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ON PAGE A-23

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Certifying El Salvador

By Robert E. White

CATAUMET, Mass. — In 1981, Congress signaled its anger over the course of the Reagan policy toward El Salvador by inserting into the Foreign Assistance Act a twice-yearly certification requirement. Accordingly, all military aid will stop this month unless President Reagan warrants that the Salvadoran Government is making a concerted and significant effort to achieve progress on human rights, land redistribution, a political solution to the guerrilla conflict and free elections. As all evidence we have runs directly counter to these propositions, any document providing a rationale for Presidential certification will necessarily be long on unsubstantiated assertion and short on demonstrable fact. In spite of this, the President is expected to sign the certification provided him by a bureaucracy more comfortable with barren continuity than creative change.

All independent witnesses, including a highly professional study by the Americas Watch Committee and the American Civil Liberties Union, confirm that the slaughter of unarmed civilians goes on. How could it be otherwise? In spite of the many thousands of cases involving torture and murder by the Salvadoran armed forces, no officer or enlisted man has yet faced trial for any of these crimes. Nor will they. The refusal of the military high command of El Salvador to permit justice to take its course in the case of the four murdered American missionaries symbolizes the generals' determination to continue to use terror as a weapon against their own people.

It is true that an election was held in March this year that might have provided some evidence of progress toward Congressional goals. At least it had that potential until this month, when William J. Casey, Director of Central Intelligence, in obedience to God-knows-what imperative and with his customary exquisite sense of timing, publicly bragged that the Central Intelligence Agency had meddled in the election. As reported in *The Wall Street Journal* of July 16, Mr. Casey

stated that "the C.I.A. was now again active in clandestine activities albeit in post-Watergate style." He added, "For instance, we helped out in the El Salvador election." Let us all hope that he operates as effectively against our nation's enemies as he does against the policy objectives of the Administration he serves.

The military and economic elites of El Salvador have developed their own rationale to justify their systematic extermination of political leaders, union members, clergy, journalists and peasants. They insist that the Reagan leadership secretly agrees with their terrorist methods and will continue to send aid because the alternative is to see the revolutionaries victorious. If President Reagan certifies as true that which is known to be false, he will breathe new life into this chilling theory and at the same time undermine his own high reputation for honesty. He will also revive the specter of past administrations that chose to justify unpopular policies by concealing the facts from the American people.

Defenders of Presidential primacy in foreign affairs contend that Congress, by intruding so conspicuously into the domain of the executive branch, has simply asked to be lied to. They point out, correctly, that Congress is a blunt instrument in the conduct of foreign affairs and that any attempt by the legislators to play a continuing role in country-specific policy formation is likely to end in disaster. In the case of El Salvador, however, it is legitimate to argue that Congress had no intention of manacled the President or intruding into his domain but rather intended to compel high Administration officials to assess at least twice yearly whether our El Salvador policy was based on illusion or reality.

The appointment of a new Secretary of State known for candor and pragmatism gives the Reagan Administration an opportunity, if it wants to use it, to seek an honorable and sensible way out of this dilemma. One possible solution might be for the President to send a special message to Congress. The communication would state that the Secretary of State has thoroughly examined the record and based on the evidence is not completely convinced that all the Congressional considerations have been met. The President would say that in view of this disturbing report he has ordered his chief adviser on foreign affairs to review policy toward El Salvador fully and he would ask Congress to accept this message as the equivalent of certification pending the outcome of the policy reassessment. State Department lawyers could easily work out the appropriate legal language.

It is vital for the future of United States relations with Central America that President Reagan not continue to certify fantasy masquerading as fact, thereby providing a continuing white-wash of the brutal and corrupt Salvadoran military machine. The executive branch and Congress must work in harness if they are to forge a more creative and common-sense course in Central America. The Reagan Administration should look on the Congressional certification requirement on El Salvador due tomorrow as an opportunity to begin that cooperative effort.

Robert E. White, a former career diplomat, was the Carter Administration's last Ambassador to El Salvador.