

TERMS OF REFERENCE

- o No formal record/transcript to be made.
- o Major Buckland will be allowed to tell his story from prepared briefing notes with all questions held until he finishes.
- o Discussions with Major Buckland should be conducted in a non-threatening environment and atmosphere.
- o Questions should be limited to the facts as Major Buckland knows them; at no time should Major Buckland be asked questions re U. S. policy in El Salvador or CENTAM.
- o Hill to provide list of Members and staffers who intend to attend.
- o Attendees should be limited to staffers who possess Secret clearances.
- o Attendees must understand that Major Buckland was PCS-ed from Salvador under legitimate fear of life circumstances. His name and other identifying information should be protected.
- o Major Buckland will be accompanied throughout the session by Mr. Robert J. Winchester, Special Assistant to the Secretary of the Army, and Colonel John Cruden, Chief of Investigations and Legislation, OCLL/DA.
- o Major Buckland may at any time ask to consult privately with Mr. Winchester and Colonel Cruden.



GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE

WASHINGTON, D.C. 20301-1600

March 9, 1990

Bob:

Please note p. 2
agreement for people
w/ Secret clearance.

Tom

Honorable John Joseph Moakley
Chairman, Committee on Rules
H-312, The Capitol
Washington, D.C. 20515

Dear Mr. Chairman:

This is to confirm our telephone conversation yesterday afternoon regarding Major Buckland.

As you know, Major Buckland made himself available to be interviewed by the bipartisan staff of the intelligence committee. I understand that while some of the El Salvador task force members and staff are on the intelligence committee, the committee's rules proscribe the sharing of classified information provided by Major Buckland with those who are not on the committee.

You advised me last week, as you had prior to your trip to El Salvador, that you and some your task force members wished to meet personally with Major Buckland.

I have stressed all along that Major Buckland was transferred from El Salvador under circumstances constituting a legitimate threat to his physical safety. In light of those circumstances we have sought to avoid publicity relating to Major Buckland, particularly the type of publicity that would arise from public testimony.

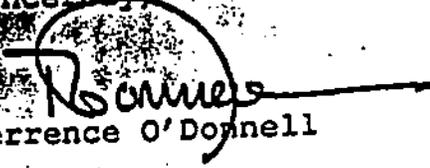
Accordingly, in order to assist you and the task force, while at the same time protecting the legitimate interests of Major Buckland, and in lieu of proceedings before the rules committee in furtherance of a resolution to subpoena Major Buckland, you and I agreed that the Major, accompanied by two Army representatives, would meet on an informal, no press coverage, confidential, and unrecorded basis with you and four members of your task

dorable John Joseph Moakley
March 9, 1989
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force and Rep. Shuster, who also has asked the Department for a meeting with Major Bug and. We further agreed that the Department would work with McGovern to schedule this meeting and that any staff members who attend will have security clearances at the secret level.

If this is inconsistent with your understanding of our conversation, please let me know. Thank you for your assistance.

Sincerely,


Terrence O'Donnell

conversation between Benevides and Lt. Col. Rivas in which Benevides apparently took responsibility for the crime (see discussion below).

6. Embassy and Salvadoran officials could be asked to describe the potential obstacles within the Salvadoran judicial system to a conviction of those presently charged with the murders.

THE MENJIVAR-AVILES AFFAIR

(note: this information is based on staff, and some Member-level discussions with U.S. Embassy personnel)

On January 2nd, U.S. Mil. Group leader Col. Milton Menjivar was told that an American Major in his unit had been told some ten days previously of a conversation between the Col. Benevides and SIU head Lt. Col. Rivas in which Benevides admitted at least some responsibility for killing the Jesuits. This information was passed to the Major by Col. Aviles, a friend, who said he had obtained it from Lt. Col. Lopez y Lopez, a former head of the SIU, who was then providing assistance to Rivas.

Acting without the permission either of the Ambassador or DCM Jeffrey Dietrich, Menjivar and political officer Janice Elmore immediately confronted Col. Ponce and unspecified other members of the high command with the information. Ponce responded by telling Menjivar to put the accusation in writing.

Menjivar returned to the Embassy and prepared the statement and returned to the High Command. Col. Aviles and Lopez y Lopez are brought in, both deny they said anything to the American Major. Both Aviles and the Major are polygraphed, both fail.

Five days later, SIU has produced evidence from ballistics tests that prove Atlacatl involvement in the murders. Cristiani makes the announcement of military involvement and arrests follow soon thereafter.

POSSIBLE QUESTIONS:

1. Given the importance of the alleged conversation between Rivas and Benevides to any assessment of the integrity of the investigation; and given the fact that an American major has been accused of lying about this conversation; why haven't the two people who could confirm the truth of the American major's story been polygraphed: Lt. Col. Rivas and Lt. Col. Lopez y Lopez.
2. Why did Col. Menjivar act without permission from senior Embassy officials? Who, other than Col. Ponce, was present when Menjivar and Elmore went to the High Command? Why did Ponce demand that the accusations be put in writing? Can the Task Force obtain a copy of the written statement taken back to the High Command by Menjivar?
3. Was this sequence of events the triggering factor in the SIU's production of evidence to implicate the Atlacatl?
4. What were the results of subsequent polygraph tests of the American Major?
5. Why did Col. Aviles confide in the American major?
6. If, in fact, Benevides told Rivas of his involvement--when did this conversation occur? What actions did Rivas take as a result of this knowledge? More basically--if Rivas was aware, at an early date, of Benevides' guilt, why did it take until early January before this information went public and then only as the result of Menjivar's willingness to confront Ponce?

INSIGHTS

Major Recall

The officers who broke the Jesuit murder — and the armies that broke them

BY CHRIS NORTON

SAN SALVADOR—On the day I first met him, U.S. Army Major Eric Buckland was anxious to talk. It was one week into the November rebel offensive, and he was bothered by articles in the U.S. press slamming the Salvadoran army for its indiscriminate strafing and rocketing of heavily populated neighborhoods held by FMLN guerrillas. President Alfredo Cristiani and members of the Salvadoran high command had just held their first press conference since the start of the rebel offensive, and instead of avoiding the press afterwards (as most U.S. military advisers do), Buckland started talking earnestly about how we were hurting the image of the Salvadoran army — and about how much respect he has for that army. "This is a good country," Buckland said. "They make mistakes, but they're trying to do the right thing."

Three days earlier, however, something very wrong had happened. At the University of Central America, six Jesuit priests, their cook and her 15-year-old daughter were dragged from their beds and murdered. Buckland fervently dismissed rumors that the Salvadoran army had been involved in the killings. "I would resign my commission and leave this country," he declared, "if there [were any evidence of] military involvement."

But within a month Buckland would learn that the Salvadoran military had indeed killed the Jesuits. And the U.S. Embassy's clumsy handling of that information would end up burning Col. Carlos Aviles, the Salvadoran officer who had told his close friend Buckland the truth. Also, the U.S. investigators, who initially distrusted Buckland's story, had forced him to take a humiliating polygraph test. As a result of these and other stresses, Buckland reportedly had a nervous breakdown and is now recuperating in the States, his tour in El Salvador ended prematurely.

Buckland came to El Salvador after Aviles, whom he had met in the U.S., filed strings to get Buckland assigned Section 8 of the U.S. Army High Command, the Office of Psychological

Operations, then and now in charge of the army's propaganda efforts in El Salvador, including the army press office and various civioaction programs in which food is given away to promote good will among the Salvadoran population.

Aviles, Buckland's counterpart in

had been locked out of the top command positions by the powerful 1966 class. Though he hadn't yet received a major command, he had been appointed to the prestigious post of Salvadoran military attaché in Washington.

Buckland and Aviles became good friends. Although excluded from top



Offering up a colonel: Salvadoran President Alfredo Cristiani

echelons of the Salvadoran military, Aviles was well-connected, and through friends found out that Col. Guillermo Benavides, the director of the military academy and the zone commander for the area including the Jesuit University, had ordered the murders. He also found out that members of the elite U.S.-trained Attack Battalion, a tough unit that has been accused by human-rights activists and labor organizers of many atrocities against civilians in the past, had actually carried out the killings. Aviles also knew that Benavides would not have had the authority to order such an important operation without a go-ahead from his higher-ups in the army.

Aviles told the story to Buckland, who sat on the information for 10 or 12 days before finally going to his boss, Col. Milton Menjivar, head of the Milgroup, which oversees the 35 U.S. military advisers in El Salvador. The U.S. Embassy, as soon as it had received the information, went straight to the Salvadoran high command to divulge not only the story, but its source as well. Salvadoran army chief

MAJORITY REPORT - A WIDE WORLD

of staff Rene Emilio Ponce was reportedly furious with the colonel, and Aviles, his ass on the line, subsequently denied that he had told Buckland anything. Then the U.S. Embassy accused Aviles of lying about his denial, and forced a humiliating confrontation between Aviles and Buckland.

The Salvadoran brass retaliated against Aviles by canceling his appointment as military attaché and putting him under a modified form of house arrest whereby he wasn't allowed to leave the high command complex. Although these restrictions have since been removed, most observers believe that

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Aviles' career is ruined and that his life may be in danger. In any case, he isn't talking to anyone anymore. Regarding his military-attaché appointment, Eduardo Torres, spokesman for the Salvadoran Embassy in Washington, D.C., told the *Weekly's* Jim Crogan that since the embassy was never officially notified that Aviles was coming, technically, he never had the job. Torres said no replacement has been named for the post. Torres also declined to comment on Buckland's alleged actions or the betrayal of Col. Aviles to the Salvadoran High Command by U.S. officials.

Meanwhile, Salvadoran President Alfredo Cristiani is being called a hero for arresting Benavides and seven lower-ranking soldiers. U.S. Ambassador William Walker has called the arrest of the colonel a "historic step," but other observers say that the top ranks of the army realized the necessity of offering up a colonel to an angry U.S. Congress to ensure that the dollar will — as

The Major and the Press

Here in the U.S., the Department of Defense refused to confirm or deny that Major Buckland was the American officer who reportedly sat on information regarding the murder of the Jesuits. "We have not, for reasons of privacy, released his name, rank or service," DOD press officer Major Keith Wood told the *Weekly*.

Apparently most concerned with damage control, Pentagon brass chose not to give even their own public relations people information about Buckland's case. ("You can't give out information if you don't have it," said Major Wood.) After checking into the case, Wood also denied that "the unnamed officer in question" had suffered a nervous breakdown. "I found he's an absolutely healthy and fully functioning officer, both mentally and physically," she said.

More interesting, however, was Wood's characterization of an alleged deal struck between the mainstream media and the Pentagon regarding Buckland. "Both *The New York Times* and *Newsweek* had the name and rank of this officer, along with personal data on him, but made a gentlemen's agreement with the Pentagon not to use that information, out of respect for his privacy," she asserted.

A staffer on *The New York Times* foreign desk, who declined to be identified, disputed Wood's claim concerning any

so-called deal. "That's not us — we are not gentlemen." In a phone interview with the *Weekly's* Lindsey Grayson, the *Times* staffer in San Salvador, likewise said he knew of no such agreement with the Pentagon. "Initially the name was received under difficult circumstances [to which Grayson declined to elaborate], and I chose not to use it." Later Grayson said he "felt sorry for the guy, because I found he was having serious emotional problems back in the States, and I didn't feel it would add anything to the story." Grayson noted that *Miami Herald* and *Washington Post* staffers in El Salvador also received the same information under the same circumstances, and that they, too, chose not to reveal Buckland's name. "It's up to each individual reporter what they do," he said.

Charles Lane, *Newsweek's* staffer in San Salvador, told the *Weekly* in a phone interview that, as far as he knew, Wood's assertion about a deal was "not accurate." Lane also said that the only reason that he had not used Buckland's name in his story was that he didn't know his first name. The magazine, he added, could not get confirmation on the first name before press time. "Let me make this clear," he continued. "There was no conspiracy of silence between the press and the Pentagon on this story."

—Jim Crogan

EI SALVADOR

continue to flow to El Salvador.

It appears that those who decided to kill the Jesuits felt that they were operating in an apocalyptic time when normal behavior should be suspended. "We are playing all or nothing," a lieutenant quotes Benavides as having said on the night of the killings. "It's either us or them." Still, the soldiers made a point of shooting three of the priests with an East Bloc-manufactured AK-47, scrawling "FMLN" on the walls of the priests' offices, and leaving a note accusing the priests of being traitors (again signed "FMLN"). The soldiers also fired bazookas at the Jesuits' offices to simulate a battle between government and guerrilla forces. Benavides also noted in his operations diary that guerrilla forces had attacked the university that night.

Even after Benavides was arrested, the cover-up attempts continued. The army floated stories that the killings were a mistake, that the colonel had only ordered a search, and that one of the soldiers had killed a priest by accident; the rest had to be killed to eliminate witnesses. But the release of the court testimonies of the accused makes it clear that Benavides ordered the Jesuits killed and all witnesses eliminated.

Interestingly, former Salvadoran President Alvaro Magana remembers Benavides as "a low-profile type, a good, quiet, efficient type," a reason why many observers think it unlikely he ordered the killings on his own. But despite the widespread suspicion that other top officers were involved, it is unlikely that they will ever be exposed.

A number of local observers suspect El Salvador's hard-line vice minister of defense, Col. Orlando Zepeda, who, as head of the First Brigade and organizer

"They got six priests," one cynic said, "and all they had to give up was one colonel."

of the country's intelligence system, led the army's propaganda campaign against the Jesuit priests. [El Rescate's Human Rights Department here in Los Angeles reported to the *Weekly*'s Crogan that Zepeda also served as commander of the Atlacaz Battalion (now charged with the murder of the Jesuits) back in 1984.] Also frequently mentioned is the other most prominent army rightist, former commander of the air force Gen. Juan Rafael Bustillo. Bustillo reportedly ran the war during the first several days of the recent rebel offensive, but subsequently "retired" from the military. He has since been named as military attaché to Israel.

Neither the Salvadoran government nor the U.S. Embassy wants to harm the war effort against the guerrillas. Already President Cristiani says that more arrests in the case are unlikely. And even if there were the political will, considering the way the U.S. Embassy has treated friendly witnesses, one would have to be a fool to volunteer information. The three allies in this affair — the Cristiani government, the Salvadoran army and the U.S. government — all realize that by delivering up a colonel they have probably satisfied Congress. As one cynic put it, "It wasn't so bad. They got six priests, and all they had to give up was one colonel." □