

THE AMERICAS

JESUIT MURDER CASE UPDATE

AUGUST 1991

This brief, the Lawyers Committee's eighth on El Salvador's Jesuit murder case, brings developments up to date since late May. It includes transcripts of presentations made by Congressman John Joseph Moakley (D-Mass); Fathers Francisco Estrada, S.J., and Jon Sobrino, S.J., at a public forum on July 1 at San Salvador's Central American University José Simeón Canas (UCA). It also summarizes: legal developments in the case during the eight-day period for the introduction of new evidence (May 23 to June 3); depositions by ten U.S. citizens ordered by presiding Judge Ricardo A. Zamora; and finally, reactions to the visit of Congressman Moakley, who since December 1989 has closely followed case developments as chairman of the Speaker's Special Task Force on El Salvador.

Eight-Day Evidence Period

On May 23, Judge Zamora opened an eight-day period for the introduction of additional evidence. This is the last stage before preparations begin for the jury trial, likely to be held sometime this fall. During this period, new witnesses may be called, past witnesses may be recalled and witnesses who have contradicted each other may be obliged to confront one another. The eight-day period ended on June 3, but up to three months were granted for the questioning of ten U.S. citizens in writing, using a process known as letters rogatory.

CONGRESSMAN JOHN JOSEPH
MOAKLEY PAPERS
MS 100

On May 22, attorneys Henry Campos and Sidney Blanco, acting as private prosecutors in behalf of the victims' families, filed a 50-page brief requesting a broad range of investigatory steps. No further evidence was requested by the Attorney General's office. Lawyers defending the nine military defendants submitted to the record two right-wing tracts attacking the Jesuits and liberation theology. Their requests for information on all persons killed because of guerrilla actions since November 1989 was denied.

The private prosecutors asked Defense Minister René Emilio Ponce for 30 pieces of information; eleven of these requests were rejected by the Judge. Documentation was also requested from the director of the National Police; President Cristiani; the United States Embassy; and the head of the SIU, the police unit which investigated the crime. They also proposed four "confrontations," a provision in Salvadoran law allowing for witnesses who contradict one another to meet face-to-face. Judge Zamora denied all but one of these confrontations, which in the end did not occur because one of the officers involved was in the United States for training.

The private prosecutors' requests to recall witnesses who had already testified likewise proved disappointing. Judge Zamora failed to cite six ranking officers -- including Gen. Ponce -- stating that the men are exempt from personally appearing in court. Written statements were requested from some of these officials. Gen. Ponce had promised in January 1991 to appear in person if summoned. Of the six new witnesses the prosecutors sought to question, only Argentine Col. José Luis García was subpoenaed. A witness in the trials of Argentina's ruling military juntas, Col. García was called as an expert witness on how a military operates during warfare against irregular forces. Testifying for nearly six hours, Col. García firmly rejected the possibility that the defendants could have carried out the killings without the knowledge and cooperation of other military officers.

Also at the prosecutors' request, defendants Col. Guillermo Alfredo Benavides and Lt. José Ricardo Espinoza Guerra appeared in court to expand on their previous testimony. Both reiterated their innocence. On his own initiative, Judge Zamora cited several military witnesses.

A few new pieces of information emerged during the eight days:

- * Captain Luis Parada Fuentes, a DNI intelligence officer in November 1989, testified that news of Father Ellacuría's death was reported in the early morning hours of November 16 on a closed circuit military radio frequency, not on a commercial station as previously reported.

- * The AK-47 machine-gun used to kill three of the Jesuit priests was not assigned to the Military Academy, as previously reported by the military. If the weapon were brought to the Academy for this purpose it would suggest that the crime was planned and prepared in advance.

- * In written testimony, Gen. Ponce notified the court that Col. Ivan López y López, a former SIU chief and head of personnel at the High Command, had been on duty at the military's command center on the murder night. Prosecutors had heretofore failed repeatedly to establish who was on duty in the critical hours at High Command headquarters. Col. López y López was temporarily re-assigned to the SIU in the aftermath of the murders to oversee the unit's investigation. According to the testimony of Maj. Buckland, Col. López y López was also told

early on of Col. Benavides' role and is thus implicated in the cover up of the crime.

Consistent with the largely fruitless efforts throughout some 20 months of judicial investigation, testimony given during this final evidence period and the written declarations provided by ranking officers contradicted one another, failed to answer outstanding questions, frustrated every attempt to learn more, and contributed to the impression of a full-scale cover-up.

Depositions by U.S. Citizens

At the request of the private prosecution, Judge Zamora ordered the testimony of nine U.S. citizens: six U.S. military advisors serving in El Salvador in November 1989; two U.S. diplomats; and Carol Buckland, the sister of Maj. Eric Buckland, who is the only U.S. citizen voluntarily to offer testimony in the case. Carol Buckland is the only one of the nine who does not have diplomatic immunity. The deadline for recording and submitting these declarations to the court is August 23. This is three months after the opening of the period for the submission of new evidence by the court. While steps were taken to have Maj. Buckland again appear in the Salvadoran court, his testimony was not heard, reportedly because the Foreign Ministry did not expedite the paper work in a timely fashion. Instead, he was questioned in writing through the letters rogatory process in August. His responses will be forwarded in writing to Judge Zamora, along with those of eight other U.S. citizens.

Under the letters rogatory process, U.S. law stipulates that U.S. federal civil procedures are to be followed unless there are specific instructions from the presiding judge in the foreign country. Reportedly, the statements in this case were recorded by the Justice Department during the second week in August. A request by the Society of Jesus to be represented by legal counsel at the depositions was denied. A Justice Department official told the Lawyers Committee that the presence of the Jesuits or their representatives would have a "chilling effect" on the witnesses. In response, Jesuit Provincial José María Tojeira said that "The State Department is seriously hindering the case [by] preventing . . . [embassy staffers] from replying to questions or cross examination that our representatives might carry out." These statements now will be submitted to the judge and become part of the court's record.

Reactions to the Visit of Congressman Moakley

On July 1, Congressman Moakley addressed a spirited public forum at the UCA, where the six Jesuits and two women were murdered. Nearly a thousand packed the auditorium, and at least as many listened to the talk over the P.A. system outdoors. It was an enthusiastic, standing-room only crowd who gathered to hear the legislator, undoubtedly the best known U.S. congressman in El Salvador and much admired for his commitment to establishing the truth in the Jesuit case.

Firmly rejecting the notion that the murders were the actions of "a few bad apples," Mr. Moakley addressed himself directly to Defense Minister Ponce, saying, "General, believe me, you have got an institutional problem." The congressman mentioned that El Salvador is sometimes criticized "for its tendency toward violence." He noted the "arrogance" of such an attitude, given the United States' "\$300 [billion] defense budget, \$25 billion arms sales, huge military foreign aid program, and the highest murder rate in the western world"

El Salvador: PROCESO

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SPECIAL ISSUE:

UCA Forum on the Jesuit Case with Rep. Joe Moakley

1. Introduction
2. Welcoming remarks by Fr. Miguel Francisco Estrada, S.J.
3. Speech by U.S. Rep. Joe Moakley
4. Response by Fr. Jon Sobrino, S.J.

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Introduction:

UCA Forum on the Jesuit Case with Rep. Joe Moakley

On July 1, the UCA organized a University Forum on Contemporary Issues called "The Jesuit case and U.S. policy." Expectations were high, since both issues -murders in El Salvador and U.S. interference- are individual realities which clearly epitomize the whole of Salvadoran reality. But more than that, the keynote guest speaker was John Joseph Moakley, the Democratic Congressman from Massachusetts, in El Salvador probably the most well-known and admired of all U.S. politicians throughout the entire sad history of relations between the two countries. The auditorium was packed.

Congressman Moakley has been known in our country since the days when he began lobbying in the U.S. Congress for laws to protect the hundreds of thousands of Salvadorans who are refugees there. His efforts won him, together with Fr. Segundo Montes, a prize from CARECEN, a Washington-based institution which works to protect the rights of Salvadorans. Then in 1989, he was appointed Chair of the Speaker's Task Force on El Salvador, formed to monitor the investigation of the murders of the Jesuits. Since that time, the "Moakley reports" have been notable for their objective presentation of the truth and their unfettered freedom in proclaiming it, heretofore unseen in issues

involving our country.

These observations were made by P. Miguel Francisco Estrada, rector of the UCA, in his introductory speech, to which he added this profound reflection: "the task force has served as the State Department's conscience" and has carried on its work "despite powerful forces who surely would have preferred that they not take their mandate quite so seriously." And as Jon Sobrino acknowledged later in the final speech of the forum, "I sincerely do not remember when I have ever heard such true words spoken by a U.S. politician on Salvadoran soil."

Mr. Moakley's words were clear, emphatic and often direct. His fundamental position is the one he has reiterated ever since he was appointed to the task force: the truth -and the entire truth, whatever that truth may be- must be known about what occurred the night of November 15-16, 1989. And on that issue he made a telling reflection: "if El Salvador... cannot bring those who murdered the Jesuits to justice, how can anyone expect justice the next time a labor leader or a teacher or a *campesino* is killed?... How can we expect an end to the violence of the left unless there is an end to the impunity from prosecution of the right?"

In a passage met with prolonged and enthusiastic applause, Mr. Moakley addressed himself directly to Defense Minister René Emilio Ponce: "General, believe me, you have got an institutional problem," thereby rejecting the oft-repeated position of the Salvadoran government and Armed Forces to the effect that the murders were committed by individuals acting alone.

In another strongly-applauded part of his speech, Moakley dealt head-on with the simplistic and purposefully distorted view that violence in El Salvador is rooted in traditional culture. He retorted that it would be quite arrogant for the United States -a nation with an enormous defense budget, a huge foreign military aid budget, and the highest murder rate in the western world- to "criticize another society for its tendency towards violence." The applause which followed Moakley's speech was emotional, sincere and practically unanimous.

In his response, Fr. Jon Sobrino analyzed what is at stake for El Salvador in solving the case, and what is at stake for the United States as well. He urged the U.S. government, the State Department and the U.S. Embassy to show much greater determination and cooperation in solving the case, adding a list of specific demands, and concluded: "This is the U.S. government's last chance to show it is truly interested in the case."

The importance of the issues presented in the forum was mirrored in the strong turnout (including many U.S. citizens) for the event. The many spontaneous interruptions of applause, and the interest demonstrated by the thoughtful questions posed after the formal presentations, only reinforced the truth behind the basic positions set forth by the speakers. As Ignacio Ellacuría used to say: "they put their finger right on the key issue." And for those in the government, Armed Forces and U.S. Embassy who disagree with them, it would be worth recalling that Congressman Moakley himself, who once spoke the truth about Salvadoran refugees -and was praised for it- today speaks the truth about the murders of the Jesuits, of Julia Elba and Celina, and for that reason he must be heard.

**Welcoming remarks by Fr. Miguel Francisco Estrada, S.J.
Rector of the University of Central America (UCA)
University of Central America, San Salvador, El Salvador
July 1, 1991**

Honorable Joe Moakley, friends of the UCA and of the Jesuits here with us this afternoon; ladies and gentlemen:

Following the murder of our eight companions in November 1989, when the Speaker of the U.S. House of Representatives appointed a special task force to follow the "Jesuit Case," here in El Salvador he had no idea of its significance. We had never heard of a certain Congressman from Massachusetts, although Mr. Moakley has shown a special interest in questions of military aid and Salvadoran refugees for over ten years.

The appointment of this commission was a surprise even in the United States: never before had a congressional task force of such stature been appointed to monitor so closely the investigation of a particular human rights case.

In our country, we all know that there is an enormous and terrible lie which remains to be investigated: 75,000 dead, among them many anonymous as well as celebrated victims.

Over the last decade of civil war, the United States government has used its influence and pressure selectively, at times with good effect. But we had historical reasons to fear that, once the outrage had died down, Washington would lose interest in our Jesuit case and move on to other issues.

The Moakley task force made such forgetfulness impossible. Its reports and the Chairman's public statements soon became front-page news in El Salvador as well as the United States.

In April of 1990, the publication of the "Interim Report" changed perceptions in the United States of how the case was proceeding and who was to blame for blocking the legal investigation.

In October of 1990, Mr. Moakley uncovered the fact that a U.S. military advisor, Major Eric Buckland, may have had prior knowledge of the crime. With great courage and against the wishes of the Department of State, he boldly made the existence of this testimony public, and opened a new avenue of inquiry concerning prior knowledge and perhaps complicity by the country's top officers. Satisfactory answers to all the questions raised by Major Buckland's account have yet to be provided.

Over the last 19 months, it has become clear that the task force's analysis and reporting has time and again moved the case forward and determined how the investigation is viewed internationally.

For example, it was through the work of the task force that the existence of an institutional coverup of the crime was definitely established. That point is no longer controversial. Indeed, from the beginning, Mr. Moakley insisted that the Armed Forces as an institution was responsible for the murders.

The proverbial gadfly, Mr. Moakley has tirelessly prodded and chided the State Department, reminding U.S. officials that the case cannot be resolved until all intellectual authors of the murder plot have been identified. Until that has been

accomplished, we hope that the task force will not cease its work.

Over the last year and a half, the task force has served as the State Department's conscience, staying a moral course directed toward the establishment of the complete truth. The commitment of Mr. Moakley and his colleagues has remained constant, despite powerful forces who surely would have preferred that they not take their mandate quite so seriously.

While the investigation of what happened here on November 16, 1989, is fundamentally inadequate, we should also keep sight of what has been accomplished--military officers have been investigated by civilians, will stand trial before a civilian magistrate and be judged by a civilian jury. The case has developed, thanks in important measure to Mr. Moakley's interest; yet much remains to be revealed.

We cannot anticipate the results of the trial, and we don't want to. But we can anticipate a very sincere word of gratitude to Congressman Joe Moakley, for all that you have done to ensure that this case has been, as much as possible, a process of truth and justice. I'll finish here, since we are now eager to hear what new elements and insights you have to offer us. The Central American University "José Simeón Cañas" and the Society of Jesus in El Salvador wish to bid you a warm Welcome!

**Remarks of U.S. Rep. Joe Moakley
Chairman of the Speaker's Task Force on El Salvador
University of Central America, San Salvador, El Salvador
July 1, 1991**

I. Introduction

I am honored to be here at this historic university and grateful for the kind invitation to speak to all of you this afternoon.

I am especially grateful to Father Estrada for his very flattering introduction. He represents the very best in the Jesuit tradition and has done a remarkable job of presiding over this very great university during these very difficult times.

I also want to thank Father Michael Czerny and my dear friend, Father Charlie Beirne, for their assistance in arranging today's speech. I am delighted, as well, to participate in a program with Father Jon Sobrino who has always been a strong defender of social justice.

And I want to thank Father Rodolfo Cardenal who has bravely agreed to translate my remarks. I just hope his Spanish has a Boston accent.

I want to say at the outset that I am not one of those fellows who runs around the world telling other people how to run their countries. I have never set out to change the world; I'll be happy if I can make things a little better for the people I represent back home in Massachusetts.

El Salvador represents my first major effort in the field of international affairs and judging from the reviews I've received in some of the more conservative Salvadoran

newspapers, there are some people out there who hope it will be my last.

As you may know, I am the Chairman of a special task force that was appointed by the Speaker of the U.S. House of Representatives to monitor the investigation into the terrible murders that took place on this campus on November 16, 1989. Members of the task force have not tried to investigate the case ourselves, but we have tried to monitor the progress of the investigation conducted by the authorities in this country.

Over the past year, our task force has prepared one major report and a number of shorter reports discussing the investigation. These efforts would not have been possible without the help of Salvadorans from many walks of life and from individuals in the U.S. Embassy, especially the U.S. Ambassador to El Salvador, William Walker, who I believe is a very good man who wants very much to see justice done in this case.

I am conscious, as I stand here, that past relations between the people of El Salvador and the Government of the United States have not always been smooth.

A former political leader of your country once said that El Salvador has endured during this century "fifty years of lies, fifty years of injustice, (and) fifty years of frustration." El Salvador's history, he said, is the history "of a people starving to death, living in misery. For fifty years, the same people have had all the power, all the money, all the jobs, all the opportunities."

And throughout those fifty years, I am sad to say that all the people of El Salvador heard from the United States was silence.

It was not until ten years ago, after the revolution in Nicaragua, that the U.S. Government began to pay serious attention to El Salvador. Because even the Reagan Administration understood that your country, with its history of social inequality, its corrupt and brutal military and its active and militant left was as logical a candidate for revolution as this hemisphere has ever seen.

And so, for the past ten years, America has provided more than \$4 billion in economic and military aid to El Salvador. There are some in the Congress of the United States who have fully supported that aid. Others, such as myself, have expressed serious concern about the wisdom of providing large amounts of aid to the Salvadoran military.

II. Importance of the Jesuit case

Those concerns were validated on the morning of November 16, 1989.

Obviously, the horrible murders at this campus were not the first in El Salvador nor, tragically, would they be the last. Tens of thousands have died as a result of political violence over the past decade. It makes no difference in the eyes of God, and it should make no difference in our own eyes, whether a victim of that violence is famous or unknown, rich or poor, a partisan of the left or right or of no side at all.

Every one of us is entitled to our rights; and every one of us is entitled to justice when those rights are violated.

It is not on abstract human or moral grounds, then, that so many of us have come to attach so much importance to discovering the truth about the murders that took place here at the UCA.

We are moved, instead, by the friendship that so many of us had for one or another of the murdered priests; we are moved by the respect we felt for the courage of

these men in their pursuit of social justice and peace; we are moved by the innocence and suffering of Elba Julia Ramos and her daughter Celina; and we are moved by the brutality and cowardice of the murders themselves -carried out, not in the heat of some battle- but in cold blood, in the dead of night, by dozens of well-armed and well-trained troops.

We are moved by these murders and we are determined that unlike the case of Archbishop Romero, Fr. Rutilio Grande and so many others; at least this one crime against God and humanity will not go unpunished.

In this one case, we demand the truth. In this one case, we insist that the justice system do its job. In this one case, we demand that the Government and the armed forces of El Salvador live up to their claims to respect democracy and the law.

Opponents and critics of the government have been picked up, questioned, tortured and murdered in this country for years. Now, in the course of peace talks, they are asked to trust the government, to trust the armed forces, to trust the political system. It should not be too much to expect that government, those armed forces and that system to be worthy of trust in this one case.

For if El Salvador, with all the international pressure, cannot bring those who murder the Jesuits to justice, how can anyone expect justice the next time a labor leader or a teacher or a *campesino* is killed? How can we expect those who have seen their relatives and neighbors kidnapped and tortured and murdered to lay down their arms unless they can do so in an atmosphere of justice and law? How can we expect an end to the violence of the left unless there is an end to the impunity from prosecution of the right?

That is why finding the truth in the Jesuits' case is so important; not only because it pleases the United States, England, Spain or some other foreign country; but because finding the truth is essential for El Salvador to live at peace with itself.

III. Status of the case

As you know, eight members of the armed forces, including one Colonel, have been charged with the murders. Two others have been charged with destroying evidence. Four others have been charged with perjury.

I believe the President of the Supreme Court, Dr. Mauricio Gutiérrez Castro, and Judge Ricardo Zamora deserve great credit for bringing the case to this point. The Judge has done his best to investigate the possible involvement of others in ordering or participating in the crimes.

The role of the military is another story.

General Ponce has said over and over again that these murders should be considered the acts of individuals and not the responsibility of the armed forces as an institution. General Ponce is just plain wrong.

Consider that:

- radio stations, controlled by the military at that time, broadcast threats against the Jesuits shortly before they were killed;
- there were more than 200 soldiers at or near the scene of the crime;
- the murders were carried out by an experienced and well-trained military unit,

acting under orders;

- efforts were made at the scene to cover up the crimes and to point the finger of blame at the FMLN;
- a phony firefight was recorded in the official log of military operations;
- not a single officer has come forward voluntarily with information concerning the case;
- evidence controlled by the military has been withheld and destroyed;
- many of the officers who were called to testify lied and lied again about what they know;
- even the special military Honor Board appointed by President Cristiani to review the case lied about it.

General, believe me, you have got an institutional problem.

And that's not the worst of it. I am convinced that, at a minimum, the high command of the armed forces knew soon after the murders which unit was responsible for the crimes. At a minimum, they sought to limit the scope of the investigation in order to protect certain officers from prosecution. And I continue to believe there is a strong possibility that the murders were ordered by senior military officers not currently charged.

I am convinced that there are officers in the armed forces who did not themselves participate in the crimes, but who have further information about the crimes. To date, these officers have not come forward because they fear they will be killed. They know that telling the truth about the military is considered by some in El Salvador to be a capital crime. Again, I say to General Ponce, you have an institutional problem.

It is, in my opinion, the institution of the armed forces that is responsible, not only for the murders but for the failure of the investigation, thus far, to uncover the whole truth.

And, in my opinion, you have an institutional problem when it is the institution that instills fear in potential witnesses; when it is the institution that teaches its officers to be silent, to be forgetful, to be evasive, to lie; when it is the institution that demands loyalty to the truth or to honor or to country.

The fact is that there is nothing a soldier or officer could do that would be more patriotic or better for the armed forces or for El Salvador than to come forward with the truth in this case. And if that happens, it will be our responsibility, and that of the civilian government, to protect that witness and to make certain that the evidence he provides is acted upon, not covered up.

I still believe it is possible that a new witness or witnesses will come forward. I believe this because I know there are many good people in the armed forces of El Salvador, some of whom were educated right here at this university or at other Jesuit schools.

I believe there are many in the armed forces who want to see the full truth come out. I believe there are many who want to reform the armed forces and to see it take its proper place within your society.

I have been asked many times what it would take to satisfy me in the Jesuits' case. Would I be satisfied with the conviction of five soldiers? Must a Colonel be

convicted? Are eight convictions enough?

My response is simple. I want the truth. Like Ambassador Walker, I want the truth because I believe the Salvadoran people deserve the truth. The whole truth.

There is no such thing as half justice. You either have justice or you don't. There is no such thing as half a democracy. You either have a democracy in which everyone -including the powerful- is subject to the law or you don't.

That's why I believe it is so important that the whole truth emerge in this case. Truth is not the enemy.

Without the truth, the armed forces will never be cleansed of its responsibility for this crime, and for shielding those involved in it. Without the truth, this government cannot lay claim to truly democratic institutions. Without the truth, the argument that those in opposition to the government should lay down their arms is undermined. Without the truth, the path towards peace in El Salvador will grow steeper still.

IV. Peace

And I don't have to tell any of you how important it is to bring the civil war in El Salvador to an end.

Not long before he died, Father Ellacuría said that "the way of war has now given all it has to give; now, we must seek the way of peace."

As Father Ellacuría would have been the first to say, the way of peace is not easy, nor is it without risk.

But the way of war is murdering El Salvador. It is a war without victors, only victims. Seventy-five thousand dead. Thousands disappeared. A million forced to flee their homeland. A generation of children denied the innocence and the laughter of childhood. Thousands of young men and women who have lost an arm or a leg to explosives or gunfire.

Even the powerful, the Generals and the commanders, on both sides, are victims. For those responsible for this war must bear the burden in their souls of the killing they have caused, the destruction they have produced, the injustices that have been generated throughout this decade of war.

For ten years, we have heard what the leaders on both sides are against. We have listened to the words of hate, the demands for vengeance, the predictions of triumph. But it has never been important what each side is against; it only really matters what each side is for.

Now, during the negotiations, the burden has been on both the Government and the FMLN to define what they are for. Both sides deserve credit for the progress that has been made; both deserve blame for the senseless violence that has continued.

It breaks my heart, after all this time, to hear of yet more young people being disfigured or maimed or killed. It makes me sick to hear this violence justified as a bargaining tactic. And it makes me wish even more that Father Ellacuría were still here to share with us his wisdom and compassion.

It is not my job or the job of anyone from my country to define the appropriate terms for peace in El Salvador. That is solely the responsibility of Salvadorans, with help, as needed, from the United Nations.

But we in Congress do have a responsibility to see that the United States is a force for peace, not war, in El Salvador.

It is our job to help those on both sides who share the vision of an El Salvador that is democratic and just.

And so I say to the FMLN: if you want our understanding, negotiate in good faith; end your campaign of sabotage; no more assassinations; and bring to justice those who murdered the two Americans killed after the helicopter crash last January.

And I say to the armed forces: if you want our aid, do your part to end the violence; respect the rights of those with whom you disagree; negotiate in good faith; and bring to justice not just some, but all, who ordered or participated in the murders at this campus nineteen months ago.

V. Closing

I have been following events in El Salvador for about ten years. And I can't count the number of times I have been told not to expect very much from El Salvador. I have been told over and over again by people in my own government that violence is just part of the culture. Killing and corruption, I am told, have always been common in El Salvador.

Well, I love my country, but I think it's pretty arrogant for anyone from a nation with a \$300 billion defense budget, \$25 billion in arms sales, a huge military foreign aid program and the highest murder rate in the western world to criticize another society for its tendency towards violence. I don't say that Salvadorans are better than anyone else, but I have never seen a people that wanted or deserved peace more than the people of El Salvador.

You do not have to travel far from this beautiful campus to see whole urban neighborhoods constructed out of tin and cardboard, wedged into ravines where nothing grows except the appetites of young children.

You do not have to travel far to find babies being delivered and surgery being conducted using methods that have hardly changed in the last one hundred years.

You do not have to travel far to find farmers struggling to grow food for their families with no equipment except their own hands and no credit except their own empty pockets.

You do not have to travel far in El Salvador to understand why it is so important that the destruction end and the re-building begin.

And you do not have to travel far to understand why the lives of Father Ellacuría and his colleagues, far more than their deaths, were so important.

The Jesuit fathers taught us that peace is better than war for the simple reason that life is better than death.

They taught us to value the dignity and to respect the rights of every human being, no matter how humble.

They taught us that, although it has often been considered a crime in this country, it is never a crime to speak up for the poor, the helpless or the ill; it is never a crime to tell the truth; it is never a crime to demand justice; it is never a crime to teach people their rights; it is never a crime to struggle for a just peace. It is never a crime. It is

always a duty.

So, in closing, I say let us pray that God will grant us the strength, with the memory of these martyred heroes always present in our minds, to fulfill this duty each and every day of our lives.

Response by Fr. Jon Sobrino, S.J.
University of Central America, San Salvador, El Salvador
July 1, 1991

My dear friends:

I would like to begin this brief presentation by thanking Congressman Joe Moakley for his affectionate remembrances of my brother Jesuits and of Julia Elba and Celina, as well as his final words about the poor of El Salvador. It's true, Congressman Moakley, that this is a noble people, a people who suffers unjustly, "a martyred people and a crucified people," as Ignacio Ellacuría used to say.

I would like to thank you particularly for the truths you have spoken about our country and its armed forces, and your commitment to continue to work in Congress to end military aid and define a new humane and dignified relationship between the government of the United States and the people of El Salvador. I sincerely do not remember when I have ever heard such true words spoken by a U.S. politician on Salvadoran soil.

And if you will allow me a personal note, I would like to thank you for hanging a portrait of Monseñor Romero in your office, and for having the courage to stand accused in the halls of the U.S. Congress of espousing liberation theology -as if that were a crime.

But have no fear, Congressman Moakley: liberation theology only proposes to replace lies, injustice, fear and death with truth, justice, hope and life.

Now I would like to reflect briefly on two issues which, although well known by all and defended by the UCA, the Jesuits and the Church, still require reflection:

1. In the first place, we must stress what is at stake in solving the Jesuit case: above all, at stake is the possibility of establishing the truth as a social good which may serve as the cornerstone for a just life for Salvadorans, and -at this moment- for negotiations and national reconciliation. As you have said, Mr. Moakley: How can a government be credible at the negotiating table when it cannot or will not even solve this case?

But I feel it is important to stress that the truth which is at stake here is not only the truth which overcomes all ignorance, but rather the truth which unmask the lie. Thus, keeping alive and solving the Jesuit case means:

a) Remembering -against all planned attempts to make us forget- that 75,000 people have been killed in this country, and that massacres have been committed like El Mozote, Sumpul... many murders such as those of Monseñor Romero and the FENASTRAS trade unionists.

b) Stressing that these murders did not just happen, rather have their historical

perpetrators, of whom the vast majority- according to many domestic and international human rights institutions- belong to the government (armed forces, security corps) and to the right-wing death squads.

c) Stressing that these murders were committed with the aid of total impunity before, during and after the fact; that the administration of justice -largely unimproved in spite of infusions of U.S. aid- has been practically inoperative; and that those who have tried to help solve certain crimes -let us recall the deplorable case of the witness Lucía Cerna- are treated like criminal suspects.

d) And, above all, stressing that these murders are not the product of momentary madness, but rather the inevitable product of unjust socio-economic structures, of the existence of genuine idols -as Monseñor Romero called them- who need victims in order to survive, even though in the Western world, these idols come under the guise of terms like "private property", "national security" and "strategic interests".

All these reasons make it very important and necessary to attain the truth in the Jesuit case. If the lie cannot be unmasked in even this case, the new peaceful order will have a weak foundation indeed, while if the truth comes out, we will also be able to identify one of the chief sources of oppression and repression in El Salvador.

This cruel war has two fundamental causes: institutionalized injustice and State repression; as Ignacio Ellacuría used to say, the violation of the seventh and fifth Commandments of God. And to conceal these violations, the transgressors have always appealed, and continue to appeal, to the "institutionalized lie," as F. Martín Baró used to say, the planned and massive violation of the eighth Commandment.

The consequence of this -and our plea- is the need to continue to apply pressure until the entire truth in the case is known, until the masterminds are found -although there are others, perhaps, in the Embassy or the State Department, who would like to stop at less. The government, the armed forces and the U.S. Embassy are impatient see the case finished for once and for all, but we must recall that others -the majority of Salvadorans- are much more impatient for the truth finally to be known and accepted.

2. The second reflection concerns the relationship between the government of the United States and the Salvadoran people. This relationship has not always been easy, as you have acknowledged. The simple truth is that the governments of the United States have never shown any interest whatsoever in the Salvadoran people as people, and their centuries-old poverty has not touched their hearts of stone. The successive U.S. governments have remained completely ignorant of fifty years of lies, injustice, fear and frustration here in El Salvador; they did not merely react with silence, but also with a complicit inactivity, tolerating and blessing everything that ran counter to the democracy they preach to us: electoral fraud, oppression and repression...

Over the last several years, the most massive and wrong-headed gift this country has received from three successive U.S. governments has been weapons for destruction and death. And now, the Jesuit case is meeting difficulties and a lack of cooperation in the U.S. Embassy, the State Department, the FBI, and so on. And that is not the correct way.

It is not the correct way for us, Salvadorans, because the misnomer known as military aid has only increased death, fear among the people, arrogance among the military and impunity, since even when there are partial cutbacks or threats of cutbacks,

the military know they will never be abandoned.

Monseñor Romero denounced it back in 1979: "We are fed up with weapons and bullets... The hunger we feel is hunger for justice, food, medicine, education, and effective programs for equitable development. If human rights are respected, the last thing we will need are weapons of war."

The words of Romero should not be rejected even if they sound utopic or prophetic, for they really show how much we need prophecies and utopias. There is thus an urgent need for the U.S. government to exchange military aid for another type of aid -a "more intelligent, more humane and cheaper" aid- as Ignacio Ellacuría used to say. And there is also an urgent need for the U.S. government to indicate that it truly wants to see justice prevail in El Salvador. If that is what it wants, and if its words are not mere rhetoric, then it can demonstrate it by a) investigating what knowledge a number of U.S. citizens have about the Jesuit case (before and after the crime was committed); b) facilitating the investigation by turning over certain documents related to the case; c) acting on the statements which will be given by ten U.S. citizens within the United States, at the request of Judge Zamora; and d) providing a clear explanation about what happened with Major Buckland and the witness Lucía Cerna, and holding accountable all those who proceeded incorrectly in both cases. We think this is the U.S. government's last chance to show it is truly interested in the case.

If there is to be a new beginning here in El Salvador, there must also be a new beginning in the United States and in its relationship with us. Although the failure to solve the case would be seriously damaging to the Salvadoran government, indifference to the case and new shipments of military aid would damage the credibility of the U.S. government even more.

In conclusion, I would only like to add one thing to these reflections, already well understood by all those listening, and that is that given all of the above, although it is important to solve these murders, it is just as important, if not more so, to remember and put into practice everything the UCA martyrs were, did and said, as well the lives, deeds and words of simple Salvadorans like Julia Elba and Celina, the FENASTRAS trade unionists and so many murdered peasants, F. Rutilio Grande, the four U.S. churchwomen and Monseñor Romero. The Salvadoran people -but also, and especially, the U.S. people- need the light, the hope, the commitment and the love these people radiated during their lives, and continue to radiate in death.

My dear Mr. Moakley, I would like to end by thanking you once again and most sincerely for all you are doing for the Salvadoran people, and encourage you to continue defending this people in your own country. To achieve this, I too invoke the strength of God, of that God who hears the cries of the oppressed, and whose glory, as Monseñor Romero once said, is in that "the poor have life."