

Moakley Talking Points

1) On January 15 the Administration certified the FMLN violated the law passed by Congress and the Salvadoran Government did not. Do you believe the Salvadoran Government complied with the requirements on the Jesuits' case?

A. First, I do not quarrel with the Administration's ruling on the FMLN. They did violate the law by receiving shipments of arms from outside El Salvador. Quite simply, the FMLN behaved stupidly.

But, I also believe the Salvadoran Government failed on the Jesuits' case. The cooperation by the military has been terrible. We have seen two of the prosecutors in the case resign because of obstructionism by the Attorney General. And there has been almost no effort to investigate the possibility of higher ups.

The Administration was not even-handed and balanced in their report. However, I do commend them for continuing to withhold the money. By withholding the money, the Administration is sending a signal to the Army that more needs to be done.

2) Do you think the Administration destroyed the spirit of balance that was intended by the law?

A. Perhaps they did. But I am a forward looking fellow and am watching very closely what they do with the aid. I do think it is a mistake to hold one side to a strict standard and the other side to a less strict one. But, again, the next few weeks will be important to watch.

3) What should this subcommittee do in terms of future legislation?

A. I think you need to proceed very carefully. I understand that the Administration would like some time before you publicly come up with legislation. I think that's fine. We do not want to mess up the talks by sending the wrong signals to the military or the FMLN. It is very difficult to speculate on what exactly you should do while we are in the middle of negotiations that everyone is optimistic about. I prefer to not to go into detail.

4) There seems to be a lot of buck-passing by the head of the SIU and not a lot of solid investigating. What do you think about it?

A. There is a new head of the SIU. He is not as familiar with the case, obviously, as the guy who had the job before. We'll have to see whether he improves with time.

However, I believe that the key challenge remains trying to get the

military to cooperate. It doesn't matter how many officers the judge interviews or how many depositions he takes...if the military, as a whole, clams up -- we will learn nothing. I think Cristiani can help in that regard by communicating -- very clearly -- that it is the duty of every officer who knows something to come forward.

5. Hasn't Cristiani been clear?

A. Not as clear as he might be. Let me give you an example... After our task force issued a blistering attack on the High Command last August for not cooperating, the President -- to his great credit -- met with the High Command and urged them to cooperate. Cristiani himself agreed to testify before the judge. However, his Minister of Defense would not offer to testify in person -- until very recently. But, from August 1990 -just a couple of weeks ago -- the impression was left, whether accurate or not, the General Ponce did not want to cooperate. My point is -- you can understand why there might be mixed signals.

6. How do we break the military impasse on the case?

A. Again, Cristiani needs to do more. The US Government needs to send consistent and strong signals that we will not let this case go away....In short, the pressure must continue.

7. Why don't you express outrage when FMLN commits abuses?

A. I do...maybe you were not listening. I took the floor last August and blasted the FMLN for its intransigence at the negotiating table. At every public forum I have ever attended on this issue, I have been clear in my condemnation of human rights abuses by the FMLN -- and when the American servicemen were murdered by the FMLN last January -- I led the charge demanding that the FMLN turn over those responsible to the Salvadoran authorities. I was quoted in the Washington Post -- what paper were you quoted in?

I am very sensitive about this subject because I am sick and tired of people trying to excuse the abuses of one side for the behavior of the other.

8. Would you characterize the FMLN as terrorists?

A. I would characterize them as a guerrilla insurgency. I do not agree with their violent tactics -- and I would not want to see them in charge of El Salvador. They are guilty of terrorist - like

actions -- but so is the Salvadoran army. How would you describe the murders of the 6 priests?

9. What do you hear about the negotiations?

A. Everyone is optimistic. We'll have to wait and see. It is very important, however, that the Congress and the Administration give every appearance that we support the United Nations and their efforts on the talks. We must be clear.

10. General Ponce has agreed to testify in person -- are you happy?

A. Well, it took him since last August -- 8 months -- to agree to do it. I am glad he did agree to it. But, in order for it to be worthwhile General Ponce and others in the military must tell the truth.

11. There have been reports that the FMLN has received new, high-tech weapons. Doesn't that hurt the peace process?

A. Yes, it certainly does. Any attempt by the FMLN to increase the intensity of the fighting or introduce new weapons is stupid and dumb.

12. What can we do to influence the FMLN?

A. Given the fact that our policy has been so lop-sided over the years, we are limited to what we can do to influence them. I suppose the best thing we can do is to continue to point out their abuses and, when they misbehave at the negotiating process, we should point that out as well. I know the United States has been talking with the Soviets about the FMLN - and that's good. I think we can all agree, however, that the war will only be ended through negotiations -- and we must make sure that any "influence" we attempt to bring on the FMLN be aimed at peace and not at more war.

13. What about the elections and election fraud?

A. I would rather not comment on that until I've read the Organization of American States Report on the subject. My impression is that the elections, by Salvadoran standards, were generally positive.

14. Colin Powell, the head of the Joint Chiefs, reportedly said that we might use the Persian Gulf strategy on El Salvador. What do you think of that?

A. I think it would be a mistake. But, for the record, I read the General's statement and I think it has been taken out of context. He sounded to me like he was very committed to peace.

15. How many will have to be convicted before your happy?

A. All those who are guilty of committing, planning and ordering the crimes. And that should be what everyone on this panel demands -- as well as the Administration.

16. When will this go to trial?

A. In the next couple of months, possibly.

17. Our embassy has been responsible for some major screw-ups on this case. Are they part of the problem?

A. Bill Walker is a good guy. Mistakes were made -- but I do not believe they were done with any malicious intentions. For the record, just so nobody gets the impression that the embassy hasn't done anything, Walker has been pushing hard on the Jesuits case. He has repeatedly lectured the High Command and continues to follow-up leads.

18. Don't you think more Americans other than Buckland had to know the truth?

A. Yes. I have no evidence to back that up -- it's just a gut feeling.