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STATEMENT BY REP. JOE MOAKLEY  
ON THE BOXER/MOAKLEY/KENNEDY AMENDMENT  
TO H.R. 3100

Mr. Speaker: A peaceful resolution to the conflict in El Salvador requires that the Salvadoran government protect the security of civilians wishing to participate in the political life of their country, including opponents and critics of the government. It seems to me that this is a most basic component in achieving democracy and a lasting peace in El Salvador.

The tragic murder of Herbert Anaya is a clear indication that right wing death squads and elements of the military and security forces associated with them do not accept the right of Salvadoran citizens to engage in peaceful opposition activities. Herbert Anaya has not been the only Salvadoran who has been killed or persecuted for his political views and human rights work. We are familiar with his case because as president of the non-governmental Salvadoran Human Rights Commission--his death received wide press attention.

But, there are many, many others who are not as famous or well-known who have been threatened, imprisoned, tortured and some even killed for being associated with organizations that have either criticized the Salvadoran government or publicized its abuses. The Catholic Church, Americas Watch, Amnesty International and countless other human rights organizations have documented a long list of denunciations, arrests and human rights violations against human rights workers and political activists in El Salvador.

The only way to stop this persecution is to make it clear that those who engage in these types of horrendous activities will be punished.

I had the pleasure to meet personally with President Duarte a few weeks ago, after his address to the Congress. The Salvadoran president, in my opinion, is a decent man who desperately wants to see his country move ahead with human rights progress.

I applaud his quick denunciation of the Anaya killing and his pledge to investigate the case fully. However, if history is any indicator, I think President Duarte could use some help from those of us in Congress who care about human rights. As some may recall, when President Duarte campaigned for the presidency, he pledged to investigate and punish those responsible for such crimes as the murder of the U.S. labor advisors and Rodolfo Viera, the massacres at Los Hojas and Armenia and the murder of U.S. journalist John Sullivan. Virtually no progress has been made on these cases.

And despite the recent accusations by the Salvadoran President against Roberto D'Aubuisson with regard to the murder of Archbishop Romero, very few observers believe that D'Aubuisson will be put be put

behind bars like he ought to be. In fact, to date, there has not been one single military officer tried and prosecuted for a human rights violation against a Salvadoran or American civilian.

Mr. Speaker, the lack of progress on these notorious cases is not because President Duarte has been unwilling to move ahead. Rather, I believe it has been because he has been unable to move forward.

Sadly, the Salvadoran Government has recently instituted a blanket amnesty which absolves military personnel, death squads and guerrillas from virtually all murders and disappearances that have been committed in that war-torn country. The cases I just mentioned, with the possible exception of the Romero case, will remain unsolved. The blanket amnesty, which lets off the hook some of the worst human rights abusers imaginable, violates international law and I believe was not the type of amnesty envisioned in Guatemala Peace Plan--which calls for a respect for human rights as well as national reconciliation.

If anything, the blanket amnesty is a major setback for human rights. It sends the wrong signal to those who have been guilty of gross human rights violations. And it does not promote the type of secure environment in which citizens of El Salvador may engage in meaningful democracy. In fact, it encourages the type of atmosphere in which more death squad activity may occur.

Mr. Speaker, the amendment we propose today is a way to strengthen President Duarte's hand in bringing to justice not only those responsible for Herbert Anaya's killing--but it is also a way to strengthen his hand in pursuing justice in other cases.

This is not an anti-Duarte amendment--it is very much pro-Duarte.

In fact, for my colleagues who are concerned about placing conditions on this small amount of aid--let me quote General Blandon, the Salvadoran Army Chief of Staff, who when asked about previous Congressional limitations, stated "I'll be frank, though some don't want to admit it, the conditions the U.S. placed on us helped..."

Mr. Speaker, the real issue is not Herbert Anaya or his political sympathies. The real issue is justice.

The Anaya case, since it is exempt from the amnesty, takes on an added importance. Will things from this point forward change for the better in El Salvador or will things remain the same? Will this Congress take a strong stand in favor of justice in El Salvador or will we remain indifferent?

Mr. Speaker, this should not be a controversial amendment. All we are asking is that murderers be brought to justice. This is a modest and appropriate response to the increased violence in El Salvador.

I urge my colleagues to vote in favor of human rights. Vote yes on the Boxer/Moakley/Kennedy amendment.