

“Father of the Communities” Fr. Jon Cortina, S.J. (1934-2005)

This eulogy was given on the day Jon Cortina died by friend and colleague Fr. Jon Sobrino and reprinted with permission from *Proceso*, a publication of the University of Central America.

Jon Cortina had been struggling with death since suffering a stroke on the 24th of November. Many years ago he decided to dedicate his life to others. He ran many risks and lived in danger, survived persecution and bombs in the UCA and above all on the roads to Chalatenango, Arcatao, San José Las Flores, Guarjila, and Los Ranchos. Today, the 12th of December, he has passed away at age 71. When I told Father Jose Ellacuría that Jon had suffered a cerebral hemorrhage, he wrote to me: “this is how everyone who struggles for justice ends.” This is the deepest truth of Jon’s death.

Very rarely have I seen so many tears, so heartfelt, like I have today here in the UCA among the people that worked with him, and especially among those who worked with him in the communities. An hour after I found out about his death, they asked me to speak about Jon on the YUCA [radio station]. Spontaneously, without thinking much about it, I called him “father of the communities.” The people of the rural areas, men and women, cry now for him as one cries the death of a father.

Jon went to Aguilares in 1977 after they murdered Rutilio Grande, when few priests were willing to take his place. Since then, he called Rutilio Grande “Father Tilo,” as the peasants did—twice he reconstructed the three crosses that had been in the place where [Rutilio] was assassinated along with an elderly man and a child, and that many times were destroyed by barbarous people with no feelings that ran so freely then. Back then, in those times of oligarchic repression and security forces, Jon had his first profound experience with the poor and suffering people—crushed and deprived of dignity—and with the hope that Rutilio left for them. That touched him deeply and stayed with him.

The years of war arrived, the eighties. Many times we heard him speak of not just hearing about, but having seen and touched, the horrors, tortures and death of the peasants, of their dedication and generosity, and of their hope for liberation. This liberation did not come, but the Peace Accords did, and they were much more about compromise than peace, reconciliation or justice.

After some time in Jayaque, when it was possible to return to the conflict zone and Chalatenango, he was in

San José Las Flores and Guarjila, where he lived and worked for nearly twenty years. In 1994, when confronted by the pain of mothers and family members who during the war had had their small children kidnapped, robbed mostly by military men who made a business out of selling them, Jon decided to work to find these children. He was outraged by this abomination, but even more he shared the pain of the mothers.

Jon founded Pro-Búsqueda and saw more than three hundred children reunited with their families. He liked to tell the following story: “An older woman – I don’t remember her name – in danger of going blind from diabetes, said that she did not want to lose her sight so that she would be able to see her son, whom she was



Fr. Jon Cortina, S.J. Photo: Pro-Búsqueda

“After such a long war in El Salvador, with so much blood spilt, there will never be peace that is worth this much pain. Impunity remains here. Part of our job is to end it.” - Jon Cortina

certain would appear,” and Jon did what he could to care for her diabetes so she could see her son. These were his joys. His pain and outrage need no explanation. These are the last words that I remember Jon speaking, which he said with a pensive, solemn look: “they must ask for the forgiveness of the people”.

Jon learned much about the country in his work for disappeared children. He often said that “after such a long war in El Salvador, with so much blood spilt, there will never be peace that is worth this much pain. Impunity remains here. Part of our job is to end it.” And he demanded the minimum, without which this “country,” “economic progress,” and “democracy” are an insulting farce. “The victims have a right to moral and material reparation. The material will be difficult, but at least you can ask them for forgiveness.”

Today Pro-Búsqueda is a symbol of prophetic denunciation, winning a conviction by the Inter-American Truth Commission on Human Rights of the Organization of American States against the Salvadoran State for the case of the Serrano Cruz sisters (*see below*). This is a sign of denouncing impunity and the corruption of the judicial system. Most importantly, it is a sign of reconciliation.

In his obituary it says that Jon Cortina was a defender of human rights. But he was much more. Not because of profession, but vocation, not because of ethics, but love, he defended the people because he loved them. That is the Salvadoran Jon Cortina. In a meeting we had about twenty years ago with the Jesuits of Central America, Father Ellacuría was chosen to speak about El Salvador during the Eucharist. He started with

these words “To speak of the people of El Salvador, I should not be here, rather Jon Cortina should be.”

John was also a prestigious professor at the UCA for thirty years, promoting seismology and the building of safe structures. For the Jesuits he was a beloved friend, with a humor and witty nature that cannot be imitated.

If you allow me a personal word, we went to the same high school, the same novitiate in Orduña and Santa Tecla, together we studied philosophy and engineering in Saint Louis and theology in Frankfurt. In the same year 1974, we came back to El Salvador, to the UCA, and we worked together and lived in community for many years. Jon was “intimate.” It was easy for him to get inside of us, to the core, and it was easy for us to get inside of him. That is what many people say now, that is why they mourn his death, and why what is left are precious, dear memories. Because of this, he has not died completely. His departure leaves us a hole to fill, but his memory gives us the strength to live and work, to share and to hope.

There was truth in the text from Guatemala that told us of his death: “He rests in peace after a tenacious battle.” We ask of God that the memory of Jon does not let us rest in peace. On the memento given out at the farewell Mass we have written these words of his: “The most important thing is to accompany the people. We can never speak if we are not with them. And once we are with them our work must be to give hope, breath.”

Like a good Salvadoran, Christian and Jesuit, Jon Cortina dearly loved Monsignor Romero. ❖

The Case of the Serrano Cruz Sisters

Adapted by Chris Ortman from a popular education publication produced by Pro-Búsqueda.

Ernestina and Erlinda Serrano Cruz were disappeared on June 2, 1982 during “Operation Cleansing” —known by *campesinos* as “The May Flight”—a scorched earth attack on the civilian population of the northeastern municipalities in the department of Chalatenango. The two young girls were taken by military troops and transported, along with dozens of other *campesino* children, in a Salvadoran Air Force helicopter to the city of Chalatenango, where they were last seen 24 years ago. It is believed that Ernestina and Erlinda—who at the time were 7 and 3 years old respectively—were handed over to members of the Salvadoran or International Red Cross and placed in a children’s home.

After years of not getting answers from the Salvadoran government, Victoria Cruz Franco, the girls’ mother, presented her family’s case in 1999 at the Inter-American Commission on Human Rights in Washington with the help of Pro-Búsqueda and the Center for Justice and International Law (CEJIL). The case was later taken to the Inter-American Court of Human Rights in Costa Rica. In November 2004, the initial ruling stated that the court did not have authority for crimes committed before June 6, 1995, the date El Salvador accepted the jurisdiction of the court. But on March 1, the court announced the second part of the ruling, which declared that the state of El Salvador had violated the human rights of Ernestina and Erlinda Serrano Cruz and of their family by failing to carry out an effective and timely investigation into the girls’ disappearance.

The ruling establishes that the state of El Salvador has an obligation to carry out a serious search for the Serrano sisters, investigate and bring to justice those responsible for the crime and establish a National Search Commission for disappeared children. Furthermore, in reparation, the state should publicly recognize its responsibility and ask forgiveness of the Serrano Cruz family, offer free psychological treatment to the victims’ relatives and establish a “Day of the Disappeared Children.” To this date, the Salvadoran government has yet to fulfill all of the obligations the court ordered. Nevertheless, this first ever ruling against the state of El Salvador from the Inter-American Court of Human Rights is an historic step forward in the struggle against impunity. ❖

Who Murdered Gilberto Soto?

International labor organizer Gilberto Soto was gunned down while visiting El Salvador in November of 2004. Fifteen months later, many questions remain unanswered about his death, the investigation and the motives behind the murder. Reprinted with permission from author David Bacon. He can be reached by email at: dbacon@igc.org.

As evening fell on November 5, Gilberto Soto received a call on his cell phone, at his mother's home in a working-class neighborhood of Usulután, El Salvador. Unable to understand the caller, Soto stepped out of the door of her house to get better reception. In the street outside, three men lay in wait. According to witnesses, they ran up to Soto, shot him in the back, and then fled in a car and bicycle as he lay bleeding on the pavement. Soto was taken to a local clinic, where he died shortly afterward.

A dead body in a the street is not unusual in El Salvador, where violent death has been a plague through a bloody civil war and even into a new era of supposed peace. But Soto's death was no ordinary assassination. Although he'd left his homeland in 1975, and had become a supporter in exile of the FMLN, this was probably not the reason he was killed.

It is much more likely that his murder was connected to a new campaign to organize trucking workers across much of the Americas, from the docks of Elizabeth, New Jersey, where Soto had been working, to those of Central America, where he met his end. Soto had returned to his native country just days before. His visit to his family was a brief prelude to a series of meetings he'd set up before leaving the United States. In calls to El Salvador, Nicaragua, and Honduras, Soto had sought to contact harbor drivers, who ferry huge shipping containers to and from the ships in port.

This was an extension of his work in the United States for the International Brotherhood of Teamsters. For the last four years, Soto and other Teamster organizers have sought to build ties between American drivers and their counterparts in Central America, who often work for the very same shipping companies.

Chuck Mack, president of Teamsters Joint Council 7 in northern California and director of the union's port division, notes that there was nothing in Soto's history that provides a motive for his murder. "The fact that he was not robbed, the fact that he was talking to workers in the area about their conditions of employment, the fact that he was a Teamster organizer talking to workers in that country, seems to be the motive," he charges. "There's no proof or evidence that the companies are behind the assassination — yet. But we will be sending a delegation of our own to El Salvador, to develop

our own facts and assessment." The Teamsters met with the Salvadoran ambassador to the United States, and then offered a \$75,000 reward together with the International Longshore and Warehouse Union and the International Longshoremen's Association.

Salvadoran port truckers have a long history of fighting the Maersk Corporation, a Danish company that has resisted the organizing efforts of truckers around the world. Three years
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Soto's job was helping these workers with no rights, against a company with a long track record of opposing their efforts to organize. Someone was threatened enough to murder him.

From the Editor

Dear Readers,

This edition of *Salvanet*, "Reconciliation Amidst Impunity," reflects on the ongoing struggle against impunity in El Salvador and the search for reconciliation. We've dedicated the first couple of pages to honor the life of Fr. Jon Cortina, who made seeking reconciliation for the families of disappeared children his life work at Pro-Búsqueda.

But impunity in El Salvador is not simply unresolved crimes and unanswered questions from the period of the armed conflict. Indeed, there are fresh wounds of impunity too. One recent example is the notorious case of US labor organizer Gilberto Soto (see above).

Rosa Anaya (page 8) reflects on how survivors find healing in a country where there is no justice. Benjamín Cuellar (page 6) explains the University of Central America's Human Rights Institute's (IDHUCA) controversial decision to collaborate with the International Law Enforcement Academy (ILEA) and how he hopes it will help combat impunity.

Peace, Chris

CRISPAZ, Christians for Peace in El Salvador, was founded in 1984. We are a faith-based organization dedicated to mutual accompaniment with the church of the poor and marginalized communities in El Salvador. In building bridges of solidarity between communities in El Salvador and those in our home countries, we strive together for peace, justice and human liberation. As an organization, we are non-partisan and committed to nonviolence.

*Comments or questions regarding **Salvanet** can be sent to: salvanet@crispaz.org*



Cuellar Defends IDHUCA Decision to Work with ILEA

Editor's Note: Our readers may recognize Benjamín Cuellar, director of the University of Central America's Human Rights Institute (IDHUCA), from past *Salvanet* articles or from delegation visits to the institute. *Salvanet* invited Cuellar and IDHUCA lawyer Roberto Burgos to explain the institute's controversial decision, for which Cuellar has been widely criticized, to offer human rights courses at the newly established International Law Enforcement Academy (ILEA). Critics, including CRISPAZ, are opposed to the United States' selection of El Salvador as the host country for the law enforcement academy, given El Salvador's track record in human rights, and condemn the undemocratic nature in which the academy was forced through the Salvadoran National Assembly. See articles on the ILEA in the Spring-Summer 2005 edition of *Salvanet* and the CRISPAZ News listserv. Both are available at www.crispaz.org. The following are excerpts from the interview. The complete interview can be found at www.crispaz.org/news/cuellar.htm.

Salvanet (S): In general, how is the current human rights situation in the country?

Benjamin Cuellar (BC): *I think it's very difficult for two reasons. The same causes, which led to the era of political violence before the war and to the war itself, are still present. Later, the war ended and compromises were made, which is another difficult part. The causes were poverty and a lack of an institutional framework, which facilitated impunity, corruption, violence and insecurity. In addition, the lack of alternatives for a different executive, the continuation of the same party in power, the lack of real political spaces for participation of the people—to speak freely and actually have their opinions heard and taken into account in order to better the direction of the country.*

Institutions only function for those in power. This is evident by looking at the police. The police have already made way for the privatization of security for certain groups of power because they can pay for it.

What else? Authoritarianism, a president whose excuse is: I want dictatorship in order to guarantee governability. Not having opposition is dictatorship; there are no alternatives for the presidency right now. In other words, no one can successfully compete for the presidency. This causes the deepening of corruption, of impunity, because there is no change. There's no one who comes in who's keeping tabs on the previous government, which is something that happens in other countries.

Do you realize that in all the Latin American countries, except El Salvador, there are presidents or ex-presidents that have been accused, investigated, condemned or detained? It's because there is some level of change among political parties, even though they might be from the same conservative, economically powerful groups like in the case of Guatemala. It's already happening throughout Latin America. There's Alfonso Portillo in Guatemala, Leonardo Calderón in Honduras, Mejía in the Dominican Republic, Arnoldo Aléman in Nicaragua, Menem in Argentina, Pinochet in Chile, etc. At least they have been accused publicly, pointed out and perhaps

there's isn't social or political impunity. Everywhere except El Salvador, and it's not because they have found the paradise of honesty here. In El Salvador, the corrupt continue to be political leaders—the murderers, the war criminals—they are people who have weight in the political and economic decisions of the country.

Today we experience the same conditions, which are perhaps worse with the population three times what it was before. We also have weapons and deterioration of the environment that didn't exist before. Then add to the list immigration and the market—free trade and CAFTA.

S: Why did the IDHUCA decide to work with the ILEA and what role will the institute play?

Roberto Burgos (RB): *As a human rights institution we already have a trajectory of human rights training specifically related to working with police forces and some National Civilian Police units. For example, for years the human rights unit of the police force has been trained here. We have also visited the Public Security*

Academy, and here in the IDHUCA, we've given classes to those at a higher level when they are taking courses in a specialization and are about to graduate. So cooperation on human rights issues in law enforcement areas has already taken place with district attorneys, public advisors and people from the Human Rights Ombudsperson's office. There has been constant training in these areas which forms part of the function of a human rights institute.

When we were asked by the United States to participate in human rights classes with an academic and technical initiative that was coming here, what we did was first investigate how the ILEA has functioned in other parts of the world, in Budapest, Africa and New Mexico. We confirmed that it was part of a global initiative that began in the mid-90s to combat transnational crime, a problem that cannot be combated in one region alone. Then an evaluation was done and conditions were established. First, to have access to the programs of study—what is going to be taught and who is

"Our thinking is that we have to be inside to know what's happening, to guarantee transparency, and to prevent them from turning into what many people say they are."

-- Benjamín Cuellar

going to teach it. Secondly, that the students fit a certain profile, mid-ranking agents—not superiors—with a clean background and strong potential for future leadership in their police force. Also, that no military training was involved, and no military instructors be hired.

Then, the IDHUCA was asked to identify the largest problems in Central American police forces. Beyond what was already included in their curriculum—combating gangs, arms trafficking, people trafficking, pedophilia, counterfeiting, and family violence—we added the issue of witness protection, domestic violence and how the police confront this problem of violence against women in the home.

S: So there are classes for all of those themes? What is the curriculum like?

RB: Principally there are various weeks of classes, which begin with classes on human rights, function of the police and human dignity. This is what the IDHUCA participated in along with classes on domestic violence, how to combat it as a police force based on the experiences of victims here. The curriculum is designed to begin with human rights classes to lay a basis, but provided that they be based on the reality of the police and afterwards some disciplines that strictly have to do with the police work. So that's how the IDHUCA began to collaborate with the ILEA; it was a pilot program that lasted for five weeks last year.

BC: There are conditions for the classes that the IDHUCA doesn't give. Of course, we're not going to teach police techniques, but rather assure that police actions are respectful of human rights. One of our conditions is to be able to enter at any time, any place and any class—without warning—to monitor that the classes are what they say they are. So we agreed to work with them. Why? Because the ILEA is a regional academy, it will include, according to what they have planned, police forces from Brazil, Venezuela, from everywhere in a region where more and more, at least at this point in time, there are many leftist governments, or at least governments leaning left. They're not right-wing military dictatorships like we've traditionally seen in Latin America.



Benjamin Cuellar, Photo: Diario CoLatino

Our thinking is that we have to be inside to know what's happening, to guarantee transparency, and to prevent them from turning into what

many people say they are. And that's why we believe even more that we should be inside, and it's not only us, WOLA (Washington Office on Latin America) for example is in agreement with us, and together with WOLA we're thinking of designing a strategy that will include other human rights organizations, that with seriousness, professionalism, and a sense of responsibility are willing to share this vision with the IDHUCA.

What do you say to people who criticize the institute for collaborating with the ILEA?

BC: There are two levels, the people who are not informed, who don't know, who believe it's another School of the Americas (SOA). We were never going to work with the SOA. The SOA is located in the United States, and it's for the military. This is for police officers and law enforcement agents in the region. To those who are not informed or misinformed, we're happy to educate them and ask them to come along with us. The school is open so that journalists, human rights groups, victims and other interested people can enter with us.

To those that say it's secret and that they're not sharing any information, when many of them were there in the U.S. Embassy receiving the same information as we did, I say that's no longer a question of bad information. It's a foregone conclusion, in which they're not being open to see if this is what really happens in practice. The social movements and political forces in the legislative assembly—knowing that they didn't have the votes to defeat it—could have negotiated things like the conditions we've put in place. It would have been great if those conditions were in the agreement. Frankly, it would have been better if the other human rights groups, civil society organizations and political forces had accompanied us and together we could have guaranteed that the ILEA fulfill its mission of training police and law enforcement and not be used for other terrible, evil things.

They say that it's violating El Salvador's sovereignty, for example. But who says this country is sovereign? If they believe it is, that the Salvadoran government is independent, autonomous, I'd be grateful if they could convince me of that. It was approved in the legislative assembly, right? Formally, they completed all of the steps. So I would say to those people: look, please at least respect the institution's decisions.

At least, let us do our job without causing more complications than what we already have from our adversaries and assume that we are going to support all of these victims that struggle against impunity and want to find justice. And that they join us in denouncing the case of the Jesuits, not because it's the Jesuits, but because it is one of the symbols like Romero, El Mozote and Sumpul that can help to begin to tear down the wall of impunity. I would also like everyone to know that if anything happens that is out of line, if we begin to see that the ILEA could turn into another SOA, the IDHUCA will be the first institution to denounce it, and the only ones with objective knowledge because we're going to be inside and know what's going on. ❖ (to read more, see www.crispaz.org/news/cuellar.htm)

October Once More

Former CRISPAZ staffer Rosa Anaya shared the following reflection at the 2nd Annual Herbert Anaya Congress, a conference named for her father that addresses the current human rights challenges facing El Salvador and through the Herbert Anaya Award recognizes an outstanding individual for their human rights work. This year, Jon Cortina was named the recipient. Translation by Erin Yost García.

October once more. It always seems like the perfect month to bury the dead, thank them for their devotion and for saving the lives of the “living,” an unending cycle since they patented the idea in the crucifixion. What would become of us who are left behind on the road of life, if we didn’t have examples, so...so impossible to ignore? Examples that won’t let us forget the human capacity for love over the overwhelming capacity for destruction and oblivion, and over the thirst for vengeance, an act so brave, so daring, as that of forgiveness.

Today, on the Day of the Human Rights Activist, I want to remember the names of those that for some reason appear to be concrete, more than just words. How many trillions of lives have passed on this planet? It’s overwhelming to think about it, but there are names... humming bird, Jesus, Gandhi, sky, Mirna, water, Anastasio, Che, ceiba, Nezahualpili, corn, 32, Marcos, Herbert Anaya, womb, Ernestina and Erlinda, rain...lives, voices, stories...examples that have remained, ringing in the collective mind like drops of water that keep falling, sometimes intermittently, and some times in an uncontainable flow. It is then when tears cannot hold the fragile human body.

Remember that October 26th in 1987. It’s one of those drops that for 18 years has been flowing

irrepressibly making a hole in the heart. There is Herbert, still with his name. He is in his casket, well-dressed

and made up without his usual smile, just thinking, just feeling, just watching and listening with the patience of the dead. Hundreds of people in the National Cathedral, an ecumenical act in itself, in honor of he who had no other religion than that of believing in the struggle to defend human rights. Today, Herbert is faceless, his expression changes in the reflection of the glass of his casket. He becomes an old toothless woman, he becomes a crying child, he turns the pale color of a widow, he looks like the bearded revolution, he reflects the face of a frustrated poet, the face of sleeplessness, the face of silent protest, frustration, respect, admiration, rancor, passion, weeping, man, old person, child, human, assassinated, dead with no trial, living ghosts of guilt...a name of many.

What is to be done with that name with no body, of an undefined face? In the deaf explosion of the bullets, I hear screams... “Trial and punishment!” some say. “Forgive and forget!” others cry.

I want to share a story from Africa. I heard it in one of those films that you see purely for entertainment. Nevertheless, I found something in this particular story that made me reflect on the famous word that sounds so hollow around here...Justice.

They say that the Ku people believe that in order for suffering to end, you must save a life. If someone is murdered, the year of mourning ends with a ritual called “the drowned man.” There’s a celebration at the side of the river at dawn and the assassin is put in a boat. They take him out into the water and throw him in; he is tied so that he cannot swim. The family of the victim has to make a decision—they can let him drown, or they can swim out and save him. The Ku believe that if the family lets the assassin drown, justice will be done, but they will be in mourning all their lives. But if they save him, they admit that life is not always fair and that this act alone can take away their pain.



Fr. Peter Hinde with Herbert Anaya

Forgive and forget, they repeat to us endlessly, and so I continue to cry tirelessly. Forgive yes, but forget, never. I hear them talk of the basis on which a democratic country must be built. They talk of the rule of law; they even dare to speak of human rights, of justice...as if they were merchandise that can be given and taken away upon discretion or sold to the highest bidder. And I ask myself what those words mean beyond an academic definition.

There are those who conveniently prefer to forget that justice cannot be built over rotten bones, when from the Salvadoran scales of justice drops of blood flow from the fresh wounds of the dead and tortured. When I

say fresh, it is because currently there is an average of 12 homicides a day and many are tortured outside and inside of prisons. And no one is angered by this because they have taught us to differentiate between those who deserve to have human rights and those who do not.

Today, I am here at the water's edge, just like every year for 18 years. I am swimming out once more to save the assassin. I want to tell him that I forgive him, but just like every other year I have had to come out wet, and in my nets, a law of amnesty that tastes like impunity. How many of the victims of today's violence are at the water's edge making their decision and they swim, but the only thing they manage to fish out is a Heavy Hand law that tastes of vengeance? How many victimizers are waiting to be saved, but no one dares to, because they are grabbed by the iron fist that covers our mouths with fear? We cannot demand, "Enough!" of this violence whose main cause is injustice, the same thing that killed Herbert, Monseñor Romero, Marianela, Anastasio, my Pipil blood and all of the names without a body that no monument in the world could sustain.

Today we are here at the celebration by the river's edge, everyone burdened with their dead, and I say, "Forgiveness!" But to be able to forgive I have to know who I'm forgiving. The mother of Ernestina and Erlinda Serrano died at the edge of the lake waiting for an answer. How many of you are at the oceanside making a decision, everyone of you wondering if you should swim or feed vengeance?

"Vengeance!" scream many, sometimes too many. Vengeance is a cowardly way to fight pain. Vengeance is no more than food for war, a banquet for hate and violence, but above all a delicious desert for the fear that keeps us silent

before truth, before the struggle for the true defense of human rights. Vengeance is not a cure for wounds; it cannot revive the dead. But neither can forgiveness.

What then do we do with the pain?

How do you ask a guerilla and a soldier that they forget their dead through a legislative decree? How do you ask the gangs not to kill, not to steal, not to exist if they are the best reflection of a society that you have created, through action or omission? How do you explain to your children that their father was killed by the

bullet of collective indifference? How do you explain to history not having fought for human rights because of fear? How do you remember your dead by not searching for the truth? They say that the human voice, even a whisper, can always be heard over the boom of armies when it speaks truth. The dead do not demand blood. They demand the life that was snatched away from them that no one can give back. "Do not stain your hands with blood in my name, because the enemy also has friends, he also has a mother, he also has children, he also has life."

Let's continue then to celebrate the life they gave, by following their example. ❖

Rosa Anaya

October 26, 2005



Rosa Anaya

“What then do we do with the pain? How do you ask a guerilla and a soldier that they forget their dead through a legislative decree?”

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ago, 100 Salvadoran drivers for Bridge Terminal Transport (BTT) were fired when they tried to win a union contract. BTT, which is owned by Maersk, hires the drivers who deliver the containers to the company's ships. The terminations made big political waves. The fired unionists approached the International Transport Workers' Federation (ITF), an umbrella group for transport unions around the world. The ITF brought some of the Salvadorans to Denmark to put their case before the Danish transport and general workers union. Corporate representatives from Maersk's world headquarters in Copenhagen called the drivers thugs and terrorists. Maersk did admit that the Salvadoran BTT manager, who oversaw the fired unionists, was no longer employed there.

When Soto began making calls to El Salvador three years later, searching for the fired drivers, and other calls looking for current Maersk drivers in Honduras and Nicaragua, he was unearthing that history. A.P. Moller, Maersk's parent company, offered to investigate Soto's murder. "This murder investigation is best left to the Salvadoran authorities," the Teamsters' Mack said in a press release. The Teamsters then sent a 10-person delegation, including U.S. Representative Linda Sanchez (D-CA), to El Salvador to meet with government officials. Seventy-two members of Congress signed a letter to Secretary of State Colin Powell, asking him to make U.S. resources available to the Salvadoran government's investigation.

On December 3, however, Salvadoran police suddenly announced the arrest of Soto's mother-in-law, accused her of hiring the three assassins, and attributed the murder to a family quarrel. When she was paraded before a press conference, Rosa Elba Ortiz claimed in tears that she

is innocent. "I don't know those men," she said. Her arrest was denounced by Salvadoran human rights ombudswoman, Beatrice de Carrillo, who said two supposed witnesses had "been handcuffed, hooded, taken to solitary places," and "threatened with

violations of various kinds." Elba Ortiz was also "strongly coerced and interrogated."

De Carrillo declared that "no person in his sane judgment can believe this version." Authorities said Elba Ortiz wanted to collect on a life insurance policy supposedly benefiting her daughter, Soto's wife. According to John Slatery, director of the Teamsters benefits department, Soto's beneficiaries are his son and two daughters. The accusations against Elba Ortiz are not likely to still the calls for an independent investigation into any connection between Soto's death and his organizing work.

In American ports, 55,000 drivers do the same work as did the fired Salvadorans in Central America: ferrying huge shipping containers to and from Maersk vessels. These workers, however, aren't employed

directly by Maersk or its subsidiaries. Instead, drivers own their own trucks, at least in theory. In reality, they're heavily indebted to banks and finance companies, which loan them money to purchase their rigs. Drivers pay all the costs (e.g., diesel fuel, insurance, parking charges) — everything. By the time bills are paid, the average take-home earnings are between \$8 and \$9 per hour, making them the lowest-paid big-rig drivers in the United States.

Every morning, harbor truckers bid to pick up containers from Maersk subsidiaries like Pacific Rim Transport, Inc. (PRTI), Hudd, or BTT. If they get a load, they wait for hours in front of a terminal to pick it up or drop it off. Huge lines of trucks, motors idling, stretch from the docks for miles every morning; by day's end, drivers have put in as many as 16 -18 hours. Because they're owner-operators, these workers have no rights under most U.S. labor law —including the right to overtime pay — since they are ostensibly self-employed. Most can't afford workers' compensation insurance.

Most important, the U.S. National Labor Relations Board says they're not workers at all and, therefore, aren't covered by the laws that protect the right to form unions. In fact, the U.S. government says that if drivers even try to agree with each other on a price to charge the shipping companies for carrying a container, they're in violation of the Sherman Antitrust Act, which was passed to restrain monopoly corporations. Penalties include ruinous fines and jail time.

"This is what deregulation did," explains Mack. "Their conditions are at the bottom: an immigrant workforce that doesn't have much in the way of voice."

When Soto arrived in the United States in 1975, he got work as a garbage collector, a waiter, a cook, and a factory worker — nothing like his career as a bank teller in El Salvador. Finally he landed a job in a factory in which the Teamsters had a contract. He became a shop steward and then president of Local 11; he was the first Latino to head a Teamster local in New Jersey. He put himself through community college, earned a bachelor's degree, and finally became a Teamsters organizer.

"This is what deregulation did. Their conditions are at the bottom: an immigrant workforce that doesn't have much in the way of voice." - Chuck Mack, union leader



Gilberto Soto

Soto worked with port drivers around the country as they began to organize a national network, despite enormous legal obstacles. For the last decade, without the right to form unions or bargain, drivers have nevertheless organized associations and tried to get the shipping companies to deal with them. These efforts have escalated as oil companies began raising the price of diesel fuel to unprecedented levels, cutting deeply into drivers' income.

Maersk soon became notorious for punishing workers who helped organize protests, as documented in a recent report by Cornell University professor Lance Compa. In 2000, in Oakland, California, Naim Sharifi, an Afghan university graduate, began petitioning for price adjustments to compensate for fuel costs. Eventually the drivers organized a brief work stoppage. Afterward, Sharifi told Compa, "I knew I was in trouble. Management had a different attitude toward me."

In September 2000, the Teamsters organized a rally in the port to protest poor work conditions, and Sharifi spoke for the drivers. PRTI officials looked on, an act that would constitute illegal surveillance if the workers had rights under the National Labor Relations Act. "The next day they called me into the office and cancelled my contract," Sharifi said. "They said, 'We don't have to give you a reason. We don't need a reason.'"

The following year, a Maersk attorney told ITF General Secretary David Cockroft that Sharifi was being investigated by the FBI as a possible terrorist. In the wake of the September 11 attacks that year, Middle Eastern and South Asian immigrants were targets of FBI sweeps in general. Nevertheless, some wonder how Sharifi, who fought the Soviets in Afghanistan, made it onto the federal list of subversives.

Sharifi wasn't unique. Frank Misterka was denied work by BTT in Baltimore for participating in protests the same year. Gene Suggs in Nashville was blacklisted by BTT for a work stoppage in 2000 over high fuel costs and low pay. In Hampton Roads, Virginia, BTT terminated the contract for Robert King, and Hudd, another Maersk subsidiary, canceled that of Paul Barnum, for the same crime: organizing.

In 2004, drivers stopped work in Miami, Oakland, Charleston, and other ports. In Oakland, the port got an injunction that forced the drivers back to work after eight days; the port filed a lawsuit against the personal

assets of three individual truckers, which was later withdrawn.

In Miami, Maersk and the Port of Miami also filed a lawsuit against the truckers because they "held meetings and communicated with each other" and "passed out flyers." They demanded immediate action from the courts because the truckers were "small and independent businesses without substantial financial resources to pay damages ... even if their tractors and other assets were seized." The suit is still pending.

Not all Maersk workers labor under the same anti-labor policies. About 150 West Coast drivers work under a Teamster contract inherited from SeaLand, an international container shipping business acquired by Maersk in 1999. The International Longshore and Warehouse Union negotiates with Maersk as part of multi-employer group, the Pacific Maritime Association. And in Denmark, the company enjoys a benevolent reputation. But according to one union observer, "It may have good relations with organized workers, but it wants to keep its non-union workers non-union."

Helping the port drivers organize marks a change in the approach towards organizing in the Teamsters. Over the last few years, the union concentrated on trying to prevent the entrance of Mexican truckers into the United States, fearing that employers would pit them against more highly paid American drivers. In Mexico, this was often viewed as a campaign against the truckers themselves. By contrast, Soto's efforts in El Salvador were intended to help a similar group to organize in cooperation with American workers in the same industry, even working for the same employer.

"We've recognized with these multinational corporations that we cannot deal with them effectively even nationally," Mack explains. "We have to develop a program that is international. We're not on the verge of organizing drivers in Central America, but we're attempting to share information, provide help, and get their ideas and perspectives." Soto's job was helping these workers with no rights, against a company with a long track record of opposing their efforts to organize. Someone was threatened enough to murder him. ❖

David Bacon, associate editor at Pacific News Service, is a San Francisco-based writer and photographer.

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The *Take*: Argentine Story Mirrors Salvadoran Struggle

In the wake of Argentina's dramatic economic collapse in 2001, Latin America's most prosperous middle class finds itself in a ghost town of abandoned factories and mass unemployment. The Forja auto plant lies dormant until its former employees take action. They're part of a daring new movement of workers who are occupying bankrupt businesses and creating jobs in the ruins of the failed system.

CRISPAZ recommends *The Take*, a documentary from director Avi Lewis and writer Naomi Klein, which tells the story of thirty unemployed auto-parts workers in suburban Buenos Aires who move in and occupy their abandoned factory. All they want is to re-start the silent machines. But this simple act - *The Take* - has the power to turn the globalization debate on its head.

Workers in El Salvador's Just Garments factory have lived a similar story. CRISPAZ staffer Patty Adams interviews two Just Garments workers, Maria Deysi Hernández and Joaquín Alas Salguero, General Secretary of the Textile Industry Workers Union (STIT), who reflect on their own "Take" and their pioneering struggle to establish a factory that respects workers' rights in an exploitative industry that would rather see them fail. For more information on *The Take*, see www.thetake.org.

Salvanet: What kind of resistance have you confronted in this work from within the industry, the government, or other sources?

Joaquín: First of all, the workers here are facing a really critical economic situation since [Just Garments] does not have sufficient orders—in this case direct orders—to be able to make a profit and pay salaries and benefits on time. For this reason, to date we have not been able to sign the collective bargaining agreement, which is one of the factory's principal goals.

S: Is it true that not having direct orders is due in some part to resistance from within the industry, a form of boycott? Or have there been steps—actions or lack thereof on the part of various actors—that have put you in the current situation?

Maria Deysi: We are in this situation because we are an organized factory and therefore are boycotted by other businesses that do not have unions. We are being isolated; they don't give us orders because we have a union. Right now we are only barely surviving on small subcontracted orders that have come to us through friendships.

J: The idea was that Just Garments would be inside the San Bartolo Free Trade Zone (FTZ), but the businessmen there doubled the rent so that a building within the FTZ would be inaccessible to us. That's when we started looking for a space outside the FTZ, but even then the owner only rented to us because we agreed to pay a year's rent up front. If we had not paid, he would not have accepted either.

In terms of orders, all the businessmen here have had the same idea from the beginning—that Just Garments is going to fail. They are just waiting for this to happen; they don't count on us having big earnings or benefits. And like Deysi said, we have become completely isolated. There are no orders, not even subcontracts from other businesses as a way of saying, 'We support this small factory.' No way. Here it's the exact opposite. They are waiting for Just Garments to fail so they can say to their workers: unionizing is a failure.

“The [businessmen] are waiting for Just Garments to fail so they can say to their workers: unionizing is a failure.”

S: What kind of support have you received?

MD – We have received a lot of support from USAS, UNITE, US Leap,^[1] and the AFL-CIO. They are the international organizations that helped us in 2003-04 during the campaign

that we launched against the big brands we produced for in the old factory, Tainan Enterprises. We were producing for Gap and Lands' End. [Through the campaign] we pressured these brands to give us direct orders here at Just Garments. In El Salvador, we've received support from the CSTS, FESPAD, CEAL, and CRISPAZ^[2]. This support has helped us maintain our resistance. When Tainan closed in 2002, there were 350 of us that were left unemployed who put in formal complaints through all the legal channels. Of those 350 workers, only about 25% are still here. Those of us here are the ones who are definitely on the blacklist that Tainan put out. But thanks to all the people who helped us, we have been able to resist and stay in this struggle that has lasted two and a half years.

S: An important point made in *The Take* is that the work of creating an alternative to the dominant, neoliberal model is an ongoing process. What lessons have you learned from your struggle?

J: One of the things we have learned through experience is that only when we are organized and when we work together—not just within our organization but with other organizations nationally and internationally—can we achieve better working conditions for all workers.

MD: Working on a team is great because only through being united and working as a team, coming to agreement on the decisions that are made, can we move forward and resist the new system which is upon us. If we are united and organized and we resist, we can succeed. So for me, organization is the most important.

S: In one of the most impacting scenes, the wife of one of the principal protagonists of the factory takeover—who has been without work for three years—says through tears, “The saddest thing is a man without work.” You have also had a long struggle and much of it consisted of being denied work because of the blacklist. What do you think about this woman’s statement?

J: This is a reality that each worker must confront when s/he decides to organize. A lot of foreign investors come here and the government invites them in and they do what they want with workers and dispose of them at will. Then, when they have made their profit, they close the businesses and go, leaving the workers behind in an even more critical situation, a situation of extreme poverty because the current wages are not even enough to cover the basic costs of living. There are so many laws which talk about freedom to organize and the rights of workers, but when there are problems factories close. The government doesn’t speak out or do anything, and they don’t even demand that the businesses comply with Salvadoran law. It’s a really difficult situation.

MD: In most *maquilas*, the rights of women and men are not respected; least of all the right to organize. The right to organize is the most violated because when [the owners] realize that the workers are trying to organize, they fire them without the right to anything, severance or benefits. We could go 2 ½ or 3 years without a job, just for defending our rights and demanding that more sources of employment be



Forja workers on the roof of their factory. Photo: Andres D’Elia, FTE Productions

opened. For example, at Evergreen, a factory which recently closed after attempts to organize, the majority of the [500 workers there] are single mothers, and now they are unemployed. So we demand more job opportunities, and that women and men learn to defend their rights as workers in this country.

S: At the end of the movie, after the expropriation law is approved, the workers celebrate their victory. For you, what is your goal? What are you struggling for?

J: The day when we have direct orders that generate a profit—not subcontract orders that only keep us busy—which will permit the signing of a collective bargaining agreement and lead to better benefits and salaries above and beyond what is required by the law. Then we’ll be demonstrating not only to the businessmen but also to the government that unions are not about destroying but rather building and improving the quality of life for workers. Our goal is to obtain the collective bargaining agreement and then the factory can serve as an example to others, but especially for the workers, to eliminate their fear of organizing.

MD: Better wages and conditions for all workers of different *maquilas*. Folks must understand that only by being organized will we win our struggle.

(Footnotes)

^[1]United Students Against Sweatshops, Industrial and Textile Employees, US Labor Education in the Americas Project

^[2]Coordination of Salvadoran Workers’ Unions, Foundation for the Study of the Application of the Law, Center for Labor Studies and Support

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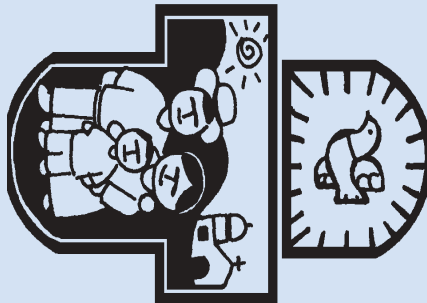
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