

Congress of the United States

Washington, D.C. 20515

February 20, 2018

The Honorable Rex Tillerson
Secretary of State
2201 C Street, NW
Washington, DC 20520

Dear Secretary Tillerson,

As the March 2018 legislative and municipal elections in El Salvador approach, we write to you with concerns regarding the current state of that country's democratic institutions and U.S. involvement in Salvadoran domestic affairs.

As part of the January 16, 1992 Peace Accords, the Constitution of El Salvador established the Supreme Electoral Tribunal (TSE). The TSE is a body made up of representatives from a variety of political parties designed to ensure a free and fair electoral process. The TSE has been essential in creating a stable democratic system in El Salvador over the past 25 years. Now, the TSE's structure and impartiality has been manipulated by the Constitutional Chamber of the Supreme Court.

The Constitutional Chamber is one of the four chambers of the Supreme Court of El Salvador and is made up of five Magistrates. Since a new slate of Magistrates began their term in 2009, the Chamber has overstepped its authority in numerous ways. First, the Chamber has made several troubling election-related decisions that should rightfully be made by the TSE (or the Legislative Assembly). For example, the Chamber overstepped its authority by determining the appearance of the ballot and the regulation of the candidate selection process within political individual parties. Second, the Chamber has altered the structure of the TSE by ruling that specific election officials may no longer have any party affiliations, making those officials ineligible to serve on the TSE. That ruling ignores the explicit purpose of the TSE as a multi-party entity to ensure the participation of all political parties and transparency in the process. The Chamber's decisions have significantly altered the integrity of the electoral process, which is essential in any democracy.

Especially considering the impending elections, emissaries of the American government should remain – and be perceived as – neutral in partisan arenas. Unfortunately, actions by the U.S. Embassy in El Salvador appear to have taken sides in internal democratic affairs. For example, the Constitutional Chamber made several rulings that legal experts said violate the Salvadoran Constitution, and it was reported that the U.S. Embassy in 2013 suggested that Millennium Challenge Corporation development funds would be in jeopardy unless the government of El Salvador complied with these court rulings¹. Over the past two years, Salvadorans have protested against the Constitutional Chamber Magistrates, calling for their

¹ "Aponte dice que conflicto CSJ envía 'señales de debilidad.'" La Prensa Gráfica. August 22, 2013. Accessed February 20, 2018. <https://www.laprensagrafica.com/elsalvador/Aponte-dice-que-conflicto-CSJ-envia-lquosenales-de-debilidaddrquo-20130821-0008.html>.

resignation. Meanwhile, Ambassador Manes has made statements in support of the Chamber and publicly appeared with Magistrates. Such actions imply U.S. support to the Chamber and its decisions.


As members of Congress with a deep commitment to the democratic process in El Salvador, we seek your assurance that the State Department will remain neutral in its comments and actions regarding the electoral process, the TSE, the Constitutional Chamber, and the Supreme Court. American neutrality is critical in ensuring the integrity of El Salvador's democratic process.

Thank you for your attention to this matter. We look forward to working with you to ensure that the United States promotes El Salvador's ability to conduct free and fair elections through a truly democratic process, without any interference.

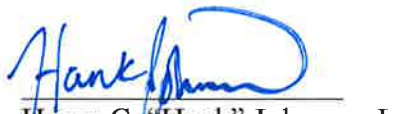
Sincerely,



Jan Schakowsky
Member of Congress




Juan Vargas
Member of Congress




Henry C. "Hank" Johnson, Jr
Member of Congress



José E. Serrano
Member of Congress



Marcy Kaptur
Member of Congress




Barbara Lee
Member of Congress



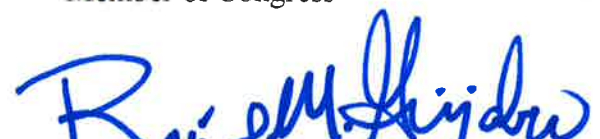
Ro Khanna
Member of Congress



Danny K. Davis
Member of Congress





Michael Capuano
Member of Congress




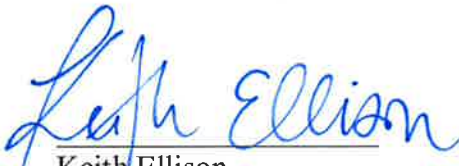
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Nanette Diaz Barragan
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Mark Pocan
Member of Congress


Sheila Jackson Lee
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Eleanor Holmes Norton
Member of Congress

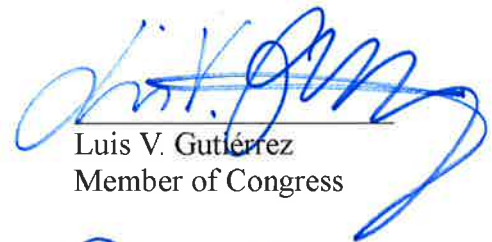

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Don Beyer
Member of Congress

Cc: Ambassador Jean Manes