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E.O. 12065: GDS 2/26/85 (HARRIS, F. ALLEN) OR-P
TAGS: SHUM AR PINS
SUBJ: (U) PRESIDENT REPLIES TO SUPREME COURT'S DEMARCHE

REF: BUENOS AIRES 1097

1. (U) ON FEBRUARY 16 THE TEXT FROM PRESIDENT VIDELA'S LETTER ADDRESSED TO SUPREME COURT PRESIDENT GABRIELLI WAS RELEASED BY THE CASA ROSADA REPLYING TO A NUMBER OF POINTS MADE IN THE RECENT SUPREME COURT DECISION IN THE SMITH III CASE (SEE REFTEL). PRESIDENT VIDELA'S LETTER STATED THAT HE SHARED THE HIGH COURT'S PREOCCUPATION OVER THE DEPRIVATION OF JUSTICE IN ARGENTINA. THE LETTER SAID THAT WITHOUT JUDGING THE MERITS OF THE FACTS CONTAINED IN THE 1542 DISAPPEARANCE CASES BEFORE THE COURT, WHICH ONLY THE JUDICIARY HAS THE COMPETENCE TO JUDGE, THE PRESIDENT COULD ONLY SHARE THE COURT'S PREOCCUPATION REGARDING THE MATTER.

2. (U) THE PRESIDENT'S LETTER WENT ON TO POINT OUT THAT THE NATIONAL REORGANIZATION PROCESS PROPOSED TO NORMALIZE THE COUNTRY IN ALL AREAS WITH FULL AND EFFECTIVE JURIDICAL PROCESSES AND PLEDGED TO USE ALL HIS FORCES TO REINSTATE THE REAL EXERCISE OF
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THE CONSTITUTIONAL RIGHTS AND GUARANTEES. THE PRESIDENT ALSO POINTED OUT THE GRAVE EMERGENCY AND CRISIS SITUATION WHICH HAD SET BACK THE COUNTRY GENERATING CHAOS, DISORDER AND DISTORTIONS WHICH

Department of State, A/GIS/IPS/SRP

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HAD COMPROMISED ARGENTINA'S CONDITION AS A SOCIETY BASED ON JUSTICE.

3. (U) THE PRESIDENT'S LETTER ENDED SAYING "THE RATIONAL GOVERNMENT IS MAKING EVERY EFFORT TO INSTALL THE TRUE EXERCISE OF CONSTITUTIONAL RIGHTS AND GUARANTEES, AND TRUSTS THAT THE SUPREME COURT CONSIDERS THIS THE CASE."

4. (C) EMBASSY COMMENT: THE PRESIDENCY TOOK SOME, IF NOT MOST, OF THE STING OUT OF THE SUPREME COURT'S DENUNCIATION OF THE EXECUTIVE POWER'S RESPONSIBILITY FOR THE DEPRIVATION OF JUSTICE PREVAILING IN ARGENTINA BY USING AGAIN THE TACTIC OF RECOGNIZING THE VALIDITY OF CRITICS' ASSERTIONS, BLAMING THE PROBLEMS ON THE CRISIS SITUATION IN THE LAST SEVERAL YEARS AND PLEDGING THE EXECUTIVE TO WORK TO RECTIFY THE ACKNOWLEDGED BAD SITUATION IN THE FUTURE. PRESIDENT VIDELA OFTEN SEEKS TO DISARM CRITICISM IN THIS WAY. THE RESPONSE ELICITED SOME EDITORIAL OPINION. (SEE ESPECIALLY PRENSA'S EDITORIAL REPORTED PARA 3 OF BUENOS AIRES USINFO OF FEB. 26.) THE STATEMENT REITERATES THE PRESIDENT'S UNEQUIVOCAL INTENTION TO PUT ARGENTINA'S LEGAL SYSTEM INTO PROPER WORKING ORDER -- BUT LEAVES IN ABEYANCE THE QUESTION OF WHEN AND WHETHER THE SPECIFIC COMPLAINTS THE COURT HAS REGISTERED WILL BE ANSWERED.
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