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The Honorable Condoleezza Rice
Secretary
Department of State
2201 C Street NW
Washington, DC 20520

Re: Ambassador to Costa Rica Mark Langdale

Dear Secretary Rice:

It has come to my attention that a formal denunciation was filed last month in Costa Rica's Supreme Elections Tribunal (TSE) against U.S. Ambassador to Costa Rica Mark Langdale.

It is my understanding that the denunciation accused Ambassador Langdale of intervening in Costa Rica's internal political affairs by publicly advocating a "yes" vote in the country's historic popular referendum, scheduled for October 7, on whether to ratify the Central America Free Trade Agreement (CAFTA). There are also press reports indicating that Ambassador Langdale has used the threat of disappearance of U.S. trade preferences or worsening of U.S. commercial and/or foreign relations during his advocacy for CAFTA, including after the referendum campaign season was under way.

U.S. trade preferences for Costa Rica under the Caribbean Basin Initiative were made permanent in 1990 by the Customs and Trade Act of 1990. Additional preferences for Costa Rica under the Caribbean Basin Trade Promotion Act (CBTPA) of 2000 have been widely supported by both parties and chambers in Congress, as well as Democratic and Republican presidents. Moreover, most of Costa Rica's exports are duty-free under the World Trade Organization's most-favored nation terms. It is Congress—not the executive branch—that can amend these preference programs. It would be highly misleading at best for the executive branch to suggest that Costa Rica's trade preferences will disappear, when such decisions are constitutionally in the hands of Congress.

But more urgently, as noted in the denunciation, such advocacy by foreign persons would be in violation of the Costa Rican constitution and law on referenda. It would also be at odds with U.S. obligations under the Vienna Convention on Diplomatic Relations, to which both the United States and Costa Rica are party. And as you know, foreign intervention is prohibited in referenda in the United States.

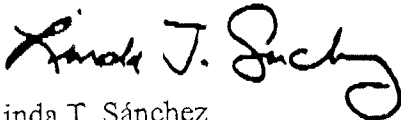
In a September 10 letter written by the U.S. Embassy to a Costa Rican legislator, the U.S. Embassy argues that because the United States is party to CAFTA, the Embassy "may highlight the benefits of this trade treaty for Costa Rica" without that qualifying as foreign intervention.

I do not share this interpretation, nor is it consistent with the national and international legal norms referred to in this letter. From the moment on April 23, 2007 when Costa Rica's legislature determined that CAFTA would be put to a referendum, CAFTA became the subject of an ongoing electoral process in that country, and our embassy personnel should have refrained from pressuring or advocating in favor of a particular outcome of the vote. It would appear that Ambassador Langdale's documented public remarks violate the spirit, if not the letter, of U.S. international diplomatic obligations, let alone U.S. foreign policy.

Even the perception of such interference harms the U.S. image in a region already suspicious of our intentions. If we are to be seen as respecting democracy, sovereignty, and economic development, we must not interfere in any way with the historic popular referendum on CAFTA in Costa Rica, the region's oldest and strongest democracy.

Given that there is less than a week left of campaigning prior to the referendum, I request your immediate assurances that no embassy staff time or resources are being spent trying to influence in any way the outcome of the referendum. Following such assurances, I request a full investigation into whether such efforts have been made in the past.

Sincerely,



Linda T. Sánchez
Member of Congress