

**Testimony of The Honorable Otto J. Reich
President, Otto Reich Associates, LLC
Committee on Foreign Affairs
Subcommittee on the Western Hemisphere
US House of Representatives
Hearing on “The Crisis in Honduras”
July 10, 2009**

Mr. Chairman and Members of the Committee. Thank you for this opportunity to speak before you.

The current battle for political control of Honduras is not only about that small nation. What happens in Honduras may one day be seen as either the high-water mark of Hugo Chavez’s attempt to undermine democracy in this hemisphere or as a green light to the continued spread of Chavista authoritarianism under the guise of democracy.

The removal of President Zelaya from office two weeks ago has been referred to, mainly outside of Honduras, as an attack on democracy. In contrast, prominent Honduran jurists and scholars, who are not members of the government, describe it in the exact opposite fashion: as the legal and defensible measures of two co-equal branches of the Honduran government against the autocratic intent of the Executive. Many Honduran insist that those actions saved democracy by preventing Zelaya from establishing the kind of “21st Century Socialism” regime that is being established in countries of Latin America under something called the ALBA, an alliance invented by Castro and financed by Chavez.

We must find a bipartisan way to defend the true democrats in Honduras. I respectfully suggest to this Congress that one way to do so may be to ask the elected representatives of the people of Honduras, their Congress, why they voted 125 to 3 for the removal of Zelaya. The equivalent of that vote in this House would have been about 415 to 11, with a few abstentions.

You, our representatives in Congress, more than anyone, know that when nearly all freely elected members of a nation’s Congress give such bipartisan support to such a momentous measure, there must be an

unusual reason. In Honduras, that reason was genuine fear for the future of the country.

I freely admit that I am not an expert on Honduran law and therefore not qualified to judge the legality of this action. I would also point out, however, that most in this country - and other countries - who have rushed to condemn the Zelaya removal are at least equally unqualified to judge it.

How can the so-called democratic community allow Cuba, Venezuela, Bolivia and other countries that have either destroyed self-rule, or are in the process of doing so, to determine the standards of democracy in the region? ALBA has a consistent modus operandi: subvert the foundations of self-rule, such as free elections and referenda, to gain power, concentrate it in the hands of the Executive, steadily diminish civil liberties and then change the rules and even the definitions of democracy to remain in power indefinitely through any means necessary, including force.

In my opinion, what took place in Honduras on June 28, when the military removed Zelaya on an order of the Supreme Court, should have been handled differently. As an American, I would have liked to have seen Zelaya's charges better publicized in advance of the arrest, to have seen civilian authorities and not military forces arrest Zelaya. I would not have expelled him from the country but would have detained him and given him the opportunity to defend his actions like any other accused felon.

But I am not a Honduran; I did not feel threatened by Zelaya's increasing authoritarianism, as did the Honduran Congress, for example; I did not fear the undermining of my country's democratic institutions by Zelaya, as did the Honduran Supreme Court; I did not know the extent of interference by Venezuelan, Cuban and other foreigners in the internal affairs of my country, as did the Honduran Armed Forces.

Had I been a Honduran, not living peacefully in the US as most of us in this room do, I would have heard the exceptional denunciations of the Catholic Church and the council of Protestant churches protesting Zelaya's abuses of power. At the same time, however, one does not

have to be a Honduran to understand the anger of the average citizen at the documented and repeated instances of gross dishonesty by Mel Zelaya, his family and members of his cabinet.

I cannot excuse the zeal with which the military broke into Zelaya's house, but it may be explained by Zelaya illegal's misuse of the police military to take over private properties, deny access to rightful owners and thus benefit his extended family. To use the forces of the law to commit unlawful acts is immoral. That may also explain the churches' condemnations of Zelaya.

I am told by a number of Honduran experts, including Dra. Vilma Morales, former President of Supreme Court, who authorized me to quote her, that the Supreme Court action ordering the arrest of Zelaya was legal. The fact that the State Department's Legal Advisor's office has not declared the events in Honduras to have been a coup, in spite of enormous political pressure to do so, speaks well of the independence and professionalism of our lawyers.

If, according to Honduran experts, by the time Zelaya was removed from his home and expelled that Sunday morning, he had ceased to be President of Honduras, was this a coup? Honduras' Constitution does not define a step-by-step impeachment process. It does, however, have a provision in Article 239 that defines the automatic loss of public office in the case of the commitment of certain high crimes and misdemeanors. This mechanism is quite different than the impeachment process that some other countries, such as the US, use.

Commendably, the Legal Advisor of the Honduran Armed Forces admitted the law was broken in expelling Zelaya, an action he justified as taken to prevent violence. When was the last time the Legal Advisor of Chavez's or Castro's Armed Forces (assuming they even have such a position) admitted a criminal error in handling a civil case?

The crude threats and bluster with which those autocratic governments greeted the removal of Mel Zelaya is indicative of their anger at losing a member of their "21st Century Socialist" alliance, as Chavez calls it. They know full well what the stratagem was: that Zelaya's "non-binding referendum" was a necessary step to achieving the limitless power that

ALBA's leaders, Castro, Chavez, Morales and Ecuador's Correa, have codified into law.

ALBA has a proven design: to manipulate the institutions of democracy, such as free elections and referenda, to gain power, concentrate it in the hands of the Executive, weaken civil liberties and then to change the rules and even the definitions of democracy to remain in power indefinitely through any means necessary.

The sight of Raul Castro and Hugo Chavez next to Daniel Ortega in Managua, Nicaragua, screaming for the restoration of their ally in Honduras should have served to demonstrate the true allegiances of Mel Zelaya. Chavez does know quite a bit about coups, having planned and executed one in 1992 that was designed to kill President Carlos Andres Perez, and replace him with himself. Perez survived, but three hundred other Venezuelans did not.

Having been originally elected under a constitution that limited presidents to wait out one five-year term before running again, Chavez has now stayed in office over 10 consecutive years by changing the Constitution, packing the Supreme Court, manipulating the electoral rules and intimidating the media. Moreover, he has stated repeatedly he will stay in office for decades more. The Castro brothers have ruled over a one-party state for half a century but, like the Soviet leaders they emulated, have "won" every vote held in Cuba by near unanimity.

This pattern, adapted to each country's peculiarities, has been repeated in Bolivia and Ecuador and was in the process of modification for Honduras but the nation's institutions resisted. They unanimously refused to participate in the caudillo's power-grab: the Supreme Court, the Legislature, all political parties, including Zelaya's own party, the electoral tribunal, the churches, civil institutions, all of which stood to be decimated if Zelaya had succeeded.

Those recent examples of the tragic history of this hemisphere are apparently what motivated the Honduran institutions to support the actions, which we discuss here today. We can disagree about their legality but we should not question the sincerity of the actors.

It is always an honor for me to be asked to testify before the US Congress because I have never taken the freedoms this country has afforded me for granted. I am an immigrant, a Cuban-American who lived under two dictatorships in his native country and then saw it enslaved by communism. I have been privileged to serve our government in and out of uniform for over 15 years. I fervently exercise my civil rights because I once lost those rights and know how precious they are. I urge this Congress to not condemn Hondurans for defending theirs, even if we may not approve of the one mistake to which the military have already confessed.

Thank you.