



UNCLASSIFIED
MEMORANDUM

October 5, 1990

TO: Col. John Cruden
Chief Legislative Counsel
Department of the Army
Room 2C634, The Pentagon

FROM: William J. Dieterich - DCM *WJD*
AmEmbassy San Salvador

SUBJECT: Buckland Testimony Transcript and
Translation

Attached are the two original copies of the Buckland Testimony Transcript and an approved English language translation. All of your suggested changes have been incorporated into the translation. Judge Zamora also adopted two changes into the original transcript. You'll note that he changed the date of Buckland's departure to January 6 and included a slightly altered version of your statement concerning Buckland's willingness to answer any questions regarding the period prior to his departure from El Salvador (in this final version, you are referred to as Maj. Buckland's attorney, instead of the United States attorney). The judge placed this somewhat awkwardly at the end of the document, but I think he has served your purposes by including it.

Please arrange for Major Buckland's signature on both original copies and the translation and, of course, include your own. I have indicated, based on instructions from the judge, where you each should sign.

As you know, Judge Zamora is supremely interested in the return of these documents as early as possible. I appreciate your efforts to expedite this process.

It has been a pleasure working with you, I hope we will cross paths again.

APPROVED TRANSLATION:

TESTIMONY OF ERIC W. BUCKLAND

TAKEN IN SAN SALVADOR, EL SALVADOR
SEPTEMBER 28, 1990

TRANSLATION BEGINS: In Calle La Mascota, # 2123, in Colonia Maquilishuat, San Salvador, at 9:00 A.M. on September 28, 1990, Convened herein the Fourth Penal Court Judge, Dr. Ricardo Alberto Zamora Perez, his associate and authorized Secretary, Bachiller Maria Del Rosario Sanchez, together with translator Mrs. Margaret Popkins, with the purpose to proceed and complete the ordered action FS #2,348 and to receive the testimony of Maj. Eric Buckland. Also present are the attorneys, John C. Cruden and David E. Graham, who introduce the witness, Eric Warren Buckland, identified by his U.S. Armed Forces identification card, social security #042-52-1298.

The witness was properly sworn-in and was warned of the penalties for false testimony. Thereupon, the witness identified himself as 36 years of age, an officer in the Army of the United State of America, currently assigned to the H.H.D. battalion of the Warfare Training Group, Fort Bragg, North Carolina, U.S.A. The witness promised to tell the truth in so far as he was examined under competent authority, and asked if he had any vested interest in the case or incapacity to testify in this proceeding on the facts of which he was about to be examined, in conformity with this case, #FS _____, to which he answered that he had no family relationship with any of the defendants, prosecutors, or defense attorneys in this case and that he was aware of the consequences of providing false testimony.

Before proceeding, the attorney, John C. Cruden makes the following presentation based upon the diplomatic agreement signed by both our country and the United States: in the United States, he says, it is customary for an attorney to stand when he speaks to the Judge, but he requests permission to remain seated. He continues that, "it is with great respect for the dedication of this court that we appear today." He introduces himself as Col. John C. Cruden, attorney from the United States, counsel to Maj. Buckland, accompanied by Col. David Graham, who is also an attorney in the United States; that he wished to state that Maj. Buckland has appeared in this court voluntarily on this day to testify about information which he received in December of last year, specifically, the

government of the U.S. has allowed Maj. Buckland to appear in order to testify to his knowledge of the murder of the six Jesuit priests and their two housekeepers on November 16, 1989 in El Salvador; that he believes that Judge Zamora has a copy of the sworn statement of Maj. Buckland made on January 3, with a letter that accompanied it, a copy of which he hands the judge, which was sent in January to the Ministry of Defense of El Salvador; Maj. Buckland is testifying in his official capacity as a former member of the U.S. Military Group in El Salvador; he is not testifying, however, as an official spokesman of the United States Government; Maj. Buckland is ready to recount what occurred during his tour in El Salvador, until January 6 of 1990. The judge then informs the witness that in this stage of the proceedings, Article 464 of the current Penal Code and Article 311 of the Code of Civil Procedure are read to the witness; and the witness swears in the name of God to tell the truth with respect to the following:

That his name is Eric Buckland, Major in the United States Army since May 24, 1977, that in June 1989 he was assigned to our country on a temporary duty basis, as a trainer for civil-military operations, in Conjunto 5 of the Estado Mayor Conjunto of the Armed Forces of El Salvador; that his counterpart was Col. Carlos Aviles, whom he met on or around June 15, 1989; within a short time the witness and Col. Aviles achieved a good professional and personal relationship and enjoyed a good understanding; at the end of June or beginning of July of 1989, Col. Aviles asked the witness if he could remain permanently in his position in the Conjunto 5, to which the witness replied that he could not make that decision, Col. Aviles would have to propose the idea up through Maj. Buckland's chain of command and that Col. Aviles should mention the idea to Col. Menjivar, then Chief of the U.S. Military Group in our country; at about the same time, Cols. Aviles, Ponce, and Menjivar and Lt. Col. Hunter, who was also a U.S. Military advisor in the Estado Mayor, went to the United States; when they returned Col. Aviles informed the witness that he had made a formal request to Col. Menjivar that the witness be permanently assigned to his position at the Conjunto 5; Col. Menjivar later sent an official message to the witness' Commanding General requesting official authorization for the permanent assignment and it was approved; because the witness was still in our country on a temporary assignment, however, he returned to the United States at the end of July and waited there for his orders to return to our country on a permanent basis; prior to his departure from El Salvador to the United States, the witness gave Col. Aviles a model of a 12 lb,

Napoleonic cannon, as a token of his respect and friendship; he made the gift because Col. Aviles had a large collection of miniature artillery pieces in his office; in return, Col. Aviles and his wife, gave the witness some T-shirts of El Salvador for the witness' sons and a wooden card holder; during August and September while the witness was awaiting his orders to return to our country, Col. Aviles telephoned at least twice to the witness' home, to see how he was; the witness finally returned to El Salvador on October 16, 1989 and everything started well, he felt that everything was working well, that they were working well as a team and that the Conjunto 5 was working as it should; in the opinion of the witness, however, violence in the city, terrorism, political assassinations and bombings by the guerrillas were increasing; of course, on November 11, 1989, the guerrilla offensive began;

On the afternoon of November 16, the witness learned that at least one priest had been murdered; when he first learned what had happened--meaning the murder of the Jesuit priests--he believed that the FMLN was responsible; although the witness believed that the left had committed the murders, he understood that the murders would have grave consequences for the government of our country and the Armed Forces; the witness felt--and this was confirmed almost immediately--that no matter who was responsible for the murders, the Armed Forces would be blamed; after November 16, the witness spoke with Col. Aviles almost daily about the murders; in his job at the Conjunto 5, the witness took the position that the government of our country would have to demonstrate that it had not committed the murders and that, regardless of who was responsible, the government had to do everything in its power to ensure that the guilty parties were punished quickly and severely; the witness emphasizes that he did not know what was going to happen in advance, but that when the murders occurred, he understood that this was a major problem; so that there will be no confusion, the witness emphasizes that he had no prior knowledge of the murders, that the murders were a surprise for the witness and he thought they represented a serious problem for the Salvadoran government; since it was partly Col. Aviles' responsibility to protect and defend the public image of our country, Col. Aviles and the witness spoke almost daily about the murders, specifically they discussed how the investigation was proceeding, if there were rumors, and why the murders had been committed; finally on December 20 or 21st of 1989, during a conversation between the witness and Col. Aviles in the latter's office, Col. Aviles stopped what they were doing and said that he had something important to say; he told the witness to please, please not repeat it, that this was

information between Carlos and Eric, not between Col. Aviles and Maj. Buckland; he said that it was information to "break in case of emergency", meaning that he should speak of it only in case of emergency; that the witness should not repeat what Aviles told him unless Col. Aviles was murdered or the official story came out in another form; Aviles then told the witness that days before, Col. Benavides, Commander of the Military Academy had spoken with Lt. Col. Rivas, Chief of the Special Investigative Unit and had told him that he had done it; the witness clarifies that everything he now states that he cannot recall everything Col. Aviles told him literally, which is to say, these are not the exact words used by Aviles to the witness; this is what the witness can remember of what Col. Aviles told him that Col. Benavides had said to Lt. Col. Rivas--that he had done it and what could he do; the witness then asked Col. Aviles if Col. Benavides himself had murdered the Jesuits, to which Aviles said no, but, without mentioning any names, that soldiers of the Special Operations Group Atlacatl Battalion commanded by a lieutenant, had committed the murders, then Aviles told the witness that Lt. Col. Rivas had spoken with Col. Lopez y Lopez about the conversation with Col. Benavides; and that Col. Lopez y Lopez had later spoken with Col. Aviles, and Col. Aviles spoke with the witness; the witness asked Col. Aviles who else knew about what he had told him, and specifically whether Col. Ponce already knew, to which Aviles replied that he did not know whether Ponce knew, but that he thought he did, and was not sure; he thought that Col. Rivas and Col. Lopez y Lopez would speak to Ponce, and it was not Aviles' job to tell Ponce; then the witness asked Aviles why Col. Benavides hadn't been arrested, to which Aviles replied that the Col. couldn't be arrested until the investigation was completed; at that time the witness believed what Aviles had said because he respected him; in his own mind, the witness believed that the Jesuit murders were solved and that all that remained was for the official investigation to be completed; when the witness left Col. Aviles' office, he believed that justice would be served; over the next several days the witness continued to speak to Aviles about the investigation and some days later--he couldn't say how many--the witness once again asked Aviles if Col. Ponce knew about what Benavides had said, to which Aviles replied that he didn't know who knew or if Ponce knew; to clarify, the witness states that he remembers that conversation with Col. Aviles very clearly; he asked Col. Aviles if Col. Ponce knew about what Benavides had said; the witness remembers specifically that Col. Aviles was sitting in a chair, and responded that he didn't know who knew about Benavides; raising his hands repeatedly, though not in a violent way, Col. Aviles

wondered aloud: "what if someone higher up ordered this thing?"; at that moment the witness realized that he probably had a problem, because he was no longer sure of what was happening; on December 28, 1989, the witness had lunch with Col. Aviles and some other Salvadoran civilian and military people who had just returned from a course in Fort Benning, Georgia; on the way to the restaurant, Col. Aviles mentioned that he'd seen Col. Benavides but that he hadn't spoken with him, but that he had noticed that Benavides looked like he was not eating or sleeping well; the witness asked Col. Aviles if he meant that Benavides looked worried, to which Aviles responded yes, that was the word; on the morning of January 2, 1990, in the witness' office in the Estado Mayor Conjunto, the witness told his superior, Col. Hunter, what Col. Aviles had told him on December 20 or 21st; Col. Hunter later informed the witness that he had told Col. Menjivar what the witness had told him; the day he made his report to Lt. Col. Hunter, he went home at about 6:00 PM in the afternoon; at about 8:30 PM, he received radio and telephone calls ordering him to report to Colonel Ponce's office in the Estado Mayor Conjunto; when he arrived at the Estado Mayor he went to Lt. Col. Hunter's office to find out what had happened; Lt. Col. Hunter told the witness that Col. Menjivar had already spoken with Col. Ponce about the information, and that Ponce wanted to speak with the witness and Col. Aviles in his office; in a few minutes later the witness went to Col. Ponce's office, in which Col. Ponce, Col. Aviles, Col. Menjivar, Col. Hunter, and Janice Elmore of the U.S. Embassy were present; they sat down and Col. Ponce asked Col. Aviles if he had said anything to the witness; Aviles stated that he had spoken with the witness in general terms about the murders, but that he didn't have any idea where the witness had gotten this information about Benavides, adding further, why would he want to say something to the witness and risk his career by doing so?; Col. Ponce then asked the witness what had happened; the witness described what Aviles had told him earlier, specifically recounting the conversation between the two of them on the twentieth or the twenty-first of December, when Aviles told the witness that Col. Benavides had spoken to Col. Rivas and had confessed responsibility for the murders of the Jesuits; the witness further recounted to Col. Ponce that Col. Aviles had told him that Lt. Col. Rivas had spoken with Col. Lopez y Lopez, and that Col. Lopez y Lopez had told all this to Col. Aviles and that Col. Aviles told the witness; Col. Ponce then asked the witness when and where the conversation between the witness and Col. Aviles had occurred, to which the witness responded that it had taken place in Col. Aviles' office about two weeks earlier; the witness believes that Col. Hunter, Janice Elmore, and the witness then left the

office; the next day the witness reported to work in the Military Group, where he gave a sworn testimony to Col. Menjivar about his conversation with Col. Aviles regarding what Benavides had told others and what has already been mentioned; on the afternoon of January 5, 1990 the witness met with the United States Ambassador to San Salvador, Mr. Walker; in which the US Ambassador basically said that he understood that the witness was in a difficult situation, and informed him that he would be leaving the next day; On January 6, the witness left El Salvador for the United States; at this stage, in response to questions from the Judge, the witness answers that he did not report what Colonel Aviles had told him to his immediate superior, Col. Hunter, immediately, because he had great respect and confidence in Colonel Aviles and felt that Col. Rivas already had the information, and that it would be much better for El Salvador if the crime was solved by an official Salvadoran investigation, without the intervention of anyone from the United States; he remembers that at the Estado Mayor there were two Colonels named Lopez, one in Conjunto 4 and the other in Conjunto 1; he had met both of them on about two occasions on a professional basis, but that he didn't know them well or on a personal basis; he does not remember ever having met Lt. Col. Rivas, and the twentieth or twenty-first of December was the first time he had heard his name; in the January meeting with Col. Ponce, the witness did not speak with Col. Aviles, nor has he spoken with him since, nor has he physically seen him since then; the witness did not know if they had reached a conclusion in the January meeting described previously, since only Col. Aviles and the witness spoke, and then the witness left; the witness has not met with Gen. Larios, whom he did not know; the witness did not believe that Col. Aviles was joking or lying on December 20 or 21, but rather he took it seriously; he did not know Col. Benavides; on January 5, 1990 the witness met with FBI agents and Salvadoran Special Investigative Unit agents, and during that meeting, the FBI agent administered several polygraph tests on the witness; the witness has not received official results of those tests; at this stage, in response to questions from the prosecutor assigned to this case, Alvaro Henry Campos Solorzano, transmitted by the Judge, the witness answers: that the witness' responsibility, as advisor to the Conjunto 5, was to assist, coordinate and direct in cases of U.S. personnel, civic action, civil defense, and psychological operations, and coordination with AID; the witness had no recollection or knowledge that the Conjunto 5 may have been waging a psychological campaign against Union leaders in El Salvador or the Jesuit priests, and that he personally did not participate in such a campaign; that Col. Aviles told the witness that

ballistic tests had been carried out and that as a result of the tests it was established that members of the Unidad de Commandos of the Atlacatl batallion were involved; Aviles told the witness about the ballistic tests after the conversation in which Col. Aviles told him that Col. Benavides had confessed--not before; it might have been the same day that he learned what Benavides had said, but he could not give an exact date; the witness never knew that Col. Guillermo Alfredo Benavides had been named Chief of Security of the Military Command; the witness didn't know that the UCA was located in the security ring of the Armed Forces; Col. Aviles only told the witness about the conversation that Col. Benavides had with Lt. Col. Rivas, but outside of that, he did not mention the existence of any evidence against Col. Benavides; that the witness knew nothing of a meeting of the High Command of the Armed Forces, in which it may have been decided to surrender those individuals implicated in the Jesuit Murders to the courts; in the entire time that the witness was in El Salvador, he worked almost exclusively in the Conjunto 5, and that during the time that he worked with Col. Aviles, Col. Aviles never acted on his own with new ideas or proposals, but rather always requested permission from Col. Ponce; the witness believes that Col. Aviles never told him how he'd obtained the information about the ballistic tests mentioned earlier; the witness doesn't know if Col. Benavides participated in any way in the investigations of the Jesuit murders; the witness knew that in his official capacity, Col. Aviles held met with some Jesuit priests after the murder. At this point, in response to questions from the Defense, Jose Adalfredo Salgado, transposed by the Judge, the witness answers: he met U.S. Congressman Senator John Joseph Moakley, on only one occasion, in an official capacity, and that he met him in the United States; the Defense asked the witness if, when he met Congressman Moakley, the Congressman questioned the witness about the death of the Jesuit priests and their two employees, to which the witness abstained from responding because under the conditions established by the Foreign Minister of El Salvador and the U.S., the witness should not be questioned about situations or actions that took place after January 6, 1990; whereupon the defense refuses to ask any further questions, considering that that accord has no validity with regard to the witnesses' testimony (under the criminal process established by the Laws of El Salvador), and that the only person who can judge the legality of a question is the Judge, since to do otherwise, the defense claims, would mean that the present testimony would be only a partial investigation.

This is all there is to say, being the truth and submitted to viewing and hearing; read that this was the declaration given, by means of the skillful translator, Margaret Popkins, the witness verifies and by perseverance, signs it, together with the parties that participated, and the specific agents, Eduardo Pineda Valenzuela and Edward Sidney Blanco Reyes, of the defense attorneys, Dr. Carlos Alfredo Mendez Flores and Mr. Joaquin Eulogio Rodriguez Barohona, who were also present. The attorney for Major Buckland stated again that Major Buckland was completely willing to answer in accordance with the terms and conditions, all events which arose while he was in El Salvador concerning the killing of the Jesuit priests. END TRANSLATION.

Signed and Verified:

Major Eric Warren Buckland
Declarant

Col. John Cruden
Counsel

Dr. Ricardo Alberto Zamora Perez
Fourth Penal Court Judge,
San Salvador, El Salvador