

# Fight and Flight



# Fight and Flight:

## *The Central America Human Rights Movement in the United States in the 1980s*

By

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I want to express my appreciation to the staffs of the Tamiment Library at NYU, the Rare Book and Manuscript Library at Columbia University's Butler Library, and the Wisconsin Historical Society for their help in completing this project. Jan Hilley at the Tamiment was particularly helpful and supportive. For all of this assistance, I am deeply thankful.

My background as a human rights activist, as well as human rights academic, presents a certain problem. Like all activists, I want to believe that activism can change the world for the better. Like all good historians, I am dedicated to creating a narrative of my subject that is, if not completely objective, at least as honest as I can make it. These two minds sometimes seem in conflict when the activist mind wants to believe that we have changed the world, while the academic mind points out evidence to the contrary. Dr. Gauss once told me that she hoped my activist voice and scholarly voice would always coexist, like angels on opposite shoulders, and never one overpower the other. The constructive tension between the two minds, integrated in the single task of creating a better world, produces an outcome superior to either alone: the academic mind cuts through the haze of romanticism and ineffective, misguided effort, while the activist mind provides deep motivation for investigation and prevents scholarly escapism by reminding us that the world is on fire. Thus, the academic activist uses scholarship to improve activism, as well as arouse insurgent consciousness by recounting the histories of social movements of the past. My own advisor, Dr. Lawrence Wittner, is one of our leading examples of such a scholar-activist. I intend to spend my academic career practicing such an approach to human rights scholarship.

Finally, I wish to dedicate this work to those who participated in the Central America human rights movement of the 1980s. Their commitment

and effort produced one of the largest human rights movements in history and, as this research proves, saved the lives of thousands of innocent people. I hope this narrative does justice to their moral fortitude.



# CHAPTER ONE

## INTRODUCTION: THE SILENCE OF THE ARCHBISHOP

### **The Silence of the Archbishop**

On March 24, 1980, Oscar Arnulfo Romero, the Archbishop of San Salvador, officiated a memorial mass in the chapel of a cancer center in the capital. The outspoken cleric had long opposed the Salvadoran military's brutal policies, carried out on behalf of a junta increasingly disdainful of human rights and justice. Romero had watched, and not passively, as thousands of his flock were murdered, tortured, imprisoned, and "disappeared" for asserting their basic human rights. Just the day before, the church's radio station had broadcast his Sunday homily across Central America. Addressing a packed cathedral, Romero had urged soldiers to disobey their officers if ordered to murder civilians: "...In the Name of God, in the name of our tormented people who have suffered so much and whose laments cry out to heaven, I beseech you, I beg you, I *order* you, in the Name of God, *stop the repression!*"<sup>1</sup> The thunderous applause of the congregation nearly drowned out his words.

Now, having finished his homily in the chapel, Archbishop Romero raised his hands and said, "Let us pray."

He then collapsed to the floor, blood pooling around his lifeless body. The congregation watched in horrified shock. The assassin, armed with a silenced rifle, fled from the back of the chapel to a waiting car.

About nine months later, four US women, three nuns and a lay missionary, arrived at the international airport outside San Salvador and took a late-night ride to the capital. They never arrived. Frightened *campesinos* heard gunshots that night, but locked their doors rather than dare investigate. Two days later, US Ambassador Robert White arrived on the scene after hearing reports that the National Guard had killed four

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<sup>1</sup> Robert Shenk and Janet Armstrong, *El Salvador: The Face of Revolution* (NY: South End Press, 1982), 149.

foreigners and left the bodies on the side of the road. He found a burned-out van and the four women, all bearing gunshot wounds to the head and signs of rape.<sup>2</sup> The subsequent newspaper reports led to protests in churches around the world; the protesters recognized that the United States, the main international supporter of the anticommunist Salvadoran junta, shared responsibility for the killings. One protest sign in San Francisco read, "U.S. Dollars Kill U.S. Nuns."<sup>3</sup>

These events revealed that the Salvadoran junta would kill even priests and nuns to maintain the status quo, and that the government of the United States was an accomplice to the killings. They also presented an implicit challenge to human rights campaigners worldwide: What are we going to do about it? Activists in the United States answered the challenge by launching one of the largest social movements in United States history.

The movement was a loosely-associated federation of over two thousand NGOs (non-governmental organizations) with direct links to international organizations, global bodies such as the United Nations, and Central American NGOs and activists. It was part of a wave of international human rights activism which developed in the 1970s and, by the time of Archbishop Romero's assassination, was experienced in mass mobilization, lobbying, public relations, litigation, fundraising, and image management. The NGOs represented a wide range of interests: labor rights, journalistic or academic freedom, economic equality, transparency and corruption, immigrant justice, and indigenous rights. Although these organizations had different motivations and ideological foundations, they all shared at least one common goal, which was to protect the human rights of Central Americans. To this end, the movement sought to stop the United States from supporting the main human rights abusers in Central America, which were the right-wing junta of El Salvador, its military and paramilitaries, and the Contra rebels of Nicaragua. (Although the movement addressed human rights violations in Guatemala and Honduras as well, this study focuses on activism around El Salvador and Nicaragua, as those countries occupied most of the movement's attention.)

Movement activists spanned the social spectrum and the NGOs varied widely in focus and technique. The movement has often been described as anti-intervention or peace-oriented. This research refers to it as a human rights movement for two reasons. The first is that, when the motivations of the NGOs are reduced to their simplest, their primary concern was for the human rights of the people of Central America, whether they remained in

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<sup>2</sup> Shenk and Armstrong, *El Salvador*, 176.

<sup>3</sup> *Ibid.*

their countries or emigrated abroad. All the organizations involved in the movement agreed that the Reagan administration's policy was immoral because it violated Central American human rights. Even Pledge of Resistance, the largest anti-interventionist NGO of the movement, claimed that its stance was based not on fear of being drafted into the military for war in Central America, but rather on the moral argument that it refused to participate in the suppression of Central American rights.<sup>4</sup> The second reason is that previous studies have neglected the contributions of some large, well-established human rights NGOs to the movement. The files of Amnesty International USA (AIUSA) and Human Rights Watch (HRW) have only been available to researchers since 2007. Including them in studies of the movement changes both the size and character of the movement. For example, Christian Smith (*Resisting Reagan*) puts the size of the movement at about 100,000 people.<sup>5</sup> But the membership of AIUSA, which was deeply involved in the movement, peaked at about 350,000 in the 1980s. Furthermore, AIUSA and Human Rights Watch (Americas Watch, at the time) were concerned with human rights, not peace or anti-intervention. Including them in the literature changes the perceived nature of the movement, shifting it towards a stronger concern with human rights than peace or anti-interventionism.

Academics have already written on some of the most prominent NGOs in the movement. One of the largest and best-studied was Sanctuary, a church-based organization designed to protect illegal Salvadoran refugees in the United States from refoulement (forced return to their country) on the grounds that the refugees would be persecuted by their government on their return. The congregations involved in the Sanctuary movement used their churches to protect refugees from the Immigration and Naturalization Service (INS), the government agency tasked with their deportation. As their operations were illegal, they endured prosecution and harassment from the FBI and INS. Nevertheless, the movement succeeded in running an "underground railroad" which protected Salvadorans from being returned to their country until the Chapultepec Accord ended large-scale abuses in Central America.

Pledge of Resistance was a large NGO dedicated to preventing an invasion of Central America by the US military. Members signed a pledge in which they vowed to resist invasion by carrying out acts of civil disobedience in the event such an invasion was launched. The movement was very popular because of the specter of "another Vietnam" surrounding

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<sup>4</sup> Christian Smith, *Resisting Reagan: The U.S. Central America Peace Movement* (Chicago: University of Chicago Press, 1996), 80.

<sup>5</sup> Smith, *Resisting Reagan*, 86.

Central American issues in the 1980s. Pledge of Resistance may have been a factor in discouraging the Reagan administration from considering an invasion of Nicaragua or greater intervention in El Salvador.

Witness for Peace was another religious organization which sent groups of “witnesses” to Nicaragua to observe, and then report on, the situation and events they discovered in that country. It was easier for such “delegations” to operate in Nicaragua than El Salvador, because the government of Nicaragua, under attack from the Contras, was keen for the world to know the situation in its country. The government of El Salvador was not, as its own security forces were committing most of the abuses in that country. Thousands of people participated in Witness visits, returning to report first-hand information in the media and public speaking events. Witness activists were also harassed by the FBI for their activities.

Few of the other NGOs involved in the movement, however, have received more than passing examination. Scholars have studied the role of the Maryknoll Order, as the Catholic order had long been involved in Central America. Furthermore, the churchwomen murdered in 1980 were from the order, emphasizing the order’s activities. It may also be that the contradictory nature of religious activism in the Central America movement attracted attention. The 1980s saw the ironic spectacle of conservative Christian organizations vigorously opposing the conservative Reagan administration on a policy issue. Perhaps those organizations stole the spotlight.

However, there are no major works on the contributions of several large human rights NGOs from the period, including Amnesty International USA (AIUSA) and the Committee in Solidarity with the People of El Salvador (CISPES). Existing studies of the National Lawyers Guild (NLG) refer to that NGO’s efforts to change foreign policy, rather than address its immigration litigation, which was demonstrably more effective. This research therefore provides needed balance by presenting the campaigns of these three NGOs.

The movement operated in a field of conflict at the confluence of several historical streams. Oligarchies and their military allies are staples of Latin American history; so are insurgencies against them. US policy towards Latin America has largely sought regional hegemony although it has hardly been universally successful. During the Cold War, concerns over hemispheric security were amplified by the perception of communist infiltration, generally leading the US to support strong anticommunist autocrats in Latin America at the expense of democracy and human rights. At the same time, the Universal Declaration of Human Rights in 1948 had strengthened the hand of international law. The wave of decolonization of

the 1950s and 1960s inspired Latin American insurgents to resist American neocolonialism. The network of international human rights NGOs grew rapidly since the 1970s and was well-established by 1979, a critical year in both El Salvador and Nicaragua. In the United States, Congress had developed a more prominent role in foreign policymaking since the Vietnam War; the Reagan administration, on the other hand, was intent on creating a more powerful executive and viewed Congress as an obstacle to be circumvented. The Central America human rights movement, therefore, operated at the intersection of contending imperatives, worldviews, and historical trends. As a result, United States policy towards Central America was conceived through conflict and negotiation, resulting in a program full of contrary aims and shifting strategies. The movement was a key actor in a critical moment in US foreign policy history. Nevertheless, it remains under-studied.

There are several reasons for this omission. First, international human rights activism is generally a recent phenomenon, and with few exceptions began only in the early 1970s. Amnesty International USA and Human Rights Watch documents have only recently been opened to the public, and almost all relevant documents at the Reagan and Bush Sr. presidential libraries remain closed. Another factor is that academic history is still geographically-oriented, generally restricted to the intellectual confines of the nation-state.<sup>6</sup> This discourages research into transnational activism, which operates across national borders and is guided mainly by nonstate actors like NGOs.

Theoretical studies of international activism are also in their infancy. One reason for this is that traditional schools of international relations theory have largely ignored the role of ethics in world politics. The place of morality in international relations is the most complicated subject in the entire field and deeply problematizes theories of foreign policy.<sup>7</sup> Another reason is that international human rights NGOs are very new players on the world stage. This complicates the field of international relations, which is predicated on sovereign, unified nation-states operating in an anarchical system. International theories of *realpolitik* dominating Western thought since Machiavelli, or even Thucydides, now find themselves in need of revision. Studies of international activism, such as this book, will contribute to this.

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<sup>6</sup> Kenneth Cmiel, "The Emergence of Human Rights Politics in the United States," *Journal of American History*, December 1999: 1232.

<sup>7</sup> Edward Hallett Carr, *The Twenty Years' Crisis, 1919-1939* (New York: Harper Torchbooks, 1939), 146.

## Objective

The objective of this book is to analyze and compare the campaigns of three United States NGOs resisting the Reagan administration's Central America policy in the 1980s. Specifically, it examines the effectiveness of their campaigns in achieving their stated goals and the difficulties each NGO encountered. The three NGOs under study are Amnesty International USA, the National Lawyers Guild, and the Committee in Solidarity with the People of El Salvador. My purpose is to analyze their campaigns and ask the question confronting every activist: *What did it all actually accomplish?*

The most difficult aspect of analyzing any human rights campaign is assessing the outcomes—a fact which NGOs recognize, as they must demonstrate efficacy if they hope to attract membership and funding. There are two primary problems in ascertaining effectiveness. The first is the great number of variables controlling the human rights situation in a country. An abusive government may relent from committing certain abuses if it fears losing aid from other governments or intergovernmental organizations, such as the World Bank or IMF (International Monetary Fund), especially if NGOs are publicizing the abuses. It may need to garner greater public support prior to an election. It may determine that the enemies of the state are becoming too powerful, and try to undercut their popularity by placating the people with better treatment. There may be an internal power struggle within the government, with proponents of human rights (even if for purely utilitarian purposes, such as winning elections) struggling against more hardline elements. Or it may be some combination of causes. Thus, it is difficult to determine which changes in the human rights situation are the results of NGO activism and which are due to internal causes.

Second, abusive governments do not want NGOs—or anyone else—to know that NGOs influence human rights in their countries. To do so would only encourage the troublemakers. Politicians want the public to believe that they are making decisions in the name of the national interest and are not influenced by NGOs' political arm-twisting, especially when the critics are foreigners. Finally, bowing to pressure to improve the human rights situation in their country is an admission that the government was responsible for the abuses, most likely after denying that abuses had been committed or blaming the abuses on their political enemies. Given these variables and obscurations, it is very difficult to ascertain the exact effects of an international human rights campaign.

Despite the difficulties, it is a necessary task. Scholars of social movements need to understand which activist techniques work under which circumstances in order to understand the true power of activism. NGO leadership needs to understand which techniques yield the best results. Most importantly, activists need to know whether or not their work does any good. In interviewing activists for this book I found that, when asked why they participated in the movement, the most common response was, “I did it because it was the right thing to do.” However, this is often insufficient to support activists over the course of a campaign lasting a decade or more. During the Central America movement, many NGO office staffers worked seventy hours per week for low pay. Activists braved rain and snow to protest in the street, and were often rewarded with police harassment.

Given the difficulty involved in sustaining such a large movement for so long, it was natural that activists began to doubt the efficacy of what they were doing. Smith wrote that, after the Iran / Contra affair demonstrated that the government would stop at nothing in pursuit of its Central American policy, many activists became despondent and believed that they had achieved little of value.<sup>8</sup> Other scholars have noted the prevalence of burnout among activists. If activists engage in their work because it’s the right thing to do, they also have a tendency to despair after a prolonged engagement, particularly if they do not see concrete results. This book addresses, as honestly as possible, what they did and did not achieve in the 1980s.

## A Fine-Grain Reading of the Movement

In order to better understand the outcomes of the movement, it is necessary to divide the NGOs’ campaigns into two different tracks based on the nature of their goals. The first track (“Fight”) was *preventative*, directly challenging the right-wing forces in El Salvador and Nicaragua believed responsible for most human rights abuses in Central America, and the Central America policy of the United States, which the NGOs believed was abetting human rights violators in Central America. The preventative track aimed to prevent further suffering for Central Americans. The second track (“Flight”) was *ameliorative*, mitigating the effects of human rights abuses against Central Americans, primarily by assisting Salvadoran refugees who had fled the conflict in their homeland. It is important to draw this distinction because the two tracks required

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<sup>8</sup> Smith, *Resisting Reagan*, 276.

different techniques and skills and produced different outcomes by the time the movement ended. All the NGOs under study here participated in both tracks simultaneously, but the outcomes were different depending on the nature of the NGO in question.

Another important differentiation involves the mandate and political culture of the NGOs under study. Although many social movement histories focus on the nature of the members—their socioeconomics, political backgrounds, and motivations—such topics are not the primary concern of this research. This research examines the NGOs' campaigns and their outcomes. However, the organizational cultures of the NGOs deeply influenced their campaigns, creating certain possibilities while precluding others. In particular, the way the NGO approached the question of partisanship—"taking sides" on an issue—was critical to what the NGO could accomplish during the movement. AIUSA's nonpartisan mandate prevented it from taking certain actions, especially in the realm of US arms transfers to the Salvadoran junta. This created a tension between AIUSA and its parent organization in London. The NLG, on the other hand, took a partisan stance and did not need the legitimacy that nonpartisanship was thought to bestow on NGOs such as AIUSA. Because of NLG's partisan stance and background in legal activism, it was able to take actions proscribed for AIUSA; at the same time, AIUSA felt that its nonpartisanship lent it greater credibility with the US government. Understanding the opportunities and restrictions inherent in the organizational cultures of the NGOs is critical to understanding the outcomes of the movement.

Another difference in tactics is between populist and postpopulist techniques.<sup>9</sup> Populist techniques refer to social movement methods relying on mass participation to achieve results. Examples of populist techniques include letter-writing campaigns to decision-makers, public demonstrations, and boycotts. All these techniques require many participants in order to be effective. NGOs using populist techniques therefore generally try to build very large memberships in order to carry out such campaigns. Most US social movements in the 1960s and 1970s—civil rights, anti-war, anti-nuclear, women's rights, and environmentalist—were based mainly on populist techniques. AI and CISPES are primarily populist organizations.

Postpopulist techniques do not rely on mass participation to achieve results. Instead, they generally rely on a small number of skilled activists to influence decision-makers or laws. The National Lawyers Guild is the perfect example of a postpopulist organization. It tries to alter the civil

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<sup>9</sup> Cmiel, "Emergence," 1240.



rights environment in the US and abroad by challenging laws and foreign policy in the courts. It does not require a large membership to do so, nor could NLG, as a bar association, ever build one. Lobbying Congress, giving testimony before Congressional committees and intragovernmental organizations, and conducting specialized research are other examples of postpopulist techniques.

Kenneth Cmiel uses the term “postpopulist” to describe such specialized activism because it seemed that NGOs began using such techniques after new civil and international laws in the 1970s made legal challenges to policy more possible.<sup>10</sup> As such, they came after the older and more time-tested populist techniques. However, there are many cases of so-called postpopulist techniques being used before laws such as the War Powers Act or the Civil Rights Act of 1964. *Brown v. Board of Education*, which preceded King’s civil rights campaign, is an example of a postpopulist victory coming before the populist campaign. NLG has been carrying out postpopulist campaigns since its inception in 1937, long before many of the current civil rights and international laws were in place. Nor are organizations bound by the populist or postpopulist labels; many utilize both kinds of techniques. AI, for example, carries out populist letter-writing campaigns as well as testifying before Congressional committees.

Part of the analysis of this research is to determine which tool set, populist or postpopulist, provided the most benefits to the NGOs under study. By doing so it will add to the growing body of research into social movements by assessing which techniques worked best in the particular environment of the 1980s.

## **The NGOs Under Study**

AIUSA, NLG, and CISPES are very different types of organizations in their operating methods and guiding philosophies. One informant involved in this study commented that analyzing these organizations together is like “comparing apples and oranges.” But the fact that the NGOs under study are so different from each other emphasizes the relative advantages of each kind of NGO and the options available to them. Furthermore, the movement as a whole was comprised of an extremely varied group of NGOs. It involved churches, socialists, peace activists, lawyers, labor unions, anti-imperialist organizations, solidarity groups, students, and numerous other actors of every size and persuasion. If the three NGOs under study were like apples and oranges, then comparing and contrasting

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<sup>10</sup> Cmiel, “Emergence,” 1241.

them is an accurate way of examining a movement composed of such diverse elements.

This section will recount the histories of AIUSA and the NLG. Because CISPES was launched at the inception of the movement, its founding will be covered in Chapter 2.

## **The History and Philosophy of Amnesty International USA**

In 1961, British lawyer Peter Benenson learned that two Portuguese students had been arrested because they had “raised their wine glasses in a toast to freedom.”<sup>11</sup> This denial of the basic human right to free speech so disturbed him that he penned an article, “The Forgotten Prisoners,” for *The Observer*. In it, he announced that he and other concerned lawyers had launched “Appeal for Amnesty, 1961”:

We have set up an office in London to collect information about the names, numbers and conditions of what we have decided to call Prisoners of Conscience, and we define them thus: “Any person who is physically restrained (by imprisonment or otherwise) from expressing (in any form of words or symbols) an opinion which he honestly holds and which does not advocate or condone personal violence.”<sup>12</sup>

The plan was to write letters to governments which had violated the rights of prisoners of conscience in order to apply public pressure for their release. Although such a technique might sound naïve to adherents of *realpolitik*, it was surprisingly effective. Since most governments claimed to derive their legitimacy by acting in the best interests of their citizens, accusations of human rights violations challenged governmental credibility, not only among the citizens of the target government’s country, but also within the international community. It is probably particularly pertinent that the founding of AI occurred during the Cold War, which was in part a cultural struggle for the hearts and minds of the world, principally those in the global South; the reputations and credibility of governments on both sides of the Iron Curtain were crucial to winning the culture war. Therefore, countries did tend to respond when hundreds or thousands of

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<sup>11</sup> Amnesty International, *The History of Amnesty International*, accessed December 14, 2010, <http://www.amnesty.org/en/who-we-are/history>.

<sup>12</sup> The Guardian, *The Forgotten Prisoners: The 1961 Observer article which launched Amnesty*, accessed December 14, 2010, <http://www.guardian.co.uk/theobserver/2001/may/27/life1.lifemagazine5>.

letters from around the world indicated that people were aware of that country's human rights violations. Sometimes, a prisoner of conscience (POC) was released. However, sometimes the situation was such that the offending country might decide to accept the loss of political capital if the prisoner was considered too outspoken to release. Another problem, particularly in Central America, was when a prisoner was "disappeared"—arrested (and probably killed) without any report of it. These two problems would plague AI's efforts in Central America in the 1980s.

That aside, Benenson's appeal attracted significant attention, and in July, 1961, representatives from the UK, Germany, France, Ireland, Switzerland, Belgium and the US decided to expand the campaign by starting a "permanent international movement in defence of freedom of opinion and religion."<sup>13</sup> Within a year, the group had 70 chapters in 20 countries, had worked on behalf of 210 POCS, and had already sent its first fact-finding missions around the world. In 1962, the group decided to name itself Amnesty International.

The name was significant: AI was an international organization, modeling itself, to some extent, after the International Committee of the Red Cross, known for its international reach and credibility.<sup>14</sup> AI believed that such international scope called for a philosophy that would later become highly controversial within the organization: nonpartisanship. Nonpartisan, in this case, meant apolitical, impartial, and objective.<sup>15</sup> By being perceived as nonpartisan, AI strove for credibility throughout the world as well as in governmental bodies such as the UN. It was believed that the credibility of nonpartisanship was critical to AI's work—if AI said it, people could believe it, because AI had no political agenda. Backed up by an extremely competent Research Department to check the validity of claims of abuse, AI believed its nonpartisan stance cemented its credibility with both governments and citizens worldwide.

The nonpartisanship of AI was protected by a guiding code that was known, with almost religious reverence, as "The Mandate." The Mandate (now referred to as the Statutes) was the set of rules AI followed to maintain its nonpartisan stance while carrying out its mission. For example, part of the original AI Mandate stated that AI did not oppose any form of government, nor compare governments to each other, nor oppose any particular policy of a country. AI only reported and acted on violations of human rights as set forth by the Universal Declaration of Human Rights

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<sup>13</sup> *The History of Amnesty International.*

<sup>14</sup> David Hawk, interview with author, September 13 2010.

<sup>15</sup> Tom Buchanan, "'The Truth Will Set You Free': The Making of Amnesty International," *Journal of Contemporary History*, Vol. 37, No. 4 (Oct., 2002): 579.

(UDHR) in 1948, to which most major countries are signatory. AI did not accept money from any government. Until 2001, the Mandate maintained a rule called Work On Own Country (WOOC). This stipulated that, in order to maintain objectivity and credibility, AI members could not work on human rights issues in their own countries, even if they were employed at the International Secretariat (IS) in London. Sometimes, it even prevented members from working on the home countries of their spouses.<sup>16</sup> Any attempt to deviate from the Mandate was the worst heresy in AI, and the NGO's files are full of rejections of suggested campaigns or policies simply on the grounds that the action would "exceed the Mandate." It is true that the nonpartisan stance, codified in the Mandate, provided AI with a certain credibility; coupled with its outstanding research, the organization attained an excellent reputation worldwide.

However, as AI has discovered repeatedly, nonpartisanship was as restrictive as it was empowering. By remaining nonpartisan, AI claimed credibility though the moral authority of objectivity—it stood for no one in particular, so therefore could speak credibly for everyone without bias. That was why choosing the UDHR as the "law" was so useful: as most nations had ratified it, they were susceptible to criticism when they violated it. In violating the UDHR, they had done nothing but violate the declaration they had signed, so it was not a partisan action if AI pointed it out.

The restrictive quality of nonpartisanship appeared when the target government was willing to accept the loss of political capital by continuing to commit human rights abuses, or to counter the accusations with denials, propaganda, and disinformation. Many governments have shown themselves willing to do both, and very often. What, then, can AI do? Because it does not take sides in political battles—say, between reformers or rebels and their respective governments—it has no direct political power. It cannot support a pro-human rights candidate for office, nor support a political party, nor address systematic social problems which lead to human rights violations, such as military governments or endemic poverty. AI could treat symptoms of the disease, but not the underlying causes.

While aware of this limitation, AI insisted on maintaining nonpartisanship and following the Mandate closely. The Manichean world of the Cold War made this approach sensible, since the political paranoia of the period created suspicion of any partisan organization which supported a political

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<sup>16</sup> Stephen Hopgood, *Keepers of the Flame: Understanding Amnesty International* (Ithaca NY: Cornell University Press, 2006), 97.

view unpopular on its own side of the Iron Curtain. Caution over nonpartisanship was taken to nearly unjustifiable levels. David Hawk, Executive Director of AIUSA from 1974 to 1980, recalled that the IS and IEC (International Executive Committee) were concerned about AIUSA taking donations from the Ford Foundation, one of the biggest funders of human rights NGOs, because it feared that citizens of the Third World would think that the Ford Foundation was somehow related to the Ford Motor Company and thus believe that AI was being funded by a major US corporation. In the same manner, it feared that accepting money from the Rockefeller Foundation would seem to connect AI to the Rockefeller family; David Rockefeller was Chairman of the Board at Chase-Manhattan at the time.<sup>17</sup> In time, the IS was more willing to take money from corporations. Nike Corporation funded the Conspiracy of Hope rock tour in 1987, although there was still some concern at the IS over it.

Adherence to universal human rights carries its own set of problems. As former colonies of the Third World began to join the UN as independent nations in the 1950s and 1960s, many balked at accepting the UDHR, viewing its philosophical underpinnings as essentially Western and not applicable to their own traditions. Nor did the nations of the Third World—so recently free from at least overt domination of the West—take kindly to chastisement by the West over their human rights records. Their experience as imperial subjects of supposedly democratic nations sometimes left them convinced that universal human rights of the Western mold were merely a form of cultural aggression designed to promote Western agendas.<sup>18</sup> Many in the global South believed pleas for universal human rights from the West were the same as elite pleas for “national unity” in domestic politics, merely a tool for consolidating support for their own projects.<sup>19</sup> Many Third World elites, therefore, espouse particularism, claiming that their own cultural views trump those of the UN and its Western founders. The result has often been battles between these elites and the UN over the rights of women, children, homosexuals, and minority groups. The USSR also balked at the prospect of universal human rights as envisioned by the UN. The Soviets worried about the “individualist slant” of the UN Charter, and refused to accept the right of private property.<sup>20</sup> Therefore, even though AI was quite credible to

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<sup>17</sup> David Hawk, interview with author, September 13 2010.

<sup>18</sup> R.J. Vincent, *Human Rights and International Relations* (Cambridge: Cambridge University Press, 1986), 120.

<sup>19</sup> Carr, *The Twenty Years' Crisis*, 86.

<sup>20</sup> Micheline Ishay, *The History of Human Rights From Ancient Times to the Globalization Era* (Berkeley, CA: University of California Press, 2004), 223.

Western audiences, it was often criticized in the Third World as a tool for Western cultural domination.<sup>21</sup>

Despite the difficulties of appearing objective, nonpartisanship and the Mandate provided the necessary credibility for AI's phenomenal growth in the 1960s and 1970s. In 1964 the UN granted AI official observer status, due in large part, no doubt, to the organization's nonpartisan stance. In 1972, AI expanded its Mandate—against some internal resistance—by engaging in its first thematic campaign, the Campaign Against Torture (CAT). This meant that, instead of merely reacting to human rights abuses against POCs, AI would now take proactive steps to prevent abuses from occurring, by informing people around the world of their rights under international law and urging governments to make public statements indicating their rejection of torture. The next year, the UN issued a formal statement denouncing torture, inspired, according to the NGO, by Amnesty International's actions.<sup>22</sup> AI also expanded its Mandate by reporting on human rights conditions in various countries, rather than just focusing on rescuing POCs. One example was the 1974 AI report on the first anniversary of General Augusto Pinochet's coup in Chile, in which AI accused the junta of various human rights violations.<sup>23</sup> The expansion of the Mandate was bringing AI closer and closer to the political realm, and the IS struggled to clearly define and maintain AI's nonpartisan stance. Nevertheless, AI was awarded the Nobel Peace Prize in 1977, for having "given a clear and simple No to violence, torture, and terrorism, and an equally clear and unreserved Yes to the defence of human dignity and human rights."<sup>24</sup>

The structure of AI reflected the centralized control demanded by the organization's nonpartisan stance and strict adherence to the Mandate. The International Council and International Executive Committee worked together to steer the organization, planning overall strategy and guiding principles. The International Secretariat, on the other hand, handled the day-to-day decisions about running the organization. The Research Department was based at the IS. Each country with AI members had its own organization called the national section. Each section had one or more headquarters (although only one board of directors, and an executive officer and staff). The section was then subdivided into numerous groups of activists throughout the country. The group—originally known as an

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<sup>21</sup> Hopgood, *Keepers*, 165.

<sup>22</sup> *The History of Amnesty International*.

<sup>23</sup> *Ibid.*

<sup>24</sup> "The Nobel Peace Prize 1977-Presentation Speech," accessed 12 July 2014, [http://www.nobelprize.org/nobel\\_prizes/peace/laureates/1977/press.html](http://www.nobelprize.org/nobel_prizes/peace/laureates/1977/press.html).

“adoption group,” when “adopting” POCs was AI’s only mission—was the basic unit of AI, and participated in various AI programs. Traditionally, this has meant letter writing campaigns on behalf of POCs. The Research Department at the IS received information about human rights abuses and POCs, researched the validity of the information, and, if the decision was made to support the POC, disseminated the information throughout the network. This system meant that the Research Department, originally subdivided by geographical specialization, was the driving force of AI. The Research Department and the IS together determined who and what AI would support because it was considered to be the only branch of AI qualified to make such decisions. If AI supported a POC and it was later revealed that the POC had espoused violence, for example, it could call AI’s nonpartisan stance into question and thus harm the NGO’s credibility.

Therefore, in order to avoid such errors, AI adopted a top-down, prescriptive system in which the IS determined how AI would operate within the Mandate, and the national sections would carry out the programs set down by the IS, or, in some cases, operate with a certain autonomy while still remaining within the Mandate. This centralized authority was thought to be necessary for AI to “speak with one voice,” as the Mandate required. Nor was this merely lip service to the Mandate: several times during the controversy over the Reagan administration’s certification process for aid to El Salvador, the IS criticized national sections which had made statements contrary to official AI policy and even forced them to print retractions.

As AI grew in the 1970s and 1980s, the organization was pushed farther into the political realm by new members. More country sections were formed, particularly in the Third World, which brought in activists who had a different opinion of the importance of political engagement. The WOOC rule, for example, was challenged, and the nonpartisan stance was often thought to be insufficient to the task of addressing fundamental issues in the Third World. These national sections used the more democratic forum of the International Council and annual international membership meetings to challenge the hegemony of the IS and the Mandate as it stood. In particular, the growing power of AIUSA, full as it was of 1960s radicals, shifted AI towards political involvement and democratization. Activists demanded a less objective stance in favor of one that addressed the underlying social causes of violations. The story of AIUSA’s involvement in Central America, covered in this study, was part of this shift.

AIUSA was formed in 1961, but the section remained largely moribund until the mid-seventies. Originally, AIUSA had two boards of directors, one in New York and one in San Francisco. The New York section was comprised mainly of a group of academics from Columbia University.<sup>25</sup> David Hawk, Executive Director of AIUSA from 1974 to 1980, described them as politically centrist or even conservative. Ivan Morris, a Columbia academic and chairman of the New York group, was socially conservative, according to Hawk.<sup>26</sup> There was also Peter Benenson, a cousin of the British Benenson, founder of AI; Hawk described him as a conservative who was “as supportive of the Second Amendment as the First.”<sup>27</sup> William F. Buckley was also on the AIUSA advisory panel; so was Joan Baez. Reverend William Wipfler, another early member of the advisory panel and later a member of the AIUSA board, described the clique in New York as “Cold Warriors.”<sup>28</sup> When serving on the advisory panel, he was sometimes asked to give testimony before the board about the human rights situation in Latin America. He recalled:

...I can still remember going to an Amnesty board meeting...and I was harassed in regards to, “What do you have to say about Cuba? What do you have to say about Cuba?” This in spite of the fact that I had been asked to give an overall picture of what I thought was happening in *South America*...because I had come out with an article on torture in Brazil in 1970. And I was being asked to do this...but because I didn’t talk about torture in Cuba, about political prisoners in Cuba early in my presentation, they were kind of dubious about who I was and what I was saying.<sup>29</sup>

David Hawk noted that celebrities such as Buckley and Baez were on the advisory panel for the purpose of publicity, because AI’s visibility was much weaker in the days before it won the Nobel Prize. When Hawk needed an advisor to give him reliable information on Latin America, he trusted in William Wipfler.<sup>30</sup>

The “Cold Warriors” of the New York section of AIUSA believed that the communist countries were responsible for the majority of human rights violations around the world; they wanted to avoid discussing violations committed by military, right-wing regimes in Latin America, which were

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<sup>25</sup> David Hawk, interview with author, September 13 2010.

<sup>26</sup> *Ibid.*

<sup>27</sup> *Ibid.*

<sup>28</sup> William Wipfler, interview with author, July 29 2010.

<sup>29</sup> *Ibid.*

<sup>30</sup> David Hawk, interview with author, September 13 2010.



perceived as anticommunist.<sup>31</sup> This right-wing bent at AIUSA continued because, until the mid-seventies, board members were selected by other board members, rather than through election by the membership. This created a self-perpetuating system in which rightist members elected their friends, who were also likely to be “Cold Warriors,” to the board.<sup>32</sup> They were, according to Wipfler, a “thorn in the flesh” of the International Secretariat because they would not address the human rights violations of rightist governments.<sup>33</sup>

This situation changed when the international Amnesty movement decided that AIUSA should not have two separate boards, and that the boards should be merged. In order to attain better geographic representation, it was decided that each local chapter could only have two of its people on the board. Therefore, some of the New Yorkers left the board and were replaced by six Californians.<sup>34</sup> Later, members from the Midwest and South were added so that the board could reflect the entire country. The Californians, however, were generally left-of-center and had been involved in the liberal social movements of the 1960s and 1970s. This shifted the political stance of the board to the liberal side and made it more willing to address the violations of rightist governments around the world.<sup>35</sup> Now that the “Cold Warriors” were largely gone, the membership elected a leftist, Vincent McGee, as chair.<sup>36</sup> William Wipfler also joined the board at this point.

After this, AIUSA began to grow in terms of both size and influence with the IS. However, if the “Cold Warriors” of the early days had been a “thorn in the flesh” of the IS, then the new leftists of AIUSA also became problematic for London because of their propensity for partisanship on certain issues. This would prove problematic in the 1980s, particularly around the issue of US military aid to El Salvador.

## **The History and Philosophy of the National Lawyers Guild**

“The Guild is the oldest and most extensive network of public interest and human rights activists working within the legal system,” claims the

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<sup>31</sup> William Wipfler, interview with author, July 29 2010.

<sup>32</sup> *Ibid.*

<sup>33</sup> *Ibid.*

<sup>34</sup> David Hawk, interview with author, September 13 2010.

<sup>35</sup> *Ibid.*

<sup>36</sup> William Wipfler, interview with author, July 29 2010.

NLG's official website.<sup>37</sup> The NLG was launched in 1937 in response to Roosevelt's New Deal. Of course, there had been progressive lawyers in the US for decades, assisting the victims of the Ku Klux Klan, for example, and representing striking labor activists.<sup>38</sup> However, progressive lawyers of all ethnicities—but particularly blacks and Jews—found themselves at a severe disadvantage due to the policies of the American Bar Association. The ABA routinely denied membership to blacks, Jews, and women; it also denied membership to any lawyers who demonstrated an anti-corporate attitude, since, according to the NLG, the ABA was led by economically elite, white, male corporate lawyers.<sup>39</sup> The lack of ABA membership made it vastly more difficult for minority and progressive lawyers to find work. It also denied them a forum where they could pool their resources, share information, or enjoy the other benefits of a bar association.

The Great Depression, however, provided an impetus to form a progressive bar association, because it was felt that the collapse of the economy was spurring interest in the progressive agenda. The New Deal provided a critical boost to morale among potential NLG members because it embodied their values and provided a vehicle for social change.<sup>40</sup>

Thus, the NLG was formally founded in February 1937 at a meeting of over 600 lawyers in New York.<sup>41</sup> Within a year, the Guild boasted over 5000 members.<sup>42</sup> The preamble to the NLG constitution affirms:

...the National Lawyers Guild aims to unite the lawyers of America in a professional organization which shall function as an effective social force in the service of the people to the end that human rights shall be regarded as more sacred than property rights.<sup>43</sup>

Developed prior to the Universal Declaration of Human Rights in 1948, the NLG vision of human rights was based as much in socialism as classical liberalism. This stance attracted reformers of various stripes to

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<sup>37</sup> The National Lawyers Guild, *Our History*, accessed December 14 2010, <http://www.nlg.org/about/history/>.

<sup>38</sup> Ann Fagan Ginger and Eugene M. Tobin, eds., *The National Lawyers Guild: From Roosevelt Through Reagan* (Philadelphia: Temple University Press, 1988), 6.

<sup>39</sup> *Ibid.*

<sup>40</sup> Ginger and Tobin, *National Lawyers Guild*, 7.

<sup>41</sup> Ginger and Tobin, *National Lawyers Guild*, 9.

<sup>42</sup> Ginger and Tobin, *National Lawyers Guild*, 10.

<sup>43</sup> Ginger and Tobin, *National Lawyers Guild*, 11.

the new NGO—champions of minority rights, labor activists, and socialists of every stripe. It also gave the association a strong and unapologetic leftward bent. Such a partisan stance was normally considered anathema to an NGO. NGOs usually depended on populism—the power of a large group of people to bring political pressure to bear on decision-makers. It was usually thought that creating a sufficiently large organization required an inclusive philosophy and the avoidance of the appearance of radicalism. Mainstream political parties certainly fall into this category. Many successful social movements, such as the civil rights and environmental movements of the 1960s, utilized primarily populist techniques. AI used, as one tool, the populist technique of the letter writing campaign, and depended on its nonpartisan stance to create sufficient credibility with the public to form a large organization and thus create very large letter-writing campaigns. A large membership base also allowed for more dues and a larger budget.

The NLG, however, was a “postpopulist” organization. Rather than depend on the participation of a large group, it depended on a small number of specialists—in this case, lawyers—to create social change. As a bar association, its primary method of social change was litigation. It sought to change laws and policies which it perceived as unjust by challenging them in court. Thus, the NLG (like other legal NGOs, such as the ACLU) did not need to espouse a mainstream philosophy to aid recruitment of a large group of people. It could afford to be radical because the only credibility a lawyer needed to bring a case to court was a license to practice law.

Furthermore, courts were theoretically immune to political considerations, basing their decisions entirely on legal theory. While few lawyers would agree that the legal system was free of bias, the venue of the courts was certainly less permeable to politics than the usual target of populist campaigns: the offices of congressional representatives and presidents. In the 1980s, the NLG did very little lobbying of Congress over Central American issues,<sup>44</sup> although it did submit information for Congressional subcommittees over refugee issues. Without the need for public credibility, the NLG could address unpopular social issues without fearing a loss of effectiveness. The Guild had supported very unpopular cases in its long history, from attacking Jim Crow laws to defending communists in McCarthy’s America.

While groups like AI believed that a nonpartisan stance was critical to credibility, exactly the opposite was true for a legal NGO like NLG, due to

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<sup>44</sup> Barbara Dudley, interview with author, January 18 2010.

the nature of litigation. Lawyers cannot be neutral in their jobs; they choose a side and fight for it in court.<sup>45</sup> An activist lawyer could choose a certain degree of impartiality; for example, a lawyer could choose to defend the First Amendment right to free speech of the Nazi Party or Ku Klux Klan, even though the lawyer might not agree with the stances of such organizations. Although the ACLU has defended such organizations, it would be very unusual for an NLG lawyer to take such a case, according to Guild lawyer Ellen Yaroshefsky. Since the Nazi Party and Klansmen were anti-progressive, NLG lawyers were unlikely to stand on the principle of the First Amendment and defend them. They were far more likely to view them as enemies to their own progressive agenda.<sup>46</sup> Barbara Dudley, former President of the NLG, explained:

There are plenty of people in the legal community who play the neutrality role. That is not what the Lawyers Guild does. The Lawyers Guild believes certain things. It believes that the rule of law requires sometimes for people to take a stand, because issues sometimes can get pretty muddy. And you have to take a position on one side of another, if you're going to stand up against your government's intervention somewhere. So...we're not neutral.<sup>47</sup>

On the face of it, partisanship made activism easier, as it removed the difficulty of walking the razor's edge of neutrality as AI attempted to do. Rather than involve itself in questions of doctrinal purity, the NLG focused on the technical aspects of activism. The fact that litigation did not require mass mobilization made it easier to take a partisan stance, since the NGO did not have to satisfy the philosophical requirements of a large and diverse group of people. However, a partisan stance did not necessarily keep issues from getting "muddy." The situation of the Miskitu Indians in Nicaragua, covered in this study, demonstrates the divisions that can arise in the NLG or any other partisan organization when different members support different sides in an issue. In the case of an apparent conflict between the Miskitus and the Sandinistas, some Guild lawyers supported the Sandinistas and others (mainly those previously involved in indigenous rights) the Miskitus. When a partisan organization becomes divided on which side it should support, the effect can be highly disruptive to its cohesion and operations.

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<sup>45</sup> Ellen Yaroshefsky, interview with author, February 12 2010.

<sup>46</sup> *Ibid.*

<sup>47</sup> Barbara Dudley, interview with author, January 18 2010.

The structure of the NLG differed greatly from populist NGOs like AI or even other legal NGOs such as the ACLU. The NLG was not a membership organization; it was a bar association. While AI took a very firm stance on what its members might do or say in its name, the NLG was not prescriptive.<sup>48</sup> It did not tell its members what to do or say or believe. It existed to assist its members in carrying out their progressive legal work. Its national office did run campaigns which were approved by the membership, but individual members were free to participate or not. This structure unfortunately makes it difficult to study the history of the organization, because much of what NLG lawyers have done does not appear in the records of the national organization. If NLG lawyers wanted to take an immigration or civil rights case, they might or might not have reported this to their local chapter. The records of the local chapters were themselves scattered across the country. Therefore, this study will primarily address the National Office's work.

The structure of the NLG was designed for flexibility rather than centralized control. In the 1980s, there were never more than a handful of people at the National Office (NO) in New York City, operating on a "shoestring" budget.<sup>49</sup> Aside from the NO, the organization was divided into 8 regional chapters, each divided into subchapters for legal professionals and law school students.<sup>50</sup> There were also twenty-one discrete task forces which reported to the NO and addressed specific social problems. There were task forces to handle, for example, issues of sexism, racism, and labor law. The most important of these task forces for this research were the International Committee (IC) and the National Immigration Project (NIP). The IC was composed of fourteen subcommittees, of which the Central America Task Force (CATF) was one. The NIP also ran the Central America Refugee Defense Fund (CARDF) and the Visa Denial Project (VDP). These three projects played critical roles in the Central America human rights movement, but their contributions remain understudied.

Since its founding, the National Lawyers Guild has been active in every major civil rights movement in the United States, as well as in numerous international campaigns for social justice. In the 1930s, NLG lawyers worked in New Deal agencies to help advance the Roosevelt administration's progressive agenda; they also "helped organize the United Auto Workers (UAW) and the Congress of Industrial Organizations

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<sup>48</sup> *Ibid.*

<sup>49</sup> *Ibid.*

<sup>50</sup> Ginger and Tobin, *National Lawyers Guild*, 415.

(CIO).<sup>51</sup> In the 1940s, the NLG assisted in the prosecution of the Nazis at Nuremberg, represented the US at the founding of the UN, and helped to draft the Universal Declaration of Human Rights in 1948.<sup>52</sup>

The close collaboration between the NLG and American presidential administrations ended with McCarthyism. Castigated as the “bulwark of the Communist Party” in the United States by McCarthy and others, the Guild fought to protect the rights of thousands of victims of anticommunist paranoia in the US. For this, according to the Guild, the Guild was “unjustly labeled ‘subversive’” by the United States Justice Department, which later admitted the charges were baseless, after ten years of federal litigation.<sup>53</sup>

In the 1960s and 1970s, NLG lawyers represented civil rights and anti-war activists in court, as well as challenged unfair laws in the Supreme Court. NLG lawyers challenged racially motivated prosecutions, the right to social benefits, and police brutality, to name a few issues. The Guild also expanded its international work during this period, supporting autonomy for the Palestinians and opposing South African Apartheid and sanctions against Cuba.

In 1974, the NLG launched a program which would play a major role in the Central America movement in the 1980s: the National Immigration Project. According to an NIP document, the purpose of the project was to “completely assist immigrants and refugees and to promote rights through advocacy.”<sup>54</sup> It did so by providing training to lawyers and other legal professionals who wished to assist immigrants and asylum-seekers navigate the maze of INS procedures for visas, citizenship, and political asylum. The NIP published books and manuals on immigration advocacy techniques and held seminars on advocacy training.<sup>55</sup> In the 1980s, NIP volunteers also launched legal actions, such as *American Baptist Church v. Thornburgh*, which challenged the federal government’s immigration policy towards Central Americans. Their efforts resulted in some of the most important victories of the movement.

Thus, by the beginning of the 1980s, the NLG was already an old and prestigious NGO which had participated in many major social movements in the United States since 1937 as well as helped the fledgling

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<sup>51</sup> *Ibid.*

<sup>52</sup> *Ibid.*

<sup>53</sup> *Ibid.*

<sup>54</sup> NIP Grant Application, Nov. 22 1984, page 1; National Lawyers Guild Records; TAM 191; Box 76; Folder 20; Tamiment Library/Robert F. Wagner Labor Archives, Elmer Holmes Bobst Library, New York University Libraries.

<sup>55</sup> NIP Grant Application, Nov. 22 1984, page 2.