

THE SITUATION IN EL SALVADOR

HEARINGS
BEFORE THE
COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE
NINETY-SEVENTH CONGRESS
FIRST SESSION

—————
MARCH 18 AND APRIL 9, 1981
—————

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SITUATION IN EL SALVADOR

WEDNESDAY, MARCH 18, 1981

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C.

The committee met, pursuant to notice, at 2:30 p.m. in room 4221, Dirksen Senate Office Building, Hon. Charles H. Percy (chairman of the committee) presiding.

Present: Senators Percy, Helms, Mathias, Pressler, Pell, Biden, Glenn, Zorinsky, Tsongas, Cranston, and Dodd.

OPENING STATEMENT

The CHAIRMAN. I would ask our witnesses and distinguished guests to take their seats at the witness table, please.

Today the Foreign Relations Committee will explore the situation in El Salvador, the challenge it presents and the appropriate U.S. response. For years, that tiny country has been wracked by political upheaval and violence. It is hard for us to understand that violence and death are a part of everyday life in El Salvador. Over 13,000 people in a country of fewer than 5 million have died by violence during this last year alone.

Control of the economy continues to be in the hands of a relatively small minority. The majority of the population are economically and politically disenfranchised. What is worse, the struggle for change has invited exploitation by radical forces outside the country, further destabilizing an already explosive situation.

What is happening in El Salvador is seen by many of us as just one example of what is likely to happen or what is already happening in neighboring Central American countries. Indeed, the region is seething with unrest.

Because the inequities and abuses of power have existed for so long, often the political situation in these countries has polarized. The tasks of change and compromise are, therefore, more difficult. But surely it is in the U.S. interest to encourage moderation and peaceful, equitable change in these countries. The Carter administration believed it and furnished military and economic assistance to back up its belief. And the Reagan administration believes it. Indeed, it is a fundamental principle of American foreign policy.

The administration has presented evidence of a large flow of arms going to Salvadoran leftist guerrillas from other countries in this hemisphere who, in turn, have been supplied by countries and groups outside this hemisphere. They have called for a program of military aid to enable the Duarte government to respond to the threat.

Providing a proper balance of military and economic assistance does not have to sink us into the Vietnam quagmire some believe is inevitable. It does not mean we condone the abuses that have been committed by elements in the Salvadoran military. But in a situation in which our direct security interests are readily apparent, we should not allow our tragic Vietnam experience to inhibit us from acting to protect those interests.

El Salvador must not escalate to a Vietnam-like involvement of U.S. personnel in massive numbers. What we have learned from the Vietnam experience is that the solution to El Salvador's problems must come essentially from the Government of El Salvador, not from the United States.

But El Salvador is a country in the initial throes of revolution. It is still possible for an enlightened government to win the support of the Salvadoran population by taking the lead in implementing social and economic changes needed to bring about a more equitable distribution of prosperity in that country. It is in the United States' interest to support that process.

Military aid, prudently administered in combination with economic aid, can help bring about a more stable environment for carrying our crucial economic and military reforms. I am gratified that the administration will be seeking a significantly larger amount of economic assistance for El Salvador than military aid. It is vitally important for the Duarte government to strengthen the economy and pursue reforms that will bring hope for the people of his embattled country.

At the same time as we work with the Salvadoran Government to help it broaden its support, I believe it must move to indict and prosecute the murders of the American missionaries. This is important not only to the cause of justice in this particular case, but is an important symbol of the government's intention to curb the abuses which have been committed by certain elements in Salvadoran society.

Archbishop Rivera y Damas, acting Archbishop of San Salvador, recently has stated that he now views the government more sympathetically and that the Left in his country has lost popular support. He said that many of them have been more interested in victory for its own sake than in meeting the needs of the people. He said that there are a great number of people who have not made a choice, and he has praised President Duarte's stated willingness to have a dialog with the opposition.

The Salvadoran Government must try, with our help, to give Archbishop Rivera y Damas and those people in El Salvador who have not made a choice reason to have faith in their government. If, with our support, the forces of moderation can prevail in El Salvador, it will be an important symbol and inspiration to other countries, not only in the region but outside this hemisphere.

Today, we will hear from Under Secretary of State Walter Stoessel, who will testify for the administration. He is accompanied by John Bushnell, Acting Assistant Secretary of State for Inter-American Affairs; General Ernest Graves, Director of the Defense Security Assistance Agency. Also, we have asked Mr. Francis Mullen of the FBI to be here with us today. He is prepared to discuss the investigation of the murdered American missionaries.

Before we ask our witnesses to speak, Senator Pell, do you have any comments?

Senator PELL. Thank you, Mr. Chairman. I do have a comment.

There are so many concerns that we on the committee have reflecting those of our constituents that we welcome the opportunity to question Mr. Stoessel, the other administration witnesses, and, at a later date, former Ambassador Robert White, Sister Melinda Roper, president of the Maryknolls and others.

I am particularly concerned about the emphasis our administration has given to a military solution to the complex situation that exists in El Salvador. One cannot solve social and economic problems by throwing guns and soldiers at them.

I do welcome news that an emergency economic assistance package is to be presented. Since the situation in El Salvador erupted into full-scale civil war, I have advocated a political solution that, hopefully, would be arranged with the democratic nations of the region, such as Mexico, Costa Rica, Venezuela, and the Dominican Republic, acting in concert.

All of these countries have expressed reservations about our conduct. All of these countries know the dynamics of the Salvadoran reality and have relationships with both the opposition Left and the Duarte-led junta. I personally am disappointed that the Duarte government has rejected an OAS offer of mediation conveyed by Costa Rican President Carazo. I would hope to hear the administration's views on this during the course of today's hearing.

Finally, the Salvadoran Government's pursuit of the investigation of the murders of the four American churchwomen—three nuns and a layworker—and just where in priority this issue stands in our Salvadoran policy is a very important factor to the majority of Americans, church leaders, and many Members of Congress.

Last Friday I joined with Senator Zorinsky and Senator Biden in a letter to President Reagan expressing this concern and would ask that that letter be included in the record at this point.

The CHAIRMAN. Without objection, it will be included.

Thank you, Senator Pell.

[The letter referred to follows:]

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C., March 13, 1981.

The PRESIDENT,
The White House.

DEAR MR. PRESIDENT: As members of the Senate Foreign Relations Committee, we want to express our grave concern over the Administration's policy regarding the Salvadoran Government's investigation of the murders of the four American Churchwomen in early December. Although Administration and Salvadoran officials contend that such an investigation is proceeding, our attention is called to evidence which leads us to have serious doubts. Information, both publicly and privately conveyed to us, indicates that the Salvadoran Government is not conducting a vigorous investigation and is ignoring the evidence produced by the FBI.

Just as disturbing to us are actions by this Administration and statements of Administration spokesmen which cause us to question whether the U.S. Government still holds the investigation of the murders as a key determinant of our relationship with the government of El Salvador. We strongly feel, especially at this point in time when the Administration is about to embark on an expanded military and economic assistance program for El Salvador, that the investigation be made a priority once again—that the vigorous pursuit of those guilty be an important factor in our relationship with the Salvadoran Government. If this does not happen, we fear that the United States may be in a position of supporting a government which by its stonewalling on the issue of the investigation, supports terrorism committed

by its own security forces. And, in this instance, it would be a government-supported terrorism against four American women of the Church who dedicated their lives to helping the people of El Salvador.

Secretary of State Haig has stated that the Administration considers international terrorism its number one priority. We would question whether the present policy in El Salvador is consistent with this objective.

Mr. President, we would appreciate your response to the concerns expressed in this letter. We would like to know how much the United States Government is pressing the Government in El Salvador with regard to the investigation. In that regard, we would like to know in detail, the specifics of the Salvadoran investigation into the murders, including a report on FBI activity in this matter. Finally, we would like to know if the Administration still considers the Salvadoran investigation of this crime important to a close relationship with that Government.

In the hope that you will be able to respond to our concerns expeditiously, we are Sincerely,

CLAIBORNE PELL,
Ranking Minority Member.

EDWARD ZORINSKY,
Ranking Member,
Subcommittee on Western Hemisphere Affairs.

JOSEPH R. BIDEN, JR.,
Ranking Member,
Subcommittee on European Affairs.

The CHAIRMAN. Secretary Stoessel, we are pleased to have you and your colleagues with us. I understand you have a prepared statement.

STATEMENT OF HON. WALTER J. STOESEL, JR., UNDER SECRETARY OF STATE, ACCOMPANIED BY LT. GEN. ERNEST GRAVES, DIRECTOR, DEFENSE SECURITY ASSISTANCE AGENCY, AND JOHN BUSHNELL, ACTING ASSISTANT SECRETARY OF STATE FOR INTER-AMERICAN AFFAIRS

Ambassador STOESEL. Thank you very much, Mr. Chairman. I am happy to have this opportunity to discuss our views with you concerning the situation in El Salvador and the measures we are taking in that regard.

With your permission, Mr. Chairman, I would propose to make some brief comments and then submit my prepared statement for the record.

The CHAIRMAN. Your complete statement will be incorporated in the record.

Ambassador STOESEL. Thank you, Mr. Chairman.

Our actions with regard to El Salvador are being undertaken against the background of Communist-inspired interference in the Caribbean Central American region. Our economic assistance addresses inequities which have made El Salvador vulnerable to exploitation by our adversaries.

Our increased military assistance, which followed a major input of arms by Communist countries, is intended to help right the military balance and the violence and permit the Government of El Salvador to carry out its program of reform and elections.

In carrying out its program, the Government led by Christian Democrat President Duarte, is under attack from extremists of the right and marxist guerrillas on the left, neither of which have large popular support. Both President Reagan and Secretary Haig have made clear their opposition both to Communist interference and to any attempt by the right to take over the government.

Since El Salvador's instability has its roots in domestic inequities, the emphasis of our assistance is economic, not military. We will seek additional economic assistance for El Salvador of about \$60 million beyond the \$63 million proposed by the Carter administration, for a total which will be over three times larger than our military assistance.

Our military assistance is in response to requests from the Duarte government. We provide this aid cautiously and with the lessons of the past very much in mind. El Salvador is not another Vietnam. We are proceeding in a measured, careful manner. The steps proposed are designed to contribute to a lessening of the violence and instability in El Salvador which threaten the social and political reforms sponsored by the Government.

I hope we will have the support of the Congress and of this committee for our policies.

Thank you, Mr. Chairman.

[Ambassador Stoessel's prepared statement follows:]

PREPARED STATEMENT OF HON. WALTER J. STOESEL, JR.

Mr. Chairman and members of this distinguished Committee, I welcome this opportunity to review and discuss with you the measures this Administration is taking with regard to El Salvador. I will summarize their main elements and the rationale for them. Afterwards, my colleagues and I will be happy to respond to your questions and comments.

Our actions with regard to El Salvador have as their goal the reduction of violence and instability in order to facilitate a peaceful transition to an elected government. This is the goal of the Salvadoran people and of their current government, headed by Christian Democratic President Jose Napoleon Duarte, which we strongly support. Having already promulgated a far-reaching agrarian reform and changes in the banking system and export trade, the government last week moved the country closer to elections when President Duarte appointed an Electoral Commission.

These important reforms will contribute to the reduction of violence and political instability in the longer term. In the short-term, however, some landowners availed themselves of traditional ties to local security forces, while Cuban-supported guerrillas attempted to exploit popular resentment of past authorities. Both these extremes sought to undermine the reforms through violence, but for different reasons. The landowners wished to restore the status quo ante; the guerrillas saw that reforms were winning away their popular support and recruitment base.

In recent months, our understanding of the situation in El Salvador has changed with the discovery that large quantities of arms and munitions were being supplied to the guerrillas. Last summer and fall, far away Vietnam, Ethiopia and some Eastern European countries joined Cuba to take the initiative to transform an essentially domestic conflict in Central America into an international confrontation. These outside efforts to impose an unpopular military solution proved unacceptable to the Salvadoran people, who rejected the guerrillas' appeals for support. The Carter Administration acted once it acquired the evidence. We have done likewise.

The United States cannot stand idly by while a reformist government comes under attack by externally advised and armed guerrilla groups that lack popular support. If we fail to make clear that the external encouragement of violence and instability in El Salvador will have serious costs, we ensure that other countries seeking domestic solutions to domestic problems will find their efforts thwarted by guerrilla groups advised and armed from abroad. In turn, our failure to respond adequately to externally supported attempts to overthrow governments committed to reforms and to electoral solutions would cause other friendly countries to doubt our ability to help them resist assaults on their sovereignty.

While the guerrillas in El Salvador are externally supported, they also feed on domestic ills. These include years of repressive and unresponsive governments and inequitable distribution of resources and life opportunities. For this reason, the major emphasis of our assistance program for El Salvador is economic rather than military. The government of El Salvador welcomes this emphasis. Since October 1979, Salvadoran authorities have been committed to leading their country to de-

mocracy. To that end, the Duarte government is today working to carry out basic economic reforms.

We strongly support these efforts, financially as well as morally. On the economic front, we provided roughly \$58.8 million in fiscal year 1980 for the government's reforms and its programs for the most needy. The Carter Administration had planned to provide about \$63 million in fiscal year 1981 to create jobs through public works, to feed the hungry, and to improve health, education, and housing. An intensive interagency study has now concluded that additional economic aid to El Salvador will be necessary. We will be consulting further with the Congress on this. At this point, it appears likely that additional assistance in the range of \$60 million will be needed this year. At that level, economic assistance would be more than three times larger than our military assistance. For fiscal year 1982, we will request the Congress to make available between \$80-\$100 million in economic assistance to ensure the continued viability of the reform process.

Our aid is designed to help the Duarte government eradicate the chronic social and economic ills that have fostered unrest. El Salvador's needs are enormous and pressing. We hope that our allies and other friendly countries—many of whom have themselves urged that socio-economic needs not be neglected—will go beyond exhortations and join us in providing economic assistance to El Salvador. The general climate of violence and the guerrillas' purposeful destruction of foodstuffs, electrical installations, communication lines, vehicle and roads have cut deeply into El Salvador's production and growth. The suffering of the Salvadoran people in this chaotic situation requires a compassionate response from us and from all civilized nations.

Now let me address our security assistance efforts. We are providing the necessary military assistance to the Duarte government in its battle against the externally-supported guerrillas. Let me assure you that we are doing this with the greatest prudence and caution and with the lessons of the past very much in mind. El Salvador is not another Vietnam. Our objectives are limited: to help the government with its problems of training, equipment repair and maintenance, mobility, and resupply. Let me quickly review our assistance effort to date.

Prior to January 16 of this year, the Carter Administration had confined defense aid to El Salvador to nonlethal equipment like trucks and radios. It also had provided training for selected Salvadoran officers and had sent a number of training teams to Salvador. On January 16, after a week of hard fighting initiated by the guerrillas with the aid of externally-supplied arms and munitions, President Carter authorized the provision to El Salvador of some arms and munitions—the first such U.S. shipment since 1977—to replace some of the stocks depleted during the guerrilla offensive. President Carter also provided six helicopters and sent a dozen U.S. military technicians to train Salvadoran helicopter pilots and maintenance specialists.

Since taking office, the Reagan Administration has carefully reviewed and assessed the needs of the Salvadoran armed forces in consultation with President Duarte and his government. We have made a grant of articles and services valued at \$20 million and have notified Congress of our intent to reprogram \$5 million in additional FMS loan guarantees. This additional assistance includes sending a small number of personnel on temporary duty to help train the Salvadoran army and navy. One six-man team will help with repair of ships and ship-board equipment for coastal patrols; five men have been added to an operations planning assistance team in El Salvador since January; five will supplement the U.S. Military Group in its largely administrative duties; and three teams of five men each will help provide in-garrison training for the Salvadorans' new quick reaction force. These additional training specialists will bring the total number of U.S. military personnel working with Salvadoran forces to 54. Although in a country torn by violence no place is totally safe, all U.S. trainers will work in some of the safest places in El Salvador: military garrisons and regional command centers. For fiscal year 1982, we are requesting \$25 million in FMS financing for purchase of weapons and military equipment and \$1 million for IMET training. Additional grant military assistance is not contemplated at this time.

We believe that the level of security assistance we are providing is commensurate with the need; it responds in every instance to the Duarte government's requests. While the January offensive was successfully repelled, the guerrillas continue to pose a serious military threat. Estimates of the number of guerrillas are around 4,000 with approximately 5,000 irregulars. The government's regular armed forces—the recipients of our security assistance—total about 9,000. Various police or constabulary forces have a similar combined strength.

It has been alleged that our support goes beyond minimum requirements, that the armed forces of President Duarte are successfully defeating the guerrillas, and hence that no further U.S. assistance is called for. Experience has shown, however,

that for our support to be credible, it must respond not only to the present situation, but to the potential of the other side to create further violence. It takes time for new equipment to be absorbed and training to take effect. We must anticipate future needs rather than being merely reactive. There is, thus, an element of deterrence built into the level of our total support.

In giving military help to El Salvador, we are most mindful of our obligations to you under the terms of the War Powers Resolution. The activities assigned to our military personnel in El Salvador do not call for them to "command, coordinate, participate in the movement of, or accompany" Salvadoran forces at any time or place where involvement in hostilities is imminent. The U.S. personnel are specifically instructed to avoid situations of potential hostilities, and our assessment of the risk at the locations where they will be assigned is that there is no imminent likelihood of hostilities involving these U.S. personnel. The assignment of our training personnel to El Salvador is not, in our view, "an introduction of U.S. armed forces into hostilities or a situation where imminent involvement in hostilities is clearly indicated by the circumstances"—the standard of the War Powers Resolution. We will seek to keep the Congress fully informed of the circumstances in El Salvador affecting the safety of U.S. personnel, and, I repeat, we will always consult with you on U.S. assistance to El Salvador.

Our economic and military assistance are both important for an eventual political resolution of the conflict in El Salvador. A peaceful outcome will require both greater social justice and greater stability under the law. To this end, we continue to impress upon the government the importance of finding and bringing to justice the murderers of the four American Church women and two AIFLD agrarian reform specialists.

We also support President Duarte's offers to discuss with opposition leaders and with business, labor and church groups within El Salvador what structures and guarantees will best ensure open elections next year. We cannot, of course, participate directly in any negotiation process that would compromise the sovereignty of El Salvador and the right of its government to negotiate on its own behalf. We are strongly committed, however, to a peaceful transition to an elected government and oppose any and all attempts to deprive the Salvadoran people of their right to elect a government of their own choosing. We firmly oppose any kind of coup against the centrist government.

In our view, the Duarte government provides the best opportunity for a transition to a political system that will offer the Salvadoran people some measure of control over the decisions that affect their lives. We support it for that reason. In El Salvador, as in any country, we have to deal with the political possibilities as they exist now. There are three alternatives in El Salvador today—the forces of the extreme right, the forces of the extreme left, and the present government. Of these, the Duarte government is the only one that promises to lead a transition to full constitutional order. Should it come to power, the extreme left would probably create a government modelled, the Cuba's, on the Soviet Union. Such governments can vary among themselves, but we do know from history that they have an unusual ability to establish a rigid grip. To passively accept a Cuban-coordinated attempt to impose their kind of political order by force of arms would be to close off all but one narrow path for the future development of the Salvadoran people. This is what we want to help prevent.

In summary, we believe the measured steps we have taken and have proposed are reasonable and responsible. They are carefully designed to contribute to a lessening of the violence and instability that threaten the social and political reforms the Duarte government has courageously undertaken. I hope that we will have the support of the Congress, and of this Committee, as we proceed to develop U.S. policy toward El Salvador and the region.

The CHAIRMAN. Thank you very much.

Do any of your colleagues have opening statements they would like to make?

General GRAVES. No, Mr. Chairman.

Ambassador STOESEL. No, sir.

The CHAIRMAN. Mr. Mullen, did you have a comment?

Mr. MULLEN. I have a brief statement. But if you prefer, I could answer questions.

The CHAIRMAN. Why don't you proceed with your statement now.

**STATEMENT OF FRANCIS M. MULLEN, EXECUTIVE ASSISTANT
DIRECTOR OF INVESTIGATIONS, FEDERAL BUREAU OF IN-
VESTIGATIONS**

Mr. MULLEN. I have some very brief remarks, Mr. Chairman.

On December 9, 1980, the FBI, at the request of the Government of El Salvador, through the Department of State, sent the FBI legal attaché responsible for the liaison in Central America to El Salvador to act as a consultant with the commission established by the Government of El Salvador to investigate the deaths of the churchwomen there.

Our representative has acted solely as a consultant and conducted no active investigation, as we have no jurisdiction abroad.

On December 10, 1980, the Salvadoran commission requested FBI assistance in examining and analyzing physical evidence which they had gathered. On December 12, 1980, four representatives of the FBI laboratory arrived in El Salvador to examine the evidence gathered by the commission. In addition, the FBI team examined a burned out vehicle which was being utilized by the churchwomen.

On December 14, 1980, the lab representatives departed El Salvador, taking with them the evidence furnished by the commission, to be examined at the FBI laboratory.

The evidence gathered will not in itself determine the perpetrator or perpetrators of the murders, but can be utilized for technical comparison with additional evidence which may be collected and used as evidence in a trial proceeding.

We have completed the examination of this evidence and the results of our examination have been furnished to the Government of El Salvador by the Department of State.

On January 6, 1980, our legal attaché returned to El Salvador at the request of the Government of El Salvador to discuss with them the progress of the investigation. At their request, he made suggestions concerning future investigative action which would aid in solving the crime. Seventeen suggestions were made in all.

The commission agreed with the investigator's suggestions and indicated they would utilize them in their investigation. To date, we believe that they have done so.

On February 25, 1981, our legal attaché again returned to El Salvador to further discuss the progress of the case. We outlined for the commission the type of physical evidence we would need in order to make necessary comparisons.

On February 26, 1981, a representative of the U.S. Embassy in El Salvador and the legal attaché met with the Salvadoran deputy attorney to discuss progress in this case. At this time, the deputy attorney general advised that he had been directed by President Duarte to assume responsibility for continued investigation as the military commission had completed its mission.

At this time, he also advised that he had sent a team of investigators, including a ballistics expert to the site where the churchwomen had been buried, in order to reexamine the site for additional evidence and to conduct additional interviews in the area.

On March 2, 1981, President Duarte himself furnished the Department of State additional physical evidence which had been found at the gravesite and requested that it be furnished to the

FBI for examination. This has been done, and these items currently are being examined by our laboratory.

The FBI also is completing translation from English into Spanish the autopsy reports of the autopsies conducted in the United States, and these will be furnished to the Government of El Salvador.

We will continue to make available our legal attaché for consultation with the Government of El Salvador, should it so request. And we will continue to conduct laboratory examinations of additional physical evidence which may be furnished by the Government of El Salvador.

It is the opinion of our legal attaché who has met with El Salvadoran officials, including President Duarte, that a conscientious effort is being made to solve this crime.

That concludes my statement, Mr. Chairman.

The CHAIRMAN. Thank you very much.

FULL COOPERATION OF DUARTE GOVERNMENT

I would like to report to the committee about my conversations with Judge Webster, Director of the FBI. He assured me that, outside of the holiday period which traditionally shuts down just about everything in Latin America, the FBI has received the full cooperation of the Duarte government in this investigation.

I have asked for this particular report, because the issue is of particular concern to groups in this country, especially church groups. I am pleased to have your report.

We do not have copies of your statement here. If you could have those made and given to the clerk, I would like every member of the committee to receive a copy of your statement in the event we have further questions for you concerning that statement.

I would say to my colleagues that we will proceed on a 10-minute rule today.

TRANSITION TO ELECTED GOVERNMENT

Secretary Stoessel, I would like first to pick up on a comment that you made in the beginning of your statement. You indicated that you see as the goal of the Duarte government a peaceful transition to an elected government.

Could you give us some indications as to what is being done to expedite this transition to an elected government and if it is at all possible to specify when they may be aiming for such an election? We would like to have that evidence.

Ambassador STOESEL. Mr. Chairman, President Duarte repeatedly has expressed his interest in proceeding to free elections in El Salvador. He has made clear his willingness to consult with all parties interested in that process. He has taken action to establish an electoral commission to prepare for the elections. Work is proceeding within that commission to that end.

The CHAIRMAN. Mr. Bushnell, did you wish to expand on that?

Mr. BUSHNELL. I would just add to that that the time frame which President Duarte has indicated is that he expects the Electoral Commission, which was set up about 10 days ago, to complete its work so that there can be an election for a constitutional

assembly which would write a new constitution for the country in 1982, preferably early in 1982; and that would then be followed, after the assembly meets and prepares a constitution, by an election for a new president and a congress according to the revised constitution, in 1983.

WELCOMES PARTICIPATION BY POLITICAL GROUPS

He also has made clear that he welcomes participation by any political group which wishes to participate in discussions with this Electoral Commission—which is a group of notable people from various political groups, some of whom are independent—in setting up the conditions for this first election.

There are some major problems because of the need to prepare electoral and things like this in a country where there have not been very good electoral processes, probably ever, in that country's history.

The CHAIRMAN. Thank you very much.

PRESENT MILITARY SITUATION IN EL SALVADOR

Secretary Stoessel, I would like now to give you an opportunity to elaborate on what the present current military situation is in El Salvador, aided by any of your colleagues whom you would like to have assist you in this answer.

Has the outside arms flow to the guerrillas abated?

Ambassador STOESSEL. Yes. Our information is that it has abated. There has been a slowdown. We have made very strenuous representations to the government of Nicaragua in this regard, and there has been a response to that.

We are aware that some of the avenues and methods through which the arms were being infiltrated into El Salvador have been shut down. There are indications that arms are still reaching El Salvador through other sources, but I think it is fair to say that the arms flow substantially has subsided.

The CHAIRMAN. Is it your feeling that this abatement has been a direct result of the administration's efforts and representations we have made to other governments? Or is it just a natural turn of events?

Ambassador STOESSEL. No. I think this comes about as a result of the efforts which we have undertaken.

ARMS FLOW ABATEMENT

The CHAIRMAN. What do you foresee in the future with respect to arms flow from the outside? Do you have any intelligence or any evidence that you can give us; that is, is it slowing up at the source or is it a temporary abatement?

Ambassador STOESSEL. Well, of course, we hope this is an abatement which will continue and which actually will cease to exist in the future.

We are aware that, within Nicaragua, there are large stocks of arms which we would hope would not pass on into El Salvador. It is hard to be sure of this. We are watching that situation as closely as possible.

There are other possibilities for infiltration through neighboring countries, and we are interested in improving the abilities of those countries to maintain surveillance over the infiltration routes and to contribute to stopping the infiltration.

So I think measures are in train to control the infiltration. We cannot say with certainty that it is completely stopped and that there are arms in the area. But we do hope that the slowdown will continue and, as I say, that it will cease entirely.

Perhaps my colleagues would like to add to that response. John?

Mr. BUSHNELL. I think the only thing I would add, to provide some perspective, is that we saw a slowdown before even a stop in the flow, roughly the month of September. And so we have not seen actions that would be definitive in terms of something being stopped permanently. We would hope that we would see those actions, but this process is quite a new one.

We are only 6 or 7 weeks into it, so it is very early and there is a lag in some of our intelligence in this area. I think it is too early to say one way or another how permanent this very substantial slowing is.

ARE WE GETTING INTO ANOTHER VIETNAM?

The CHAIRMAN. Because there has been so much widespread discussion in which people have asked "Are we getting into another Vietnam?", I would like to ask you a couple of questions in this area. I personally do not think there is a comparison between the two. I hope there is not a basis for it. But I would rather hear your direct views on this.

Is there a danger, in your judgment, Secretary Stoessel, that history could repeat itself, that we could be getting into another quagmire like Vietnam in El Salvador and in Central America?

Ambassador STOESEL. Mr. Chairman, I would say that all of us obviously are aware of this analogy. I agree with you that it is not a correct analogy. But the lessons of the past are very much with us.

As I said in my brief remarks and as I say in my prepared testimony, we are determined that this situation will not develop into another Vietnam. The measures which we have taken and which we have proposed are very modest in nature. We think they are appropriate to the circumstances. We do not foresee the necessity for increasing those. I would say we feel that the situation is containable.

We have referred to the fact that we know where the source of these arms is located. And if the arms flow were to continue, then we would wish to go to the source and stop it. We do not foresee that we will become engaged in a gradual buildup of our effort within El Salvador itself.

EMBASSY SPRAYED WITH BULLETS

The CHAIRMAN. Congressman Long was just in El Salvador. Shortly after he left the Embassy, as I understand from the reports, the Embassy was sprayed with bullets. So obviously there are forces inside that will do anything to eliminate an American

presence. I don't know whether it is the leftists or the extreme rightists, but there are excesses in both areas.

What would we do if American military personnel were killed while serving in El Salvador?

Ambassador STOESEL. I would say, first, Mr. Chairman, that we are taking every possible measure to see that this does not happen. The personnel who are on duty there now or who will be sent, of course, will not engage in combat activities. They will be working in guarded areas, in garrisons, in areas where conflict is not taking place.

One cannot say, of course, definitely that there is no risk, because obviously there is a risk. There is a high level of violence in general in the country. So we must constantly be aware of that risk.

I would say, if it happened, that, for example, a member of the training team were to be killed as a result of terrorist activity or guerrilla activity, we would consider this as a result of terrorism. It would not be something which would alter our overall policy or course of action within El Salvador. The same would be true, I think, if a member of our forces were to be captured or kidnapped: We would treat this as a terrorist action and follow our policies which we have with regard to terrorism.

At the same time, we would not see that this would require a change in our overall approach.

The CHAIRMAN. Thank you, Secretary Stoessel.

Senator Pell, do you have any questions?

Senator PELL. Thank you very much, Mr. Chairman.

KILLING OF THREE NUNS AND LAYWORKER

I would like to touch on this particularly nagging problem, the killing of three nuns and the layworker.

Mr. Mullen, without compromising the investigative findings, how much more do we really know—and I have looked through your statement carefully—how much more do we really know than we did 3 months ago?

Mr. MULLEN. Do you mean with regard to who the murderers were?

Senator PELL. Yes.

Mr. MULLEN. At this time we do not know who committed the murders.

Senator PELL. Do we know more than we did 3 months ago?

Mr. MULLEN. Yes. We have developed substantial physical evidence. The obvious, of course, is fingerprints. We were able to obtain numerous fingerprints from the burned out vehicle and prints from other areas. We have other physical evidence, where if we obtain similar material from El Salvador, we will be able to make comparisons, and it could lead to a solution in the case. But I would not want to go into that in any specifics at this time.

Senator PELL. When was the last time that you received a report from the Salvadoran Government? As I read your statement, it was about 3 weeks ago; is that correct?

Mr. MULLEN. I am told on the 26th or the 27th of February. However, our legal attaché has been in the country more recently,

and we talked to him as recently as yesterday to be updated on the investigation.

SALVADORAN GOVERNMENT DOING ALL IT CAN?

Senator PELL. Does he feel satisfied that the Salvadoran Government is doing all that it can? I understand, as you point out, it has been taken from the hands of the Commission into the deputy attorney general's.

Mr. MULLEN. That's correct. The Commission was established, according to the Commission members themselves, to determine whether or not military personnel were involved. But they had gone as far as they could in that respect, and it was turned over to the deputy attorney general, a civilian authority.

Senator PELL. What is the fingerprint custom? I understand they found fingerprints there. Aren't all members of the security forces automatically fingerprinted?

Mr. MULLEN. That is correct. That was one of the investigative suggestions that we made, that certain members of the military forces be fingerprinted.

You have to realize, as I understand it, that at least five different police or military forces were in action in the area where the murders were committed. So far we have received the fingerprints of five members of the military, but I understand that many more are being fingerprinted. And this will be submitted to the FBI laboratory.

Senator PELL. In other words, you do not have to be fingerprinted when you join the security forces as a matter of procedure?

Mr. MULLEN. I do not know what the procedure is in El Salvador.

Senator PELL. I believe the answer to that is you don't. But I just wanted to have that thought confirmed.

Mr. MULLEN. We do have the identity of individuals who were in the area and who were passively manning a roadblock at the airport. These individuals are being fingerprinted.

Senator PELL. And you have the fingerprints of the murderers available to you at this end?

Mr. MULLEN. Of the murderers?

Senator PELL. Yes.

UNIDENTIFIED FINGERPRINTS

Mr. MULLEN. Well, we do have unidentified latent prints. We do not know at this time whether or not they are the prints of the murderers or not.

Senator PELL. What were these fingerprints on?

Mr. MULLEN. The fingerprints were on the burned-out vehicle, and they were burned right into the vehicle, etched right in there because of the extreme heat. That leads us to believe that these prints were placed there by the perpetrators.

We also have some fingerprints from certain documents.

Senator PELL. When you say "certain documents," does that mean documents that were prepared by the murderers—what are the "certain documents," can you say?

Mr. MULLEN. I would rather not say, Senator, at this time. But in closed session, I would be happy to elaborate.

Senator PELL. Thank you.

Are the people in El Salvador sufficiently confident that they can be protected by the government against any reprisals that might happen to them if they came forward as state's witnesses?

Mr. MULLEN. That is a difficult question for me to answer. However, I can say that some witnesses have been reluctant to cooperate.

Senator PELL. Maybe on the political side, Mr. Bushnell or Ambassador Stoessel may have a reply to that.

TWO STAGES TO INVESTIGATION

Mr. BUSHNELL. Let me say that there have been two stages to this investigation, as the FBI has explained. In the first stage, a special commission was set up. There were a number of people who were reluctant to give testimony. However, now that it has moved into a second stage, which is in the normal legal processes of the country, there seems to be less reluctance to cooperate with that investigation. There is subpoena power in effect, and that is being used to pursue the investigation.

I really am not in a position to say whether people who might have evidence because they were casually involved in it would come forward or not. But certainly this incident has received a great deal of publicity throughout the country. I believe there have been some cases where people have come forward and volunteered supposed evidence. Some of it has turned out to be helpful, and some of it not.

FEAR OF REPRISAL

Senator PELL. It seems to me there is a certain discrepancy here between your view and that of the FBI. It is my understanding, too, that there is a fear of reprisal on the part of witnesses coming forward.

My question to you was how confident are you that there would be no reprisal against witnesses? Have you received any assurances from the government? Is there any procedure for protection in looking after such people?

Mr. BUSHNELL. Some of the people involved in this have been given protection by the government. At least to my knowledge, that has been effective, since nothing has happened to those people. This sets a precedent for the government giving such protection.

However, as I think is well known, El Salvador is in a state of considerable violence, and certainly one can understand why some people might be reluctant to come forward in this sort of situation.

Senator PELL. But in your view—and you are a man who is very well informed in the area—do you think the average citizen would be worried about reprisals if he or she came forward with evidence?

Mr. BUSHNELL. I think, Senator Pell, in much of Latin America, and maybe even beyond—I am not just speaking about this case, but in any case which has involved violence—there is a great deal of concern by private citizens about coming forward. I think that concern is probably even greater in El Salvador than it is in most other places.

GOVERNMENT ENCOURAGES WITNESSES TO COME FORWARD

Senator PELL. Yes, I think you are right. Sometimes it even occurs in the United States. But I had understood that some action was necessary on the part of the government to encourage witnesses to come forward. Would you think that was necessary?

Mr. BUSHNELL. Let me say that, as the investigation moves to its second stage, there is subpoena power and the government can call into court, in effect, any individual witnesses which it may identify as having an interest in this case. That situation, of course, is different from someone whom the government, the investigating authority, may not be aware of who might come forward voluntarily.

Senator PELL. Thank you.

As you can imagine, this is a subject of very real interest to many constituents of members of this committee. I presume, as the newspapers say, that President Duarte is equally strongly against the left as he is against the right. This may perhaps be somewhat of a nonsequitur, but in this connection, do you have any specific evidence or letter from President Duarte saying he wants the military assistance that so far has been rendered to him, the 85 military advisers?

DUARTE REQUESTS MILITARY ASSISTANCE ADVISERS

Ambassador STOESEL. Senator, we do have a letter signed by President Duarte and the other members of his government, which supports the request—need for military assistance. I would be glad to provide a copy of that letter to the committee.

This does not detail the specific amounts and items requested. It reflects previous discussions between representatives of the government and representatives of our Government as to the detailed items. I gather that even the approved list is subject to further consultation between the two sides. This letter does provide for a general request based on those consultations.

Senator PELL. Is there any question in your mind but that President Duarte would like up to 85 military advisers?

Ambassador STOESEL. There is no question in my mind that he has requested and wants the number of advisers specified. I think the number is not 85, however; I think the total gets up to 54.

Senator PELL. I thought there was a top limit of 85 that was projected.

Ambassador STOESEL. Sir, that is not my understanding.

Mr. BUSHNELL. Maybe I can clarify the numbers here a little bit.

Ambassador STOESEL. That, I think, involves the duty of the Marines on duty at the Embassy.

Senator PELL. Yes, the Marine guards.

Ambassador STOESEL. That might bring it up.

MILITARY IN EL SALVADOR PART OF EMBASSY

Mr. BUSHNELL. There are military in El Salvador who are there as part of the U.S. Embassy for our Embassy purposes, such as the Marines who guard the Embassy, defense attachés, and so forth. Those people are there as part of our diplomatic establishment.

They are there at our initiative, as they are elsewhere in the world.

President Duarte himself went over the request in terms of technicians and trainers. He reviewed what the military people, his and ours, had put together. He went through it man by man. He suggested that some of the proposed people were not needed. He wanted to have the smallest number of Americans in the country, only those absolutely essential, where the job could not be done in any other way.

He has come out with a list which is what we have approved, which when all the people are in country would make 54 Americans concerned with security assistance. This means with the logistics, the helicopters, the ships, and the training function at this time.

These people come for various times and there may be some shifting around among them. But the number of these people who are there because they have been requested by the Government of El Salvador for either a training or logistical type of function is 54 at the moment.

Senator PELL. Thank you very much. My time has expired.

The CHAIRMAN. Thank you very much, Senator Pell.

Senator Helms.

Senator HELMS. Thank you, Mr. Chairman.

KILLING OF NUNS UNTHINKABLE

Mr. Mullen, the killing of the nuns is unthinkable to me. Now, I am a Baptist, but all my life when I have seen a nun I have had the deepest respect for these women and what they do. It puzzles me as to why this happened.

I recognize that it is not unique for people in the church or people representing the church or people claiming to represent the church to be the victims of violence. Dr. Martin Luther King was a Baptist preacher, but he was not injured, as I understand it, because he was a preacher, but because he was regarded as an activist for a political cause.

In your investigation, have you unearthed any theory or evidence as to why this happened? Were these women involved in something other than church activities? Were they regarded as activists on one side or another? What evidence do you have?

Mr. MULLEN. I do not know the answer to that, Senator. We will not know the reason until we identify the perpetrators.

Senator HELMS. I see.

IDENTIFY EXTREMISTS OF RIGHT

Ambassador Stoessel, you mentioned the extremists of the right. You also mentioned the extremists of the left, the Marxists. Would you identify precisely who are the extremists of the right in El Salvador?

Ambassador STOESSEL. Senator, I think there are various groups in the right. Some of them represent what has been called the oligarchy of the wealthy landowners, the wealthy businessmen who have gone to the right, sometimes have taken up arms or supported groups which have engaged in fighting against the government.

Perhaps Mr. Bushnell could add more detail to that.

Senator HELMS. Are you saying they are mercenaries?

Ambassador STOESEL. Yes, some of them are mercenaries.

Mr. BUSHNELL. Maybe I could just add that what is generally referred to as the right—and I think this is a way, perhaps, of distinguishing it from the left, where the groups are Marxist—is really a reflection of the tradition and history of El Salvador.

For many years in El Salvador, there has been a tradition that there are small posts of police or national guard around the rural areas. It was not uncommon that the major landowners of the area supplemented the salaries of these people in various ways. And they maintained law and order. They cooperated in getting people back to work if there was a strike or something like that. That sort of semi-feudal system has existed in El Salvador for a long time.

There was, until after the October 15, 1979, revolution, a group which was called "ORDEN," which consisted of people who had perhaps retired from the security forces or held particular positions and who were associated with this. Now, these people have not gone away. But ORDEN has been disbanded; it no longer operates as an institution.

LARGE FARMS TAKEN OVER BY STATE

Although the largest farms have been taken over by the state and given to cooperatives, the landowners, many of them, although they have left the country, still have influence there.

And so to say the violence which comes from the right, essentially is a shorthand way of saying violence perpetrated by those who were associated with the traditional power structure in El Salvador. And just as for many years that power structure engaged in various violent activities, it has continued them.

There has been a new aspect added. I think, in terms of the number count, which is probably not too significant, but in terms of the high visibility, there is a general belief—although thus far no one has brought a case into court and proved it—but there is a general belief in El Salvador that there are people who are hired to kill particular political figures, such as the mayor of a town, people engaged in land reform, things like this, people who are hired by one or another of these groups associated with the shorthand expression of "the Right."

WHAT KIND OF GOVERNMENT IN EL SALVADOR?

Senator HELMS. I have to confess to you that it is not entirely clear to me exactly what kind of government it is in El Salvador that we propose to support. It has been identified as anti-Marxist, but how socialist is it, Mr. Stoessel? I want to ask you, for example, has foreign trade been nationalized under this government that we are going to support?

Ambassador STOESEL. John, why don't you take that?

Mr. BUSHNELL. Senator Helms, yes, some aspects of foreign trade. The export of the main agricultural crops, such as coffee and cotton, has been nationalized. This was previously in the hands of a group of the main growers. That group has been taken over, in effect, by the state which now purchases from the farmers and does

the exporting. Except for these major agricultural commodities, there hasn't been any change in the general private-sector orientation of foreign trade.

BANKS HAVE BEEN NATIONALIZED

Senator HELMS. What about the banks, have they been nationalized?

Mr. BUSHNELL. Yes, sir, the banks have been nationalized.

Senator HELMS. What has happened to the currency down there? What is it worth today vis-a-vis to the American dollar as compared to a year ago?

Mr. BUSHNELL. Well, it is worth the same as it was a year ago.

Senator HELMS. I am sorry, I didn't hear you.

Mr. BUSHNELL. It is worth the same in terms of American dollars. They have, as a result of the violence, had, I think, probably less inflation than we would have expected. Inflation has been about 18 to 20 percent in El Salvador. That is more than in much of the world, but not a great deal more, considering the situation there.

LAND REFORM

Senator HELMS. I have been studying very carefully the document issued on February 23, entitled "Communist Interference in El Salvador." It speaks frequently of land reform. How far along is this land reform?

Mr. BUSHNELL. There are three phases of the land reform. The first phase was to take over and turn into cooperatives all the farms larger than 500 hectares. That has been done. They have been taken over and cooperatives are operating. They have now in most cases harvested their first crop as a cooperative.

There are still many things that need to be done in that phase. One is to divide out the part of these large farms of 500 hectares which owners can retain if they wish to, including their housing and so forth. Another is to arrive at a final agreement on the amount to be compensated and to pay that in a mixture of cash and bonds.

Then there are a lot of problems in terms even of delineating these big estates. So there is still a lot of work to be done in this phase, but the basic takeover has occurred.

"LAND TO THE TILLER"

Let me skip to the third phase of the land reform. I will come back to the second. The third phase is called Land to the Tiller. It is for the government to purchase, mainly for cash, the properties on which there are tenants, people renting the land, and to give them title to the land they have been farming if they have been farming it for a significant period of time.

That program essentially is in its initial stages. They are at about 1,000 titles which have been distributed out of what may be 100,000 in total.

In a great many cases, however, the tenant farmers already are proceeding as though they had possession and full title to the land. There are problems in that area in terms of coming up with the

cash in order to purchase the land. Where the amounts of land purchased are fairly small, it is entirely for cash. But bigger properties are partly in bond.

PHASE 2 OF LAND REFORM NOT IMPLEMENTED

Then there is the phase 2 of the land reform which has not yet been implemented and which various government spokesmen have indicated will take technically a long time to carry out. This phase is to take those properties between 100 and 500 hectares with the bottom end of that changeable depending as to what kind of farm it is, for example, in the case of a cattle ranch, owners are permitted to hold a bigger size than as the case for a coffee farm. These properties will be turned over also to the workers on these farms, either dividing them up or establishing cooperatives.

That program has not yet started. And there is a great deal of discussion in El Salvador as to whether and when it should be carried out.

Senator HELMS. Well, as a matter of fact, there hasn't been a single title in fee simple issued yet; is that correct?

Mr. BUSHNELL. No, sir, I don't believe that is correct. The last figure that I had about 10 days ago, in phase three, which is "Land to the Tiller," 800 titles have been given. There was a first ceremony in which a couple hundred were given about 3 weeks ago, and they have proceeded to give out titles—and these are final titles—to people under that program. And they are giving some out every week.

Senator HELMS. Under these titles can any peasant convey at will any property distributed to him?

Mr. BUSHNELL. The peasant, the campesino, who receives the title also owes the government, in effect, like a long-term mortgage. The government is buying the land and he gets his title to it, but he has a debt.

My understanding is that the title is transferrable, but, of course, like any other situation, the debt has to be paid off in order to do that.

Senator HELMS. But assuming that it's paid off, can he transfer it?

Mr. BUSHNELL. Yes.

Senator HELMS. You're sure about that?

Mr. BUSHNELL. In part three of the land reform program.

Senator HELMS. All right.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator. Senator Biden.

Senator BIDEN. Thank you, Mr. Chairman.

NOT AGAINST MILITARY ASSISTANCE

Gentlemen, no one that I know of in the Congress or, for that matter, probably very few of the American public are against stopping the flow of arms from hostile countries into El Salvador. I personally am not against military assistance to El Salvador, *per se*.

I can support it, however, only if it is an instrument of some kind of political settlement, which is what we have all been talking

about. The United States, it seems to me, should be extending this assistance, military assistance, only as a quid pro quo for El Salvador's willingness to strengthen the so-called "middle" which is now allegedly the Duarte government.

It seems to me that what I would like to hear some more about is the negotiations that are taking place in an attempt to bring together the centrist elements and its underpinnings in El Salvador. I assume this must include moderate elements of the military government.

If a viable government is going to be established and the present government must be both expanded and strengthened, I assume that is a position from which we all are operating. If the United States extends any military assistance to El Salvador without some political requirement, then it seems to me the aid just becomes an instrument for further violence both on the right and the left.

"HAVE WE PICKED A WINNER THIS TIME?"

So, I guess as we in this Congress begin to develop positions on the proposals of the administration, at least those that we have a right to comment on, the first question that a lot of us are asking is, "Have we picked a winner this time? Can we win? Is our side going to prevail, or are we going to mount another horse and ride it gallantly into a swamp and sink with it as we seem to have done so many times in the past in Democratic and Republican administrations?"

With that concern of mine at least in mind—that is, not opposing the military aid going there assuming it is going to bring about some viable government that will have an underpinning in El Salvador beyond that which we give it—I would like to ask some questions about a report that was allegedly made by DOD.

General Graves, you, therefore, may be the one to speak to this. This was reported on February 21 in the New York Times, which quoted a Pentagon assessment based on "reports from Central America" to the effect that the Army of El Salvador is so ill-prepared to fight that it has "no hope" of defeating the insurgents.

The article also says that the assessment said it would be "impossible" for the government to put down the insurgency so long as it had a combat ratio of only 4 to 1. I understand that this committee staff has been seeking a copy of this assessment since shortly after the article appeared, but that, to the best of my knowledge, unless it occurred today or yesterday, they have been unable to get such a copy.

Would you be willing to tell us about such a report if it exists, if it is apocryphal? What is the situation, General?

General GRAVES. Senator Biden, I am not familiar with the report, unless—I am not familiar with the quotations you read at all.

Senator BIDEN. Has there been a hard-baked military assessment of whether or not the "good guys" are going to win?

SO-CALLED FINAL OFFENSIVE

General GRAVES. Let me say that when you evaluate the course of this insurgency over a considerable length of time, when you see

the events that occurred in the so-called "final offensive," which began on January 10, when you evaluate the flow of arms and the recent diminution of arms in there, it appears that the present forces of El Salvador should be able to control the situation.

Now, this is not to say that they can completely eliminate all insurgent activity.

However, if you look at the present military situation, certainly over a reasonable period of time, the government is in no jeopardy at this time.

The important point, I think, about analyses that have been done is that the forces of El Salvador could be substantially improved to deal with the insurgency. That is a very desirable political goal in order to provide a climate in which the necessary political change can take place.

WILL 10 TO 1 RATIO ASSURE STABILITY?

Senator BIDEN. What I think you are implying is to get to that point, to have the climate of stability, would take as 10 to 1 ratio. Can you comment on that?

General GRAVES. Well, I have heard that number historically.

Senator BIDEN. "Historically"? What do you mean, "historically"?

General GRAVES. That is a number that you can read about, and if you read about insurgency for the last 20 years, that is the type of number people have talked about, just on the basis of insurgent history.

Senator BIDEN. Anywhere?

General GRAVES. Anywhere. But I don't think that we can pass such a precise judgment, because there are all kinds of things respecting the quality of the effort on both sides.

I think the object of our program of training and equipment support to the El Salvadoran forces is to improve the quality of their efforts so they can deal effectively with the insurgency.

Senator BIDEN. You understand better than any, General, having gone through the so-called "Vietnam era," that if in fact our efforts do not end in success, you guys are going to take the rap—that is, you guys with the stars on your shoulders. We politicians are going to scurry away and say, "Oh, I was always against it. I didn't mean it." And Reagan will say, "I never meant it. What happened?" And the Democrats will say, "I never thought it." But you guys are going to be sitting there.

So I guess what I want to know is this—and I am going to ask it directly—is it your military judgment that the amount of military assistance that we are supplying to El Salvador will be sufficient to secure the Duarte government and allows it a beach from which to form a broad-gaged government in El Salvador?

General GRAVES. That is the judgment that has been reached by the U.S. Government, but with the full concurrence and support of the Department of Defense. And I believe it is correct.

Senator BIDEN. The Department of Defense believes that?

General GRAVES. Yes, it does.

CONDITION AND NEEDS OF EL SALVADORAN MILITARY

Senator BIDEN. Would you be willing to provide this committee a copy of whatever report and assessment has been made with regard to the condition of and the needs of the El Salvadoran military forces, any one that has been conducted since January 1981?

General GRAVES. Sir, certainly we could provide on a classified basis the kind of papers that have been prepared to assess the situation.

[The information referred to follows:]

The assessment referred to in the New York Times article of 21 February 1981 was not contained in any Department of Defense document. However, an official assessment dated 13 February 1981 is being provided on a classified basis under separate cover.

Senator BIDEN. With the chairman's position, I respectfully request that we make such a request by this committee.

The CHAIRMAN. We will so make such request. When you mentioned this, Senator Biden, I was not aware at all that such a request had been made by our staff. There is no question but that we should have what we want from the Department of Defense in this area. If it exists, I am sure we will have it.

Senator BIDEN. I am not complaining about it not having come. I just want to make sure we get whatever there is.

General GRAVES. It is just that the phrases that you raise don't ring with any report that I have read, and I was not aware of any request from the committee.

[The following information was subsequently supplied for the record:]

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., April 29, 1981.

Hon. CHARLES H. PERCY,
Chairman, Senate Foreign Relations Committee,
Washington, D.C.

DEAR MR. CHAIRMAN: In the hearing on March 18, 1981 concerning El Salvador, the Committee requested a copy of any report or assessment that has been made with regard to the condition of and the needs of the El Salvadoran military forces since January 1981.

The attached document, DIA/JSI-4B, dated February 13, 1981, is an assessment of the Salvadoran military capability following the emergency airlift of \$5 million in arms to El Salvador in January 1981, under the provisions of Section 506(a) of the Foreign Assistance Act of 1961, as amended, and authorized by Presidential Determination 81-2 of January 16, 1981.

Following a request from the Government of El Salvador which was approved by President Duarte, coordinated through the U.S. Military Group and the American Embassy in El Salvador, and supported by this assessment, a decision was made to provide an additional \$5 million in Foreign Military Sales Credit financing and an additional \$20 million in security assistance under Section 506(a) of the FAA in fiscal year 1981. The reprogramming action and Presidential Determination 81-4 of March 5, 1981 have been reported.

It was also decided to seek \$25 million in FMS credit for El Salvador in fiscal year 1982. This is the amount which, in addition to security assistance provided in fiscal year 1981, is considered the minimum required to bring the El Salvadoran armed forces up to a position wherein they can successfully combat the current insurgency and restore order in El Salvador.

I trust that this information fulfills the Committee's needs.

Sincerely,

ERNEST GRAVES,
Lieutenant General,
Director, Defense Security Assistance Agency.

Senator BIDEN. So from a military standpoint, you don't see this as having the potential of an endless swamp we're just going to keep sinking into?

MANY COUNTRIES HAVE PROLONGED TERRORISM

General GRAVES. No. But I don't want to imply that the insurgency might not run on for some time. That is not my point. I think, after all, you can look around the world and see countries that are having trouble with terrorism that is prolonged.

But I want to draw a distinction between that type of thing which may continue and a severe danger, which I do not foresee here.

SPECIAL PAY FOR PERSONNEL "SUBJECT TO HOSTILE FIRE"

Senator BIDEN. Let me skip to a completely different subject. Secretary Stoessel, under 37 United States Code 310, the Secretary of Defense may prescribe a monthly special pay for duty subject to hostile fire for service personnel who are "subject to hostile fire" or "on duty in an area in which he was in imminent danger of being exposed to hostile fire or mines or are killed, injured, or wounded by hostile fire."

What I would like to know is this: Have any of the U.S. military personnel in El Salvador been designated to receive such pay?

General GRAVES. The action, Senator Biden, is ongoing, but has not been finally approved.

Senator BIDEN. Then if and when it is approved, would such action trigger either the War Powers Act or the sections on involvement in hostilities of the Arms Export Control Act? I would be curious to know what your opinion is if you make the decision that that pay would be paid under that section.

General GRAVES. The answer to that question is, "Not necessarily." And I think I could explain it very quickly. The recommendation to pay hostile-fire pay was based on the kinds of terrorism that have been ongoing in El Salvador since November 1979 and were not associated with recent, more intense activity. They were based on the general hazardous conditions, the terrorist activities, the fact that these people were subject to random acts of terrorism in places they lived, going to and from work and so on, not that they would be the subject of some kind of armed attack or coordinated attack.

This was the reason this was brought forward, because of the general danger of conditions. Therefore, I don't think this hostile-fire pay thing, of itself, would trigger either a War Powers Act determination or a report under 21(c). That would be more in line with the factors contained in the letter which Mr. Carlucci addressed to the chairman. And I believe you already have a copy of that letter, which already has been written to the committee, assessing the situation respecting War Powers.

The CHAIRMAN. Senator Biden, your time has expired.

Senator BIDEN. Mr. Chairman, might I have the same indulgence as Senator Helms had, to just finish up with one short question, as he did after the red light went on?

The question is: Is anyone from the U.S. military assigned to Turkey getting hostile pay?

General GRAVES. No; they are not.

Senator BIDEN. There is terrorist activity over there, is there not?

General GRAVES. There is also terrorist activity there.

Senator BIDEN. Thank you.

Thank you, Mr. Chairman.

The CHAIRMAN. Senator Pressler.

Senator PRESSLER. Thank you, Mr. Chairman.

ANY EFFORT TO AVOID MISTAKES OF VIETNAM

Let me ask if there have been any studies or if you are following closely what happened in Vietnam, some analogies, studies of analogies? I think there are some analogies. Having served in the Army in Vietnam, I find very familiar the briefings that we are having these days on El Salvador. Is there an effort to avoid the mistakes of Vietnam? There was Communist insurgency and all that literature to which one of you referred. I would assume that includes Sir Robert Thompson's "Fighting Communist Insurgency."

Throughout all that literature there is the theme that it is a mistake to bring in foreigners who are of a different language, culture, and background. The very arguments, I suppose, that the insurgents in El Salvador are using is that the United States is trying to run the country, that the American banks are trying to control it, or the American military want to control it.

It would seem that we are in a position where we might be almost encouraging or adding fuel to the rebels' arguments. Are we looking carefully at the Vietnam analogy? I know it has been denied that there is one. But I think there is a great analogy between what is happening in El Salvador and what happened in Vietnam.

Is there a systematic effort to take lessons learned from fighting Communist insurgency in Vietnam and the mistakes that we made there and apply them to El Salvador?

WE ALL LEARNED LESSONS FROM VIETNAM

Ambassador STOESSEL. Senator, I would just say, in general, that all of us are very well aware of history here and what went on in Vietnam. We all learned lessons from it. We are doing our best to insure that a similar situation does not develop in El Salvador with what happened in Vietnam.

As far as the use of our training personnel and their assignments are concerned, I think all of this is done against the background of the experience gained in Vietnam. As we have pointed out, the program is a very modest one. There are very small numbers of personnel involved. They will not be highly visible. They will be working and training in areas which are restricted.

The bulk of the personnel involved in direct training activities will be fluent in the language of the country, and well trained in the activities necessary in the situation, again drawing on lessons learned from the past.

SPECIFIC STEPS BEING TAKEN IN EL SALVADOR

Senator PRESSLER. What specific steps are being taken in El Salvador that are different from those taken in the early days of Vietnam, for example?

General GRAVES. Sir, I think the most important step is that they are being confined strictly to training activities. These are taking place in the most secure areas available. We are not using our people in El Salvador to accompany combat operations or to transport them in combat operations or to engage in combatant activities.

Senator PRESSLER. Well, that differs from Vietnam in the early days.

General GRAVES. In Vietnam, from almost the first, our people were engaged in assisting Vietnamese forces across the board. And this is much more a training mode, and our people are not exercising command and control or anything. They're engaged in a training program and assisting them in maintenance of equipment.

AREAS OF DIFFERENCE FROM VIETNAM

Senator PRESSLER. Are there other areas of difference from the early days of Vietnam? You say they are just engaged in training. That is a distinct difference. But it seems to me, in the early days of Vietnam, that is what our people were doing there also.

General GRAVES. But I think we were also trying to advise the Vietnamese Government and the Vietnamese forces across the board. And our people from quite early in Vietnam were active across the board.

I think Ambassador Stoessel also mentioned another very important difference. These people who are being sent into El Salvador all are fluent in Spanish. They are very much at home, if you will, in associating with the Spanish-speaking people of El Salvador. You don't have the distinction of a Western force coming into an Oriental country. Most of the people are of Latin extraction.

MOST SOLDIERS OF LATIN EXTRACTION

Senator PRESSLER. You mean most of our soldiers who are going down there are of Latin extraction?

General GRAVES. Yes.

Senator PRESSLER. Therefore, you feel they may not be so visible?

General GRAVES. Well, I feel they may not be viewed as an external element so much as a friend with a similar background. I think that is a very important difference.

Senator PRESSLER. As I understand it, the Government of El Salvador rejected the OAS mediation efforts. Did El Salvador consult the United States on this?

Mr. BUSHNELL. Let me explain what happened in this. The President of Costa Rica sent a letter to the Chairman of the OAS suggesting that it might consider playing a role in the situation in El Salvador. There were informal consultations among the ambassadors to the OAS here in Washington.

There were considerable concern in these informal consultations because the OAS generally does not play a role in an internal situation, and the wording of this letter referred not to the massive

inflow of arms from outside the area, but to the more political struggle inside El Salvador.

OAS SHOULD NOT PLAY A ROLE IN INTERNAL SITUATION

While this informal discussion—and without the OAS ever having had a formal meeting on this—was going on, the Government of El Salvador informed its Ambassador and then announced publicly that it did not think the OAS should play a role in the internal situation in El Salvador any more than it would in other internal situations.

This does not mean that it does not think there should be discussions internally. It has indicated that it is ready to sit down to discussions. It has accepted the invitation of the church to have discussions with other political groups. The Electoral Commission which it has now set up has invited various political groups to discuss with it its procedures, and so forth. But the Government of El Salvador rejected OAS mediation in effect before the OAS was able itself to consider this.

Let me say that there is a long tradition in the OAS of not interfering in the internal affairs of its member countries. The OAS deals with issues that are, in effect, cross-border issues, primarily.

I should say, however, that there is a part of the OAS, which is the Inter-American Human Rights Commission, which looks at the human rights situation. This Commission visited El Salvador a couple of years ago. It prepared a report. It has been invited back by the Government of El Salvador to look at the human rights situation. This invitation was extended for March, but it now looks as though the Commission, for its own reason and not because of the Government of El Salvador, will not be able to go for 2 or 3 months and make a visit to review that situation. That part of the OAS deals with internal situations, such as the human rights situation.

The OAS often observes elections. In fact, President Duarte and others ~~in El Salvador~~ have indicated that, when they get to elections in 1982 and 1983, they would invite the OAS and other organizations to be present to see that these are free and fair.

So, in those situations, the OAS would be involved, but not as a mediator or negotiator in the internal situation.

ARE U.S. PERSONNEL INVOLVED IN OAS MISSION

Mr. PRESSLER. Are the U.S. personnel involved in the OAS mission observing the movements of the guerrilla forces? We have also personnel involved in that; is that not correct?

Mr. BUSHNELL. Let me clarify that situation. There was a war between Honduras and El Salvador in 1969. This was a cross-border incident. The OAS was involved. It established an observer OAS mission to deal with the parties at the border between Honduras and El Salvador and to avoid a further outbreak of fighting. That mission, which consists of representatives from several Latin American countries as well as the United States, has from the beginning, or at least from a few years ago, had two helicopters

provided by the U.S. military, paid for by Honduras and El Salvador as the means of transportation for these observers.

The observers are not observing the guerrillas. What they are trying to do is make sure there is not a outbreak between the Honduran Armed Forces and the Salvadoran Armed Forces.

Because there are a number of areas on the border between El Salvador and Honduras which are disputed between the two countries, there was agreement that the forces of neither country would go into these areas. Some of these areas have been used as guerrilla stronghold areas for guerrilla training and so forth.

The OAS, in its role of keeping the forces apart, is particularly concerned with these areas. There have been some incidents in which the OAS has had contact with guerrillas on the Honduras-El Salvador border.

Senator PRESSLER. Thank you.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Gentlemen, Senator Helms has to take a plane in 30 minutes. But I have a request from him to ask unanimous consent if someone would yield to him for a few questions before he has to leave. He is the chairman of the subcommittee dealing with Latin America. So I would hope someone could yield to him a few minutes.

[Pause.]

The CHAIRMAN. Do I have an offer?

Senator DODD. I am so far down the line, Mr. Chairman, I will yield to the distinguished gentleman.

The CHAIRMAN. I am afraid you would come after the 30 minutes if we go through all of the Senators in turn.

Senator Glenn.

FOREIGN POLICY TOWARD CENTRAL AMERICA

Senator GLENN. Gentlemen, do we have a foreign policy toward Central America? If so, what is it?

Ambassador STOESEL. Senator, I would say, in general terms, that in that area we would wish to encourage economic and social progress to encourage stability and peaceful change where necessary and where appropriate in the circumstances. We also provide limited security assistance to these ends.

Senator GLENN. I do not ask this facetiously. We are setting a policy, a precedent in what we are doing in El Salvador. If this is our policy, then it is a very big, major decision.

For instance, if we are to send in arms and if Duarte succeeds in holding his government together, it seems to me we would receive little credit. He would say he "had the final offensive under control," and while they "welcome any help, or course," they "don't really need it, they mainly need economic help."

And so we would get no credit or little credit if he succeeds. If he fails, we have made that or we are in the processing of making that a major element of American policy around the world. What we are doing is spotlighted by every nation around the world—riots in Germany, street demonstrations when I was there a few weeks ago—that if it fails, it is an American failure.

So while I supported the sending of arms in to help those people do what they wanted to do on their own, it seems to me that we

are really assuming a much greater portion of potential blame for what may or may not happen there, and very little credit.

ARMS GOING INTO OTHER CENTRAL AMERICAN COUNTRIES

That's more a statement than a question. But that's the reason why I wonder if this is to be our Central American policy. I would then ask another question. Can you tell me whether we know of any arms—Soviet, Cuban, or whatever—going into any other Central American countries right now or in the past year or so?

General GRAVES. Yes, Senator Glenn. We do know that some are. I should say, first of all, that many of the arms that have moved from Nicaragua to El Salvador move through Honduras. Some of those arms stayed in Honduras. Some of them—a small part, we believe—went to Guatemala.

There has been a larger inflow of arms—most of the arms that have moved in this route are arms that come from Communist countries but are of Western manufacture. There has been a substantial movement of Communist-bloc arms into Nicaragua for Nicaraguan forces. We haven't seen any evidence that these move on to another country, but they do go to Nicaragua.

So we have seen evidence in terms of arms movements. We have seen even more evidence in terms of people going from all of these countries for training in Cuba and beyond, indicating a long-term or a medium-term concern with supporting violence in some of these other countries, some of which already is under way. For example, in the case of Guatemala, there is a considerable insurgency under way at this moment.

ARMS TO DISSIDENT GROUPS

Senator GLENN. Then will it be our policy, following the El Salvadoran precedent, that we will send arms into those countries if the arms are not just in transit through but remain in those countries? Will we give arms to dissident groups in those countries?

Mr. BUSHNELL. I don't believe we would give arms to dissident groups. We have provided arms to these countries—

Senator GLENN. How about governments then?

Mr. BUSHNELL [continuing]. To some of these countries for many years. We have had a training program in these countries and so forth. And last year, for example, we substantially increased our program in Honduras. We provided them with helicopters under lease arrangements in order that they could better secure their borders. They are at this point a peaceful country without an insurgency, but their territory is being abused, and we have helped them to overcome that.

Our policy has been that we need to see not just that there is an insurgency but that there is a governmental policy to move on basic reforms, as there is in El Salvador, in order for us to cooperate closely with the Government and help them to overcome this. This has not been a problem in Honduras, but it has been a problem in some other countries.

Senator GLENN. I was very interested in Ambassador Stoessel's comments here: Economic and social progress, stability, peaceful

change if appropriate, security assistance. And that's fine. I agree with everyone of those things.

GENERAL POLICY TOWARD REGIONS NEEDED

But I do believe that with regard to Central America we need to spell out what we are going to do with each country in the context of a general policy toward the region.

I don't think that's understood now. I don't understand it as a member of this Foreign Relations Committee. If we have a policy, it has certainly not been enunciated, and I think we would do well in our dealings with those countries to clearly enunciate it.

DOES WAR POWERS RESOLUTION/ARMS EXPORT CONTROL ACT APPLY

Back to a subject I have asked a lot of questions on before. I have had some answers, yet we still have some disagreements with regard to whether the War Powers resolution and the Arms Export Control Act applies here, whether it should apply.

It seems to come down to whether we consider there are "significant hostilities"—that's the key phrase, "significant hostilities"—in the country. And under the Arms Export Control Act, it just says: "Within 48 hours after the outbreak of significant hostilities involving a country"—it doesn't say what kind—but "involving a country in which United States personnel are performing defense services pursuant to"—et cetera, et cetera—"the President shall submit"—and goes ahead.

Now, I bring this up here, not that I don't think we know what's going on in El Salvador, but I think when we let the administration get by without making reports that are required by law, then we set up a situation where if there are arms in other countries and if we are going in, it could well be done without us knowing anything about it.

12,000 KILLED IN EL SALVADOR

Certainly, Ambassador Stoessel, you would agree that it is significant that 12,000 people were killed in El Salvador last year, in a country of 5 million people. That must be considered significant, and it must be considered that these are hostilities between one group or another within that country.

And it surely must be considered significant to us, that four churchwomen were killed and we can't get to the bottom of it. And it certainly must be considered significant when our Embassy is shot up two times in the last 2 weeks.

And it must be considered as significant that American personnel are being kept in garrisons and we've given them sidearms.

HOSTILE-FIRE PAY RECOMMENDED

And it must be considered significant that we have recommended—and I would like to clarify this, General Graves—that we have recommended that they get hostile-fire pay; is that correct?

General GRAVES. Sir, it has to go through an administrative process.

Senator GLENN. Has it been recommended?

General GRAVES. Yes.

Senator GLENN. By whom?

General GRAVES. By the military commander, Colonel Cummings.

Senator GLENN. So it has been recommended that they get hostile-fire pay, and the people that our American personnel are training are, in turn, going out and killing or being killed—that's the purpose of our training—and yet we say there are no "significant hostilities" within the country. It is rather tortured logic to me.

And then we track through General Haig's statements when he was before us and went through all of the litany about how much he wanted to cooperate with us on doing all of these great things. And his comment was that he wanted "to assure this committee that I intend to live by the letter of the law and the spirit of the War Powers Act, and I see no difficulty in doing so."

SIT IN FRONT OF OPEN WINDOW

It's a little hard for us to believe that that was really meant when we see what is going—just that little list of things that I read here. Surely, if you were in that Embassy, Mr. Ambassador, I don't think you would sit in front of any open windows these days, would you?

Ambassador STOESEL. That's true, Senator.

Senator GLENN. I wouldn't either. And I think the Marines out in front, they're not in their dress blues out on the street, I don't imagine, today. And it just seems to me that when we see all this going on, and then we somehow say there is nothing significant about all this, "no significant hostilities going on," it's sort of tortured logic to me. And I don't see what's wrong with just to set the precedent and say, "It is hostile," and report to us.

And then what happens? Then what do we do with it? Not a blooming thing, except we have established the precedent that we really truly mean it that we want to be informed when these things go on. And why the administration insists on just refusing to make that statement in such an obvious "significant hostilities" situation, I don't know. But that has been the attitude the administration has taken.

I had the same quarrel with the previous administration, so I am not being partisan with this. I griped at them, too. Didn't get any farther with them than I am getting with this administration. So it's a perfect record so far. This committee is striking out time after time.

But I would like to see us just recognize it so that we have some confidence that when there are hostilities we know you will report to us and we won't think that something is going on in the jungles of some other Central or South American country that we are unaware of. We are partner in this, and we want to be in on the takeoff as well as the potential crash landings.

That's more a statement than a question. Do you have any response to that?

INTERPRETATION OF SIGNIFICANT HOSTILITIES

General GRAVES. Senator, I certainly appreciate your comments. I think there is the question of interpretation as to what "significant hostilities" implies. As you indicated, the previous administration did not feel that the situation at that time, when they were in charge, constituted significant hostilities, and they did not report.

Just recently, through the Deputy Secretary of Defense, Mr. Carlucci, we have submitted a report to the chairman which encloses a detailed statement about the situation as we see it. As is stated in that letter, we want to give the committee all of the information that is required and indicated about the situation there as we see it.

Now, whether this comes under the exact definition of "significant hostilities," as stated in the act, is another question. But we certainly want to cooperate and consult with you in a timely way, in the takeoff as well as on the landing.

Senator GLENN. My time is up. I think we are being given information on this. I have not had any complaint about getting information on El Salvador, but to me where it is clearly required in law and where it is significant, it should be done. How can we say that 12,000 people including four churchwomen killed, the Embassy shot up, American people in garrison with sidearms, hostile-fire pay, people getting killed all the time, isn't significant hostilities.

That is just tortured logic to me. I can't see it. And I don't know why we don't declare it as such, report to us, then we have the confidence that we are going to get reports if there are future events like this in other countries.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Senator Mathias.

Senator MATHIAS. Thank you, Mr. Chairman.

Mr. Secretary, a famous Frenchman has said that you can hire a riot, but you can't hire a revolution. I think that is a universal truth, that you can spend a little money and you can agitate some disorders in a country, but unless a revolution has occurred in the minds of the people, it really doesn't takeoff, it doesn't go anywhere.

EMPHASIS OF U.S. AID ECONOMIC—NOT MILITARY

You said in your earlier answer to Senator Pell that the emphasis of U.S. aid was on economic and not military grounds. I think that goes to this very concept that although some outside agitators can hire a riot, a revolution can only occur if the social, political, and economic conditions of the country are so bad that they bring about a revolution.

What is the ratio of military to economic aid in this situation?

Ambassador STOESEL. I think with the package of economic aid which we will be proposing, it will be about three times the size of the military package. So it would be 3 to 1.

Senator MATHIAS. What would that be in absolute figures?

Ambassador STOESEL. Well, the military side is \$25 million.

Mr. BUSHNELL. \$35 million.

Ambassador STOESEL. Excuse me. It is \$35 million for the military side, and on the economic side about \$125 million.

Senator MATHIAS. So it is 3 to 1 on economic aid?

Ambassador STOESEL. [Nods affirmatively.]

Senator MATHIAS. Do I understand that the Senator from North Carolina would like to ask a question at this time?

Senator HELMS. I have a couple of questions, if you could yield to me a couple of minutes. I would appreciate it.

Senator MATHIAS. Let me just ask one followup question now, and then I would be happy to yield to you.

In terms of what has been done in recent months, how does it differ from what was previously planned? And let's be specific about some of the items. How many helicopters was the Carter administration planning to give them?

Mr. BUSHNELL. On January 17, President Carter authorized six helicopters on no-cost lease. In the additional package which President Reagan has authorized there are four more helicopters. These, however, will be turned over to the Salvadorans; they will not be on lease.

Senator MATHIAS. So the order of magnitude goes from 6 to 10. Thank you.

I yield to the Senator from North Carolina.

Senator PELL. With the understanding that we use up the 10 minutes that Senator Mathias had and then continue with the members on the other side.

Senator HELMS. Thank you Mr. Chairman. And I thank the Senator from Maryland for yielding.

"WE HAVE TO GET TO THE SOURCE"

Mr. Stoessel, if I heard Al Haig say it once, I heard him say it a hundred times, that "We have to get to the source," meaning Cuba.

I have the uneasy feeling that in all of the conversation about El Salvador and Nicaragua we are forgetting Cuba. Now, I don't want us to miss the forest by looking at a tree. Therefore, I have a couple of questions that I will go through fairly rapidly.

They concern Fidel Castro, who is regarded by some as having lived a sort of charmed life in terms of American reaction to all that he has done in Africa, Central America, and elsewhere; here we have in essence an international outlaw. I am receiving repeated inquiries from constituents of mine who want to know whether this is because of a secret agreement between Krushchev and President Kennedy? I don't know whether there is a secret agreement. But if there is, I would like for you to describe it. If you can't describe it now, I want to know whether it can be declassified so that the American people can know what was in any confidential agreement between President Kennedy and Mr. Krushchev.

Can the full text and scope of the agreement, if any, be released to the public or at least to this committee? Now, that is a lot of question, I recognize. You may not be able to answer that fully without consuming too much of Senator Mathias' time. But before this hearing is over, I wish you would address yourself to it.

Mr. BUSHNELL. We will take that question. A good many of the details of the agreement have become public. Whether the whole

thing can be made available publicly, I have some doubts. But we can probably make it available to the committee.

Senator HELMS. But there is an agreement?

Mr. BUSHNELL. There is an agreement.

The CHAIRMAN. That can be made available to the committee?

Mr. BUSHNELL. Yes, sir, on a classified basis.

Senator HELMS. But it has not been released, not even to this committee?

Mr. BUSHNELL. It is an old agreement, sir. I really do not know whether or not it has been released to this committee.

Senator HELMS. Thank you very much, Mr. Chairman.

Senator Mathias, I appreciate very much your yielding to me. I have to catch a plane.

Senator MATHIAS. Let me say if it hasn't been released to this committee, we will have serious problems under the Case Act. So I think we all would like to be involved in the answer to that question.

Mr. BUSHNELL. I am afraid I am told I misspoke. There is not an agreement. There is a series of understandings.

Senator MATHIAS. Well, that may well amount to the same thing. [General laughter.]

RESPONSE OF EUROPEAN AND LATIN AMERICAN GOVERNMENTS

Mr. Secretary, what has been the response of European and Latin American governments briefed by the administration about arms supplies to the leftists? Can you identify the ones that endorse the administration's approach for responding to the threat? Do you get any kind of different or additional steps advocated?

Ambassador STOESEL. I think the response generally has been favorable to our approach, condemning the infiltration of arms from external sources into El Salvador. We have had consultations in depth with a number of European countries, a number of Latin American countries.

Senator MATHIAS. Is there a categorical difference between European and Latin American countries?

Ambassador STOESEL. No. I would say they all agree on this. Now, some have stressed more than others the concept of a political solution, political negotiations for broadening the base of the government, or some have suggested mediation efforts and so on. There has been a variation in responses in that regard.

But I think there has been unanimity in condemning the idea of infiltration of arms. And there has been support for our position that this should be stopped.

SOCIALIST COUNTRY INVOLVEMENT IN FLOW OF ARMS

Senator MATHIAS. What about the other sources of arms. The administration's so-called white paper emphasizes socialist country involvement in the flow of arms to the guerrillas, far left. Some believe that the left is also receiving arms from some of the countries, the democratic countries in the immediate vicinity of El Salvador. Do you have any evidence to that effect?

Ambassador STOESEL. I am not aware of that, Senator.

Mr. BUSHNELL. Some of these arms may move clandestinely through countries such as Honduras, but we have no information of any significant supply of arms from these countries. Some may have been purchased in small amounts from any of the countries in the area with, of course, the exception of Nicaragua, which is involved clearly, as we have indicated in the white paper.

Senator MATHIAS. Nicaragua is the transit point?

Ambassador STOESSEL. The primary transit point.

Senator MATHIAS. But there is no significant evidence of arms shipments from any democratic countries in the Western Hemisphere?

Mr. BUSHNELL. There have been reports that several months ago arms which were in Costa Rica were taken clandestinely from Costa Rica to El Salvador. The Costa Rican authorities are investigating this. In fact, some people, I think, have been indicated on this matter and pilots have lost their licenses and so forth. So there are a few incidents in which other countries in the area—that is, their territory has been used. But so far as we know, they are making reasonable efforts to avoid this sort of thing.

RESPONSE FROM MEXICO

Senator MATHIAS. What about our immediate neighbor to the South, Mexico? What kind of response are we getting from Mexico?

Ambassador STOESSEL. As I said, I think Mexico opposes the infiltration of arms. It opposes intervention in El Salvador. Mexico has been particularly interested in the idea of a broadening of the political base of the mediation between the parties. They have stressed that in their public statements.

Senator MATHIAS. There is no record of any activity which deviates from their public position then?

Ambassador STOESSEL. No, sir.

Senator MATHIAS. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Senator ZORINSKY.

Senator ZORINSKY. Thank you, Mr. Chairman.

I am glad that we have the opportunity to discuss U.S. policy in El Salvador with administration officials at this particular point in time. I find it interesting that some members of the administration are trying to push El Salvador off the front page when it did all it could to keep it there by saber rattling and harsh talk to build a case for U.S. military involvement. Now after being told by our closest friends and allies—Canada, West Germany, Mexico, to name only a few—that a military solution, with the use of U.S. assistance, complete with advisers is the wrong approach, it is better to take the heat off and relegate it to the back pages. It is better to mute criticism when more and more nations believe that a political solution has to be reached by the Salvadorans themselves with the help from neighboring democratic countries or by other mediation efforts. It is better to take it off the front pages in the light of criticism of a military policy that reminds too many people of how Vietnam started. In the back pages, the American public will not be as aware that there is a growing list of people, including many in the Congress who are becoming very critical of a policy destined to get us mired in a Central American quagmire if

we don't right ourselves soon. Not as many people will read how the Salvadoran Government is stonewalling in its investigation of the murders of the four American churchwomen and how I along with Senators Pell and Biden sent a letter to President Reagan last Friday to express our concerns about that. And the American people, who are being asked to tighten their belts in this era of fiscal austerity, will be less able to focus on the fact that the administration, despite austerity measures, has been able to dredge up \$25 million for foreign military aid even though it is not clear that the aid is needed or wanted by the government of El Salvador.

FLOW OF WEAPONS TO GUERRILLAS HAS SLOWED

Now the administration tells us that new intelligence reporting indicates that the flow of weapons to the guerrillas has slowed, and that the press has given entirely too much time to the Salvadoran issue anyway. Well, now I fear that thanks to the approach of the administration on El Salvador, the American public has been aroused about El Salvador and have many, many questions and concerns that are being reflected here by members of this committee today.

My first question, Mr. Chairman, is addressed to Mr. Stoessel and Mr. Bushnell.

In reading our chairman's comments, I noted that he indicated his support of the actions taken by the Government of El Salvador to implement social and economic changes. Our chairman believes such reforms are needed to bring about an equitable distribution of prosperity in that country, and that it is in the United States interest to support that process.

AGRARIAN REFORM, BANKING SYSTEM, EXPORT TRADE

Secretary Stoessel, in your statement you said that the Government of El Salvador, having promulgated already a far-reaching agrarian reform and changes in the banking system and export trade, moved the country closer to elections last week. The reforms which currently are being implemented by the junta, the government which we are supporting, are specifically: government control over the export of major crops, nationalization of banks, and the agrarian reform.

My question to you, Secretary Stoessel, and to Mr. Bushnell, is this: In view of your statement about the junta's actions with respect to these three areas and specifically with respect to the agrarian reform program, is it the Reagan administration's policy to endorse and embrace these types of reforms which were initiated during the period of the Carter administration?

Ambassador STOESEL. Senator, I would say these reforms obviously were initiated by the Salvadoran Government. They were supported by the previous administration, the Carter administration, and, yes, they are supported by the Reagan administration.

We feel that reforms of this kind address some of the root problems of the economic and social system of the country. There should be change. The Government in El Salvador recognizes this and is moving in that direction, and we support them in that.

Senator ZORINSKY. Thank you. In light of the fact that one of my colleagues, if not more, on this committee views such reforms as being socialist and even tending to be Marxist, I wanted to hear it from your throat that the Reagan administration is supporting these programs. And I especially wanted to hear it because one of the reasons some members of this committee sought the removal of our former Ambassador to El Salvador, Robert White, was his support of the agrarian reform package.

ADMINISTRATION SUPPORTS REFORMS

Mr. Secretary, we both know there are many internal differences within the State Department itself on this policy. I just wanted to make it clear today in this hearing that it is definitely the view and the policy of the Reagan administration to continue to support those reforms.

Ambassador STOESSEL. [Nods affirmatively.]

Senator ZORINSKY. There is another question I would like to ask. Through the El Salvador white paper and many other documents. The administration has made considerable number of revelations with respect to guerrilla training in other Latin American countries and the export of revolution into El Salvador. Many of the those revelations dealt specifically with Nicaragua.

GUERRILLA TRAINING IN NICARAGUA

There have been comments in the paper and, I think, through our intelligence bureaus that Nicaragua has provided, maybe not with the permission of its government, territory to be used for the training of guerrillas.

Is it your view, General Graves, that this is true, that Nicaragua has provided areas for guerrilla training or allowed some of its territory to be used for the export of revolution?

General GRAVES. There is evidence of such training in Nicaragua.

Senator ZORINSKY. Do we currently recognize the Government of Nicaragua, Secretary Stoessel? Do we have an ambassador and an embassy there? Do we have normal relations with that government?

Ambassador STOESSEL. Yes, we have an embassy and an ambassador in place.

- CUBANS TRAINING NICARAGUANS ON U.S. SOIL

Senator ZORINSKY. All of that having been affirmed by you gentlemen, how can the United States of America request a Nicaraguan Government to comply with the nonexport of revolution when in the Washington Post this past Sunday, there is a gigantic article about U.S. territory being used to foster revolution and terrorism in Nicaragua? According to the newspaper, Cubans are training Nicaraguan exiles, foremost among them Somozistas on U.S. soil.

It is indicated in the article that there are areas in California, Florida, and New Jersey that are currently being used. It is in violation of our U.S. law.

Mr. Chairman, I would like to present for the record articles from the New York Times and the Washington Post substantiating these allegations, together with the citations of our U.S. statutes which are violated by our allowance of terrorist training on U.S. soil.

How do we look when we violate our own laws and say, "Fine, fellas, that's great?" How do we look when there is a nice article in the Washington Post this week about camps down in Florida for the training of guerrillas to go back and take over a country that we recognize, a country that we have an ambassador assigned to?

Now, if we are going to export revolution to countries, then, at least, we ought to withdraw our ambassador and cease to recognize those countries. This is far different from our relationship with Cuba.

WAS ADMINISTRATION AWARE OF TRAINING

And so I would like to have your comment, Mr. Secretary. Were you aware that there was training going on, or were you aware there was an article in the Washington Post? Is the FBI looking into this matter currently with regard to prosecution and elimination of these activities?

Ambassador STOESEL. Senator, I did indeed read that article and was concerned about its implications. Obviously, this is nothing which the Government of the United States supports. And we would be most concerned at any evidence that there is actual export of arms or armed activity directed at overthrowing any government.

I am sure that we are following these activities closely and that if it can be proven that these activities are taking place and are directed toward such intervention abroad, that appropriate action would be taken to counter them.

Senator ZORINSKY. Well, when I ask for names and activities, I am told that is classified information. It can't be given. And here the Washington Post has names and locations, and you are saying, "if." It's happening. There are people. It's real—in fact, some of these people are bragging about the fact that our territory is being used for terrorist training.

VIOLATION OF U.S. LAW

Mr. MULLEN. Senator, let me add a little to that. If the group is training on private property and not using automatic weapons, they are not in violation of U.S. law. We have had cases and we made recent arrests of a group of six individuals who had put off in a boat for Cuba with explosives and weapons. We made arrests in that case.

When they take some sort of action to commit a criminal act in violation of our neutrality laws, we do investigate and we do take action.

Senator ZORINSKY. Are you telling me that if the Nicaraguans train guerrillas on private property in Nicaragua, then we have no case against them?

Mr. MULLEN. Did you say guerrillas training on Nicaragua? We would have no case against them.

Senator ZORINSKY. I mean would we have no case against their exporting revolution to El Salvador if their laws are similar to ours?

Mr. MULLEN. The FBI would have no case.

Senator ZORINSKY. I don't mean just the FBI. I am talking politically, morally. What is our right to give advice?

Mr. MULLEN. I understand your point, Senator. But we can only investigate violations of the law. We are not only concerned about the export of this revolution, we are concerned about some domestic groups doing the very same thing. Yes, sir, we are looking into it.

Senator ZORINSKY. Do you know for a fact that private property is involved in this case?

Mr. MULLEN. No, sir, in this particular article I do not know because I do not know where it occurred or who was involved.

Senator ZORINSKY. I see my time is up. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Zorinsky.
[The articles referred to follow:]

[From the New York Times, Mar. 17, 1981]

NICARAGUANS TRAIN IN FLORIDA AS GUERRILLAS

(By Jo Thomas)

MIAMI, March 16—Former members of the Nicaraguan National Guard are training openly alongside the Cuban exiles in camps in Florida, preparing, they say, for guerrilla attacks on the Sandinists in Nicaragua.

At least one such attack, the exiles say, has already been carried out from a base in Central America, and others are now in preparation.

Although the Cuban exile groups have a long history of such efforts—on April 17, it will be 20 years since the disastrous Bay of Pigs invasion—the training of Nicaraguan exiles is a new turn of events. At the same time, the Cuban groups have intensified their efforts.

Both groups, saying that they have been heartened by President Reagan's hard-line anti-Communist position, voice hope that, at the least, the United States Government will lend them moral support.

A separate Cuban group, Alpha 66, says it has carried out 30 sabotage missions inside Cuba in the last six months, including an explosion last week that killed six persons and knocked out the power in a hydroelectric plant in Regla, near Havana. The Cuban Government has not confirmed the nature of that blast.

FBI ARRESTS 7 FROM GROUP

Officials of the Federal Bureau of Investigation, which in January arrested seven members of Alpha 66 on a boat loaded with machineguns, rifles and explosives, said that they were continuing an investigation into possible violations of the Federal Neutrality Act. The act forbids conspiracies to injure or destroy the property of the government of a nation, with which the United States is not at war.

At the same time, sources at the Central Intelligence Agency say, there are still those within the agency who would like to see it work more closely with the exile groups, although there is as yet no specific proposal.

One of the most active training camps is called "Cuba." Administered by Jorge González, who is called "Bombillo"—light bulb—it lies in the brush and swamplands of Miami, just beyond new housing developments and a trash dump. Yesterday two teen-agers with semiautomatic rifles and walkie-talkies were guarding the front entrance.

Inside were about 60 men and a handful of women in camouflage uniforms. One group was listening to a lecture on cleaning weapons, other groups were drilling and two groups were on the firing range. Mr. González explained that most members of the paramilitary group, including José Infietta, a Vietnam veteran who is the top officer, were in a camp in Central America on a mission.

A man, who said he could be called "Frank" or "Ronald" and was wearing a Nicaraguan National Guard insignia on his beret, explained that all the Nicaraguans in the camp were former members of the National Guard.

TRAINING CAMPS IN UNITED STATES

The Nicaraguans, he said, have seven training camps, in the United States, Honduras, El Salvador, Costa Rica and South American countries that he declined to name. There are approximately 600 Nicaraguans training in the United States, he said.

"We'll fight the Communists with the same means they use—weapons," he said. "They don't use roses." He explained that the former guardsmen had managed to get out of the country with their weapons and were also obtaining arms from South American countries "which have identified with us."

When asked to name these countries, he said he could list only those who had lent moral support: Chile, Uruguay, El Salvador, Guatemala and Honduras.

"The hour of our return is approaching," he said, "but we can't say when."

Another Nicaraguan, wearing civilian clothes and identified as the commander, refused to give his name but spoke at great length with some eloquence. The former guardsmen, he said, do not intend to fight for the interests of the Somoza family or the right wing.

Their purpose, he said, is to "vindicate the rights of Nicaraguans who got rid of a dictatorial regime to get a democratic, representative regime. For this, so many fought and so many people died. And the people were deceived."

The Nicaraguans are a new addition to the camp, which began 18 months ago, according to Mr. González, 48 years old, who said that he was in Cuba during the failed Bay of Pigs invasion and subsequently escaped the country by taking asylum in the Venezuelan Embassy.

There are other guerrilla training camps in Tampa and Okeechobee, Fla., Mr. González said, adding that one is called "Libertad" and another called "Máximo Gómez," after the hero of the Cuban war of independence. There are also camps in New Jersey and in Los Angeles, he said. He refused to give the location of the camp in Central America but did say we've had some actions against the Sandinist Government from that camp.

"We don't want to break the law," he said, referring to the Neutrality Act. "When we understand we might do this, we go outside the country."

Mr. González said his group, mostly Cubans with a few Dominicans and Puerto Ricans, has made sporadic attacks on Cuba in past years, explaining that it was mostly a matter of keeping the rebellious spirit alive.

The exiles, he said, got a major lift from the manifestation of discontent among the 10,800 who sought refuge in the Peruvian Embassy last April and from the election of Ronald Reagan.

"We think that Reagan and the Cabinet are acting as others should have and did not, he said. "The others were weak before the enemy. These are putting respect in Fidel Castro and our common enemy, Russia."

Mr. González said his would-be guerrillas have had no conversations with the C.I.A. but would accept any help offered. "The principal aid we've received," he said, "has been the declarations of the President. It's not weapons we need, but freedom of action."

The wave of refugees from the Port of Mariel brought only a few recruits to the camp in south Florida, Mr. González said. Many of the refugees "are nervous and disoriented," he said.

Alpha 66, on the other hand, has actively recruited among the Mariel refugees and is now housing about 50 refugees to a building near the organization's Miami headquarters.

INFILTRATION AND SABOTAGE

In June 1980, the group announced its Máximo Gómez plan to infiltrate Cuba and commit acts of economic sabotage. Saboteurs, trained in explosives and armed to fight any Cuban ships that might detect them, have been taken to Cuba in small boats landed at night, and are expected to remain there.

For this purpose, said Andrés Nazario Sargen, Secretary General of Alpha 66, the Mariel refugees are ideal because "they know Cuba, and they can survive without being detected."

Roberto Campos, who was one of those who sought asylum in the Peruvian Embassy and left through Mariel, said he was a member of a group called "Rosa Blanca," which, with Alpha 66 and the Group of 52, took responsibility for the last

week's blast at the hydroelectric plant, which killed six persons, including Mr. Campos's brother.

Mr. Campos, 29, said he had served nine years in prison, starting at the age of 15, for committing acts of political sabotage.

He is now training with Alpha 66 and asserted: "I'm committed to fighting. Not only in Cuba—we're ready to go anywhere the United States sends us to destroy Communism."

[From the Washington Post, Mar. 15, 1981]

HOW LATIN GUERRILLAS TRAIN ON OUR SOIL

EXILES REHEARSE FOR THE DAY THEY HOPE WILL COME

(By Eddie Adams)

I could hardly believe my eyes when the two men who came to call for me at the Holiday Inn in Coral Gables, Fla., walked into the lobby wearing U.S. Army-type camouflage uniforms with bayonets and canteens strapped around their waists. They were there to take me to a nearby military camp where Cuban and Nicaraguan exiles are training and practicing to invade their former homelands in a supreme effort to overthrow the leftist regimes that rule them.

Until I encountered my two guides, I had no idea of how openly and extensively these displaced Latins are operating throughout southern Florida, including Miami, the Everglades and the Keys. Some of them use code names, like Condor and Bombillo (Spanish for light bulb), but most make no attempt to conceal their identities—or their purpose. They are determined to liberate their homelands from the Castro regime in Cuba and the Sandinista junta in Nicaragua—or die in the process.

The Nicaraguans are a new element in the invasion-plan picture. Since the replacement of the dictatorial Somoza regime by what they regard as an equally repressive regime of the left, they have swelled the ranks of the anti-Castro Cubans already undergoing training camps in Florida flies a trio of flags at its inner gates—American, Cuban and Nicaraguan.

Says José Francisco Cardenal, who used to be vice president of the Council of State in Nicaragua but is now among the refugees: "In the beginning, 95 percent of my people were for the revolution, but now the reverse is true."

Right now, there are at least 10 paramilitary organizations composed of Cuban and Nicaraguan exiles operating in Florida. Some of them advertise for recruits over Spanish-language Miami radio stations and speak freely about their aims. "We Nicaraguans are back-to-back with Cuba," says Max Vargas. "They confiscated my family's trucking company," he adds bitterly. "I was successful. I made money, a million dollars a month. They told me the people would own the company, but now only the government owns everything. I want Nicaragua to be the way I remember it. We're training people not only here in Florida, but in Guatemala, Honduras, El Salvador and Costa Rica. We have training camps in California, too."

At the camps, the prospective invaders work vigorously at their maneuvers and preparations. The newest base to open is a 68-acre flatland surrounded by 6-foot-high elephant grass and workmen building a new housing development. This guerrilla "boot camp" is about 20 minutes by car from Miami's International Airport. Some of the recruits working out there have enough of an income to enjoy the Miami Beach resorts. Instead, they spend every weekend clad in fatigues, firing automatic weapons or running the obstacle course.

Security is tight at camps like this. Visitors are scrupulously checked out. The guerrillas say they're armed to the teeth with an arsenal of weapons that even includes amphibious assault boats. But they won't say who supplies them. Many members of the groups are U.S. citizens whose pasts are tied to Latin America. Some have families still there.

Alberto Martinez-Echenique, a Bay of Pigs veteran, works for a construction company by day; at night and on weekends, he serves as an officer in the junta Patriótica Cubana, an organization of 206 satellite groups throughout the world. "We have daily contact with the people of Cuba," he says: "The people don't want Castro anymore. They are just waiting for the moment to strike, and that moment is very near."

George Gonzales, a 48-year-old Miami florist whose code name is Bombillo, predicts that "something big will happen inside Cuba this year." Bombillo is leader of one of the larger paramilitary groups, called CUBA. He was a member of Castro's

100,000-man army during the Bay of Pigs invasion, in 1961, he deserted Castro and emigrated to the U.S. to start his battle against communism.

Bombillo's activities in the U.S. have cost him four years behind bars. He spent that time in a federal prison in Atlanta for blowing up 11 commercial ships that were trading with Havana.

"I did \$7. million worth of damage," says Bombillo. "Four years of my life was worth it."

The outspoken CUBA leader has no illusions about the eventual invasions. "We'll get killed on the beaches, face a firing squad or have freedom for our people," he says. "It's pretty much a one-way ticket."

Bombillo also is aware that he and his men face possible problems from within. Nearly a year has passed since the "Freedom Flotilla" began transporting 125,000 Cubans from Mariel to Key West. Many of these have joined the paramilitary units, with most going to the group called Alpha 66. Bombillo doesn't think so highly of them. "I have three in my ranks who are Castro agents," he explains. "We know who they are, but they don't know we've detected them. We will use them to our advantage."

Another possible problem is rivalry between groups. The various units have been holding secret meetings with the objective of uniting. Said one of the guerrillas, clad in his battle fatigues, "One of our biggest problems is: Who will be the leader?"

The exiles insist that they don't want direct U.S. intervention. They're not expecting the U.S. Marines or the 101st Airborne to support their liberation mission. But they say they would like a "green light" and possibly some hardware to help them do "the dirty work."

How much U.S. assistance they may actually receive, however, remains problematical. Said one State Department spokesman when asked to comment:

"The new Administration is not going to turn back the clock 21 years in Cuba or 17 months in Nicaragua and support any exile groups. It's illegal. It's a breach of international law. It's also stupid."

Nevertheless, the prospective invaders persist in regarding Ronald Reagan as their possible savior because they think, he is unafraid of armed confrontation.

"With Carter, we knew we couldn't do anything inside Cuba," sums up Bombillo. "Now, maybe. This nation will be saved with the help of God and Reagan."

[From title 18, United States Statutes]

§ 922. Unlawful acts

(a) It shall be unlawful—

(1) for any person, except a licensed importer, licensed manufacturer, or licensed dealer, to engage in the business of importing, manufacturing, or dealing in firearms or ammunition, or in the course of such business to ship, transport, or receive any firearm or ammunition in interstate or foreign commerce;

(2) for any importer, manufacturer, dealer, or collector licensed under the provisions of this chapter to ship or transport in interstate or foreign commerce any firearm or ammunition to any person other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, except that—

(A) this paragraph and subsection (b)(3) shall not be held to preclude a licensed importer, licensed manufacturer, licensed dealer, or licensed collector from returning a firearm or replacement firearm of the same kind and type to a person from whom it was received; and this paragraph shall not be held to preclude an individual from mailing a firearm owned in compliance with Federal, State, and local law to a licensed importer, licensed manufacturer, or licensed dealer for the sole purpose of repair or customizing;

(B) this paragraph shall not be held to preclude a licensed importer, licensed manufacturer, or licensed dealer from depositing a firearm for conveyance in the mails to any officer, employee, agent, or watchman who, pursuant to the provisions of section 1715 of this title, is eligible to receive through the mails pistols, revolvers, and other firearms capable of being concealed on the person, for use in connection with his official duty; and

(C) nothing in this paragraph shall be construed as applying in any manner in the District of Columbia, the Commonwealth of Puerto Rico, or any possession of the United States differently than it would apply if the District of Columbia, the Commonwealth of Puerto Rico, or the possession were in fact a State of the United States;

(3) for any person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector to transport into or receive in the State

where he resides (or if the person is a corporation or other business entity, the State where it maintains a place of business) any firearm purchased or otherwise obtained by such person outside that State, except that this paragraph (A) shall not preclude any person who lawfully acquires a firearm by bequest or intestate succession in a State other than his State of residence from transporting the firearm into or receiving it in that State, if it is lawful for such person to purchase or possess such firearm in that State, (B) shall not apply to the transportation or receipt of a rifle or shotgun obtained in conformity with the provisions of subsection (b)(3) of this section, and (C) shall not apply to the transportation of any firearm acquired in any State prior to the effective date of this chapter;

(4) for any person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, to transport in interstate or foreign commerce any destructive device, machinegun (as defined in section 5845 of the Internal Revenue Code of 1954), short-barreled shotgun, or short-barreled rifle, except as specifically authorized by the Secretary consistent with public safety and necessity;

(5) for any person (other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector) to transfer, sell, trade, give, transport, or deliver any firearm to any person (other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector) who the transferor knows or has reasonable cause to believe resides in any State other than that in which the transferor resides (or other than that in which its place of business is located if the transferor is a corporation or other business entity); except that this paragraph shall not apply to (A) the transfer, transportation, or delivery of a firearm made to carry out a bequest of a firearm to, or an acquisition by intestate succession of a firearm by, a person who is permitted to acquire or possess a firearm under the laws of the State of his residence, and (B) the loan or rental of a firearm to any person for temporary use for lawful sporting purposes; and

(6) for any person in connection with the acquisition or attempted acquisition of any firearm or ammunition from a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, knowingly to make any false or fictitious oral or written statement or to furnish or exhibit any false, fictitious, or misrepresented identification, intended or likely to deceive such importer, manufacturer, dealer, or collector with respect to any fact material to the lawfulness of the sale or other disposition of such firearm or ammunition under the provisions of this chapter.

(b) It shall be unlawful for any licensed importer, licensed manufacturer, licensed dealer, or licensed collector to sell or deliver—

(1) any firearm or ammunition to any individual who the licensee knows or has reasonable cause to believe is less than eighteen years of age, and, if the firearm, or ammunition is other than a shotgun or rifle, or ammunition for a shotgun or rifle, to any individual who the licensee knows or has reasonable cause to believe is less than twenty-one years of age.

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(h) It shall be unlawful for any person—

(1) who is under indictment for, or who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;

(2) who is a fugitive from justice;

(3) who is an unlawful user of or addicted to marihuana or any depressant or stimulant drug (as defined in section 201(v) of the Federal Food, Drug, and Cosmetic Act) or narcotic drug (as defined in section 4731(a) of the Internal Revenue Code of 1954); or

(4) who has been adjudicated as a mental defective or who has been committed to any mental institution;

to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

(i) It shall be unlawful for any person to transport or ship in interstate or foreign commerce, any stolen firearm or stolen ammunition, knowing or having reasonable cause to believe that the firearm or ammunition was stolen.

(j) It shall be unlawful for any person to receive, conceal, store, barter, sell, or dispose of any stolen firearm or stolen ammunition, or pledge or accept as security for a loan any stolen firearm or stolen ammunition, which is moving as, which is a part of, or which constitutes, interstate or foreign commerce, knowing or having reasonable cause to believe that the firearm or ammunition was stolen.

(k) It shall be unlawful for any person knowingly to transport, ship, or receive, in interstate or foreign commerce, any firearm which has had the importer's or manufacturer's serial number removed, obliterated, or altered.

(l) Except as provided in section 925(d) of this chapter, it shall be unlawful for any person knowingly to import or bring into the United States or any possession thereof any firearm or ammunition; and it shall be unlawful for any person knowingly to receive any firearm or ammunition which has been imported or brought into the United States or any possession thereof in violation of the provisions of this chapter.

* * * * *

§ 956. Conspiracy to injure property of foreign government

(a) If two or more persons within the jurisdiction of the United States conspire to injure or destroy specific property situated within a foreign country and belonging to a foreign government or to any political subdivision thereof with which the United States is at peace, or any railroad, canal, bridge, or other public utility so situated, and if one or more such persons commits an act within the jurisdiction of the United States to effect the object of the conspiracy, each of the parties to the conspiracy shall be fined not more than \$5,000 or imprisoned not more than three years, or both.

(b) Any indictment or information under this section shall describe the specific property which it was the object of the conspiracy to injure or destroy.

June 25, 1948, c. 645, 62 Stat. 744.

HISTORICAL AND REVISION NOTES

Reviser's Note. Based on section 234 of Title 22, U.S.C., 1940 ed., Foreign Relations and Intercourse (June 15, 1917, c. 10, Title VIII, § 5, 40 Stat. 226).

Canal Zone. Applicability of section to Canal Zone, see section 14 of this title.

CROSS REFERENCES

Jurisdiction of offenses, see section 3241 of this title.

Letters, writings, etc., in violation of this section as nonmailable, see section 1717 of this title.

* * * * *

§ 960. Expedition against friendly nation

Whoever, within the United States, knowingly begins or sets on foot or provides or prepares a means for or furnishes the money for, or takes part in, any military or naval expedition or enterprise to be carried on from thence against the territory or dominion of any foreign prince or state, or of any colony, district, or people with whom the United States is at peace, shall be fined not more than \$3,000 or imprisoned not more than three years, or both.

June 25, 1948, c. 645, 62 Stat. 745.

HISTORICAL AND REVISION NOTES

Reviser's Note. Based on Title 18, U.S.C., 1940 ed., § 25 (Mar. 4, 1909, c. 321, § 13, 35 Stat. 1090; June 15, 1917, c. 30, Title V, § 8, 40 Stat. 223).

Words "within the United States" were substituted for "within the jurisdiction" etc., in view of the definition of United States in section 5 of this title.

Reference to territory or possessions of the United States was omitted as covered by definitive section 5 of this title.

Canal Zone. Applicability of section to Canal Zone, see section 14 of this title.

CROSS REFERENCES

Foreign transients, application of section to, see section 959 of this title.

Jurisdiction of offenses, see section 3241 of this title.

Letters, writings, etc., in violation of this section as nonmailable, see section 1717 of this title.

§ 401. Illegal exportation of war materials

SEIZURE AND FORFEITURE OF MATERIALS AND CARRIERS

(a) Whenever an attempt is made to export or ship from or take out of the United States any arms or munitions of war or other articles in violation of law, or whenever it is known or there shall be probable cause to believe that any arms or munitions of war or other articles are intended to be or are being or have been exported or removed from the United States in violation of law, the Secretary of the Treasury, or any person duly authorized for the purpose by the President, may seize and detain such arms or munitions of war or other articles and may seize and detain any vessel, vehicle, or aircraft containing the same or which has been or is being used in exporting or attempting to export such arms or munitions of war or other articles. All arms or munitions of war and other articles, vessels, vehicles, and aircraft seized pursuant to this subsection shall be forfeited.

APPLICABILITY OF LAWS RELATING TO SEIZURE, FORFEITURE, AND CONDEMNATION

(b) All provisions of law relating to seizure, summary and judicial forfeiture and condemnation for violation of the customs laws, the disposition of the property forfeited or condemned or the proceeds from the sale thereof; the remission or mitigation of such forfeitures; and the compromise of claims and the award of compensation to informers in respect of such forfeitures shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this section, insofar as applicable and not inconsistent with the provisions hereof. Awards of compensation to informers under this section may be paid only out of funds specifically appropriated therefor.

DISPOSITION OF FORFEITED MATERIALS

(c) Arms and munitions of war forfeited under subsection (b) of this section shall be delivered to the Secretary of Defense for such use or disposition as he may deem in the public interest, or, in the event that the Secretary of Defense refuses to accept such arms and munitions of war, they shall be sold or otherwise disposed of as prescribed under existing law in the case of forfeitures for violation of the customs laws.

June 15, 1917, c. 30, Title VI, § 1, 40 Stat. 223; June 17, 1930, c. 497, Title IV, § 523, 46 Stat. 740; Aug. 13, 1953, c. 434, § 1, 67 Stat. 577.

HISTORICAL NOTE

References in Text. The customs laws, referred to in subsecs. (b) and (c), are classified generally to Title 19, Customs Duties.

1953 Amendment. Act Aug. 13, 1953 provided not only seizure and forfeiture of articles or merchandise which are being, or are intended to be illegally exported, and the vehicle, vessel or aircraft in which exportation is intended to be accomplished, but also for the seizure and forfeiture of articles or merchandise actually illegally exported and the carrier used to effectuate the exportation, provided for applicability of laws relating to seizure, summary and judicial forfeiture and condemnation, and provided for the disposition of seized materials.

1930 Amendment. Act June 17, 1930 substituted "comptrollers of customs" for "Naval officers of customs".

Legislative History. For legislative history and purpose of Act Aug. 13, 1953, see 1953 U.S. Code Cong. and Adm. News, p. 2386.

§ 231. Civil disorders

(a)(1) Whoever teaches or demonstrates to any other person the use, application, or making of any firearm or explosive or incendiary device, or technique capable of causing injury or death to persons, knowing or having reason to know or intending that the same will be unlawfully employed for use in, or in furtherance of, a civil disorder which may in any way or degree obstruct, delay, or adversely affect commerce or the movement of any article or commodities in commerce or the conduct or performance of any federally protected function; or

(2) Whoever transports or manufactures for transportation in commerce any firearm, or explosive or incendiary device, knowing in commerce any firearm, or

explosive or incendiary device, knowing or having reason to know or intending that the same will be used unlawfully in furtherance of a civil disorder; or

(3) Whoever commits or attempts to commit any act to obstruct, impede, or interfere with any firearm or law enforcement officer lawfully engaged in the lawful performance of his official duties incident to and during the commission or a civil disorder which in any way or degree obstructs, delays, or adversely affects commerce or the movement of any article or commodity in commerce or the conduct or performance of any federally protected function—

Shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

(b) Nothing contained in this section shall make unlawful any act of any law enforcement officer which is performed in the lawful performance of his official duties.

Added Pub. L. 90-284, Title X, § 1002(a), Apr. 11, 1968, 82 Stat. 90.

HISTORICAL NOTE

Short Title. Section 1001 of Pub. L. 90-284 provided that: "This title [which enacted this chapter] may be cited as the 'Civil Obedience Act of 1968'."

Legislative History. For legislative history and purpose of Pub. L. 90-284, see 1968 U.S. Code Cong. and Adm. News, p. 1837.

§ 232. Definitions

For purposes of this chapter:

(1) The term "civil disorder" means any public disturbance involving acts of violence by assemblages of three or more persons, which causes an immediate danger of or results in damage or injury to the property or person of any other individual.

(2) The term "commerce" means commerce (A) between any State of the District of Columbia and any place outside thereof; (B) between points within any State or the District of Columbia, but through any place outside thereof; or (C) wholly within the District of Columbia.

(3) The term "federally protected function" means any function, operation, or action carried out, under the laws of the United States, by any department, agency, or instrumentality of the United States or by any officer or employee thereof; and such term shall specifically include, but not be limited to, the collection and distribution of the United States mails.

(4) The term "firearm" means any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive; or the frame or receiver of any such weapon.

(5) The term "explosive or incendiary device" means (A) dynamite and all other forms of high explosives, (B) any explosive bomb, grenade, missile, or similar device, and (C) any incendiary bomb or grenade, fire bomb, or similar device, including any device which (i) consists of or includes a breakable container including a flammable liquid or compound, and a wick composed of any material which, when ignited, is capable of igniting such flammable liquid or compound, and (ii) can be carried or thrown by one individual acting alone.

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The CHAIRMAN. Senator Tsongas.

Senator TSONGAS. Thank you, Mr. Chairman.

Mr. Secretary, the session that we had earlier suggested that much of the training of the Salvadorans that was going on conducted by our people could be done in the United States. Is that still the case?

MORE PRACTICAL TO DO TRAINING IN EL SALVADOR

General GRAVES. If I may address that question, Senator. If you look at the scope of the training, the type of the training and the number of people involved, all of these would say that it is much more practical and effective to do the training in El Salvador than to move large numbers of people from El Salvador to the United States to do this training.

Some of the training, which I would characterize as on-the-job training, clearly would not be practical to do in the United States.

For example, the Navy team that is down there helping the El Salvadorans with the maintenance of their patrol boats, it wouldn't be practical to move those boats to the United States.

MILITARY ADVISERS SUBJECT TO VIOLENCE

Senator TSONGAS. Does the Pentagon agree that the military advisers there are subject to the violence of the right- and left-wing terrorists?

General GRAVES. I would say that the military advisers there are subject to the same terrorism that our embassy people there are subject to.

Senator TSONGAS. So the answer is "Yes"?

General GRAVES. The same level of violence that all the other American personnel in El Salvador are subject to.

Senator TSONGAS. Well, if we are concerned about our own personnel, would that not dictate that even though it may not be the most practical that we have the training conducted in the United States or outside of El Salvador as much as possible.

General GRAVES. Well, I think our concern is the pursuit of a policy which will help El Salvador to have a secure situation so that El Salvador can reach its economic and political goals. I believe that the decisions made to have people go there to do the training is based on the fact that we think this is the best and most effective way to get the job done.

ARMED SERVICES PERSONNEL EXPECT DANGERS IN CAREER

And I will go further. I think the people that join the armed services expect that there would be some danger in their careers.

Senator TSONGAS. Did Secretary Weinberger recommend the sending of advisers?

General GRAVES. Yes, he did.

Senator TSONGAS. That was his recommendation to the President?

General GRAVES. He joined with Secretary Haig. Now, they were concerned about the safety of these men. And I would say that we have gone to every length possible in terms of the way in which they will conduct their activities, the places in which they will conduct their activities and provide for their safety.

WHICH NATIONS ENDORSE SENDING OUR MILITARY ADVISERS

Senator TSONGAS. Can you tell me which nations have specifically endorsed our sending of military advisers into El Salvador?

Mr. BUSHNELL. Senator, I think we would have to look to see where there are public statements endorsing this particular aspect. A number of nations have endorsed our general program, which includes economic assistance and military assistance, including trainers.

I take your question to be whether they have said something publicly that they endorse the sending of the trainers. I think the neighboring countries of Guatemala and Honduras have endorsed that, as well, of course, as the Government of El Salvador itself.

But we would have to do a little research to find out whether other countries have dealt with this particular point publicly.