

THE WHITE HOUSE

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MEMORANDUM TO MEMBERS AND GUESTS OF THE WHITE HOUSE OUTREACH
WORKING GROUP ON CENTRAL AMERICA

FROM: FAITH RYAN WHITTLESEY *FRW*
ASSISTANT TO THE PRESIDENT FOR PUBLIC LIAISON

SUBJECT: Material on Central America

Enclosed are the transcripts of 2 superb presentations delivered recently before the White House Outreach Working Group on Central America.

Professor John Norton Moore's paper on the "Legal Issues in the Central American Conflict" addresses four major concerns: (1) the applicable structure of international law necessary for understanding the legality of U.S. actions in Central America; (2) the factual setting legally relevant in Central America; (3) the application of the legal structure to the facts, and (4) the threat to the international legal system presented by a "pervasive double standard." Professor Moore's conclusions raise some unavoidable questions for the World Court which recently decided to accept jurisdiction in the case of Nicaragua v. United States.

The remarks by His Excellency Roman Arietta, Archbishop of San Jose and President of the Secretariat of the Central American Conference of Bishops constitute a thorough rebuff of the Marxist-Leninist Sandinista regime in Nicaragua. This concise and unambiguous statement cannot be ignored by those who truly want the best for the people of Nicaragua.

SPEECH BY ARCHBISHOP ROMAN ARIETTA OF SAN JOSE, COSTA RICA
AND PRESIDENT OF THE SECRETARIAT OF THE
CENTRAL AMERICAN CONFERENCE OF BISHOPS BEFORE THE
WHITE HOUSE OUTREACH WORKING GROUP ON CENTRAL AMERICA

on October 17, 1984

FAITH RYAN WHITTLESEY:

As many of you know, one of the most difficult issues that the supporters of the Marxist-Leninist Sandinista dictatorship have had to deal with is the growing opposition of the Roman Catholic Church. We have made the point here many times before, but it is worth repeating: the Roman Catholic hierarchy in Nicaragua supported the Sandinista revolution in 1979 when it was a broad-based, popular revolution based on ideals consistent with the values of Christianity.

Five years later, the ideals of that revolution have been shattered. The ideals for which the people of Nicaragua fought in that revolution have been stolen by the Marxist-Leninist leaders of the Sandinista party. The nine Comandantes have attacked the Catholic Church, most Protestant churches and have forced virtually the entire Jewish population of Nicaragua into exile.

They have censored the sole independent newspaper, often using the censorship power to prevent the publication of statements from church leaders. The Sandinistas even delayed the publication of a pastoral letter from the Pope.

Many commentators in the United States have tried to portray the current dispute between the Sandinistas and the Catholic Church as merely a disagreement between the Sandinistas and the Church hierarchy, leaving the impression that lower level clergy support the Sandinista government. This is deliberately misleading and inaccurate. The most recent examples of repression by the Sandinistas have been directed not against the hierarchy, but against the parish priests.

In July of this year, to cite one example, Father Luis Amado Pena was arrested after a transparent frame-up attempt by the Sandinista secret police. After marching in a peaceful demonstration in support of Father Pena, ten Catholic priests were expelled from Nicaragua.

If the Sandinistas' problems are merely with the bishops, then why are they expelling and persecuting lower level priests? The fact is that the Sandinistas find any churchman who decides

to follow God rather than man to be dangerous to their plans for an Eastern European style totalitarian state in Nicaragua.

After leaving Nicaragua, the ten priests, who were expelled by the Sandinistas for refusing to bow to the Marxist-Leninist comandantes, went to neighboring Costa Rica and there seven of the ten celebrated a Mass with our first speaker of this afternoon, His Excellency Archbishop Roman Arietta.

Archbishop Arietta came to this complex today to meet with the President of the United States. The meeting was a deeply moving one for the President. It lasted nearly one half of an hour, and I know that the President was deeply affected by the message which the Archbishop carried to the President of the United States.

We are so pleased that he is with us today. He has a distinguished background in the Church. He presently serves as Archbishop of San Jose in Costa Rica, and is also the President of the Secretariat of Catholic Bishops in Central America. Archbishop Arietta studied at the Central Seminary in San Jose and was ordained a priest in 1948.

He was immediately assigned to pastoral work in the Archdiocese of San Jose. In 1950 he came to the United States and studied at the Catholic University of America here in Washington where he earned his Master's degree in Education in 1952.

As you will hear very soon, he speaks fluent and very eloquent English. As a matter of fact, the President of United States Catholic Conference Bishop Malone was a classmate of Archbishop Arietta at Catholic University. On his return to Costa Rica, Archbishop Arietta founded the Revista Catolica and was appointed the Director of Religious Education with responsibility for missionary activity.

He was promoted to bishop by Pope Paul IV in 1961. In July, 1979, he was appointed the fifth Metropolitan Archbishop of San Jose. Archbishop Arietta served as the Secretary for the Secretariat of Catholic Bishops of Central America for two consecutive terms. He is now the President of the Secretariat and in that capacity represents the bishops of the entire Central American region.

Archbishop Arietta attended all three World Synods of Bishops and within the Latin America structure of the church and he has been the Vice President of the Latin American Conference of Catholic Bishops. It is a real privilege to present to you and a great pleasure, our distinguished guest, His Excellency Archbishop Arietta. (APPLAUSE)

ARCHBISHOP ARIETTA:

Ladies and Gentlemen, I do thank very much her excellency when she said that I speak fluent English when I think that after so many years of being away from my Alma Mater, Catholic University of America. Perhaps it's beginning to fade, but it's coming out now that I am here in the United States.

It is a great privilege for me to have come to the White House by invitation of his excellency the President of the United States and really my conversation with him dealt with important topics of concern with the social and ecclesiastical situation, if I may say so, prevailing in Central America.

There are many aspects, many topics of which I could address you and I am going to try to be very precise on some of the most important ones. In the first place, I would like to tell you something in regard to a situation in our neighboring country, Nicaragua. I am saying in a very clear way that I have great fears with regard to what is happening and what will happen in the future to us Costa Ricans, to our much beloved country.

The reasons for my fears are the following: In the first place, all the nine commanders, not in one occasion but in many instances, have declared themselves to be Marxist-Leninist, so this is something very important to take into consideration. Because if they are consistent with their ideology we have to understand that we are notified that they will do everything in their power in order to establish a Marxist-Leninist government in Nicaragua. For me this is logical for it would be very strange that being Marxist-Leninist they would adhere to what we adhere to from the very bottom of our hearts: Democracy.

Also because they are moving in that direction. For instance, the efforts of the so-called campaign on literacy, it was more an indoctrination of the people. Perhaps you have had the opportunity to look at some of the leaflets and some of the books that they use for this literacy campaign. The idea of the campaign would deserve all the approval of all the Nicaraguans because we know that education is one of the most important fundamentals of any authentic development.

But then their first enthusiasm caved into resolution when they realized that instead of a campaign to bring literacy to the people, they were using the campaign as a pretext for political indoctrination of the children and the youth. Then with regard to the Church, as her excellency the Ambassador said [Mrs. Whittlesey], we have much evidence of open persecution, not only to the members of the Catholic Church, but also to members of different religions, and the last one was the expulsion of ten priests to Costa Rica, and some of them had not even participated in the peaceful demonstration backing Father Pena.

I know very well, you see, because I have spoken to the bishops of Nicaragua, that that which they were accusing Father Pena and was completely false. It was a mounted show, if I may say so, and for that reason the bishops of the hierarchy of Nicaragua and Father Pena himself never could accept such terrible accusations.

But the response of the government of the Sandinistas to that very peaceful demonstration was to the very same day expel to Costa Rica the very best priests serving in the Archdiocese of Managua. When I knew the sad news, I immediately went personally to the airport to greet them and to show them my solidarity and the solidarity of the Church of Costa Rica and at the same time I consented to celebrate with them a Mass and there I helped to make it clear to Costa Rica and to the world that we have been notified, not in one occasion but in several opportunities, that in Nicaragua it was being established a totalitarian regime and that to think otherwise would be to assume a simple, naive position. So we are very much concerned with what is happening there.

Personally, I have no doubts that they are moving in the direction to establish a Marxist-Leninist regime in Nicaragua and, of course, that causes a greater concern especially to us neighboring countries, especially to Costa Rica because we have 330 kilometers of border with Nicaragua and at every moment they are accusing Costa Rica of interfering or backing people that try to undermine them. This isn't true because as you know very well, our President Monge on the 19th of November promulgated what we called the Doctrine of Neutrality which said that we are neutral with regard to every military conflict in the area.

In the first place because we have no army and therefore it would be crazy, it would make no sense to interfere in any military conflicts. Nevertheless, all the time we are accused of military intervention and recently Mr. [Daniel] Ortega [Coordinator of the Sandinista junta] said, when he spoke at the United Nations, again that the United States was planning to invade, it seems the 15th of October to Nicaragua from Costa Rica and from Honduras.

I can tell you because I am a Costa Rican and I follow with great attention all the events in my country that that is a plain lie. I hope when our chancellor comes to speak at the United Nations, they will have it rejected. So this is one point I wanted to mention.

We are very much concerned with what is happening in Nicaragua. We love the people of Nicaragua. They are wonderful people and we wish from the bottom of our hearts that a true democracy be established that was our inspiration at the time when the overthrowing of Somoza took place. We thought that the Nicaraguans were going to breathe the air of freedom, of liberty,

but unfortunately a new totalitarian regime is being established there.

With regard to Nicaragua we could talk some time more but now with regard to Contadora because it has a direct relation with what I am talking about in Nicaragua as well as all the countries of Central America. We think that the Contadora countries, Mexico, Colombia, Venezuela, and Panama, that they deserve the gratitude for the entire human family because they are making many efforts in order to search for the political solutions for the problems that we are facing in Central America.

On the other hand, that is what I hear in Central America from all the countries that the Contadora proposals are good, are acceptable. But, at the same time we have great fears that these Contadora norms could not be respected and I name Nicaragua. So we think that it is essential that guarantees be found and that they form part of the treaty to be signed in order to grant implementation and verification of Contadora.

Because if those guarantees that form the implementation and verification of Contadora would not exist, we feel very much that this would be a document that would not be fulfilled and then the situation could become even worse than it is today. That is my reaction with regard to the important issue of Contadora; acceptable but essential to have enough guarantees for implementation and verification of that document.

Now I would like to say a few hopeful words with regard to what is happening now in El Salvador. I think it's great, what is happening there. I know President Duarte personally and I am sure that he really wants a peaceful solution to the problems of El Salvador. At the same time I can tell you that being in Costa Rica, a peaceful country where everyone from different tendencies they come and go all the time, that sometimes outstanding members of the guerrilla, the political branch of the guerrilla people, have spoken to me and they have said, and I think in a sincere way, that they want to arrive at a peaceful solution for the problems of El Salvador.

So it means that both the government and the guerrilla have the same desire: to search and to find a political solution. And here I want to underline the importance of the presence of the Catholic Church. Archbishop Arturo Rivera y Damas inspires confidence. He is trusted by both the government of El Salvador and by the guerrilla people. And I personally think that being it so, that he has been accepted, that they both have requested his presence and the presence of the Church during this period of dialogue, that is going to mean a great contribution to the final establishment of a peaceful situation in El Salvador through dialogue, through political negotiation.

But I do realize, I am very realistic, that it may take some time because there are many difficulties in the way that must be

met, problems that must be solved. But if both parties have a common intention to try and solve the problem, without fighting, and searching for solving the problems through dialogue that means a great hope not only, and this is important, not only for El Salvador but I think that the reparation of the problems of El Salvador are going to effect, in a very positive way, all the rest of Central America and will contribute to following that example to peaceful solutions in other nations.

This would be my introduction to these difficult problems that we are facing. One thing I want to add, and that is it is very encouraging for me to listen to Mr. Reagan, the President of the United States. His sincere desire, and not only desire but all the things that he has done and he will continue to do, to strengthen justice, peace, freedom and democratic peaceful solutions in the area.

And really, I do thank him for what he has done and for what he is ready to do, because I fully understand that the support of the United States in the direction of searching for justice, freedom, peace, democracy and dialogue, is going to mean a wonderful contribution to the peaceful settlements of those problems that we are suffering from today in that tormented area of the world which is Central America. Thank you very much.
(APPLAUSE)

QUESTIONS:

PHIL NICOLAIDES-ACCURACY IN MEDIA

Your Excellency, I believe it was early in the 19th century that the Holy Father condemned communism, atheistic communism and Pope Pius XII said that any Catholic participating or cooperating with the Communists is ipso-facto excommunicated. Why are not Catholic priests so called, who are part of the Nicaragua Communist junta, why are they not publically excommunicated?

ARCHBISHOP ARIETTA:

Well, what you say is completely true. In those times that was the position of the Church now with regard to communism.

With regard to Marxism, the Church continues to say that it is unacceptable for us Christians and concretely based members of the Catholic church. Because they are completely incompatible because they adhere to the historical and dialectical materialism.

Therefore it is impossible that we, who believe in God, that we, who believe in the utmost importance of the spiritual values, could endorse directly or indirectly those who favor atheism, dialectical and historical materialism. On the other hand, the policy you have to take into consideration, the Church wants to add in a motherly way, so today not only with regard to communist

but with regard to other prohibited organizations where the Church maintaining, and this is the important thing, the clear affirmation that they are completely unacceptable to a Catholic. As a mother tries to, I follow with the example of Jesus Christ, who tries to convert them, to bring them back to the Church and it means that they will have to give up those ideas.

Now with regard to the priests who are now ministers in the Nicaraguan government, I made a very strong statement on the occasion when Daniel Ortega said, "In what country of the world are public affairs, foreign affairs, culture, and education are directed by Catholic priests?, and they say that we have religious persecution in Nicaragua." I objected immediately to that with a very strong statement because in the first place, that is a half-truth and we know that it is true that they are priests but it is a half-truth and that a half-truth is the worst of the lies, and I said so.

Then in the second place, I told them that the world should be notified that many times the Holy See and the Episcopal Conference of Nicaragua have denied, consistently denied, permission to those priests to form part of, as ministers, any other important position in the Nicaraguan government.

So that if they were there, they were there not with the acceptance or permission of the Church, their true pastors, the bishops, or religious superiors. So the Nicaraguan government never asked permission of the bishops and they had to do that, therefore they were not at all representing the Catholic church.

An act of disobedience through the legitimate pastors cannot give the right to the government to say that they are acting as members of the Church because the heart of the bishops was aching because of their disobedience. And if anyone would say that those priests have done that because they want to compromise themselves with the cause of the poor and the needy I told them they have to remember that the day they freely accepted the priestly ordination in order to consecrate their life to God and to their fellow man, especially the poor and the needy, as priest of the Catholic church and they have and they will have ample space within the Catholic Church to bring about or to exert this compromise for the poor and for the needy.

So personally I tell you this in a very firm way I hope and pray that soon the Church will make a clear statement saying that they either return to Church and exert their ministry as priests of the Catholic church or that they are out of the service of the Catholic church as priests. This is of the utmost importance because the Central American people, 22 million people, and most of them are Catholic. They seriously scandalize because of the situation. This is what I can say with regard to the priests working as ministers in the Nicaraguan government.

DONALD BARACUS:

Some people up here have been saying that the conditions have existed all along for this peaceful negotiation. And to refer to you, you said that both sides in El Salvador there was a desire to reach peace. Do you feel that is true, and if so why and if not, why not?

ARCHBISHOP ARIETTA:

I feel it's true that both are sincere for one reason. A long time ago Archbishop Rivera y Damas told not only me but a gathering of bishops that he was firmly convinced that a military victory either of the governmental army or the guerrilla was going to be very difficult. And now they have arrived to the conclusion that our Bishop Rivera is right. For that reason I think that they are sincere in that way that they realize it's going to be very difficult for the guerrilla people to obtain a victory in that military confrontation and on the other hand, it is going to be difficult for the army really to defeat them.

Both groups have understood this and both groups as I said have spoken to me and they have told me the same thing that in a very firm way they do realize this and they have arrived to the conclusion that it is better to find a peaceful solution of the problems through dialogue, through negotiations.

GREG CRAIG:

Is the Church satisfied with the effort being made to identify and bring justice to the murderer or the people responsible for the death of Archbishop Romero?

ARCHBISHOP ARIETTA:

I am going to say what the bishops in El Salvador are saying. As yet they are not completely satisfied. They think that they should call people in with that investigation so that finally the truly responsible for the assassination of the bishop may be discovered.

TONY BLACKHEART, AUSTRIAN SUNDAY PAPER:

It's asked and I wonder if you are as concerned about the safety and the welfare of the Catholic church in El Salvador as you are Nicaragua. There have been several priests that were murdered and now the Archbishop was murdered.

ARCHBISHOP ARIETTA:

I say and in a very sincere way as it has to come from the lips of an Archbishop, we are very much concerned with every human life independently; if they are bishops, if they are priests, if they are laymen, if they are Catholic, if they are

black, and if they are white. They are human beings, they are children of God and we always have defended life wherever life must be defended. So in that regard I would say that with the same vigor, with the same force, that we defend life for Christians or non-Christians in El Salvador, we do the same with Nicaragua or any other place where life is in danger.

JENO VEGH, COMMITTEE OF HUNGARIAN ORGANIZATION IN NORTH AMERICA:

Your excellency, you have been a student in the United States, so I assume that you are familiar with the Constitution and principle of the United States of the separation of state and church. I would appreciate if you would tell us, in your opinion, how is the situation in Central America in connection with that principle?

ARCHBISHOP ARIETTA:

If we have such similar conditions as the one in the United States. Well, there are some differences in some countries. We have the same principle of the United States, separation of church and state, in that they keep cordial relations but there is separation. In the case of Costa Rica it is different. In Article 75 the Constitution says that the Catholic religion, the Roman Catholic religion, is the religion of the State, but at the same time the same article says that all cults, that there is complete freedom of religion, and I can say as an Archbishop that I am the first one to be ready to defend the right of every human being to worship God in agreement with his beliefs.

JOAN CEDER WITH PRO AMERICA:

Could you tell us what your thought is about freedom fighters? Nicaraguan Freedom Fighters?

ARCHBISHOP ARIETTA:

With regard to that delicate problem, at one time I remember that they called me on the phone from Managua and I told them very frankly that there are certain situations where the people have been so difficult with disagreement with what is happening that some citizens arrived to the conclusion that they have to do something in order to struggle for the freedom, and for justice, and for democracy.

So with regard to that and that was my answer to them, I can only tell you that we do regret very much any type of violent situations and that every effort must be made in order to remove the causes of these type of things. Because, it is easy to condemn a certain situation but at the same time not to say a word with regard to things that must be done in order to avoid those sad situations.

As a member of the Catholic church, as a follower of Christ, I have to advocate all the time for peace in the world. But as Pius VII said, peace must be the resolve of justice. Therefore I think that what we need, not only in Nicaragua but in all the area involved, is to avoid these sorrowful situations through very positive and sincere efforts in order to establish justice, dialogue, compassion and give the people, and this is of the utmost importance, the opportunity to decide through free elections about the destiny of their own countries.

NO NAME GIVEN:

Archbishop, the Pope said recently in Central America that the foreign interest of the people in Central America do not accept the intervention of foreign interest. Do you feel that the United States should withdraw all its forces or whatever interest it had in Central America at this time?

ARCHBISHOP ARIETTA:

Well, as President of _____ (?) I have to say this, that if somebody wants to talk about the ceasing of intervention they must talk not in singular but in plural. I mean to say that we bishops think that if we talk about foreign interventions we have to talk about all foreign interventions and not only about the clean-out of one of them.

I'm going to be more precise. I find that many people who all the time insist that the U.S. must pull out of Central America, don't say a word with regard to the intervention of the Soviet Union. They don't say a word with regard to the intervention of Cuba. So if they talk about the ceasing of interventions, they must be just and say that all interventions must cease and not only one. That's what we think with regard to that point.

DIRECTOR OF THE CENTRAL LEAGUE FOR A FREE CENTRAL AMERICA:

We have had some reports of peace talks going on in Central America, etc. etc. I would like to accuse the Marxist-Leninist atheists are, more to the point, manipulators in the so called peace talks. Do you view it as a possibility that they are using these peace talks to shore up international opinion in their favor once they fail?

ARCHBISHOP ARIETTA:

I have very good information with regard to this dialogue. I knew that that was coming. That's one thing I have to say, I know that this dialogue was going to come, and I adhere to what I said that they are sincere they both understand very clearly. In the first place Duarte, when he became president of El Salvador, one of the things he said during his campaign was that it was one of the things that he was going to do everything in his power to,

through contacts or dialogue with the guerrilla people, arrive at a peaceful solution for all the Salvadorans.

And now as I said when I spoke at the beginning, I have been visited by high members of the political branch and they also are sincere when they are talking about dialogue as the instrument being used to arrive at peaceful solutions. So I think that independently, an eventual victory of Mr. Reagan in the coming elections, that Duarte and the guerrillas will continue with the dialogue because they are thoroughly convinced that there is no other way of solving the Salvadoran situation.

NO NAME GIVEN:

Fellow bishops in the United States are criticized for not speaking out loudly against the Sandinista government. I was wondering if you would agree with that or not. And if you also thought about the American bishops role on U.S. foreign policy.

ARCHBISHOP ARIETTA:

We have a policy in CELAM. CELAM, as you know, is the continental regional organization, and also the same policy we have in _____, that with regard to internal affairs we leave that to the bishops of the area, or the region. Because really it would be difficult for us many a time really to understand a certain position if we are not members of that country if we are not members of that society in many instances.

For instance when I was vice president of CELAM, with the best of intentions, we wanted to make a statement with regard to the situation of the Church and the society in Argentina or Brazil. But then after deep reflection we came to the conclusion that, in spite of the fact we wanted to benefit the conference, that it is was better if they took the responsibility entrusted and it is up to them to decide with regard to the position if such and such a field, if it is right or if it is wrong.

We are all human beings but that would be their job, their responsibility and I wouldn't dare say anything with regard to delicate matters pertaining to another conference which is not mine.

NO NAME GIVEN:

Do you feel you have the support of the American bishops in your criticisms of Central America?

ARCHBISHOP ARIETTA:

Well, I would say we are lucky, that is one of the proposals I made today of more efficacious instruments of contact, dialogue, between the Conference of the United States and the Regional Conference of the Catholic Bishops of Central America.

Exactly today, at lunchtime, I proposed to the executives, and the bishops were there, I want to say this very clear, I told the executives that being it so that we have in Central America the council of presidency made up of the presidents of all the six Central American Conferences, that it would be very interesting, if when dealing with delicate matters, when dealing with some type of aide or backing either from our conference to the conference of the United States or vice versa that we could gather together and talk about the subjects and get objective information and after they make their statement of declaration.

NO NAME GIVEN:

What do you think would happen to America if Central America was to become communist?

ARCHBISHOP ARIETTA:

Thank you for asking me that question. That is our great concern at this moment. We know very well that Marxism-Leninism tries to expand, to get a hold. For that reason I think that one of the greatest menaces that we are facing at this very moment would be the possibility of Marxist-Leninism over-riding Central America or the Caribbean, because it would mean the end of liberty for our countries and it would place a very serious menace to the security of the hemisphere.

(APPLAUSE)

LEGAL ISSUES IN THE CENTRAL AMERICAN CONFLICT

by

John Norton Moore

Delivered at the White House
before the
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LEGAL ISSUES IN THE CENTRAL AMERICAN CONFLICT

Introduction

It is a privilege and a pleasure to meet again with the Outreach Working Group on Central America. My discussion today will focus on what I believe to be the core legal issue in the Central American conflict: the importance of examining that conflict under international law, particularly under the Charters of the United Nations and the Organization of American States, and within the context of recent developments in Central America. I would be pleased, of course, to answer questions as well on issues of national law concerning the conflict or on issues concerning Nicaragua's effort to take this issue to the World Court.

My remarks will have four parts: (1) a brief general outline of the applicable structure of international law necessary for understanding the legality of U.S. actions in Central America; (2) a review of the factual setting legally relevant in Central America; (3) an application of the legal

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The reader should bear in mind that this paper was prepared for the ear rather than the eye.

structure to the facts, and (4) an examination of the threat to the international legal system presented by a pervasive double standard.

The Relevant Legal Framework

Let me begin with a brief discussion of the general framework of the applicable structure of international law. The central principle of modern international law in connection with the use of force is that nations must not use aggressive force to threaten the territorial or political integrity of other states. But if a nation is attacked, then that nation has a right of individual and collective defense to take whatever measures are necessary and proportional to respond to the threat.

This central theme of international law regarding use of force can thus be understood as a two-sided equation: prevention of aggression balanced by an allowance for individual and collective defense in the face of attack. We have heard a great deal about the former but much less of the latter, I am afraid. And yet, this core tenet is reflected in those principal treaties which are most relevant to the Central American problem: The United Nations Charter and the two major treaties of the Inter-American system, the 1947 Inter-American Treaty of Reciprocal Assistance which is popularly called the "Rio Treaty" and is in essence the NATO treaty of this hemisphere, and the 1967 Revised Charter of the Organization of American States.

If we look first at the United Nations Charter, there are really only two Articles of fundamental importance for appraising the Central American conflict. One of these is Article 2,

paragraph 4, which specifically says that all members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state or in any other manner inconsistent with the purposes of the United Nations. This is the basic prohibition against the use of force dating back to the Kellogg-Briand pact of 1928, which was a major normative advance in the history of international law.

The other side of the "use-of-force" equation that must be read with Article 2(4) is Article 51 of the United Nations Charter, which states that nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Note that under this language the right of effective defense continues under Article 51 until the Security Council itself effectively deals with the threat, and not merely that it debate the crisis. Moreover, legal scholars are quite clear in interpreting Article 51 to mean that an armed attack need not be simply armies on the march, but can take place by organization, instigation, and support of a sustained insurgency. Professor Kelson, for example, writes: "Since the Charter of the United Nations does not define the term armed attack used in Article 51, the members of the United Nations exercising their right of individual or collective self-defense, may interpret armed attack to mean not only an action in which a state uses its own armed forces but also a revolutionary movement which takes place in one state but

which is initiated or supported by another state." Indeed, in the contemporary post-Charter world it is precisely covert attacks and continuing low-level terrorist violence which have been the core threat of realized violence. Similarly, under Article 51, there is no prohibition against covert as opposed to an overt response in effective defense, nor is there a prohibition of response in kind.

On the regional level, as exemplified by the OAS system, we find similar themes. Under Article 1 of the Rio Treaty, which as I mentioned is the equivalent of NATO for this hemisphere, the high contracting parties formally condemn war and undertake in their international relations not to resort to the threat or use of force in any manner inconsistent with the provisions of the Charter of the United Nations. (We clearly see the parallel to Article 2, paragraph 4 in the United Nations Charter.)

Not surprisingly, we also find a parallel to Article 51 of the UN Charter, concerning the right to effective defense, contained in Article 3 of the Rio Treaty: the high contracting parties agree that an armed attack by any state against an American State shall be considered as an attack against all the American States and consequently, each one of the said contracting parties undertakes to assist in meeting the attack in the exercise of the inherent right of individual or collective self-defense recognized by Article 51 of the United Nations Charter. On the request of the state or states directly attacked, and until a decision of the organ of consultation of the Inter-American system, each one of the contracting parties

may determine the immediate measures which it may individually take in fulfillment of the obligation. Indeed, this article goes beyond Article 51 of the UN Charter in creating an obligation to assist in collective defense.

The second major treaty of the Inter-American system relevant to our discussion today is the Charter of the OAS, and again we find the same parallelism. Under Article 18, no state or group of states has the right to intervene directly or indirectly for any reason whatever in the internal or external affairs of any other state. The foregoing principle prohibits not only armed force but also any other form of interference or attempted threat against the personality of the state or against its political, economic and cultural elements. Similarly, under Article 21, the American States bind themselves in their international relations not to have recourse to the use of force except in the case of self-defense in accordance with the existing treaties or in fulfillment thereof. In that article we begin to see a shift to the other side of the equation: that of the right of effective defense, which is clearly spelled out in Articles 22, 27, and 28. Moreover, we find all of the rights under the United Nations Charter protected under Article 137. I will spare you a reading of all of the details of those articles but the point is that the right of effective defense, particularly action pursuant to and justified by the Rio Treaty, is clearly recognized by the Organization of American States Charter.

Let me say a few words about the Monroe Doctrine, because I believe there exists a great deal of confusion about the Doctrine as it applies to U.S. Central America policy in a post-Charter world. Under the Monroe Doctrine the United States declared it

important to the amicable relations existing between the United States and ... [European] powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European power we shall not interfere. But with the governments who have declared their independence and maintain it and whose independence we have on great consideration and on just principles acknowledged, we could not view any inter-position for the purpose of oppressing them or controlling in any other manner their destiny by any European power in any other light than as the manifestation of an unfriendly disposition toward the United States.

In short, then, the Monroe Doctrine is squarely on record as indicating that the United States will take a rather dim view of efforts by non-hemispheric powers to seek to impose by force of arms their own particular kinds of political system in this hemisphere. The conceptual underpinning of the Monroe Doctrine is, contrary to the opinions of some critics, wholly consistent with the Charters of both the United Nations and the OAS in its recognition of the basic right of self-determination and the basic right of individual and collective defense of those nations against external efforts to deprive the nations of this hemisphere by force of arms of their self-determination.

The Factual Setting

My second point today concerns the importance of clarifying the legally relevant factual setting in Central America. First, we should look at the general trends in both Central America and the Caribbean, trends which reflect a substantial Soviet and Cuban buildup over the past decade.

During the 1970s the number of United States advisors in all of Latin America plummeted from 516 in 1970 to 70 in 1981. The Soviet-Cuban team on the other hand has been very active, operating at a consistently high level in the same period, and by 1981 they had 50 times more military advisers in Latin America than did the United States. Several examples may help to further illustrate this point. From 1962 to 1982, the Soviets provided more than twice as much security assistance to Latin America as did the United States, or roughly \$4 billion for the USSR to \$1.5 billion for the United States. In 1970, Soviet naval vessels spent 200 ship days in the South Atlantic; in 1980, they spent approximately 2,600 ship days for a 13-fold increase.

Perhaps one of the most important and egregious indications of the efforts underway to subvert the region is the dramatic military buildup by Cuba and particularly by Nicaragua. The Cuban military buildup has been roughly 10 to 20 time greater than that of any other major nation in this hemisphere on a per capita basis. For example, Mexico, with seven times the population of Cuba, has a defense establishment approximately one-half the size of Cuba. This represents about two-tenths of one percent of the Mexican population in the military compared with 2.3 percent of the Cuban population in the armed forces. Of course, we see the

same military buildup in Nicaragua, where, prior to the revolution the armed forces stood at some 10,000 men, today 49,000 men are currently on active duty with another 50,000 in ready reserves on short-notice mobilization. This totals approximately 5 percent of the population of Nicaragua under arms.¹ Furthermore, Nicaragua deploys some 100 Soviet-made medium tanks, 20 light amphibious tanks, and 120 other armored vehicles. Compare that inventory with the Honduran army's 16 armored reconnaissance vehicles, Costa Rica's lack of an army, much less any tanks, and the few dozen armored personnel carriers in El Salvador.² There is also substantial evidence that Nicaraguan pilots are being trained in Bulgaria in preparation for Nicaragua's acquisition of Soviet MiG jet fighters.³ And of the 9000 Cuban advisors presently in Nicaragua, some 3000 are military and security personnel, and are involved in virtually every Nicaraguan government agency.⁴ Up until a year ago, Grenada's military was heading in a similar direction.

Despite this substantial buildup of the Nicaraguan armed forces, the United States sought friendly relations with the new government when the Sandinistas came to power in 1979. By January 1981, U.S. aid to Nicaragua totaled \$118 million (more than was provided by any other developed country), and in the first two years of Sandinista rule, the United States sent five times more aid to Nicaragua than in the two years prior to the revolution. It was during this same period, however, when a most curious arrangement for the shipment of arms to Nicaragua from the Soviet Union existed. Until late 1982 arms were transshipped

via Algeria. From late 1982 on, arms were shipped in Soviet or Soviet bloc vessels. In other words, while the United States was still providing aid to Nicaragua, the Sandinistas were receiving surreptitious shipments of arms and military supplies from the Soviet Union.⁵ This fact should be borne in mind when appraising the debates which took place in this country throughout 1981 and into 1982 over giving aid to Nicaragua. And remember the President's position at the time was one of increased wariness regarding the exact nature of the Sandinista regime and its intentions in Central America.

But rather than respond affirmatively to the initiatives of goodwill put forward by the United States, Nicaragua and Cuba instigated and then substantially and continually aided a brutal insurgency directed against the government of El Salvador, going so far as to initiate attacks on the other neighboring states of Honduras, Costa Rica, and Guatemala. The involvement of Cuba and Nicaragua in the organization and training of an armed insurgency in El Salvador, and their continuing involvement in sustaining that armed attack is, I believe, not seriously subject to question at the present time. For example, it is well-known that in December 1979 Castro hosted a meeting in Havana to reorganize and restructure the insurgent elements in El Salvador, forging the diverse leftist factions into a coalition dominated by the Marxist-Leninists. In May of 1980 a follow-up meeting was held in Cuba which established the DRU (the United Revolutionary Directorate) as the principal operating arm of the FMLF and in close coordination with the Cubans.⁶ The amount and degree of control exercised by the hardline extremists over the Salvadoran

insurgency was illustrated by the brutal murders in Managua of Salvadoran guerrilla leaders Montes and Carpio in April of 1983.⁷ Not surprisingly, less than 10% of those brought together under the FMLF political front organization are non-Marxist.

The Soviet bloc, Cuba and Nicaragua have also provided substantial arms and assistance. Among other evidence of this is the dramatic trip by FMLF leaders from El Salvador in 1980 first to Moscow and then to East Germany, Bulgaria, Ethiopia and Vietnam in order to round-up arms and supplies for the insurgency. There is also significant evidence of training of insurgents in bases in Cuba and Nicaragua, of financing of the insurgency, and evidence of direct operation of command and control centers on a daily basis from a headquarters complex in Nicaragua. As noted by the Kissinger Commission: "The guerrilla front, Farabundo Marti National Liberation Front, has established a unified military command with headquarters near Managua." The judgments of the Kissinger Commission have been confirmed by defecting guerrillas, one of whom acknowledged in March of 1984 that not only were various insurgent teams trained in Nicaragua but they also received additional guerrilla training in Cuba as well.⁸ Indeed, former guerrilla leader Montenegro was quoted in The New York Times in July of 1983 as saying that "'After [December of 1980] the majority of arms [received by the Salvadoran insurgents] was given by Vietnam, American M-16s. The arms came from Vietnam to Havana. Havana to Managua. Managua to El Salvador." It is equally clear today that various other terrorist-supporting nations and organizations, such as Libya and

the PLO have also been deeply involved in funnelling arms to the Salvadoran insurgents.⁹

El Salvador is not alone in suffering from efforts to subvert the legitimate governing authority. Throughout 1983, attempts to disrupt and destabilize the Honduran regime are well-documented¹⁰ and are openly admitted by the Nicaraguan regime.¹¹ Even as recent as June of this year, Costa Rica, which had supported the Sandinistas in the struggle against Somoza, became "a target of what the Sandinistas call 'revolutionary internationalism'," and have suffered from foreign-supported violence.¹² Costa Rican, Honduran, Mexican and Guatemalan territory have all been used unwittingly for arms transshipment to the Salvadoran guerrillas.¹³

Among other evidence of the facts I've given you today, Chapter 6 of the Kissinger Commission report does a superb job in collecting, collating and clarifying much of the information concerning the support and involvement by Cuba and Nicaragua in promoting violence, terrorism and revolution throughout this hemisphere. In addition to the Kissinger Report and the substantial evidence in the press accounts, the U.S. Congress has acknowledged significant concern over these trends in Central America as well. For example, the May 13, 1983 report of the Permanent Select Committee on Intelligence of the House, concluded that there does in fact exist an "active promotion for revolution without frontiers throughout Central America by Cuba and Nicaragua." The report made it quite clear that

The insurgents are well-trained, well-equipped with modern weapons and supplies and rely on the sites in Nicaragua for command and control

and for logistical support. The intelligence supporting these judgments provided to the committee is convincing. There is further persuasive evidence that the Sandinista government of Nicaragua is helping train insurgents and is transferring arms and financial support from and through Nicaragua to the insurgents. They are further providing the insurgents bases of operations in Nicaragua. Cuban involvement, especially in providing arms, is also evident.

Contrary to repeated denials of the Sandinistas, the evidence is quite clear that Nicaragua is thoroughly involved in supporting and assisting efforts to destabilize not only the government of El Salvador but the entire region as well. In fact, the amendment to the Intelligence Authorization Act 1983, suggests "that activities of the governments of Cuba and Nicaragua threaten the independence of El Salvador and threaten to destabilize the entire Central American region and that the governments of Cuba and Nicaragua refuse to cease those activities." And in the Intelligence Authorization Act for Fiscal Year 1984, we discover the following Congressional finding in Section 109:

By providing military support, including arms, training, logistical command and control and communications facilities, to groups seeking to overthrow the government of El Salvador and other Central American governments, the Government of National Reconstruction of Nicaragua has violated Article 18 of the Charter of the Organization of American States which declares that no state has the right to intervene directly or indirectly for any reason whatsoever in the internal or external affairs of any other state.

The last factual point I would like to make concerns the position of the United States -- if one assumes for the moment the activities of the Contras as described in the media -- in

response to the continuing armed attack from Nicaragua and Cuba. The United States has made very clear that it does not seek as its principal objective to overthrow the government of Nicaragua. Rather it is seeking to respond to overt and covert aggression by lawful, defensive means in such a manner as to assist the government under attack and to create pressure which will produce a climate conducive to bringing about a negotiated solution in Central America generally and to stop the aggression in El Salvador particularly. Let me quote the President from his statement to the joint session of Congress:

Let us be clear as to the American attitude toward the government of Nicaragua. We do not seek its overthrow. Our interest is to ensure that it does not infect its neighbors through the export of subversion and violence. Our purpose in conformity with American and international law is to prevent the flow of arms to El Salvador, Honduras, Guatemala and Costa Rica. We have attempted to have a dialogue with the government of Nicaragua but it persists in its efforts to spread violence.

This objective is not simply a statement by the President, it is also the law of the United States that was adopted in the Boland Amendment and is binding on both branches.

Recent events in Central America would seem to bear out the seriousness and importance of the President's policy for that region. El Salvador's enormous progress towards the establishment of a democratic regime, due in no small part to the clear determination of the overwhelming majority of the people to express their demands for creating a democratic system in the face of external aggression, and the importance which President Duarte attaches to closing the split which exists among many

Salvadorans and at the same time eliminating the death squads, has given hope to freedom-loving peoples everywhere. And when added to the concurrent shifts toward democracy in Honduras and Guatemala, as compared with the stagnation of the Sandinista regime which continues its refusal to meet their obligations to the OAS as promised in 1979, that is to establish full democracy, freedom and liberty in Nicaragua, serves to underscore the isolation of the Sandinista regime from its neighbors. The fact that the ruling junta in Nicaragua cannot successfully persuade the opposition to join in the November 4th elections is further evidence of the regime's lack of enthusiasm for creating democratic freedoms and liberties which they promised some five years ago. And Nicaragua's attitude pushes them farther from the majority of Central Americans who do want peace, who do want security, but who also want the freedom to say what they please, who also want liberty to live their lives as they choose. They want, in a word, the democracy and self-determination which Nicaragua would forcefully deny them.

Application of the Law to the Facts

We have reviewed the general legal structures relevant to the Central American problem and we have also examined some of the pertinent facts of the case, along with a brief review of recent developments in the region. Here I would like to apply the legal structures to the facts. As we have seen, the actions of Cuba and Nicaragua constitute an armed attack against El Salvador, as these countries have participated heavily in the instigation, organization, training, supply, finance, and command

and control, among other insurgent activities. That is clearly sustained and determined aggressive behavior seriously threatening the political integrity of El Salvador. Those actions squarely violate Article 2, paragraph 4 of the United Nations Charter, Article 1 of the Rio Treaty and Articles 18 and 21 of the Organization of American States Charter.

In such a context, and acting in conjunction with El Salvador and other concerned states of the region, the United States is entitled to respond with whatever action is necessary and proportional in order to create and sustain an effective defense. Article 51 of the United Nations Charter and Article 3 of the Rio Treaty, and Articles 21, 22, 27 and 28 of the OAS charter, make it clear that such actions in response to an armed attack are permissible. Indeed, one point which is often ignored is that under Article 3 of the Rio Treaty such a defensive response is obligatory. That is, if there is an armed attack on an American state, there is an obligation of the United States to go to the assistance of that state. This obligation is virtually identical to the same obligation of the United States under Article 5 of the NATO Treaty to go to the assistance of the United Kingdom or Canada if either were attacked. Of course, under our own domestic internal constitutional processes we can always reserve the right to refuse if necessary to abide by such an obligation. But if these treaties are to have any meaning whatsoever, if our crucial collective defense agreements, such as NATO, are to be something more than a scrap of paper, then there does exist a legal obligation under Article 3 to aid the government of El Salvador.

Such assistance, whether it consists of U.S. combat forces, whether it is assistance that takes the form of aid to the Contras, or whether it is assistance that takes the form of mining of harbors, is lawful under Article 51 of the United Nations Charter and Article 3 of the OAS Charter. I might add on that point that the United States policy in El Salvador, with its emphasis on reasonable diplomatic efforts exemplified by the Contadora process tempered with a strong determination to assist the Duarte regime's efforts to defend the country is, I believe the correct and most effective solution to the problem. One thing we learned in the Indochina conflict is that you cannot totally confine the locus of violence to the state undergoing attack, but must work toward creating incentives for those states which are engaged in an armed attack to desist from such aggression. As we have seen, the situation in El Salvador does in fact extend beyond the territorial boundaries of that country and thus requires, it seems to me, a determined effort to bring the problem under the United Nations Charter. The bottom line is that if you undertake actions in defense, you should seek effective actions in defense.

Now, I would like to clear up a few misperceptions about both the law and the factual setting that we frequently hear. Perhaps the most important misperception is the persistence of many critics of the administration in focussing almost exclusively on the ambiguities surrounding current arms transfers to the Salvadoran guerrillas as "proof" that there is no Nicaraguan armed attack. I have already discussed

some of the evidence relating to the issue of Salvadoran guerrillas receiving assistance from Soviet and Soviet-bloc countries. In addition to ignoring the evidence, however, the critics focus on current arms transfers has several fundamental problems. One is the failure by most critics to appreciate the nuances of guerrilla warfare, most notably the ability of the guerrilla to store arms, equipment, supplies, and the like for an indefinite period of time. In fact, our Vietnam experience taught us that insurgents can and do frequently store arms which may not be used for months. Therefore, one can hardly expect the same type of routine shipment for arms or constant flow of military hardware as we would for deliveries of dry goods to the A & P. No, the more reasonable expectation is that in one year we might see a substantial movement of arms and materiel to guerrilla units, followed by an extended period of total inactivity. It is particularly relevant in this connection that there was a surge of arms to the Salvadoran guerrillas in the early years of the insurgency; a feature not subject to serious debate. Yet another problem with the overemphasis on questions surrounding illegal arms transfers to guerrilla units operating in El Salvador revolves around the failure to understand that many arms are lost by the insurgents to the government. In fact, following an investigation of charges that the majority of guerrilla weapons were captured from the Salvadoran army both the State and Defense Departments concluded that not only were such charges untrue, but that an overwhelming number of weapons captured from the FMLN confirmed Montenegro's claim that Vietnam was a major supplier of arms:

The U.S. country team in El Salvador and Southern Command have traced the serial numbers on AR-15s and M-16s which the Salvadorans have captured from the guerrillas in recent months. We have also traced serial numbers of such U.S.-made weapons from lists or records in documents captured from the guerrillas in recent months.

In this sample, 73 percent of the 214 weapons, as of July 21, were manufactured in the 1960s and shipped by the United States to Southeast Asia; 19 percent, some 40 weapons, were shipped to El Salvador.

Of 239 weapons, for which we could find serial numbers listed in guerrilla records, some 57 percent were traceable to Vietnam, and only 5 percent traceable to shipments to the Salvadoran armed forces.¹⁴

Finally, and most importantly, I would draw your attention to the narrow-mindedness of many critics in their tendency to lay major emphasis on what is in essence only one -- and a fairly minor one -- of perhaps eight or nine indicators of external support. For example, critics do not focus on instigation, organization, training, command and control, financing, and the broad range of political and disinformational support given to the Salvadoran insurgents in their single-minded devotion to the vagueness in current levels of arms transfers. No fact assessment of the continuing armed attack can be at all accurate which fails to examine this total context.

A second misperception is the accusation that United States actions in Central America violate Article 18 of the OAS Charter, which is that basic non-use of force, non-intervention provision that I mentioned earlier. United States actions in Central America are not in violation of this provision for the simple reason that the U.S. action was a response to an on-going armed

attack against El Salvador. There exists a continuing armed attack aimed against El Salvador and neighboring states, and supported and often directed from other nations. The United States is responding in alliance with other nations in the region in order to prevent the spread of the conflict and to reduce if not completely eliminate the violence and brutality perpetrated by the Salvadoran insurgents and their supporters. To make this first argument is simply to take Article 18 completely out of context, without any understanding of the fundamental principles of either the United Nations Charter or the OAS system: that you cannot and do not use force aggressively but you may -- and indeed may be obligated to -- use force in a defensive response.

A third misperception is the notion that both the United States and Nicaragua and Cuba are playing the same game; that we are all engaged in trying to alter governments by the use of force and that we are all committing a form of state-sanctioned terrorism. Well, that is one myth that I tell my students is a classic example of the "mirror image" fallacy, which is simply a willingness, conscious or otherwise to ignore the basic purpose behind the United Nations Charter and the OAS system, that it is illegal to attack and permissible to respond in defense. If we didn't have that normative structure, it would be impossible to have any kind of an effective world order. But those who hold to this fallacy further confuse the problems in Central America by not only denying the permissibility of defensive response but they also refuse to acknowledge the aggression which prompted such a response in the first place. Even if they do admit to the existence of the attack, they fall back upon the "mirror" by

equating the intentions of all governments as the same in both principle and action.

The last misperception I would like to discuss concerns the requirement of a declaration of war in order for such activities to be considered lawful. Under present international law and contemporary circumstances a formal declaration of war simply has no relevance to the situation in Central America. In fact, there has not been a declaration of war anywhere in the world since World War II; or, put another way, there has been no declaration of war under the United Nations system. A declaration of War, therefore cannot be considered a primary, international criterion that one might use in appraising the foreign relations of a state, nor is it by any stretch of the imagination an issue under domestic law. The War Powers Act makes clear that the notion of a formal declaration of war is not the only means by which the United States might authorize necessary responses under the United Nations Charter.

The Double Standard and the International System

The final point I would like to discuss today concerns what I believe to be a fundamental threat to the international system, and that is the existence of a pervasive double standard used in appraising the actions of states. This problem is a complex one consisting of two principal elements. The first component is the effort by the Soviet Union and its client states to hold other states to standards of law while they violate those standards at will. A few examples will suffice. The Soviet Union's

sustained, active support for illegal terrorism worldwide, including a possible attack on the Pope; the brutal, illegal assault on and repressive occupation of Afghanistan which is continuing and accelerating, costing hundreds of thousands of civilians killed, wounded or exiled from their homes; the maintenance of a neo-colonial empire in Eastern Europe, reflected in the illegal invasions of Hungary in 1956 and Czechoslovakia in 1968 when those countries demonstrated an unmistakable demand for self-determination; the illegal support, assistance, and encouragement for insurgencies in Central America and throughout Latin America; the illegal use of biological and chemical weapons, particularly the use of toxin weapons in Kampuchea by Vietnam and lethal chemical weapons in Afghanistan by the Soviet Union; the wanton and needless murder of innocent men, women and children when the Soviets illegally shot down the Korean airliner, an act which also cost the life of a U. S. congressman; the repeated illegal penetration of Soviet submarines into Scandinavian internal waters; support for client states engaged in illegal activities, such as Syria's continuing forceful occupation of Lebanon, and Libya's armed attacks against Chad; the North Korean effort to assassinate the entire cabinet of South Korea in Burma; and, of course, Nicaragua's effort to invoke the World Court against the United States when neither the Soviet Union nor Cuba accepts the compulsory jurisdiction of the Court.

The second component of this problem is related to the first and is what I would call a "blinker" perception of world affairs rooted in ignorance, arrogance, and a profound

misunderstanding as to what actions in the real world encourage peace and human rights. Those who suffer from this particular malady will always believe the worst of the United States or any other Western government, arguing that America and its allies are not only strong enough to be criticized and condemned but also that much of the world's troubles are the consequence of Western intervention and interference with the affairs of other states. Conversely, the Soviet Union and its allies are given minimal attention and criticized only as an afterthought. Yet, when this attitude is combined with a post-Vietnam setting which traumatized and paralyzed any use of United States or Western European power, we see all too often the misperceptions I described earlier manifest themselves on the world stage.

Strangely, this view, which by its own terms professes to be liberal and in favor of human rights, seems not to notice the profound contradiction in selectively attacking actions of the democracies while ignoring those of totalitarian regimes of the left. Nor do they seem aware of the undeniable correlation in these totalitarian regimes of failed economies, systematic and thoroughgoing denials of human rights, denials even of the right to emigrate, an exorbitant percentage of GNP devoted to the military, high militarization of society in terms of the percentage of the population serving in the armed forces and the degree to which the military is involved in decisionmaking, the regime's willingness to use force abroad (contrary to the UN Charter) in the interest of the regime's true beliefs, and other indicators of thoroughly illiberal, non-humanist regimes.

Nicaragua's Sandinista leadership fits this mold perfectly, but apparently this fact does not influence the fantasies of some who believe the revolutionary rhetoric emanating from Managua.

I have given you just a few examples of this problem in the Central American setting. We had another example last year in the wake of the Grenadan mission. As you may recall, we saw many statements, letters and the like emerge last November and December charging that the United States was in violation of international law by lawfully assisting the OECS countries and attempting to rescue U.S. nationals on the island. Not surprisingly, I am afraid, we see the same thing again in regards to questions raised about the international legality of U.S. activities in Central America: that there is a violation, for example, by the mining incident -- yet none of the critics take account of the broader context involved. Nor do those who would criticize the administration bother to ask the question why is the United States engaged in certain activities? The real answer, it would seem to me, must come from a close examination of that fundamental charter structure which is so terribly important and relevant in the modern world, and which guarantees not only protection from aggression but also the right to take defensive actions. Unfortunately, those who are so often inclined to accuse the United States of violating certain provisions of international law are themselves guilty of failing to acknowledge those other, equally important provisions which permit a state or states to take appropriate and necessary action in defense.

Some of this criticism is, of course, understandable in a democratic society. For, unlike totalitarian systems we have strong feelings against the use of force and we encourage, as we should, free and open debate. But when such criticism is without intellectual honesty or balanced judgment in understanding the real threat to peace and human freedoms, the consequences can be profoundly harmful in the continuing and deadly serious struggle for freedom, human rights, and an end to war. In short, no law can survive a blatantly one-sided application in the face of a persistent totalitarian threat to the system itself.

We have heard in months past a cacophony of accusations that U.S policy in Central America is dragging the United States towards another Vietnam. I would like to close by leaving you with the following thoughts of a former member of the Vietcong, Truong Nhu Tang, now in exile in Paris, who had the unique distinction of being the only former NLF member to hold a cabinet position in the new, unified Vietnamese government:

There is still a confused feeling [in the West] that those who are against communism must be reactionary while those who are progressive will necessarily support the socialist regimes of this world.

But the stark lesson of Vietnamese concentration camps and Vietnamese boat people should affect even this ingrained attitude. No previous regime in my country brought such numbers of people to such desparation. Not the military dictators, not the colonialists, not even the ancient Chinese overlords. It is a lesson that my compatriots and I learned through witnessing and through suffering in our own lives the fate of our countrymen. It is a lesson that must eventually move the conscience of the world.¹⁵

Let us hope that this lesson of Vietnam may serve to guide our understanding of the efforts now underway by the peoples of El Salvador, Honduras, Guatemala, and Costa Rica to create and sustain democracy, freedom, and human dignity.

Notes

1. Department of State, "Background Paper: Nicaragua's Military Buildup and Support for Central American Subversion," July 18, 1984, at 8 (hereafter cited as DOSBP).
2. Id.
3. Id., at 10.
4. Id., at 11; see also "Cuba Directs Salvador Insurgency, Former Guerrilla Lieutenant Says," The New York Times, July 28, 1983, at A-10.
5. DOSBP, supra, note 1, at 9.
6. Id., at 16-17; see also The New York Times, supra, note 4.
7. "Key Salvadoran Rebel Leader Kills Himself," The New York Times, April 21, 1983, at A-1, A-24; and "Salvadoran Rebel Leader Assassinated in Nicaragua," The Washington Post, April 7, 1983, at A-30.
8. DOSBP, supra, note 1, at 24-25.
9. Id., at 22-23; also The New York Times, supra, note 4; and also "PLO's Nicaragua Office Dealing in Military Expertise," Houston Chronicle, June 4, 1982, Sec. 1, at 12; "Arafat Says PLO Aids Foreign Guerrilla Units," Wall Street Journal, January 14, 1982, at 4; see also DOSBP, at 21.
10. "Honduran Army Defeats Cuban-Trained Rebel Unit," The Washington Post, November 22, 1983, at A-1, A-14.
11. See Barricada, Managua, Nicaragua, April 21, 1983.
12. DOSBP, supra, note 1, at 29-30; "Threatened U.S. Executives Are Said To Leave Costa Rica," The New York Times, June 21, 1984, at A-4; "Honduran Says Land Mine Killed 2 U.S. Newsmen," The Washington Post, June 30, 1983, at A-35; "Basque Terrorist Sought in Attack on Nicaraguan Rebel," Miami Herald, June 8, 1984, at 14A.

13. See La Nacion, San Jose, Costa Rica, March 16-21, 1982; DOSBP, supra, note 1, at 18-19, 26-27; The Washington Post, supra, note 10; Barricada, supra, note 11; "A Former Salvadoran Rebel Chief Tells of Arms From Nicaragua," The New York Times, July 12, 1984, at A-10.

14. Department of State and Department of Defense, "News Briefing on Intelligence Information on External Support of the Guerrillas in El Salvador," a news briefing by Thomas R. Pickering, U.S. Ambassador to El Salvador, and General Paul F. Gorman, Commander-in-Chief, U.S. Southern Command, at the Department of State, Wednesday, August 8, 1984, at 15.

15. Truong Nhu Tang, "Myth of a Liberation," The New York Review of Books, October 21, 1982, at 36.

