrated "good-faith."