

"This is an injustice. You are Carrona,"
(scum)

Jim McGovern:

"Es una injusticia. Ud. son carrona."

1. Mrs. Cerna heard "injustice" and "carrona," a word for which there is no accurate translation. It is common in the Spanish spoken in Spain, but not in Central America, which increases her credibility. She didn't know what the word meant. Children in a nearby house heard simply these two words. Carrona means rotting meat. Some have translated it as 'scum.'

2. ...in our judgment, her story is credible OR is likely to be true.

Potential additional sentence:

This conclusion is based on the fact that elements of the military have now been charged with the crime.

3. Mrs. Cerna and her family agreed to arrangements made by the Spanish and French Ambassadors to go to Miami and stay with Jesuits there because of the risks to their security resulting from Mrs. Cerna's testimony.

4. Although the family was accompanied by a representative of the US Embassy to assist their entry into the United States, there was no mention made to the Cerna family....

5. On December 10, Archbishop Rivera y Damas publicly accused the State Department of "brainwashing" Mrs. Cerna and of subjecting her to "aggressive and violent interrogation."

6. Chidester admitted to a church group from Chicago that he did not tell her who Rivas was. He thought it better not to "frighten" her.

7. I think this should say something stronger than "notify the Jesuits." The Embassy had no right to do this. They should have honestly put to the Jesuits and to Mrs. Cerna what they wanted to do and asked their cooperation. She had cooperated with Salvadoran judicial authorities, and had done her duty. That she did voluntarily and any other testimony she offers should also be voluntary. The Embassy denied her that right.

8. As I mentioned on the phone, witness protection was offered and rejected. the Jesuits told me about the US witness protection program, so they had obviously understood what was being explained to them. They said, "Thanks, but no thanks, It's not necessary. US Jesuits will take care of her." They were never told of any plan to involve the FBI. Plans were obviously made since they were waiting in Miami airport.

9. As we have discussed before, after my last trip to Salvador, I now believe that the Embassy consciously set out to get Mrs. C. alone so they could question her. They in effect kidnapped (high-jacked?) her for a few days. It's the only conclusion I can draw from the sequence of events and what was said to the Jesuits in SS and the Jesuits in US. Whether Chidester and co. set out to

discredit her is another question. Based on his actions since then (and those of others in the Embassy) one could make a pretty good case that he would have wanted to discredit her. It amazes me how far they still go in explaining away the military's outrages. They appear to be willing to protect the institution no matter what they do. The way which she was questioned could also just have been the luck of the draw: I'm told this Sanchez (FBI) is a rabid right winger who is still reliving the bay of pigs. Had a more reasonable FBI agent been assigned, and Rivas not been present, perhaps things would have developed differently.

I think we disagree on this--but I don't find it appropriate that Rivas was even brought up here to do this. He had his chance in Salvador. In any case, she had a right to know who she was talking to. As noted above, Chidester admits he didn't ID Rivas.

Note that Rivas is Military, not security forces. SIU agents are from Sec. Forces.

It was agreed--mostly among the diplomats--that she would go to Europe. She says she piped up and said she'd rather go to the states bec. it is closer and she wanted to come back asap.

French minister of Humanitarian affairs happened to be in Sal, with huge group of body guards. He accompanied her to airport. Chidester called Tojeria at 1:30 am (Chidester denies this) and asked if he could go along to get her thru US immigration. Tojeria said yes. Walker and Chidester show up at airport. Offer witness Protec., which is refused. TACA flight leaves without them. miss several other flights. Getting nervous as curfew approaches. French minister remembers military plane in Belize, manage to have Paris send it down. (I have yet to talk to Miami Jesuits). She eventually sees Miami jesuits. They talk to Chidester in Eng. and she doesn't know what transpired.

Another thing about this is that Jesuits in DC were told this thing about witness protection (I remember them telling me that) and then at the end they were told that wasn't even appropriate in this kind of case and that no risk assessment had been done.

10. Estrada has seen Chidester twice. I would just leave out the whole thing. I think it bothers the Embassy that they are not popular with the jesuits, but it doesn't seem to have affected how they handle the case. If they are so interested in being friends, then why don't they seriously investigate the killings?

Can I have a copy of Dempsey's report?

Jim: This is for your eyes only--done quickly and in a most informal fashion.

martha

The Witness

There has been much controversy surrounding the testimony of Lucia Barrera de Cerna -- the first "witness" to come forward with information on the Jesuit murders -- and her treatment by United States officials.

It is not our intention in this report to provide a detailed description of Mrs. Cerna's testimony or her interrogation. There are documents that chronicle Mrs. Cerna's ordeal: The Lawyers Committee for Human Rights report "The Jesuit Murders: A Report on the Testimony of a Witness"; the transcript of the Task Force meeting on December 19, 1989 with Lucia, Jorge and Geraldina Cerna; and a memorandum by James X. Dempsey, Assistant Counsel on the House Subcommittee on Civil and Constitutional Rights concerning FBI treatment of the Cernas.

① In brief, Mrs. Cerna stated that at approximately 1:00 am on the ^{awn keened} morning of the murders, November 16, she was ~~awakened~~ by gunfire and witnessed 5 men, some of them dressed in camouflaged uniforms, standing at the main entrance gate which led to the residence of the six Jesuits. She heard more gunfire; the voice of Father Ignacio Martin-Baro shouting the words "injustice"; and then more gunfire. ^{Carrara} According to her testimony, she did not see the actual murders take place; she could not identify the faces of the men at the gate or the insignias on their uniforms. Members of the Task Force who traveled to El Salvador attempted to retrace Mrs. Cerna's steps the night of the murders in accordance with her testimony -- and, in our judgment, ~~it is likely that her story is credible.~~

② On November 23, after making a declaration to the Salvadoran ^{investigating} Attorney General, Mrs. Cerna and her family ~~accepted an offer from~~ ^{judge} ~~the United States Embassy in San Salvador to go to Miami and stay with Jesuits there in order to be in a safer environment than in El Salvador.~~ ③ There was no mention made to the Cerna family or to the Jesuits that the Cernas would be interrogated in Miami for several days by Salvadoran and United States ~~police~~ ^{government} investigators.

④ Once in Miami and under the control of the United States Department of State, Mr. and Mrs. Cerna were housed in a hotel and then interrogated by two agents of the F.B.I. and the head of the Salvadoran Special Investigative Unit, Lt. Colonel Manuel Antonio Rivas Mejia, for a total of about 50 hours between November 27 and December 3. The only other person present was the Legal Officer of the U.S. Embassy in San Salvador. The Cernas were not presented with the opportunity to have either an attorney, member of the Jesuit community, or other trusted persons with them during the lengthy interrogations.

By Lucia Cerna's account, she felt that her interrogators did not believe her original story and, on the third day of interrogation, she changed her story. Lucia told the Task Force, "I felt pressed ...they scared me, and I have hypertension and I am very excitable." She said that at one point an F.B.I. agent quickly turned toward her, ^{pressured}

(New Rector)

changed his line of questioning, and said "This Estrada (one of the Jesuits at the University of Central America), is he or isn't he a guerrilla?" Mrs. Cerna answered that he was not. However, she said that after her interrogators continued to ask the same questions over and over, "...then I became scared of these men. I didn't have any confidence anymore. And then I said, no sir. I don't know anything. Don't ask me any more questions, I don't know anything." During the interrogations, both Lucia and Jorge Cerna were subjected to a series of polygraph tests.

date
Word of the interrogations quickly spread to El Salvador. Salvadoran President Cristiani chose to publicly announce that Mrs. Cerna had changed her story and that she had failed several polygraph tests. The Salvadoran Attorney General then issued a statement saying that Mrs. Cerna was now a "very unreliable witness." Members of the Jesuit order and the Catholic Church hierarchy in El Salvador were furious. They indicated that they felt betrayed and deceived by the actions of the United States Embassy. On December 12, 1989, Father J.M. Tojeira, the Jesuit Provincial for Central America, issued a public communique which stated:

"...At times we have even been deceived with regard to certain aspects of the investigation. The clearest instance on this is in the way in which the witness, Lucia Barrera de Cerna, has been manipulated by the United States. of ?

In effect, the U.S. Embassy made a commitment to accompany the witness to Miami and to hand her over there to priests of the Society of Jesus. Instead, the witness was handed over to U.S. police agents for 8 days under the pretext of watching out for her security and with no attention to the wishes which had been expressed here."

The Task Force asked the F.B.I. to allow Members to question the two agents who interrogated the Cernas. The Bureau refused. Instead, the F.B.I. provided Members with a briefing on the generalities of the case -- refusing to answer specific or detailed questions on the grounds that the investigation is still in progress. Members also requested copies of the taped interviews or any written transcripts of the polygraph tests. The F.B.I. denied these requests also. Members were told that the Bureau would consider answering additional questions from the Task Force in writing. On December 21, 1989, the Task Force sent additional questions to John Collingwood, Inspector in Charge, Congressional Affairs Office of the FBI. Despite a number of phone calls assuring cooperation, the Task Force has not yet received a written response to the questions.

The Task Force also submitted a request on December 19, 1989 for information regarding the Cernas to William S. Sessions, the Director of the Federal Bureau of Investigation. To date, no response to that request has been received.

Chairman Moakley did receive a copy of a letter, dated March 12, from Mr. Sessions to Reverend Patrick J. Burns, S.J., President,

Jesuit Conference, which explains the F.B.I.'s view of the interrogation of Lucia and Jorge Cerna.

The letter states:

"During the course of the FBI's contacts with the Cerna family, they were treated in a courteous and professional manner. ...All interviews and polygraph examinations were consistent with our procedures for direct contact interviews and were conducted in a professional manner. Throughout the several interviews, great care was taken to ensure that the witnesses were comfortable with the interview process and the office environment. ...All of the witness interviews were limited to normal business hours. Additionally, FBI personnel took the Cerna family to sightsee various parts of Miami or to visit Jesuit acquaintances during extended lunch breaks or on weekends."

"Of particular concern to me were the allegations of witness mistreatment through "abusive incommunicado interrogation" by Special Agents of the FBI. Our inquiry determined these allegations to be totally without factual support and are in complete contradiction to the actual treatment afforded the Cerna family."

In view of

resolve
Based on the information that has been provided and denied to the Task Force, it is impossible to sort out all the discrepancies in the two accounts and ~~definitely conclude~~ what happened surrounding the events in Miami. However, it is reasonable to believe that Lucia Cerna, a cleaning woman with hypertension and no more than a sixth grade education, was scared and nervous during this ordeal. This was the first time either she or her husband had been outside of El Salvador or flown on a plane. Given the fact that she was not a criminal suspect and given the grisly nature of the crime she was ~~testifying about~~, it is ~~bothersome~~ that she was interrogated for so long without being afforded the right to the presence of an attorney, members of the Jesuit order, or others who would clearly be reassuring to her and clearly be protecting her interests in the interrogation process. Adding to the need to offer her maximum confidence and assurance in the interrogation process was the fact that one of the interrogators was a member of the Salvadoran ~~security forces~~, which many Salvadorans might rightly fear as the widely ~~believed~~ perpetrators of many human rights abuses. It is entirely conceivable that Lucia Cerna changed her story for the very reasons she stated in her testimony before the Task Force.

stating
Military
Given the political implications associated with this crime, it would have seemed appropriate for the U.S. Embassy in San Salvador, at the very least, to notify the Jesuits in San Salvador and the United States of the extent to which they planned to interrogate the Cernas in Miami. This was not done. One regrettable result of this affair is that witnesses in this or other human rights cases in El Salvador may refuse to come forward if they fear the treatment they will receive from U.S. officials when they accept offers of witness protection from the United States.

Another regrettable result of this affair was the creation of suspicion among some in the human rights community that the State Department may have arranged the lengthy and surprise interrogation of Mrs. Cerna to cause her to "crack under pressure" and lose credibility, thus limiting early damage to the Salvadoran security forces.

9
While the Task Force has found indications of insensitivity and poor management of the situation by U.S. officials surrounding the case of Mrs. Cerna, the Task Force has not found any evidence to conclude that the Embassy and State Department, in collusion with the F.B.I., intentionally attempted to discredit Mrs. Cerna. We do understand that the circumstances of the situation in El Salvador after the Jesuits murder required that decisions by U.S. officials regarding the treatment of the Cernas be made quickly. Arrangements for the Cernas' trip to the United States also involved many parties in the U.S. and El Salvador, thus increasing the difficulty of making the best possible decisions in a short time period. The Task Force believes that this does not excuse the decisions made but does help explain them and ease suspicions that the decisions were made maliciously. The Task Force was pleased to hear from Ambassador Walker that the Embassy, in retrospect, might have demonstrated "more sensitivity" in the Cerna case. We would hope that such sensitivity is incorporated in future similar circumstances, should they unfortunately occur.

During the Task Force visit to El Salvador in February, the Jesuits and other religious leaders continued to express their deep concerns over this painful incident with the Cernas. The Task Force has since learned that Ambassador Walker has taken important steps to ease tensions between the Jesuits and the U.S. Embassy. We certainly support a continuation of such efforts.

*I think we agree on this.
See note*