

105TH CONGRESS  
2D SESSION

# S. CON. RES. 84

Expressing the sense of Congress that the Government of Costa Rica should take steps to protect the lives of property owners in Costa Rica, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MARCH 17, 1998

Mr. KEMPTHORNE (for himself, Mr. HELMS, Mr. FAIRCLOTH, Mrs. FEINSTEIN, Mrs. BOXER, Mr. CHAFEE, Mrs. HUTCHISON, Mr. COVERDELL, Mr. GRAMM, Mr. SMITH of New Hampshire, Mr. LEAHY, Mr. DEWINE, Mr. WARNER, and Mr. CRAIG) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations

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## CONCURRENT RESOLUTION

Expressing the sense of Congress that the Government of Costa Rica should take steps to protect the lives of property owners in Costa Rica, and for other purposes.

Whereas, although the United States embassy in Costa Rica had forewarned Costa Rican officials about threats on Max Dalton's life, on November 13, 1997, 78-year-old United States citizen from Idaho and World War II veteran Max Dalton was surrounded and murdered in a dispute with squatters, some of whom were illegally occupying his property in the Pavones region of Costa Rica;

Whereas the murder of Max Dalton was the tragic conclusion to a seven-year assault perpetrated against Mr. Dalton by

the squatters in an attempt to steal his property, and Costa Rican citizen Alvaro Aguilar was also killed in the incident;

Whereas the initial investigation of Max Dalton's death was flawed in that investigators failed to take fingerprints, collect bullets, and secure the scene of the crime;

Whereas landowners, including United States and Costa Rican citizens, have reported harassment and invasions by squatters in areas of the country, other than Golfito in Pavones, including Cocotales in the North East, the Caribbean cities of Cahuita and Cocles, and Jaco on the Pacific Coast;

Whereas the squatters' tactics have included stealing and starving livestock, burning homes, leveling crops and fruit trees, death treats, machete attacks, and, in the case of a United States citizen, murder;

Whereas Costa Rica has a long history of democratic governance, respect for human rights and close, friendly relations with the United States; nonetheless, successive Costa Rican governments have failed to deal with squatters invading property held by foreign and Costa Rican landowners;

Whereas although article 45 of the Costa Rican Constitution states that "no one may be deprived of his (property) unless on account of legally proved public interest and after compensation in conformity with the law", this constitutional guarantee has been eroded by the broad interpretation of the Agrarian Code by individuals who have used it as the basis for aggressive squatter campaigns against landowners;

Whereas United States citizens who were drawn to Costa Rica by the relatively reasonable cost of living and property, particularly for retirement, report spending tens of thousands of dollars in legal costs to pursue repeated challenges in the Costa Rican courts without achieving permanent solutions to the squatter problems on their lands; and

Whereas a concerted national effort on the part of the Government of Costa Rica to deal with the legal confusion and enforcement issues relating to property expropriations by squatters is necessary and desirable: Now, therefore, be it

1        *Resolved by the Senate (the House of Representatives*  
 2   *concurring)*, That it is the sense of Congress that the Gov-  
 3   ernment of Costa Rica should—

4            (1) in the interest of justice to which Costa  
 5   Ricans have long been committed, consider fun-  
 6   damental reform to protect the property rights and  
 7   lives of all law-abiding residents and property own-  
 8   ers of Costa Rica from acts of intimidation, violence,  
 9   and property invasion; and

10           (2) conduct a complete and thorough investiga-  
 11   tion into the death of Max Dalton.

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