



DEPARTMENT OF STATE  
DAILY PRESS BRIEFING

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Q Dean, now that a legal issues has been raised, can you explain in any detail at all the legal basis for Tardencillas' appearance or flight up here, his stay here, his transfer to Nicaraguan authorities, to what extent he was advised of his rights by counsel, or any legal basis for this entire procedure of any kind?

A I am not sure how responsive I can be to your specific questions about the legal background. I can give you a chronology, if you will, of how he came here and the basis upon which he returned. If you want to hear that, I shall be glad to spell it out for you.

Q You just said we don't address allegations of that sort. You have addressed them all the time. Look at some of your statements about charges of U.S. interference or espionage or covert activities in Poland or Afghanistan, or quite a few places.

Is this a new policy?

A This is a different sort. (Laughter.) *file*

Q Dean, are you going to address -- I didn't get a sense of the--

A John injected a new question, and I said I would be glad to give you what I have on the background and chronology on the subject of your question.

Q Were you going to do that? I mean, I would be happy to hear it.

A If that is the consensus of the house, I shall be delighted to, yes.

Orlando Tardencillas Espinosa, as you know, is a 19-year old Nicaraguan who was captured in January 1981 in El Salvador. At the time of his capture, Tardencillas declared in a TV interview that Sandinista support for the Salvadoran guerrillas is "direct and total."

Tardencillas added that Sandinista support for the FMLN started in November of 1979, that he and 40 "comrades" had been chosen by the Sandinista National Liberation Front to join the Salvadoran guerrillas. He added that he had been trained as a demolition expert in Ethiopia.

Tardencillas had never strayed from that story in his conversation with Salvadoran or U.S. officials. Details of his story, which were carefully checked, were consistent with other reports we had of Nicaraguan involvement in the Salvadoran insurgency.

In early March of 1982, the U.S. Government asked the Salvadoran Government for permission to bring Tardencillas to the U.S. The Government of El Salvador agreed, and Tardencillas was granted a non-immigrant visa by the U.S. Embassy to travel to the United States.

Tardencillas repeated his earlier story to U.S. officials, and the decision was made to invite journalists to hear his story.

As you know, Tardencillas recanted his story in the presence of a number of journalists. The fact remains, however, that in front of those journalists, as in 1981, he stated that he is a Nicaraguan guerrilla who not only fought but actively led insurgent forces, combat forces, in El Salvador.

On the evening of March 12, the Department received a diplomatic note from the Nicaraguan Embassy asking that Tardencillas be turned over to the Nicaraguan Ambassador.

Tardencillas said he wished to meet with the Nicaraguan Ambassador and to return to Nicaragua. Since Tardencillas had not violated any immigration law by his presence here, the State Department decided to grant his wish and to allow him to return to Nicaragua.

Accordingly, a meeting was arranged early March 13 with the Nicaraguan Ambassador, as well as his representatives, after which Tardencillas left with Nicaraguan Ambassador Francisco Fiallos. He has now returned to Nicaragua.

Q Why didn't he go back to El Salvador?

A Because he expressed a wish to go to Nicaragua.

Q But what were the ground rules on the deal worked out with El Salvador about letting him come up here? You asked permission. Did that permission at that time say that after he does whatever he does, he is free to visit Disneyland, or what?

A I don't know the details. All I know is that when he expressed a wish to return to Nicaragua, it was granted.

Q Did we check that out with the Salvadoran Government?

A Did we check it out?

Q That is, when he expressed a wish to return, did the Salvadorans say, "That's fine, he can go back"?

A I don't know.

Q Dean, he said that he was held in custody from his arrival in the United States on Tuesday up until the time of his release. Since, as you say, he broke no law of the United States -- and I am not just asking this frivolously, I have had several lawyers who called and asked this -- can you cite what the legal authority was?

A No, I cannot.

Q Can you get something on it?

A I believe we said last Friday that he was in the hands of the U.S. Government. Now, beyond telling you that, I do not know how to describe it legally.

Q But you can't be in the hands of the U.S. Government without being charged with something.

A If you want further information on it, I will have to look into it. That is all the information I have at this point.

Q Last Friday, you said that he had been paroled to the U. S. Government. That connotes a legal understanding that he still had some ties to El Salvador.

Was that the word you intended to use?

A That was the word I used on Friday.

Q My question -- well, maybe you can straighten this out. Was he ever permitted to see counsel while he was in the United States?

A I don't know.

Q I wonder if you could take that question, and specifically with respect to any future witnesses you may wish to present to us. I'm very concerned about whether these people --

A You're concerned about their human rights?

Q -- are being afforded Constitutional, legal guarantees that the United States has traditionally upheld.

A Yes.

Q It's not a frivolous question. I'm not trying to score a point.

A I'm not smiling.

Q This is another question, Dean: He had voluntarily come here, and I think the Secretary or a senior official or both had said that the Salvadorans had set him free. Had they released him from prison when he came here? What was the legal basis?

A As I say, I have no further information relating to the legalities.

Q The President intimated that maybe you had been set up. Have you anything to illuminate on that; that this guy was sent up here just to embarrass this government? The President addressed that the other night.

A I don't think I have anything to add on that particular point. Yesterday, the Secretary addressed the question of the young man's credibility, and I really don't think it necessary for me to go beyond that.

Q Let me ask another: At the time that he was seized in El Salvador, he was either 17 or 18. That was January 1981. In your view -- and we appreciate the chronology -- have you thought about a world superpower basing its policy on some teenager's account given in a wartime situation? In retrospect, do you think this was a smart move by the United States of America? (Laughter)

A No.

Q But you were part of it?

A Well, I would still say no.

Q Was this primarily, as far as you know, a State Department-CIA operation?

A I'm not going to get involved in who was involved.

Q Let me follow that up. Was anybody in the White House, at any senior level, aware of the decision to bring this man to Washington?

A I don't know.

Q Are you aware of a policy directive that has been issued by the White House that there be no repeat of this incident without full approval of the President?

A No.

Q Can you take a question as to whether, perhaps, you could make that directive public?

A I doubt that we would if there is any such directive, so no, I won't take the question.

Q Dean, to check back on that chronology, please, on what date did you ask the permission of the Government of El Salvador to bring this young man to the United States?

A On what date?

Q On what date in March?

A I thought I said early in March. I don't have the --

Q Can you give us the date as to when the United States received custody of him in El Salvador before it brought him to the United States?

A No, I cannot.

Q Can you give us an idea of what preparation -- coaching, if you will, whatever -- he underwent with U.S. officials prior to making the statement he did?

A Not beyond what I said, no.

Q Could we get a copy of that?

A Yes.

Q Could we call a filing break for those who may want to attend the luncheon today?

A Yes, filing break, sure.

Q I just wondered why it took 14 months for the decision to be reached to bring the young man here?

A I'm not aware we knew he was in prison during that period.

Q When did you learn about him?

A I don't know.

Q Can you find that out?

A My understanding is, it was quite recently.

Q On a related matter, can you comment on a report that the State Department has informed its embassies overseas sometime over the weekend that not much progress was made in the talks between Secretary Haig and the Foreign Minister of Mexico?

A I never comment on internal communications.

Q You're not knocking it down, though?

A I'm just not commenting.

Q Can I just clarify? Should we still expect that at some point in the not-too-distant future the State Department will be releasing some information, some evidence which might suggest that the Nicaraguans command, control, and supply El Salvador's rebels? Or should we no longer expect that?

A We have consistently said that we intend to make as much information public and available to you as we possibly can, provided it does not compromise sensitive sources. We will continue to do that.

Q And at this point, would I be right in assuming that what is holding that up is that the Congressmen who need to hear about this first have been too busy?

A No, no. These briefings of Congressmen, I understand, are continuing. I wouldn't even accept your term "being held up," and certainly it would not be attributed to that.

Q But officials were talking about a briefing last Friday at one point.

A Oh, I understand. There have been a number of proposals under consideration; and we will do as I said we would as soon as possible.

Q You think this week?

A I can't put a date on it, but as soon as possible.

Q Are two Nicaraguan pilots who defected to Honduras, are they here in Washington now or in the States somewhere?

A I don't have any comment on that.

Q Are you ready to go off Nicaragua?

A I don't know.

Q One more Nicaraguan question. Has it always been the State Department's position that as far as it knew officially, there were no anti-Nicaraguan terrorists, from the Nicaraguan point of view, guerrillas training on U.S. soil? I think that has been the official position, that they didn't know of any.

And yet, when Haig went through his proposals yesterday with us in New York to Nicaragua, he said that the United States would make a political commitment to curb the activities in this country of exiles who oppose Nicaragua's Sandinista government? Wasn't that an admission that in fact these guys in Miami are operating, and the U.S. is turning a blind eye to activities which it condemns when other countries do it?

A I understand your question. It has arisen in the past, and I, again, don't want to rely on my memory to try to respond to it. It is a question again of the legal status,



and whether or not laws have been violated. I think we have consistently said that no laws have been found to be violated; but we have guidance on that in the Press Office, and I would refer you to it.

Q The Times ran a transcript of what Haig said on that particular point. He said, "A United States political commitment on the activities of Nicaraguan exiles in this country -- that involves, of course, the application of the long-standing United States Neutrality Act," and he went on to the next point.

A Thank you.

Q Does that mean that application of this longstanding Neutrality Act depends on something which is happening between Nicaragua and the United States.

A Lars asked me this question earlier. I said I would have to take the question. I do not know the answer.

Q I thought you didn't know what he said.

A I didn't know what Lars said?

Q No. Haig.

A I said I didn't have before me what the Secretary said, that's correct.