

March 11, 1990

Dear Jim,

Attached are my notes from the trip. The notes are grouped into subheadings which more or less reflect the chronology of the murders and the investigation. What different people said about the same topic is grouped under the same subheading. There are some gaps. Perhaps in connection with your notes or Bill's, these can be filled in.

Anything within brackets is my editorial comment.

Walker II refers to the second set of meetings with the Embassy.

I hope these are helpful! I'm back on March 18th. Will be in touch.

Best,  
Cindy

Notes: Moakley Task Force Visit to El Salvador

Pressures on the Embassy

Walker: What hit us between October and December: Joya Martinez; the Fenastras bombing; the offensive, which was the largest offensive in ten years of war; the Jesuits; the occupation of the Sheraton; National Police and the National Guard raided press offices, including the Washington Post; Jennifer Casolo; persecution of church, human rights groups, U.S. citizens; surge in consular services; evacuation of dependents.

There were tremendous tensions generated by the attack. Events were overwhelming us. Things were not as prepared as they would have been [had there been less pressure]. In times of unrelieved tension, the first victim is rational behavior. Things do happen that are later hard to explain. During the offensive, the Salvadoran government ceased to function in terms of public relations. There were lots of press conferences by me.

Would I do anything differently? Yes. 1) I would talk to the press less. 2) I would try to understand the Jesuits' emotions a little better. They would have had fewer suspicions.

Buckland/Aviles: I might've handled it differently if I had been here. but I stand behind the actions of my staff. It looked at the time like a much simpler issue.

Perception of Jesuits and of Religious Workers/Background to Murders

Shuster: The Vice-minister of Defense accused the J's of planning FMLN operations?

Walker: Have to look at mindsets of military officers and those right of center. [In their view,] the UCA and the J's were intellectually involved in encouraging the FMLN rebellion. Ellacuria would go to Managua every now and then and talk to the FMLN. It was seen not as promoting peace, but as giving advice. The Army thought during the offensive that certain things were emanating from the UCA. There were rumors that mortars would be placed, etc. They thought they had received fire from inside the UCA

Chidester: Our Embassy guards confirmed that fire was coming from the UCA

Walker (Chidester?): the military found weapons at a Jesuit retreat house.

Father \_\_\_\_\_, director of Jesuit retreat house: I was called because soldiers were there. They found the equipment of four guerrillas that had run away and hidden their weapons, underneath ashes and leaves behind the house. There were four guns, four backpacks, 4 revolvers, 2 sticks of dynamite. The house is at the outskirts, up against a coffee plantation where guerrillas go in and out. The soldiers were in the plantations and sleeping in

the retreat center. It's curious that officials are insisting on [the arms found], but don't say that lots of things were stolen from the retreat center. I told the lieutenant, 'we are innocent.' He said, 'we have found this in 100's of places. The guerrillas do this when they are being pursued. He said, 'don't worry.'

Walker: Ellacuria's statements regarding Cristiani were not widely seen. Ellacuria had been meeting secretly w/ Cristiani about 5 times. Ellacu. told me he was encouraged by what he was seeing. Said the ARENA of 1980 was not the same as now. He was optimistic about negotiations.

Q: How well was it known that Ellacuria had good relations with Cristiani?

Ponce: Everyone knew it because it was public knowledge. They made t.v. appearances together.

Bonior: on same night J's killed, Army went to Lutherans, other churches. Was there a more concerted effort by the Army [against religious workers]?

Walker: [re: Medardo Gomez]: in contrast to the orations at the J's funeral, he gave a strident, bloody shirt sort of speech designed to raise passions and anger rather than calm people down. I have seen no evidence of a greater conspiracy [against the Church]

Zepeda: There were no specific orders against a group of religious people or persons. There is a chaplain in each barracks. We have nothing against religion. We have an agreement with evangelical churches. I reject that for ideology, the armed forces has it in for the churches. Many members of the FMLN use the church as a cover, to operate with the cover of the church. That's what happened here. When we receive reports that FMLN groups are acting out of a church, when we have a denunciation, we have the obligation to investigate. There is a manipulation, a utilization of the church by the FMLN.

Tojeira or Estrada: there is a pervasive attitude in the military, that whatever act in favor of human rights, justice, or analysis of our social reality is seen as communism. We are seen as a facade of communism or as agents of communism. It is still dangerous for us. We are seen as the tools of international communism.

Tojeira [re neutrality of theUCA]: If someone has entered the campus, it has been the Army. The Army enters and leaves when it wants to. [Guerrilla units] have entered only one time. They entered fleeing and ten minutes later, the Army followed. The guerrillas also killed Shaufelberger on the campus, and used the soccer field, facing houses where the military lives, to fire on the houses. We should thank the guerrillas for not using the UCA as a site of attacks. Ellacuria asked them not to use the

campus and they respected it.

[see Colorado, below, on letter to the Pope]

Rivera y Damas: The main objective of the church is to end the war through dialogue and negotiation. The Jesuits were known here and abroad for the depth and exactitude of their analysis, especially about the political, economic, and social situation of the country, and the situation of injustice which [the Bishops' conference of] Medellin called a 'situation of sin' or institutionalized injustice. They presented many projects that could change this situation. That was seen as though they were supporters of the FMLN. There were campaigns trying to link Segundo Montes, Ignacio Ellacuria, and Martin-Baro to the revolution. The confessions [of the accused] say that they justified their acts as going after the mentors of the offensive. The Jesuits were very critical of the offensive, of which there had been prior talk.

Three months before [the killings, or now?], the Archbishop's assistant mentioned incidents against the church. Cristiani told us that he was disgusted with the way in which the national [radio] network carried out its work. He offered us military guards.

The [government-controlled] radio network invited denunciations of the guerrillas [during the offensive], saying that they were enemies of the people and that people should support the armed forces. In that context, people started calling. They could have cut the messages, but they sought them.

Phil Bronstein: There was a rumor going around in the military that the guerrillas had tunnels running under the university that they were using to evacuate their wounded.

Elena Fuentes: It is part of FMLN propaganda to say that there is persecution of the church. I can show you a statement from CDUCA [?] in Costa Rica that accused me personally of being responsible for killing Rivera y Damas. I called him and he said, 'don't worry. This is going to happen, and even more. It is part of the FMLN's propaganda.

Rosa Chavez has two brothers in the FMLN. One was captured in Zacamil.

Q: Do you think that a big part of the church is subversive?

Elena: Not a great part. Individuals, yes, like Miss Casolo; Rogelio Poncele and Padre Ventura are running around with the FMLN.

The Search of the UCA on November 13th (see Martin-Baro)

Tojeira: the soldiers entered through the same door [the pedestrian gate] and others came in through another entrance, at 6:30 a.m. There is a confusion in the court because military

authorities said that they authorized the search at 8:50 a.m. At 7:30 a.m. our colleagues called to say that the search was over. Martin-Baro wrote a statement on his computer, detailing the places that were searched. He [?] said the soldiers were told not to search the house [dormitory?] and that it was not a part of the university. [?] They insisted on going in. The basement houses the offices of the Theology Dept. They also searched chemistry labs and engineering classrooms. The fathers didn't accompany them, but saw that they had been searched because the doors were broken. Ellacuria offered that they return the next morning and [the J's] would accompany them to search [the whole UCA] so that they could see there was nothing there. They did not come back.

Ponce: We received information that from within the UCA, mortars and machine guns were being fired. The Atlacatl went to check out the reports. They asked for authorization to enter the UCA. They saw no terrorists in the zone, but did find evidence that firing did take place. They asked for permission to search/inspect [registrar]. They had authorization only to check the classrooms opened. Ellacuria and Montes accompanied them, taking them to locked classrooms. The search was recorded by Montes [in fact, Martin-Baro].

The Chief of Operations gives orders in my name. Given that nothing was found in the search, we didn't attach major importance to the UCA. We had bigger problems in Zacamil, Mejicanos, San Miguel, Usulután, etc.

[see Judge Zamora, below, on connection between the search and the murders]

GM: Judge Zamora insisted on link between the search and the murders.

Menjivar II: We do know that the search was carried out by the same unit [as killed the Jesuits]

Walker: This doesn't imply they knew that the electricity would be out.

McHugh: Who authorized the search? The order was not just given by Benavides?

Walker: They took it up to President Cristiani and he said, 'go ahead.' This is what I've heard. It would've been the High Command.

Q: What was the rationale for the search?

Menjivar: Embassy security guards had also corroborated that shooting was coming from the UCA.

Walker: But they found nothing. The report [of the Moakley Task Force] should raise all these questions.

#### November 15th Meeting of the High Command

Walker: Cristiani told Solarz that if the HC hadn't been meeting, should be removed for dereliction of duty. Cristiani

went to the Estado Mayor and said 'we're on the line--get out there and fight.' It was a locker-room kind of speech, at the height of [tensions].

[Q: re: Benavides' quote--"let's go get Ellacuria, the UCA"  
I go on the assumption that that's what happened.

Walker: [re Benavides acting on own?]: My guess is he went well beyond the orders/understandings at the Nov. 15th meeting.

Rivas: From November 9 the Estado Mayor had indications of a guerrilla attack. They were meeting continuously with all the commanders, analyzing the possibilities of the guerrillas. On Wednesday [Nov. 15] they had a meeting with Cristiani there. The subject was the tactic to employ against the guerrillas that had practically taken all the positions in the northern section [of San Salvador]--San Sebastian, Soyapango, Zacamil, Mejicanos, etc. What we know about the meeting is that we know it took place and all the commanders were there.

Hoyer: Have you asked them what went on, did they mention the UCA, religious leaders? Were they targeted at the meeting?

Rivas: I know that they discussed the tactics to use against the guerrillas--the use of the Air Force and cavalry

Q: Have you asked Ponce what was said that would have led Benavides to conclude that he was sanctioned to do what was done at the UCA?

Rivas: No.

Hoyer: Our concern is with a military cover-up.

Rivas: If I have no way of discovering this [involvement of higher-ups], I can't [investigate]

Rivas: The information I have is that the issue [of the Jesuits] was not brought up in the Nov. 15th meeting. [Says he will investigate the meetings on Nov. 15 and 16.]

Ponce: Since Nov. 9, when we had inklings of the offensive, we began with almost daily meetings, every night, to determine the advances and withdrawals of the FMLN. At 7:30 p.m. [?!] there was a meeting of the High Command--the Minister of Defense, the 2 Vice-ministers, the head of the Estado Mayor, the commanders of units in the metropolitan area, the chief of joint commands and the 3 directors of the security forces, and the chief of the armed forces defense committee [?] and the press officer. We evaluated the situation, established which positions were lost by the armed forces. Especially in the northern part of the city, we had problems of control in areas of Metropolis, Dolores, Soyapango, Mejicanos, Ciudad Delgado, and other neighborhoods to the East. We found the situation extremely difficult. We decided that the majority of the civilian population had to leave so that we could use heavier methods to dislodge the terrorists. That was the conclusion [of the meeting].

Zepeda: our preoccupation has always been the civilian population. It has prevented us from using all the means at our disposal. Our greatest concern and policy as the High Command

has been to protect human rights. An act such as the murder of the J's with repercussions so big could never have emerged from a meeting such as this.. We were aware that the FMLN propaganda machine could seize on anything we did. That is why we want this investigation to proceed. Of what was mentioned at the meeting, no one could presume that an order to kill the Jesuits had been given. But sometimes orders are misunderstood.

Chavez Caceres: We had to locate the command posts of the guerrillas. We had lots of captured people--FMLN and civilians--who had pinpointed houses. At the end of the meeting, we invoked G-d's name. We stood up, held hands, and asked for divine help. It is hard to believe that at a time when we were invoking G-d's help, we would think of murdering the Jesuits. The UCA was not mentioned in any way. There was nothing about the Jesuits. Absolutely nothing. I am a former student of theirs, a friend of theirs.

Q: Would Benavides have had to check with anyone higher than himself to order the Atlacatl to the UCA?

Ponce: We thought that the FMLN was planning to attack the military complex [?] of the armed forces. [see Rivas notes on Sal'an investigation] This was a permanent objective of theirs. That is why the High Command named a unified command of installations. Benavides was commander of a unit brought in from other units. [Ponce goes on here to discuss the search of the UCA. See above]

Ponce: Aviles was at the Nov. 15th meeting.

Farah: The Jesuits came up at the Nov. 15th meeting. The context is not clear, nor is it clear when they came up, i.e., just before it was said 'it's us or them.'

Benavides took notes on the meeting. He wrote something about the Jesuits in his diary/appointment book [agenda]. What was said, no one really knows.

Ponce told me that he felt the Army would either lose the city or it would become like Beirut, with clear zones of control. At the meeting, they decided on armored vehicles, artillery, aircraft, and to go after command posts and "heads". It's true that Ferman [Cienfuegos] was hanging out for days [i.e., there was such a thing as "command posts"]

Bronstein: Benavides mentioned the Jesuits at the meeting. I was told this by someone at the meeting. I don't know what was said.

### The Murders Take Place

(Most of the reconstruction of the murders provided to us by the Jesuits seems to have come from the court statements of the accused. I include here only some of the Jesuits' additional observations and concerns.)

Tojeira: There was a false war report that the guerrillas had attacked the theology center. This hasn't been explained. Where the soldiers simulated the battle, they fired in the air. They were in the road. There were no shells behind trees, in windows [which would have been the case if there had been a firefight.] The Jesuits found a picture of Mons. Romero with a bullet hole in the heart. The glass had melted on one picture of Romero; the same was true of the computers. [The authorities] haven't told us what was used. In general, they have attached no importance to the destruction of the building.

Forty-seven soldiers entered the UCA, fired their weapons, and set fire to the theology building. They killed eight people. Only the ones who pulled the trigger, and their officers, have had something done with them. Not those who gave cover, burned, shot--nothing.

There was an observation post on top of the Democracy Tower. They said they didn't see anything, including the flares [set off after the mock battle]. The technical and formal investigation has been well done. But it has focused too much on who fired, who killed; but not on the intellectual authors, who participated. There were 219 soldiers around the UCA. It is strange that none are considered participants, that the investigation ends with Col. Benavides. There must have been more technical and intellectual complicity.

Benavides reported in his book of operations that the g's had attacked at 12:30 a.m. But the military attack took place between 2-2:30 a.m. This was known by military officers. Why was it investigated only very late? Benavides had a reputation of being moderate, not given to quick, violent actions. Why would he do this, without support? Col. Benavides gave the order to 2 lieutenants working under him for only 2 days. Usually you would give an order like this to people you trust. I don't deny that it could have been Benavides acting alone. But we believe there are more facts that show the opposite.

#### November 15th Meeting of Intelligence Officers

Walker: I don't know for certain what statement was made, whether it [announcement/cheering] happened. We've been told [by people there] that it didn't happen. There are many versions of the story--who came in, who made the announcement, the description of the reaction. One of the versions is from the head of DNI, Guzman Aguilar. He's a corrupt officer, was removed on December 30 and sent to Costa Rica as military attache.

My sources are moving in the direction that it did not happen at all. Farah knows he's a little shaky on this one. One officer who's talking to the press is very much playing Army politics. He's very ambitious, trying to get the tandona removed because he wants his group to move up.

The U.S. was not in the intelligence meeting.

Farah: The meeting did take place. It was at 5 a.m. There were

champagne corks popping all over town. The Salvadoran intelligence community knew within several hours [of the killings].

Announcement by First Brigade Soundtruck that Ellacuria Dead

Walker: I didn't hear it.

Rivas: This happened in the northern part of San Salvador, but when we investigated in the area, we couldn't get one witness who said he had heard or seen the First Brigade. We heard about this from the Jesuits. We didn't know that the Archbishop had said it.

Farah: The Atlacatl troops were reassigned to the 1st Brigade, not the Atlacatl, after the murders. That explains the announcement that "Ellacuria has fallen..."

Rosa Chavez or Rivera y Damas: The day of the murders, I came to the Archdiocese after a meeting with Cristiani. I went to take a nap when I heard over a loudspeaker [the announcement]. I wrote down the words so I would remember them. "Ignacio Ellacuria y Martin Baro ya cayeron. Sigamos matando comunistas." [IE and MB have already fallen. We will continue killing communists.]

I brought this to the attention of [Minister of the Presidency] Martinez Varela. I did that.

A few minutes later, I heard another announcement, which said, 'we are members of the First Brigade.' I called Martinez Varela again.

A few days ago, the head of the First Brigade called Rivera y Damas denying this. We said we both had heard it, more than one time, and that neighbors had heard. It was not a rumor.

Elena Fuentes: The person who [made this accusation] the most was Mons. Rosa Chavez. I immediately spoke to Rivera y Damas. He said, 'they're telling me this.'

There is a soundtruck, but it only announces written messages. I probably can't convince you. Go around this brigade and ask whether anyone had an order [to make this announcement].

Dornan: I believe Rosa Chavez and Rivera y Damas about the loudspeakers. Is this a psychological warfare unit? On the fifth day of the offensive, I'm surprised you had the men to devote to this. Who was in the truck?

Elena: The officer was changed one month ago. He was a major.

Q: Did you speak to him?

Elena: Yes, to see if [the allegations] were true. He said, 'absolutely not.' The purpose [of the announcements] was to calm the civilian population, who were being hit by rockets.

Q: Would you make [the major] available to Col. Rivas?

Elena: He'll say it is false.

Dornan: I'd talk to the major again. CONGRESSMAN JOHN JOSEPH

### Redeployment of the Atlacatl After the Murders

Rivas: at about 6:00 a.m., the Atlacatl unit returned to the Atlacatl command in Zacamil. The commander of the battalion, from the day it was assigned to the military complex, asked that the unit come back because the problems with the guerrillas were very grave. This was a special command unit. It didn't go back earlier because the guerrillas' principle objective was to take the Estado Mayor and the military complex (see below). [see Farah, above]

Farah: [see above]: The troops were reassigned to the First Brigade

Elena Fuentes: We passed the first three days [of the offensive] with our 3 battalions. Afterwards, the Estado Mayor, seeing the situation as it was, sent the Bracamonte. Then we got other battalions and parts of battalions operating in the San Salvador volcano area.

EM: What was your first contact with the unit accused of killing the Jesuits?

Elena: They were not in my area of responsibility.

Q: Were they reassigned on the same day?

Elena: There were people from the Atlacatl on the 16th. I would have to check the diary of operations. I'd have to check the record. I don't know the hour they were reassigned.

[consults ledger: We got some troops from the Atlacatl on Nov. 15th. On Nov. 16th, nothing. It must have been an internal decision of the Atlacatl [to do what?]

### U.S. Response to the Jesuit Murders

Walker: Embassy heard about the Jesuits at 9:00 a.m. Confirmed it. I called Cristiani and said it was going to be a very, very serious matter. The U.S. Gov't would be interested in an investigation and prosecution. They should use the SIU. Cristiani said he had already dispatched the SIU at 8:15 a.m. We said the government had to find who did it and get them punished. The crime had to be solved, no matter where it leads. I told my staff this was my highest priority. I got a call from Bush who [emphasized] the importance of this case to him. I told Larios, Ponce.

The Embassy put together a task force. Canas (DEA) arrived from Mexico. (?) We had an overt track to use all our leverage to get the Salvadoran government to take on the investigation and give it resources. Went to great lengths not to accuse anyone. This led to the impression that we were trying to deflect attention away from the military and implicate the FMLN. We were not trying to point the finger away from anyone. When I talked to Joe Moakley on January 2, I didn't know [about evidence of military involvement].

There was also a unilateral, U.S. Embassy track, to put together leads on our own. I wanted my people to shake the tree as hard as we could. Get people nervous, talking. We used all our resources, including covert.

Walker: Thurman came in [to meet with High Command] with two messages. 1) we recognize you're under horrendous attack. Urban warfare is the worst. But now go on the offensive. Take the pressure off the cities by taking it to the hills. Then he turned to me and I pressed on the J. case. Dick Canas asked what units were near there [the UCA], in the vicinity

Walker II: Bush doesn't call me very often. He called me on this one within 48 hours. This case is going to be a running sore.

#### The Salvadoran Investigation

Rivas: the SIU was sent in by Cristiani at 8:00/8:30. How we knew it was the Army or the guerrillas? The shells found in the area belonged to the Army. We determined that the shells belonged to the Atlacatl and especially to the commando unit of 45 men and 2 officers. We investigated all those protecting the military complexes: Ministry of Defense, Military Academy, Estado Mayor, San Benito Battalion, U.S. Ambassador's residence, Colonia Arce, Colonia Paloma. We focused on Military Detachment 7, Mil. Detachment 6, elements of the National Police and Treasury Police, and the Atlacatl.

We re-examined the rifles on automatic after they had been examined shooting shot by shot. We also found at the gate a banner that said, 'El FMLN hizo un ajustacimientto de los Jesuitas orejas.' (The FMLN has brought to justice the Jesuit spies [literally, ears]). On the other side of the banner it said 'no hay clases.' No classes.

how got to Benavides: we were investigating the 45 men of the Atlacatl and we knew that he had operational control. Troops don't leave unless they are under orders. The person responsible is the commander of that unit. Other evidence against Benavides is that he would have given the order or permission to take out guns.

Cristiani and Ponce knew that the investigation was pointing to the Atlacatl because they got briefings. I briefed the Minister of Defense, the head of the Estado Mayor, and the Dep'y Chief [Deputy Min's of Defense?] I don't know whether Ponce knew before Buckland did.

Q: When was Ponce first aware of Benavides' involvement?

Ponce: at 6:30 p.m., January 2

[vs. Bronstein: Ponce knew within a few days, but Montano and Zepeda didn't [?]]

Ponce: the SIU reports to the President. Ponce only asked [about the investigation] every so often, for information in support of his mission. Said Rivas generally kept him up to date.

Q: When were the ballistics tests done that fingered the Atlacatl?

Ponce: On January 3rd or 4th, a day or so after we met with Menjivar.

Either Aviles or Buckland is lying [not clear who said this] Lopez y Lopez denied on January 2 having had any conversation with Aviles. So did Rivas.

Ponce: It hasn't been easy for the High Command to investigate 1000 soldiers, to say they have doubts. When their honor is impugned, it affects morale. I take it as a matter of honor that suggestions are made that there were higher orders [in the Jesuit killings]

Glickman: You say that you knew the Atlacatl was being investigated because you were told by Rivas, and that you were surprised to hear from Menjivar about Benavides. I don't get it. If you knew who had control of the UCA, why didn't you pull him in and ask, and why were you surprised?

Ponce: The SIU had its own plan of investigations [?]

Studds: If Benavides was acting on his own, he made no effort to keep a low profile. Why?

Ponce: I don't know that I could say that Benavides was responsible. It would be negative for the armed forces and the government. I can't figure out what would have moved him.

Studds: He acted as if he thought he had authorization.

Ponce: Actions speak louder than words. The country and the institution are more important than any individual. [?]

McCloskey: Did anyone say to Benavides, 'what happened?' Was he called in? Was he asked [about the murders], given that he was commander of the zone?

[my notes aren't clear on whether this question was answered. The next line in my notes says, 'said he didn't know anything.' But it's not clear whether it's McCloskey, Ponce, or Zepeda talking.]

Farah: Ponce knew about Benavides' involvement within two weeks of the murders, or at least by Dec. 15. Ivs. Bronstein: Ponce knew within a few days.]

Moakley: Did Benavides keep a diary? I was told that Cristiani's staff had seen one.

Walker II: I hadn't heard that Benavides had a diary. He did keep a military order book. I will formally ask.

Buckland/Aviles

Walker: What Buckland was told was third hand, Rivas to Lopez y Lopez to Aviles. 'I'm responsible for the Jesuits; what can you do for me?'

Buckland hadn't passed [a lie detector test]. That's not the same as flunking.

I asked Buckland, 'why did it take you so long' [to tell anyone]. He said 1) he thought lots of people knew. Said he asked Aviles does Ponce know. 2) he had lost his bearings. There was a transferring of loyalties. Aviles was responsible for his coming here. They met in the U.S. He [Buckland] didn't want to break confidences.

I was told by Farah that Aviles is one guy you could believe. He's also very interested in internal Army politics.

Eventually Buckland felt bad and as he saw that the case was not being solved, he told his immediate superior, Col. Hunter, who then told Menjivar.

Walker or Chidester: What broke the case was good police work, ballistics, etc. It's not fair to say that Buckland-Aviles broke the case.

Menjivar: what Aviles said to Buckland: Benavides had admitted guilt, said 'what can you do for me?' Buckland asked Aviles, 'who else knows? Does Ponce know?' Aviles said, no, doesn't think so, just the people in the SIU. Buckland told me he thought this was going to break.

I went to Ponce. He went through the whole range of emotions: disbelief, disappointment, anger, became confrontational. Thought Aviles was part of the problem. [?] I can't go to Ponce as say, 'I can't tell you' [who gave me this information about Benavides.]

Ponce says he wants to talk to Buckland and Aviles.

[in meeting] Buckland says to Aviles, I know this was told to me in confidence, but my loyalty is to the US. He was almost crying. [Present at the meeting: Ponce, Aviles, Buckland, Janice Ellmore, Menjivar, Col. Hunter] Ponce says, we have to bring this to the Min. of Defense.

The next morning, meeting w/ General Larios, and the 2 vice-ministers of Defense. Said, 'tell them what you told me.' Ponce says, 'give it to me in writing.' I went back to the Embassy. Went to Jeff [Dietrich], 'we've got to talk.' This was about 8:30 a.m. We sat Buckland down to write a statement. Menjivar signed the letter.

Ponce is the mover and shaker in the Army, not the Min. of Defense.

Buckland thought the SIU knew (not that everyone knew)

Everyone denies that Benavides talked to him--Rivas and Lopez y Lopez.

The way we look at integrity, they look at loyalty.

This [unclear what this refers to] led to focus on the

Atlacatl.

My initial intent [in going to Ponce] was to find out whether a dynamite piece of information was going to blow up in my face. I thought Ponce would say [to me], we know [what Aviles told Buckland]. Keep your mouth shut, we're going to swoop down tomorrow.

Rivas: re: the conversation between Benavides and Rivas: It is a total lie. Aviles was in contact with my unit because the Jesuits didn't want anything to do with my unit. He had been their student. On December 11 [Aviles?] got a six-hour briefing from the Jesuits.

Aviles' lie detector test came out deceptive, true on some, false on others. There were six or seven questions.

Q: Would you make the results available?

Rivas: Yes.

Lopez y Lopez and Rivas have not been polygraphed because we are the investigators. The story was invented by Aviles and Buckland.

Q: Is Aviles a liar?

Rivas: Yes.

Farah: Menjivar thinks that Aviles told the truth to Buckland. The people in the tandona were aware very quickly who was responsible.

Benavides went to Rivas [when? after saw that focus was on Atlacatl?] Said, focus is on the Atlacatl, but don't involve me. Rivas went along with Benavides. That's why he now denies that he had a conversation with Aviles.

Everyone knew, and it was a conspiracy to leave it [the investigation] at the lieutenant level.

During the meeting with Ponce, Aviles left to find Lopez y Lopez. He returned after an hour and a half, leaving everybody there. When they come back, they both deny everything before Ponce.

At the end of the meeting with Aviles, Ponce, Menjivar, etc., Aviles said to Janice Ellmore in English, 'how could Buckland have been so stupid?'

Moakley: Did Buckland go to the CIA before he went to Menjivar and Ponce?

Walker II: He did not say that to me in a fairly extensive conversation. As far as I know, the answer would be no. At no point have I heard that he talked to anyone else before Col. Hunter.

Miller: Where did Buckland tell Aviles about what he had heard?

Walker: At...during off [hours?] They were together most of the time. Buckland's quarter are within 200-300 meters of the DNI.

Q: Were they over at the DNI when Buckland heard?

Walker: He says he doesn't remember.

Chidester: He didn't say where he was. He was questioned at FBI headquarters, and we don't have the transcript.

Walker: I don't know the answer to your question. I'm missing what you're saying. The details of where he was I didn't ask him.

Q: So none of you [Walker, Chidester, Dietrich] know where?

Dietrich: We don't know where the conversation took place.

Walker: I'm still trying to grasp why this is so essential. You all must be lawyers or prosecutors.

Shuster: The Intelligence Committees have information that the Embassy doesn't have or know.

Q: On the question of where Buckland told Aviles?

Walker: I have not seen anything or heard anything.

Walker II: re: letter from Menjivar to Gen. Larios: It was a letter setting out [the story] in three paragraphs. DOD didn't release it because of Buckland's presence/situation in the investigation. His legal status must be protected by DOD.

Q: Who did Buckland talk to?

Walker II: His sister, and his roommate, Captain Fuente. He wrote a letter and told his sister to put it in a safe place.

Menjivar: Buckland said [to his sister] 'here's a letter that you should put in a safe deposit box in case anything happens to me. It consisted of one paragraph, very short. Merry Christmas. This is what Benavides said. Take care of this in case something happens.'

Walker: The letter was written Christmas day.

#### Handling of the witness

Walker: [Col.] Rivas interviewed the witness because a Salvadoran officer of the court had to be present in order to have the information admissable [in court].

Walker or Chidester: Guerrillas in Salvadoran Army uniforms killed a U.S. Embassy employee. The fact that the witness said she saw five men in military uniform didn't prove anything. There was no threat of deportation.

Tojeira: Chidester said, 'I want to accompany Lucia only to guarantee that she wouldn't have immigration problems.' We were surprised to hear that she spent 8 days with the FBI. I suppose that the interrogation was the same as for any criminal or interrogation. But it was evident psychological torture. I explain: she suffered to have seen the murders of the priests, the cook and her daughter. She was a simple woman, and was afraid they could kill more priests. She was taken to the Spanish Embassy and told by the Ambassador that priests can even be assassinated in the embassy. Then taken with heavily armed men to the French Embassy for more interrogation. Same with trip to the airport. She was asked, 'what priests forced you to say

this? and was subjected to a polygraph. If she had been turned over to the J's immediately in Miami, there wouldn't have had any problems with the interrogation. Re: question that J's [in Miami] didn't want her because there would have been a serious security threat to the witness? But they would've liked to have had her. They could've provided that security.

#### Investigation of Other Beyond Those Detained

Chidester: None of the checkpoints have admitted [letting the soldiers pass through on their way to the UCA]. Not recorded.

Q: [attempt to question soldiers at checkpoints??]

A: It's being pursued, but I can't say for sure that it's happened

Walker: there have been no polygraphs of Fonce, other officers

Walker: we are telling them, 'there are still a lot of unanswered questions: did [the soldiers] pass through checkpoints?' My message to Cristiani was more general--do everything to go after this, not polygraph [so-and-so] or we'll cut your aid. The director of the Treasury Police was polygraphed, because he was named as the intellectual author.

[see Rivas remarks on Nov. 15th meeting]

[see Tojeira remarks on background to the killing]

Q: How could Benavides have done it?

Zepeda: We're asking ourselves the same question, given the repercussions. Who authorized it is work for the investigators.

Farah: Salvadoran military people have told me, 'why should we come forward and burn our asses? Your guys, the CIA, have known all along.'

Rivera y Damas: I don't think the murders could have been ordered by the director of the Military School. This abominable action necessarily must have had more intellectual authors

Q: Is this a feeling, or information?

A: Rumors.

#### Benavides

Bonior: prior record of Benavides?

Walker: I have heard the same stories you have. But it is not beyond my ability to comprehend [that he could have done it]. We don't know anything about him in the early '80's.

[see Tojeira remarks about the murders]

#### Judicial System and the Jesuit Case

Walker: Will the evidence be acceptable in court? The evidentiary stuff--ballistics, handwriting--is all very solid. But Benavides is different, if [!] the indicted are not allowed to testify. They could un-indict one of the lieutenants and use as a witness.

Attorney General Colorado: Unfortunately, my office doesn't have the economic resources to carry out the necessary investigation. I have to rely on the security forces and the SIU. I have requested several times that the SIU become part of my office, but it hasn't come about. I have worked closely with them, but it's not the same as if they were part of my office.

Q: Is the SIU doing a good job?

A: I think so. It feels free to prosecute high military officer.

Q: Can you resolve discrepancies in the case?

A: I am prepared to investigate. The public should bring any evidence it has. But I'm not going to force a circumstance just because someone says it's that way.

Q: You are the prosecutor?

A: Yes.

Q: Can you go back to the SIU to resolve discrepancies, doubts?

A: The investigation to date has been quite complete. The people arrested have a big degree of responsibility. If I had any idea someone else was implicated [I would investigate]

Q: Have you talked to Benavides?

A: No

Q: Are you aware that he kept a diary?

A: No

Q: How often have you talked to Rivas?

A: I have a good relationship, but there was a period for about a week when the relationship stopped. Rivas said publicly that the merit or demerit of the investigation pertains to the SIU and not the Atty Gen's office. I understand that they were in a very secretive investigation, so they stopped coming to us. I have talked with Rivas and Cristiani about this. I have asked for all information to be sent to this office.

Q: I'm surprised that the Attorney General is not more directly involved in gathering the strongest possible evidence.

A: The Attorney Gen's office does not have a budget for our own investigation. I have told Cristiani, the Minister of Justice, the US Embassy, AID, that it would be convenient that the SIU be under the auspices of the AG. I could ask for an additional investigation if I had the resources [equipol].

GM: Don't tell me this investigation is going to fail for lack of resources.

A: We can't resolve all of the problems of the country today. I have been here only 8 months. We are making the best effort to have justice in this country, but I can't guarantee.

Q: re: dropping the charges against one defendant to get his

testimony?

A: We are going to accuse all. We are going to try to prove that all are guilty, all who have been accused now and those who might surface. I have asked all those with evidence to come forward. I want a sworn statement from Rosa Chavez. I asked the judge to request it. He still hasn't done it. I can't put him in jail because it would be seen as persecution of the church. Maria Julia Hernandez took evidence from the scene of the crime. This is a crime.

With the evidence that we have, we could go to plenario (at the end of 120 days)

Q: Is it a problem to get testimony against Benavides?

A: That's the greatest problem of this case. The only strong statements are from others accused. But I still don't know whether they are accused, witnesses, authors. [i.e., not yet charged?] If they are witnesses, then there is no problem. This is why we're collecting more evidence.

I want justice for all, including for North Americans who come here and violate our laws. It pains me that Casolo enjoys freedom. She was freed because of pressure from Congress. As far as I'm concerned, there was enough evidence against her. The judge thought not. The pressure from the U.S. is so great for this country which is so weak. We like to receive aid, but we also like to be respected.

Q: re: letter to Pope on church

A: in the letter, I showed the Pope my concern that bishops could run the same fate as the Jesuits, and that would have been terrible. I suggested that they momentarily retire from the country. My intention was to protect them, because we didn't know who was responsible for the [Jesuit] crime.

Q: Does it reflect a government attitude against the church?

A: Some have interpreted it that way. The press misinterpreted it. The letter was very clear. It said we would investigate the crime of the Jesuits, that I studied in Jesuit schools and had much respect for them. I have re-read the letter and there are parts that could be taken the wrong way. But I think it was right.

Rivera y Damas re: Colorado: The statements of the Archdiocese and of Tutela Legal said something that the Attorney General denied--that everything pointed to the involvement of the military. After the January 6th announcements, the press asked the Attorney General what he thought of Tutela's conclusions. He said it was just a coincidence.

Judge Zamora: The Attorney General's office intervenes in the interrogatory phase, the prosecutors and also the defense attorneys. The judge is in between both parts. Both present all evidence with respect to the crime. If there is sufficient evidence, then go to the 2nd phase, the plenary. The 3rd stage is the jury trial. Then the judge imposes a sentence, within the minimum and maximum.

Q: Do you resolve discrepancies before going to trial?

A: During the trial.

Q: Can you send the Atty Genl back for more evidence?

A: I have the power to do so. The auxiliary organs [of the court] are obliged to do as I say. I can ask for more work to be done. I have to ratify everything brought in by the SIU so that it has legal standing. They have to give the declaration directly to me or to my secretary. [He points to a stack of documents about 2 feet high].

A witness can change his testimony here. All the accused have confessed. When they came to me, they said they hadn't done it. But two witnesses came to me and said that the confession had been given.

The ballistics evidence is very important.

Q: Evidence against Benavides?

A: We also have proof that the weapons were under his orders

Q: But is that proof of conspiracy to murder, or malfeasance?

A: On November 11, 1989, Ponce created a special commission presided over by Col. Benavides. He had under his responsibility the area of the UCA. He was the only one who could give orders to mobilize in this area. Under his responsibility and custody were the others accused.

Q: If they remain accused, they can't testify against Benavides. Is that a problem?

A: No.

Q: When will the case go to trial?

A: We will end the instruction phase this year, I believe. But the defense attorneys have recourse. They can call for habeas corpus. Each request takes one to two months. This can be done as many times as they want. It goes to the Supreme Court.

Q: Is there sufficient evidence to take Benavides to trial?

A: Yes. The evidence against Benavides hasn't taken into account the testimony of the accused.

Q: What is the nature of that evidence?

A: All eight soldiers left from the Military School. He is the Director. The vehicles were from the school. There are other circumstances. There was a state of siege. At the time of the crimes, no one could move, no civilians. Other evidence is very important. In the UCA,, they left a sign.

Q: What about the other 45?

A: [Here, my notes are confused. This is what they say]: The 45 were not at the campus. This is a big problem. The 45 met at the theater, entered through the South Pedestrian gate. They forced it open.

Q: Are they implicated?

A: I will demand depositions from all 45, and even more, because the Treasury Police were there on the Autopista Sur. This will be done in the first phase.

The problem with Phase I is that I have 4000 cases. The Jesuit case is not my only one. I need more personnel. I don't

have the resources to summon all the witnesses. In about 72% of the cases, I can't get a jury together. This has been a problem since the '86 earthquake. People have moved, left the country.

Q: Are they afraid?

A: It's possible. I then have 15 days to get another jury. Some cases have been postponed 15 times.

Q: What is your biggest problem?

A: That people don't come when they are summoned. I have to summon them several times.

Q: Has the church cooperated with you?

A: All the Jesuits have declared. No one who has been asked has refused [see Colorado re: Rosa Chavez].

Anyone can file a writ of habeas corpus. It goes to the Supreme Court. It doesn't necessarily interrupt the 120 days. It can be filed at any stage in the process.

It makes no difference if the charges are dismissed against one of the defendants. They still couldn't testify. It would have no validity. It can be done only in cases of kidnappings or drugs.

Last week, to lower the number of cases, all cases in Ilopango [jurisdiction] and Soyapango would be sent to the Supreme Court.

Q: re: selection of the jury

A: City Hall sends a list with names and addresses. The requirements are literacy, a job or profession, and that the person be 21 years old.

Q: Is it a crisis that 72% of your cases can't go to trial?

A: No, because of the earthquake, people moved. We are trying to update the lists. The problem is not a legal one, but also involves the actual situation.

Q: What are the rules regarding circumstantial evidence?

A: Here it is called material participation. It is admissible.

Q: Is the Nov. 15th meeting part of the investigation?

A: The SIU investigation does not consist of this [no constal]. I can't investigate on the basis of rumor, as in the Romero case. To date, I have nothing on this. I can subpoena the diaries, if they are not destroyed.

Q: There is no question that the meeting on the 15th took place. The question is what was said.

A: The search of the university on the 13th was not an isolated incident. On the 15th, there was no electricity, but they knew where they were going. I suppose there would have had to have been a meeting prior to the 13th.