

draft statement on El Salvador

This is, I suspect, the final statement that I will make as Chairman of the Speaker's Special Task Force on El Salvador. The Task Force was created to monitor the investigation into the murder of six Jesuit priests, their cook and her daughter at the University of Central America almost exactly two years ago. Since the Task Force was created, we have issued one main report supplemented by occasional statements on my part and interim reports from staff.

I do not intend to repeat, in this statement, what we have said before. I want, instead, to complete the record to the extent that rules of confidentiality and good faith allow me to do so. I find this necessary because of a statement from the Government of El Salvador that the "Jesuits trial showed that our criminal justice system works." And I find it necessary to respond to a book length rebuttal of our work that was issued by something called the Central America Lawyers Group. According to that group, none of whose names are listed in the publication, "the Moakley Commission indicts the entire El Salvador Armed Forces as being responsible for the murders of the priests, yet presents no evidence of any specific orders, general policy, or permissive environment fostered by the High Command demonstrating institutional guilt."

I cannot respond to this criticism without explaining more completely the basis for some of the statements I have made concerning the investigation in the Jesuits' case and the subsequent trial. I have contended, for example, that high-ranking military officers knew soon after the crimes were committed who was responsible but failed to come forward with that information. I have also stated my belief in the possibility--not the certainty, but the possibility--that the murders were ordered by senior officers other than Col. Benavides, the man who has been charged--and now convicted--of doing so. Although I have cited a number of reasons in previous statements for my beliefs, other information has not been cited because the sources of that information were not willing to be identified. Today, for reasons of completeness, I will cite that portion of the information provided to us in confidence that I believe is most credible and that is most central to the statements I have made in previous reports.

Before doing so, however, I want to mention a couple of other things for the record.

First, I believe that those in El Salvador and in the United States who have suggested that our Embassy orchestrated ~~the~~ a cover-up of this murder case simply do not know what they are talking about. There is no question that the Embassy made

some poor judgments during the difficult and often chaotic process of monitoring this investigation. But Ambassador Walker, his legal officer during most of the investigation, Richard Chidester, and other key Embassy personnel devoted thousands of hours to this case and to the effort to see that justice would be done. Although the Ambassador is restrained by his position and responsibilities from detailing many of these efforts, I know that he has acted consistently and at times courageously in the pursuit of the truth.

Second, I want to acknowledge the fact that, despite my criticisms, the Salvadoran judicial system is making important progress. The Jesuits' trial, the recent indictments of a number of wealthy Salvadorans in a bank fraud case, and the resolution of the Zona Rosa case involving the murder of U.S. marines--all represent important steps forward. In addition, reforms resulting from the peace negotiations should provide the judicial system with important additional resources and should lead to the development, in time, of a professional civilian investigative capability. The conviction of Col. Alfredo Benavides in the Jesuits' case does, indeed, prove that a high-ranking Salvadoran military officer can be held accountable for the murders of prominent people provided there is sufficient international attention and pressure brought to bear on the case. This is indeed a limited accomplishment, but it is an accomplishment nevertheless.

Third, I want to give credit once again to the President of the Supreme Court, Mauricio Gutierrez Castro and the judge in the Jesuits' case, Ricardo Zamora, for their courage and skill in pushing that case forward. And although I have been critical of President Alfredo Cristiani at times, I do give him credit for encouraging the military to cooperate in the investigation and for the symbolic importance of his willingness to testify personally in the case. I believe the President was genuinely shocked by the murders of the Jesuits; that he made a sincere effort at the outset to push the investigation forward; and that he insisted--at critical moments early in 1990--that the armed forces accept responsibility for the crimes. Without his efforts, I do not believe that the most direct perpetrators of the crimes would ever have been identified.

Finally, I want to extend my thanks to those in the Salvadoran armed forces who did come forward voluntarily--albeit confidentially--with information in this case. In saying this, I do not mean those who simply passed on rumors or who offered information in return for favors of some sort. I am speaking of individuals who are experienced, respected and serious people who understand the harm done to the Salvadoran armed forces by the murders of the Jesuits, and who do not share the view that military officers in that

country should be above the law. It is these individuals who are the source of much of the information described below.

I want it understood that these people incurred great personal risk in talking to the Task Force. Although I encouraged them to come forward and testify officially concerning their knowledge in the case, they refused to do so. All cited the risk of retribution against themselves or their families by extreme rightwing elements of the armed forces. Some said they had already been warned not to talk. Some said they would violate the confidences of others if they were to speak openly. None expressed faith in the protective capabilities of the United States. None wanted to leave El Salvador. And none expressed faith in the ability of the judicial system to convict high-ranking officers even with the evidence they could provide.

Below is a summary of information about two central points that has been provided to the task force by these confidential sources, but which was not included specifically in previous reports:

The Earlier Meeting

1) According to these sources, the decision to murder the Jesuits was made at a small meeting of officers held at the Salvadoran Military School on the afternoon prior to the murders (November 15, 1989). Among those present were Col. Benavides, commander of the military school; Gen. Jose Rafael Bustillo, then head of the Salvadoran Air Force (now assigned to the Salvadoran Embassy in Israel); Gen. Emilio Ponce, then Chief of Staff and now Minister of Defense; Gen. Orlando Zepeda, deputy Minister of Defense; and Col. Elena Fuentes, commander of the First Brigade. Reportedly, the initiative for the murders came from General Bustillo, while the reactions of the others ranged from support to reluctant acceptance to silence.

The direct and circumstantial evidence supporting this version of events includes:

-- an allegedly eyewitness account of the meeting by an individual known to have been present at the military school that afternoon;

-- confirmation by another individual that the officers listed above were at the military school on the afternoon of November 15th;

-- the fact that the unit that carried out the murders was issued uniforms without insignias or other identifying characteristics late on the afternoon of November 15th;

-- the secret destruction, by military officers, of the logs indicating the identity of those who came and went from the military school that afternoon;

-- reportedly, the fact that the logs had been destroyed was conveyed to Gen. Ponce in January, 1990, but was not passed on by him to the then Minister of Defense. As a result, disclosure that the logs had been destroyed was delayed for three months;

-- reportedly, Col. Benavides told officers at the military school on the night of the 15th that he had "received the green light" ("tengo la verde") to conduct an operation against the Jesuits. This implies that he did not make the decision himself;

-- one of those present at the meeting with Col. Benavides later directly accused Gen. Ponce and the high command, in their presence, of being responsible for ordering the murders;

-- reportedly, Gen. Bustillo told senior Air Force officers, also on the night of November 15th, that a decision had been made to kill the Jesuit priests (citing specifically, Father Ellacuria, the best known of the priests); and

-- reportedly, Gen. Ponce told a meeting of senior officers on December 10, 1990 that "we would not be here if I had not made the decision that I did"; to which Gen. Bustillo responded "we have done well, but we must continue to take a hard line".

The incident described above might also explain the statement of a U.S. military officer assigned to the Embassy in San Salvador that he had been told by Salvadoran Col. Carlos Aviles, on the afternoon of November 15th, that "something was going to go down at the UCA" that night. The American officer subsequently told the FBI that he must have been wrong about hearing that statement because Col. Aviles was not in the country on November 15th. The fact is, however, that Col. Aviles returned to El Salvador on November 14th and might have known at least generally about a decision made the following afternoon to kill the Jesuits on the night of the 15th. At the time of the murders, Col. Aviles was serving as the chief of psychological operations on the staff of Gen. Ponce.

Coverup

2. There is a substantial amount of circumstantial evidence, described in our earlier reports, to indicate that senior military officers in El Salvador must have known, soon after the murders, which unit was involved. This evidence pertains to the number of soldiers involved in carrying out the

murders; the operational chain of command on the night of the murders; the close relationship that exists among senior officers; the role of military intelligence in events immediately prior to, and subsequent to, the murders; the destruction of evidence at the military school and so on.

Just as an example, the Task Force interviewed one officer who claimed to have been told by a colleague on the day after the murders which unit had carried it out. The colleague had served in one of the units placed around the periphery of the UCA on the night the murders took place. When asked about the failure of officers with information to come forward, the officer told the Task Force that "in El Salvador, you talk until you find out the truth; but when you find out the truth, you shut up."

More specifically, the Task Force has not previously disclosed information that one of those later accused of the crimes reportedly confessed his involvement in the murders to his commanding officer in mid-December, 1989. That information was reportedly then passed on to General Ponce, but it was not turned over to those investigating the case.

I offer this information, as I say, to provide additional substantiation to statements made in earlier reports. Those statements concern 1) my view that it is possible--not certain, but very possible--that senior officers other than Col. Benavides ordered the murders; and 2) my conviction that a coverup of the crimes was attempted and that this coverup involved officials at the highest levels. For reasons detailed in earlier reports, the coverup did not fully succeed because of 1) international pressure; 2) disclosures made by a U.S. military officer in early January, 1990; 3) President Cristiani's insistence that the military take responsibility for the crimes; and 4) good, preliminary police work carried out by El Salvador's Special Investigations Unit.

One additional point: the Task Force received information that I believe is reliable concerning threats made against the lives of several of the Salvadoran officials involved in pushing for progress in this investigation. One of those threats was directed against President Cristiani. There are also widespread suspicions in El Salvador about the deaths of three military officers connected with the Jesuits' case.

In part because of the threat of violence; in part because of the limited control exercised by civilian authorities over the military; and in part because both the U.S. and civilian authorities in El Salvador need to use the leverage they do have over the military to keep the peace process on track; I

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am under no illusion that the Government of El Salvador is likely to take further steps to investigate this case, or to examine seriously the possibility that top military officers ordered the crimes. I do recommend very strongly, however, that Congress and the Administration bear this information in mind when making further decisions with respect to U.S. policy in El Salvador. In this connection, I note that the information described above--as well as other information bearing on shortcomings in the investigation--is known to the Executive branch.

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