



IN THE UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF COLUMBIA

IN RE LETTERS ROGATORY )  
FROM THE FOURTH CRIMINAL )  
COURT JUDGE OF SAN SALVADOR, )  
EL SALVADOR )

Washington ) SS  
District of Columbia )

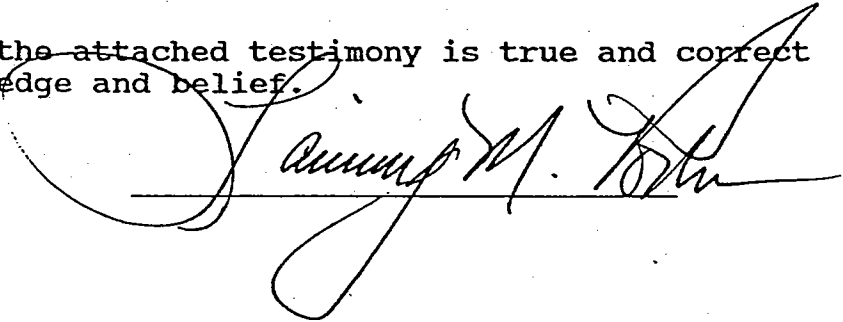
AFFIDAVIT

I, Lanning Porter, being duly sworn, do depose and say that:

1. I am a citizen of the United States of America.

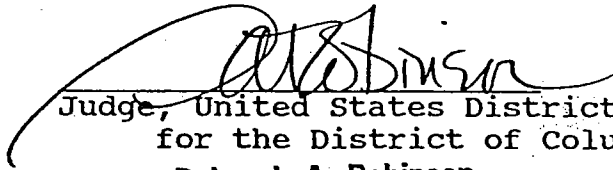
2. On August 5, 1991, I testified under oath in response to a request dated June 6, 1991, from the Fourth Criminal Court Judge of San Salvador, Republic of El Salvador. A complete and accurate transcript of my testimony is attached to this affidavit.

3. I attest that the attached testimony is true and correct to the best of my knowledge and belief.



Lanning M. Porter

Sworn to and subscribed before me  
this 24 day of August, 1991



Judge, United States District Court  
for the District of Columbia

Deborah A. Robinson  
U.S. Magistrate Judge

**ORIGINAL**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

IN RE LETTERS ROGATORY )  
FROM THE FOURTH CRIMINAL )  
COURT JUDGE OF SAN SALVADOR, )  
EL SALVADOR )  
WASHINGTON ) SS  
DISTRICT OF COLUMBIA )

Washington, D.C.

Monday, August 5, 1991

Deposition of:

LT. COL. LANNING PORTER

a witness of lawful age, taken on behalf of the Department of Justice in the above-entitled action, before Shannon S. Griffin, a Notary Public in and for the District of Columbia, in the offices of the Office of International Affairs, 1400 New York Avenue, N.W., Suite 5400, Conference Room, Washington, D.C., commencing at 9:30 a.m.

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WASHINGTON, D.C. 20005

(202) 628-2121

## APPEARANCES:

## On Behalf of the Department of Justice:

JOHN E. HARRIS  
Deputy Director  
Office of International Affairs  
1400 New York Avenue, N.W., Suite 5400  
Washington, D.C. 20530

## On Behalf of the State Department:

JULIE OETTINGER  
Attorney Adviser  
Legal Advisers Office  
State Department  
Washington, D.C.

On Behalf of the Department of the Army and the  
Department of Defense:

BETH A. WILKINSON  
Assistant to the General Counsel  
Office of the General Counsel  
Department of the Army  
The Pentagon, Room 2E725  
Washington, D.C. 20310-0104

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## P R O C E E D I N G S

1  
2 Whereupon,

3 LT. COL. LANNING PORTER

4 was called as a witness and, after being first duly sworn, was  
5 examined and testified as follows:

6 EXAMINATION BY COUNSEL FOR THE DEPARTMENT OF JUSTICE

7 BY MR. HARRIS:

8 Q Colonel Porter, would you please state your  
9 occupation?

10 A I'm a lieutenant colonel in the United States Army.

11 Q You are here today to voluntarily provide truthful  
12 answers, under oath, to the questions posed by the Fourth  
13 Criminal Court of San Salvador, is that correct?

14 A That is my understanding.

15 Q I hand you now a copy of the Comision Rogatoria in  
16 El Salvador, and I ask that you read it carefully.

17 A (Examining.) Okay, I have done that.

18 Q Okay, very well. When were you in El Salvador?

19 A I was in El Salvador from August of 1988 until July  
20 of 1990.

21 Q What were your duties?

22 A I was the Mill Group Intelligence Officer and, as

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1 such, my duties were to keep the Mill Group Commander advised  
2 on the intelligence situation in El Salvador and to offer  
3 military assistance to the Salvadoran C-2.

4 Q Who was your Salvadoran counterpart?

5 A During my stay in El Salvador, I had two  
6 counterparts. One was Colonel Guillermo Benavides, and the  
7 second was Colonel Ivan Diaz.

8 Q What were your counterparts' duties?

9 A Both were the C-2, or the Chief of Staff for  
10 Intelligence, on the Armed Forces Joint General Staff.

11 Q Colonel Porter, where were you from November 11  
12 through 16, 1989?

13 A I was in San Salvador. From the 11th, beginning in  
14 the 11th, until about the 13th -- I don't recall specifically  
15 -- I was in my home. Subsequent to that time, I was -- I  
16 varied between the U.S. Embassy, the Joint General Staff  
17 Headquarters, and my home.

18 Q During your stay in El Salvador, did you ever hear  
19 members of the Salvadoran Armed Forces discuss the Jesuits or  
20 the UCA?

21 A The Jesuits, along with other religious groups, were  
22 discussed at various times, some -- and those discussions

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1 revolved around either sympathy for or support for the FMLN.  
2 The UCA was discussed a number of times, because it is a  
3 landmark in San Salvador and was discussed in that context,  
4 primarily, as a landmark in San Salvador.

5 Q Were you aware of any threats or plans to kill the  
6 UCA Jesuits?

7 A No, I was not.

8 Q Colonel Porter, as part of your job at Section 2 of  
9 the CMEA, Armed Forces Joint General Staff, did you have  
10 anything to do with Radio Cuscatlan?

11 A No, I did not.

12 Q Did you know how the radio station management  
13 worked?

14 A No.

15 Q During the November 1989 offensive, were you aware  
16 of any threats made against the Jesuits on national radio?

17 A No.

18 Q Were you aware of any action taken to stop those  
19 threats?

20 A No.

21 Q Did you do anything, in particular?

22 A No.

1 Q Colonel Porter, were you aware of any intelligence  
2 reports regarding guerrilla presence in the UCA on November  
3 13?

4 A I was not aware of any intelligence reports  
5 regarding guerrilla presence in the UCA on November 13th. To  
6 clarify, the UCA is a landmark, there were guerrillas all over  
7 San Salvador during that period, and there may have been  
8 reports of guerrillas in the vicinity of UCA, but not  
9 necessarily in the UCA on that date.

10 Q During the first days of the offensive, before the  
11 Jesuits were killed, were weapons, uniforms, or any other  
12 evidence found that might suggest a guerrilla presence at the  
13 UCA? If so, who reported this?

14 A I'm not aware of any evidence of weapons, uniforms  
15 or any other thing found to suggest guerrilla presence at the  
16 UCA. A few days prior to November 11th, a cache containing  
17 AK-47s and other war materiel was found in another Jesuit  
18 facility somewhere in San Salvador, the exact location I don't  
19 recall.

20 Q Was an operation ordered based on these reports or  
21 these findings?

22 A Not that I am aware of.

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1 Q Were you aware that a search was to be conducted at  
2 the UCA and that a search was in fact undertaken on November  
3 13, 1989?

4 A Not specifically, no.

5 Q What was the outcome?

6 A I don't know.

7 Q Was a report about the search registered at the C-2?

8 A I am not aware of any search, nor am I aware of any  
9 report.

10 MS. WILKINSON: Excuse me. Can we go off the record  
11 a minute?

12 (A discussion was held off the record.)

13 MR. HARRIS: Back on the record.

14 BY MR. HARRIS:

15 Q Colonel Porter, during the first days of the  
16 offensive, before the Jesuits were killed, were weapons,  
17 uniforms, or any other evidence found that might suggest  
18 guerrilla presence at the UCA and, if so, who reported this?

19 A I have no knowledge of evidence at the UCA, per se.  
20 As I previously stated, there was a cache found several days  
21 prior to that. The report came from the discovering unit, and  
22 that unit I don't recall.

1 Q Thank you. Colonel Porter, during the offensive,  
2 who was in charge of registering intelligence reports at the  
3 C-2?

4 A Reports came in to the C-2 either via telephone or  
5 radio. They were normally taken by a radio-telephone operator  
6 or by the duty officer in the Operations Center.

7 Q Was there any knowledge of any intelligence reports  
8 regarding guerrilla presence at the UCA on November 15th?

9 A Again, I don't know of any guerrilla presence at the  
10 UCA on November 15th. There may have been guerrillas in the  
11 vicinity of the UCA on that date.

12 Q What about a labor union meeting?

13 A I know of no labor union meeting.

14 Q What about a plan to transport wounded to the UCA?

15 A I have no knowledge about a plan to transport  
16 wounded to the UCA.

17 Q Well, who was the source of this information?

18 A I am not aware of any information.

19 Q Was this information passed on to the C-3 or to the  
20 High Command?

21 A Again, I am not aware of any operation.

22 Q What operations were ordered?

1 A I am not aware of any operations ordered.

2 Q Colonel Porter, were you at the Estado Mayor the  
3 night of November 15, 1989, and the early morning of November  
4 16, when the Jesuits were killed?

5 A No.

6 Q Where were you, specifically?

7 A At my home.

8 Q Did you attend any meetings?

9 A I did not.

10 Q Did you hear loud shots and explosions in the early  
11 morning of November 16?

12 A November 16th, we were still in the middle of the  
13 guerrilla offensive in San Salvador, and there were loud shots  
14 and explosions going on all over the entire City of San  
15 Salvador on that date.

16 Q Was there a reaction among the military personnel in  
17 the Estado Mayor?

18 A To the loud shots and explosions, the only reaction  
19 was simply to discover where they were and what was going on.

20 Q To whom would one report a serious incident like  
21 those loud shots and explosions?

22 A As I stated, those loud shots and explosions were

1 occurring throughout the entire City of San Salvador at that  
2 time, and since I wasn't at the Estado Mayor on that specific  
3 night, I can only surmise that those reports would have gone  
4 to the Joint General Staff Operations Center.

5 Q Colonel Porter, were you aware of any intelligence  
6 reports indicating that the UCA Theology Center had been  
7 attacked by the FMLN at 12:30 a.m. on November 16, 1989?

8 A Not that I recall.

9 Q Did you know of any other intelligence report  
10 indicating that the Jesuit priests and two women were killed  
11 in a fusillade by the FMLN terrorists?

12 A To the best of my recollection, I became aware that  
13 Jesuit priests and two women were killed at the UCA on the  
14 16th. I don't remember where that report originated.

15 Q Do you remember who reported it?

16 A No.

17 Q When did you first learn of the Jesuit murders?

18 A To the best of my recollection, to learn of murder,  
19 that occurred either the 17th or the 18th. It could have been  
20 a couple of days later. I don't recall specifically.

21 Q And how did you first learn of the Jesuit murders?

22 A I don't remember.

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1 Q When did you learn that members of the Armed Forces  
2 held any responsibility for the murders?

3 A I became aware of allegations that the Armed Forces  
4 may have been involved some days after the 16th. I don't  
5 recall how many days after.

6 Q Did you discuss the murders with members of the  
7 Armed Forces after the fact?

8 A Only one time.

9 Q With whom?

10 A With Colonel Barrera, who was the C-3, and with  
11 Colonel Diaz, who was the C-2. That was some time after  
12 Colonel Benavides had been arrested, and at that time I simply  
13 noted that the Jesuit murders was a stupid, senseless incident  
14 and should not have happened and would do nothing but damage  
15 U.S. efforts to assist El Salvador in their war effort.

16 Q What else was said in these conversations?

17 A Nothing else was said.

18 Q Did the C-2 have any information tying the UCA  
19 Jesuits to the FMLN?

20 A I am not aware of any specific information that the  
21 C-2 might have had tying the UCA Jesuits to the FMLN.

22 Q Did the C-2 investigate the murders?

1 A Major Eguizabal, the Deputy J-2, or the Deputy C-2,  
2 was involved [REDACTED] in the  
3 investigation to determine military involvement. I am not  
4 aware of the depth of that investigation nor what was found.

5 Q Colonel Porter, do you have anything to add?

6 A No.

7 Q Thank you very much.

8 MR. HARRIS: It is now 9:40 a.m., August 5, 1991.  
9 We are in the Conference Room of the Office of International  
10 Affairs, Washington, D.C. I am John Harris, the Deputy  
11 Director of the Office of International Affairs, in the  
12 Criminal Division of the United States Department of Justice.

13 Present with me is the witness, Colonel Lanning  
14 Porter of the United States Army. Also present is Julie  
15 Oettinger, Attorney-Adviser in the Office of the Legal Adviser  
16 of the United States Department of State, and Beth Wilkinson,  
17 Assistant to the General Counsel, Department of the Army.

18 We are here to record testimony requested in a  
19 Comision Rogatoria issued by the Judge of the Fourth Criminal  
20 Court of San Salvador in the Republic of El Salvador for use  
21 in the criminal prosecution pending in that court of a  
22 Guillermo Alfredo Benavides Moreno and others for murder.

1 Thank you very much for your assistance and your  
2 time, Colonel.

3 (Whereupon, at 9:44 a.m., the deposition of LT. COL.  
4 LANNING PORTER was concluded.)

5 \* \* \* \* \*

6 I have read the foregoing pages, which reflect a  
7 correct transcript of the answers given by me to the questions  
8 therein recorded.

9 Deponent

10 Date

*Lanning M. Porter*  
*5 August 1991*

