

MEMORANDUM

TO: Joe Moakley  
FR: Jim McGovern  
RE: Meeting with DSG  
Executive Committee

**General Overview**

1. I am not pleased with the investigation into the murder of the Jesuits. There appears to be good police work in the handling of the technical aspects of the investigation, but virtually nothing has been done to investigate the possibility of a cover-up or the possibility that military higher ups might be involved.

The investigation is being conducted by the Special Investigative Unit (SIU). The SIU is an AID-trained and funded unit, composed of selected military officers, located within the Salvadoran Ministry of Justice and directly answerable, in this case, to President Cristiani. The unit is headed by Lt. Col. Manuel Rivas.

2. Further complicating matters is the fact that the head of the Special Investigative Unit, Lt. Col. Rivas, has been named by a Salvadoran Colonel and a United States major in our MilGroup as having known of the involvement of the Salvadoran military early on in the investigation. Rivas denies this allegation. However, if the Salvadoran colonel and the U.S. major are telling the truth, that would mean that the chief investigator of the murders has lied about a key aspect of the case and might be part of a cover-up. (SEE BUCKLAND-AVILES ATTACHMENT)

3. Given the size and importance of the operation to kill the priests, it seems likely that more than 9 people -- possibly higher ups -- had to know about the mission both before and immediately after it happened. The Army Chief of Staff, Colonel Ponce, told us that not one single member of the army --not one--came forward voluntarily with information and/or evidence about the case. This despite the fact that the operation lasted approximately 45 minutes; over 200 rounds of ammunition fired; grenades were exploded; and flares were shot up in the air.

4. I truly believe that the problem we are dealing with is institutional -- and not just the work of a few renegades. I don't recall one military officer ever saying that they were "personally remorseful" about the murders of the Jesuits or that "their deaths represent a great loss to El Salvador." Rather, they would always say "the murders boosted the FMLN" or "what a stupid mistake." It is clear that the army has a dislike for the Jesuits and other religious leaders. There are a number of quotes which appeared in Salvadoran newspapers from high ranking colonels characterizing the Jesuits as "an FMLN front." Even now, despite all the international attention on the case, the military establishment has made sure that Colonel Benavides, the man charged with giving the orders, is not being inconvenienced by his detention. He is living in a fairly nice

apartment and has taken trips to the beach for a little rest and relaxation.

5. There is good reason to believe that Colonel Benavides, the man charged with ordering the murders, will walk free. Under Salvadoran law, a person implicated in a crime cannot testify against another person implicated in the same crime. Other than the testimony of 7 of the charged men, there is no other evidence against Benavides.

6. I've talked with a lot of people -- off the record -- who know much more about the case than they will say publicly. They are afraid for their own lives and the lives of their families. People fear retribution by the military if they say too much. There are no guarantees that peoples' security will be assured if they come forward --notwithstanding the offer by our Embassy to hide people out in the U.S. However, there is still much concern -- especially in the religious community -- about the way the United States handled the witness, Lucia Cerna. Many people simply do not trust the U.S. Embassy -- and view it as an arm of the Salvadoran government.

#### **What's Next?**

1. The task force intends to stay together; continue to meet with relevant witnesses; review appropriate cable traffic. Though we have received adequate cooperation from our Embassy, I do not believe that the State Department and the Department of Defense have been particularly helpful or cooperative. We have received some information -- but only after we have harrassed them.

2. The task force is perceived by the Salvadoran government as a serious effort -- and, in that regard, I believe that we remain constructive pressure on them. They fear that we somehow hold the key to their aid.

3. The task force will issue a factual report on all the information we have obtained hopefully in mid to late April. This report will not be legislative recommendations -- rather, it will simply be the facts of the case with as little editorial comment as possible.

## Legislation

I realize that the issue of legislative strategies is not the focus of today's meeting -- but I did want to raise a couple of points.

1. We need to do something. And we need to try to do something that will win. I am convinced that the Salvadoran military believes we will support them -- no matter what. Why else would they be so bold as to bring Col. Benavides to the beach? If we appear indifferent or if we lose a vote by a large margin on the House floor, I am afraid we will give them the green light to continue the repression.

2. Grassroots groups have raised the stakes, there have been sit-ins in Members' offices and the mail on this issue has soared.

3. I personally have a high regard for President Cristiani. I think he's a good man who honestly wants to help improve things in El Salvador. But I honestly believe that his influence with the military is limited. And much of the reason for that -- is because we let the army get away with one atrocity after another.

4. Changes in Eastern Europe and in Nicaragua negate the justification for current levels of US military aid to El Salvador. In addition, a recent GAO report states that \$685 million in US aid is still in the pipeline --including \$139 million in military aid. That's a total of more than one year's worth of U.S. aid to El Salvador. There is no way we can justify "business as usual."

5. One final point...when you take into account what we know about the murders of the Jesuits, the massive corruption in the military, the harrassment of other religious workers and opposition leaders, and the overall attitude of the army -- we don't owe the Salvadoran military a dime. The only possible justification for aid is to prevent an FMLN victory. And we all know that a military victory by either side is impossible ( as many in the Administration have

already admitted) -- and the only alternative to the war is negotiations. Everyone agrees with that. Therefore, we need to come up with something to address these current realities.

8. Let me again stress that any bill should be even-handed. I have no love for the Salvadoran military -- but I also have no love for the FMLN. They have been guilty of many human rights violations and their November 11 offensive ended up killing a lot of innocent people. But, again, the only alternative is negotiations. And I also think it is vitally important that we win.

## Aviles-Buckland Episode

\* The sequence in the Buckland-Aviles affair is as follows:

--Sometime shortly after the murders, Col. Benavides, the man charged with ordering the killings, tells Lt. Col. Rivas, the head of the SIU, that he (Benavides) is responsible for the crimes;

--Rivas tells Lt. Col. Lopez y Lopez, a close friend and a former head of the SIU;

--Lopez y Lopez tells Col. Carlos Aviles, head of the military high command's psychological operations and former head of SIU;

--Col. Aviles tells United States Major Buckland;

--Buckland waits approximately 2 weeks and, on Jan. 2, tells the head of the US Military Group, Col. Milton Menjivar;

--Menjivar and an embassy political officer confront Salvadoran Army Chief of Staff, Col. Ponce and other members of the high command -- without the knowledge of US Ambassador Walker or the DCM. Menjivar mentions Aviles by name. Ponce is upset and asks Menjivar to put the accusation in writing.

--Menjivar returns to the Embassy and prepares a written statement; and returns to the High Command. Aviles denies that he told Buckland anything. Aviles is then polygraphed -- and he fails. Buckland is also polygraphed -- and he also fails.

--With this information, the Salvadoran High Command is, for the first time, confronted with tangible evidence of U.S. knowledge of the truth.

--Afterwhich, the SIU almost immediately produces concrete evidence (a ballistics test) of the involvement of a unit of the Atlcatl battalion, which was under the control of Col. Benavides.

--It is important to note that even though Buckland and Aviles were polygraphed -- Col. Lopez y Lopez and Col. Rivas were not.

--Obviously, this episode raises a number of questions... and I am not sure we will ever know the real truth.