

@CHAPTER = ARGENTINA

Democracy returned to Argentina in 1983 and continues in force six years later, albeit after some perilous moments. Through this period, the Reagan administration fostered warm and cordial relations with President Raúl Alfonsín, and the Bush administration has continued equally friendly relations with his successor, Carlos Saúl Menem, who captured the presidency on behalf of the Peronist party by defeating the candidate from Alfonsín's Radical Party. That the United States has shown itself able to maintain good relations with two Argentine presidents of different political orientations demonstrates the high value the U.S. places on democracy in Argentina.

Because of these good relations, and because of Argentina's difficult economic problems, related in large part to its foreign debt crisis, the U.S. government has more leverage in Argentina today than in previous times, and there have been many opportunities to use that leverage constructively in the cause of human rights and democracy. Unfortunately, both the Reagan and the Bush administrations have chosen not to take advantage of these opportunities, observing instead an obstinate silence on all matters concerning human rights. The democratically elected government was defended by President Reagan, in the face of military rebellions in 1986 and 1987, but even then he made no comment on the merits of the mutineers' demand for an end to prosecutions of those responsible for human rights abuses. Unfortunately, over time the mutineers have largely obtained this goal.

In many ways, 1989 has been more hectic and troubling than the five preceding years of democratic rule. In January, a fringe leftist group assaulted military barracks in La Tablada, a suburb of Buenos Aires, and the ensuing battle left 39 dead and many wounded on both sides. The surviving attackers have been convicted and sentenced to stiff prison terms. There is evidence that at least four or five of the attackers were murdered by army troops after they surrendered, but unfortunately, investigations into those serious crimes have gone nowhere under either Alfonsín or Menem.

In May and June, the collapse of the economy brought food riots for the first time to a country that had always been regarded as a relatively prosperous "breadbasket to the world." The Alfonsín government established a state of siege for 30 days, and more than 40 persons were arrested, for the most part for engaging in legitimate forms of political association and expression. The severe crisis prompted President Alfonsín to give up the presidency in July, six months ahead of schedule, thereby establishing a dangerous precedent for a future occasion in which democratic institutions may face a power vacuum.

In October, President Menem issued a sweeping pardon for the crimes of the military dictatorship. All remaining prosecutions except one have thus been cancelled, and only five generals or admirals remain in custody. High-ranking advisors to President Menem have made accusatory statements against prosecutors and judges involved in the trials of the "dirty war," and two prosecutors who challenged the constitutionality of the pardon are facing disciplinary proceedings. Such actions raise the prospect that the remaining legal actions still under way to correct past wrongs -- such as the search for children abducted with their parents and then given in irregular adoption, and the identification of remains thought to belong to those who disappeared during the "dirty war" -- will from now on be discouraged.

Throughout 1989, the Bush administration persisted in its silence. There has been no public representation to the Argentine government on any of these subjects. There has been no public encouragement of investigation into the killing of some of those who surrendered in La Tablada; no public expression of concern about the need to preserve the independence of prosecutors and judges;

and no public support for the right of families to know the fate and whereabouts of their loved ones. There was also not a word in public about the need to exercise restraint so that the extraordinary powers granted by the state of siege are not abused to silence legitimate though unpopular dissent. And, most important, no U.S. official publicly questioned the pardoning of those responsible for murder, disappearance and torture.

Before enacting the pardon, Menem made a state visit to the United States, where he was cordially received. By then, the pardons had become a burning political issue in Argentina, with public opinion polls registering strong disapproval for Menem's position favoring pardons. The silence of the U.S. government on the matter was shrewdly presented in Argentina as a sign of support for Menem's policy of "national reconciliation," which is offered as justification for the pardon. Expressions of concern by many members of Congress worked, in part, to dispel that notion. However, Argentines clearly remembered that the Reagan administration had attempted, between 1981 and 1983, to improve relations with the military dictatorship, including by a spirited defense of its human rights record, until the weight of the evidence of the "dirty war" made such a defense untenable. It is that early defense of the Argentine military, and the current silence, which lead many Argentines to believe that the Bush administration was comfortable with Menem's policy of forgetting the egregious crimes of the past.

The Bush administration's silence on the pardon is regrettable, but it is consistent with the Reagan administration's acquiescence in the laws of *punto final* (requiring all prosecutions to be brought by an accelerated date) and due obedience (extending the defense of following orders) promulgated by Alfonsín under pressure from the military. Both laws also had the effect of preventing a large number of investigations and prosecutions. Nor has the Reagan or Bush administration ever said a favorable word about the work of the commission created by Alfonsín, and chaired by writer Ernesto Sabato, which in 1984 produced an impressive report on the policy of disappearances. And nothing has been said about the historic trial in 1985 of the members of the military juntas for the abuses of the 1970's. Words of praise for these extraordinary efforts would even now be in order, as the Argentine military and their erstwhile allies have begun a creeping vindication of the "dirty war."