

Madam Chairman; Mr. Berman, Ranking Member; Members of the Committee

Thank you for the invitation to appear before you to discuss the recent Nicaraguan elections and the future of democracy in that country, a place and a people that I came to like and admire during my three years as the United States ambassador there.

I continue to cherish that experience and remain committed to those Nicaraguans who, against formidable opposition, persist in their dream of creating a truly democratic country and who, at great personal risk, work to bring that dream to fruition.

Today, in these brief opening remarks, I want to make four points:

First, that Daniel Ortega's candidacy was illegal, illegitimate, and unconstitutional;

Second, that the period leading to the elections and the elections themselves were marred by serious fraud;

Third, that Daniel Ortega and his Sandinista party have systematically undermined the country's fragile governmental institutions; and

Fourth, and despite the foregoing, that we Americans must remain engaged in order to support those Nicaraguans who share our vision of individual freedoms, representative government, rule of law, due process, and respect for human rights.

First, Ortega's candidacy. As many here know, Sandinista members of the Supreme Court, overnight, on the weekend, and in the absence of opposition magistrates, decided that the constitutional ban on consecutive presidential terms and more than two terms for any individual, both of which disqualified Daniel Ortega, violated Ortega's human rights. In effect, they declared the constitution unconstitutional.

No serious, objective jurist, in Nicaragua or elsewhere, regarded this decision as anything but a travesty -- an insult to jurisprudence, an embarrassment to the country, and a stain on the reputation of the judges who rendered it.

But it was all that Mr. Ortega needed to justify his candidacy, no matter how absurd it looked to the rest of the world.

Then, during the campaign, the Sandinistas, who control the Supreme Electoral Council, the fourth co-equal branch of government, manipulated the voter rolls, managed the issuance of voter cards to the detriment of the political opposition, and used state property to conduct their electoral activities, among other abuses. And on the day of the election, and according to credible observers, they stole many thousands of votes.

Allow me to cite one telling figure: the published results showed that Nicaraguans cast over 100,000 more votes for assembly candidates than for president, although all candidates appeared

on the same ballot. In my judgment, and if we could credit these results, it would seem very odd that so many more people cast a vote for legislators than for a president in the same election.

Next, the question of institutionality. Under the government of Ortega's predecessor, Enrique Bolanos, a decent, honest, and able man, Nicaragua slowly began to develop those independent and robust institutions that ensure true democracy and provide a check and balance on government excesses. But Ortega has reversed these modest gains.

As I have mentioned, the Supreme Court and the Electoral Council are in thrall to the Sandinistas. Ortega and his party have used for their own purposes these institutions and many others, including, increasingly and sadly, the national police. Nicaraguans now know that they have nowhere to turn for a redress of grievances, for the protection and preservation of their individual rights.

Of all the damage that the Sandinistas have done to democracy in Nicaragua, their systematic co-optation of those governmental institutions is the most consequential and insidious.

I come now to my last point: what, if anything, the United States can and should do with the next Ortega government.

The dilemma is obvious: we maintain our current relations with an illegitimate and at times odious government in order to remain there to encourage, and bear witness for, those Nicaraguans who share our political values, or we reduce our diplomatic presence and our aid, thereby leaving these valiant Nicaraguans without the support and presence of the hemisphere's most powerful and active democracy.

For the moment, at least, I think we should stay. We should continue to promote economic development, especially through our programs in health and education, which both benefit poor Nicaraguans and demonstrate our nation's commitment to them. We should continue to champion good governance openly, in every appropriate way, and with everyone, including young Sandinistas, who want to create a genuinely democratic future for their country.

If, however, the next Ortega administration becomes ever-more authoritarian, if it places intolerable conditions on our activities, we must be prepared to reduce or eliminate aid and reconsider the size of our diplomatic presence.

Madam Chairman, Ranking Member, members of the committee, I thank you for your attention. In discussing this complex issue, I have been brief. If you have any questions, I will gladly try to answer them and at the appropriate time.

**United States House of Representatives  
Committee on Foreign Affairs**

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<b>3. Date of Committee hearing:</b>  December 1, 2011	
<b>4. Have you received any Federal grants or contracts (including any subgrants and subcontracts) since October 1, 2008 related to the subject on which you have been invited to testify?</b>  <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>5. Have any of the organizations you are representing received any Federal grants or contracts (including any subgrants and subcontracts) since October 1, 2008 related to the subject on which you have been invited to testify?</b>  <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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