

His Excellency
Jose Napoleon Duarte
President
Government of El Salvador

Dear President Duarte:

We write to express our deepest regret over the assassination of Herbert Ernesto Anaya, the president of the non-governmental Salvadoran Human Rights Commission. We know that your government has denounced the killing and has pledged to investigate it fully. We offer our support for this effort.

A peaceful resolution of the conflict in El Salvador requires that your government protect the security of civilians wishing to participate in the political life of their country, including opponents and critics of your government. The brutal murder of Herbert Anaya indicates that the right-wing death squads and elements of the military and security forces associated with them do not accept the right of Salvadoran citizens to criticize their government or publicize its abuses. We regret the government's public denunciations, arrests, and harassment of members of the Salvadoran Commission on Human Rights, COMADRES, and other opposition political groups and human rights organizations. We respectfully urge that steps be taken immediately to assure the safety of human rights activists in your country. We believe that creating a climate where civilians can safely engage in peaceful opposition activities is required by the Guatemala peace plan.

The October 27th adoption by the National Assembly of a blanket amnesty which exculpates military personnel and members of death squads for virtually all murders and disappearances of civilians committed before October 22nd makes it almost impossible for your government to promote a secure environment for peaceful political opposition. An amnesty which allows members of the armed forces, guerrillas, or the death squads who have massacred innocent civilians to go unpunished is a severe set-back to the cause of human rights in El Salvador and in Central America.

The peace plan signed in Guatemala City on August 7 calls for respect for human rights as well as national reconciliation. The Guatemala plan does not promote or envision a blanket immunity from prosecution for persons responsible for crimes against humanity. In keeping with your commitment to respect human rights and the rule of law, we call upon you to redouble your efforts to bring to justice those responsible for outstanding human rights abuses committed before and after the amnesty takes effect.

Sincerely,

JOHN JOSEPH MOAKLEY
9TH DISTRICT, MASSACHUSETTS

DEPUTY WHIP

COMMITTEE ON RULES

SUBCOMMITTEE ON
RULES OF THE HOUSE

CHAIRMAN

Congress of the United States
House of Representatives
Washington, DC 20515

JOHN WEINFURTER
ADMINISTRATIVE ASSISTANT

221 CANNON BUILDING
(202) 225-8273

ROGER KINEAVY
DISTRICT MANAGER

WORLD TRADE CENTER
SUITE 220
BOSTON, MA 02210
(617) 558-2920

4 COURT STREET
TAUNTON, MA 02780
(617) 824-6676

IMMEDIATE ATTENTION

October 29, 1987

Dear Colleague:

The October 26th assassination of Herbert Ernesto Anaya, the president of the non-governmental Salvadoran Human Rights Commission is the latest in a long history of violence against the organization. In the past year, Mr. Anaya and other members of the group have been jailed without charge, and the Salvadoran government has repeatedly denounced the organization. Four members of the Commission have been killed since 1978 and three are disappeared and presumed dead.

This brutal crime graphically illustrates that right-wing death squads, which have been historically affiliated with elements of the Salvadoran armed forces, continue to operate with impunity in El Salvador. Regrettably, tens of thousands of killings and disappearances will go unpunished with the October 27th adoption of blanket amnesty for virtually all murders and disappearances of civilians by members of the death squads, the military or the guerrillas. The adoption of the amnesty is a severe setback for human rights in El Salvador and the region, and violates the spirit of the Arias peace plan.

If you would like to cosign the attached letter to President Duarte protesting adoption of the amnesty and the murder of Herbert Anaya, please contact Jim McGovern at 5-8273 no later than 5pm on Tuesday, November 3.

Sincerely,



John Joseph Moakley



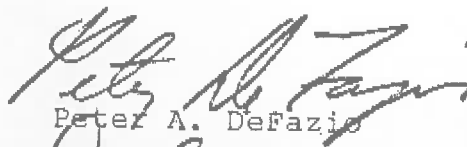
Morris K. Udall



Don Bonker



Barbara Baker



Peter A. DeFazio

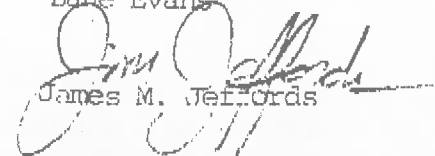


Lane Evans

James L. Oberstar, M.C.



David E. Bonior



James M. Jeffords

Political Asylum Revision Dropped

Immigration Judges to Retain Appeals Role at the INS *Wash Post*

By Zita Arocha
Washington Post Staff Writer

The Justice Department has backed off an unpopular proposal to change the way refugees are granted political asylum following claims by more than a score of immigrant advocacy groups and lawyers that the changes would deny due process to refugees, officials said this week.

The controversial proposal, as initially presented two months ago, called for eliminating immigration judges from the asylum process and instead leaving asylum decisions to a special corps of officers within the Immigration and Naturalization Service.

But following several hundred responses critical of the proposed changes, Justice officials said they will continue to let immigration judges hear the asylum cases of refugees who are in deportation proceedings.

Under an interim procedure in place for the last seven years, refugees get two chances to ask for political asylum: once before the INS and, if they are denied at that level, before an independent immigration judge.

"The more we thought about it, the more we realized that the comments were not without merit," said Roger Pilon, director of the Asylum Policy and Review Unit in the Justice Department that drafted the changes. "We have taken very seriously their points about the elimination of immigration judges from the asylum process."

Pilon said the Justice Department would continue with plans to create the specially trained corps of asylum officers in the INS to conduct "nonadversarial" hearings in an effort to streamline the asylum process.

He said the Justice Department will publish the revised changes in the next two weeks and sometime later would come out with a final plan.

About 30,000 refugees who apply for political asylum every year would be affected by the proposed changes.

"This is something we were very determined about and we thought we were in the right and they have acknowledged that," said Warren Leiden, executive director of the American Immigration Lawyers Association (AILA), which two months ago sent letters to 2,500 members opposing the asylum changes.

AILA and Rep. Joe Moakley (D-Mass.) had criticized the proposal on the grounds that it would deny due process to asylum applicants by leaving the decision to an asylum officer who works for the agency that deports illegal immigrants.

The lawyers and Moakley also had feared the propos-

al was an attempt by the government to selectively grant asylum to persons fleeing communist countries while denying asylum to those fleeing countries friendly with the United States.

Before Congress enacted the Refugee Act of 1980, only refugees fleeing from communist countries or from religious persecution in the Middle East were eligible for asylum. The act was Congress' attempt to neutralize the political bias by making anyone with a well-founded fear of political or religious persecution eligible for asylum, INS officials said.

But the lawyers argue that even with the current system of granting political asylum, refugees from communist countries still are more likely to receive political asylum than are refugees from noncommunist countries.

Between October 1986 and June 1987, 85 percent of asylum claims filed by Nicaraguans were granted, but only 5 percent were granted for Salvadorans, according to preliminary INS statistics that do not include denials from the Miami INS office. Overall, the INS grants between 25 and 30 percent of asylum requests.

The leaders of Nicaragua's Sandinista government, which won power in a 1979 revolution, are acknowledged Marxists with ties to Cuba and the Soviet bloc. El Salvador's president, Jose Napoleon Duarte, is leader of that country's moderately left-of-center Christian Democrats.

While the lawyers said they are relieved that the immigration judges will continue to have a role in the asylum process, they are still concerned about the role and purpose of Pilon's newly created office to review asylum decisions reached by INS officers.

The new office, called the Asylum Policy and Review Unit and created in March by Attorney General Edwin Meese III, already has begun reviewing all denials of asylum claims, Pilon said.

Some AILA members claim the new office is the Reagan administration's attempt to return to the old system of granting asylum only to persons from countries unfriendly with the United States.

But Pilon, formerly policy director for the State Department's Bureau of Human Rights and Humanitarian Affairs, denies his office is politically motivated. He said the proposed system would be more streamlined and efficient because specially trained asylum officers will have more knowledge of conditions in the refugee's country than an immigration judge who now is burdened with many types of immigration cases.

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House Unit Looking Into Samoan Delegate's Payroll

Associated Press

The House ethics committee has voted to begin a preliminary inquiry into the payroll of Rep. Sunia, a Samoan delegate, who is accused of paying "ghost" employees.

The panel, formally known as the Committee on Standards of Official Conduct, said in a brief statement that it had been presented with ev-

idence "reasonably indicating" that Sunia "may have engaged in improper activities in connection with his congressional office payroll."

The House ethics committee has been told that Sunia's payroll account is filled with payments to individuals who did little or no official work.

House records show that between 1984 and 1986, Sunia paid \$162,000 to four people in Samoa listed as

"project managers" who were not on his congressional staff.

Wednesday's action by the panel allows the ethics committee's staff to subpoena and examine Sunia's records. The committee also has the authority to issue subpoenas.

Calls to Sunia's office seeking comment on the panel's action were referred to his lawyer here, Cary Feldman, who did not return calls.

Notes for Meeting with CPPAX

*It is important to thank CPPAX for their work on your bill. They have spent a great deal of time and money promoting it throughout Massachusetts and the country. In fact, they have even done national mailings.



It is important to acknowledge Janet Fichman, who will be there.

Janet came down to Washington to personally lobby for the bill. She also wrote a letter to the Globe applauding your role on this issue. In addition, she is still working long hours with refugee groups and human rights groups around the country to get the bill passed in the Senate. She deserves a hug.

Key issues:

- 1) Moakley-DeConcini bill. We are planning to have DeConcini attach it to the Senate version of the CR. That will be done in the Senate Appropriations Committee probably next week or early the following week. There will most likely a motion to strike the provision on the floor. It's going to be a tough fight---about 50-50 chance of success. But we are optimistic.
- 2) The murder of Herbert Anaya--president of non-governmental human rights commission. Our office has dealt with Anaya and his organization in the past. In fact he was arrested the week Jim McGovern was in El Salvador. He's a good man and we are outraged by his murder. SEE attached dear colleague letter. Sen. Harkin is supposed to spearhead a similar movement in the Senate--although it is not definite yet.
- 3) Amnesty. It's outrageous. The National Assembly adopted a blanket amnesty which would absolve all death squads and military people and guerrillas of murders that were committed prior to October 22. Theoretically, Herbert Anaya's killers will not be covered--but it is unlikely that they will be brought to justice. Also, an exception has been made for the killers of Archbishop Oscar Romero (that's why the right wingers were upset about this particular amnesty--they felt it was too lenient on the left!). The amnesty is a major setback for human rights in El Salvador. Our letter to Duarte addresses this issue.
- 4) Rumor has it that the US State Department likes this amensty because it will force Nicaragua to do the same thing---thus absolving all the old Somoza killers of past crimes. It is disgusting.
- 5) Military aid and police aid to El Salvador. We are against both and have expressed our views to the Chairman of the Western Hemisphere Subcommittee, George Crockett.
- 6) Contra aid...we are still opposed to it. I'm not sure what's going to happen. The Appropriations Committee marked up 2 CR's in the House yesterday (a short-term one from Nov-10-20 and a long term one to cover after that date) The short term contains under 1\$million in non-lethal Contra aid--to be administered by DoD and the CIA--like the \$3.5 million. Dave Bonior may have an amendment in Rules or on the floor to have the \$1 million administered as true humanitarian aid by the UN. The long term CR has no Contra aid in it.

Meeting with Salvadoran woman and little girl.....

--We have endorsed the Medical Aid for El Salvador project which has allowed this little girl to come to the US for medical treatment. She apparantly was the victim of a bombing incident in El Salvador. I am told that the mother is missing several fingers as a result of the same incident.

These are not refugees. They have agreed to return once treatment is administered.

They will probably talk about the war and the amnesty etc.....

Refugee relief

"A humane refugee bill," your editorial on the Moakley-DeConcini bill, which would allow Salvadoran and Nicaraguan refugees to temporarily stay in this country, duly recognizes the outstanding effort of US Rep. Joseph Moakley and the rest of the Massachusetts delegation in the House.

The bill passed the Senate Judiciary Committee 9-3. Sen. Kennedy serves on the committee and played a major role in that victory.

The next step is a vote by the full Senate. As cosponsors, Sens. Kennedy and Kerry must persuade their colleagues to support the bill and make sure that House Majority Leader Byrd schedules it as soon as possible.

Approximately one million people could be affected by Moakley-DeConcini. Some estimates indicate that in a given month as many as 300 Salvadorans are deported back to the violence they sought to escape. The editorial correctly states that it is time for Congress to act to end this inhumane situation.

JANET FICHMAN

Cambridge Globe 9/23/87