

Statement by Congressman Joe Moakley  
Subcommittee on Western Hemisphere Affairs

April 11, 1991

Mr. Chairman and members of the Subcommittee, I want to thank you for this invitation to speak to you today about my views on the Jesuits' case.

As you know, shortly after the murders of six Jesuit priests and two women on November 16, 1989, Speaker Tom Foley appointed me to head a 19-member Special Task Force to monitor progress on this case. Notwithstanding the fact that the formal task force is all Democratic -- I have made a consistent effort to include the Republican leadership in all important meetings and trips. And I think we have been able to approach this very sensitive topic in a bi-partisan fashion.

The Speaker has recently reappointed the task force -- and I pledge to work especially close with this subcommittee, which has historically played a major role in shaping -- or at least attempting to shape -- U.S. policy towards El Salvador.

Mr. Chairman, I also pledge to continue to work closely with our Department of State. It is vitally important that the Congress and the Executive speak with one voice on this issue. In the past, our government has sent too many mixed signals to both the Salvadoran

Army and the FMLN, and the resulting confusion has only served to complicate the negotiating process.

For the record, I have a great admiration for Secretary of State James Baker and Assistant Secretary Bernard Aronson, who I believe are dedicated to peace and justice in El Salvador. I also have a special respect and friendship for U.S. Ambassador William Walker, who I believe has done an admirable job under the most undesirable of circumstances. I only wish his tenure as Ambassador could somehow be extended until after the Jesuits' case has been resolved and the negotiations have successfully been concluded.

I should tell you that I have had my differences with the State Department and my disagreements with the Embassy. But I have never once doubted that we are all on the same side.

Mr. Chairman, I would like to focus for a few minutes on the Jesuits' case -- which has become sort of an obsession with me. One of the reasons why this case is so important--especially now -- is because it tests the Salvadoran Government's commitment and willingness to tackle the sensitive issue of military impunity. And I believe, if these current negotiations between the Salvadoran Government and FMLN are to succeed, this issue must be resolved.

The Government wants the FMLN to put down their weapons and become politicians. The Salvadoran people desperately want that ; we

all want that. But, realistically, that will never happen if the FMLN knows that its members can still be murdered with impunity by the military or death squads allied with the military.

And if the Government cannot convict those who were responsible for the murders of the Jesuits -- a case which has received tremendous international attention -- then who is going to punish the murderer of a trade unionist or a civilian politician or some poor fellow who stands up on a street corner and says the Armed Forces are corrupt and have to change?

It's this simple. If military impunity does not end, this war will not end. And the Jesuits' case gives the Salvadoran government a golden opportunity to show the people of El Salvador and the world that the military no longer remains above the law.

As you know, the Speaker's Task Force has prepared a number of reports on the status of the case -- the most recent being a staff memo dated January 7. That memo -- perhaps better than anything I can say at this time -- summarizes where things currently are with the investigation.

However, I would like to highlight a few major points.

First, there is some good news. Eight officers, including one colonel, are currently in jail charged with murder. From everything

I have learned, these eight men, in fact, do deserve to be in jail.

And the presiding judge in the case, Judge Ricardo Zamora, appears to be a serious and determined man who has steadfastly moved this case forward. It is expected to come to trial in a few weeks.

But, there are problems...

\* From the beginning, our task force was asked to view the murders of the Jesuits as the deranged actions of a few individuals, and not as an indictment of the armed forces as an institution. It is my view that it is both.

There was at the time of the murders and there continues to be today an attitude of suspicion and even hostility in certain quarters of the military towards the Jesuits and other activist segments of the church. There is too little effort made to distinguish between those who use non-violent methods to advocate or achieve change, and guerrillas who take up arms against the government.

I still encounter members of the armed forces who fail to demonstrate any remorse or regret over the assassination of the Jesuits. They don't even fake it very well. This lack of remorse and understanding is reflected by the repeated failure of the armed forces to do anything but the absolute minimum in complying and cooperating with the investigation.

Officers have repeatedly lied in testimony before the presiding judge in the case. Evidence has been destroyed -- and false evidence provided. In fact, I cannot think of one single instance where one single member of the Salvadoran Armed Forces has openly and voluntarily provided any evidence -- of any significance -- that has helped move the case forward. This is true despite the fact that literally hundreds of military personnel were deployed in the area around the University of Central America on the night of the crime.

Mr. Chairman, I do not believe this "foot-dragging" and this lying could be possible without -- at the very least -- the tacit consent of the high command of the Salvadoran military.

It is no secret that the military has been engaged in a cover-up on this crime. Civilian politicians in El Salvador, U.S. Embassy and State Department officials and even members of the armed forces -- at this late stage in the investigation -- will freely admit that fact.

Based on all the observations I have had and the information I have seen, I am personally convinced that even the Minister of Defense, General Rene Emilio Ponce, at a minimum, knew soon after the crimes took place who was responsible --- and did nothing concrete about it.

We send a lot of military aid to El Salvador. In fact we send

far too much military aid to get this kind of run-around from the best and the brightest in the Salvadoran military.

But however concerned we may be about the fact that there are those who had information about those responsible and did not come forward with it -- our overriding objective at this point must be to make certain that all those who actively participated in ordering or carrying out the crime are brought to justice.

\* Mr. Chairman, for this to happen I believe that the civilian government of President Cristiani must do more to pursue justice in the Jesuits' case. I say this not in any way to imply that the President -- who is a good and compassionate man -- does not want to see justice in this case. I know he wants justice; I know he is pained at the terrible price in money and prestige this case has cost El Salvador; and I know he is aware of the tremendous boost his country would get if this case was successfully resolved.

But we have a problem. It is my conviction that there are scores of military officers who know the truth -- or at least part of the truth. They, in my opinion, have failed to come forward to the authorities for one of three reasons:

- 1) fear;
- 2) misplaced loyalty; or
- 3) a lack of confidence that the truth will be acted upon

I truly believe that President Cristiani has the position and the necessary respect to persuade these individuals to come forward and to assure their safety. Specifically, I would urge the President to make it clear that, in his opinion, the investigation is not over; that members of the military can and should come forward with whatever information they may have in their possession; that it is their duty to come forward; that they will be protected if they come forward; and the information they provide will be acted upon.

\* Recently, press accounts cited a February 22 letter from the High Command of the Salvadoran Armed Forces to the Justice Minister Rene Hernandez Valiente, suggesting further investigation into the Jesuits' case. Specifically, the letter urges further questioning of officers present at a meeting held at the Military Academy on November 15 -- hours before the murders. It also suggests that more investigation was warranted into the role of the DNI -- which is the Salvadoran intelligence agency. These are all things that the Speaker's Task Force has suggested in previous reports. Better late than never.

However, I do believe that we should view this letter as positive. Although it has been criticized by some as a way to focus the investigation away from "higher-ups" in the military --- it nonetheless points to areas that should be investigated thoroughly. In fact, I believe that the letter is targeted at precisely those

areas that most warrant further investigation. But the fact is that the only realistic way to gather evidence about the possible involvement of senior officers in ordering the crimes is to seek the cooperation and testimony of those who may have been ordered to participate in those crimes. And if we can learn something or obtain any leads from an intense scrutiny of some of those named in the High Command letter, perhaps it might lead ultimately to the names of those who gave the orders.

Mr. Chairman, let me conclude with a brief summary of where I think we currently are.

\* The case has made some important -- but limited -- strides forward.

\* The Salvadoran Armed Forces continues to obstruct justice in the case -- which I believe continues to highlight the need for institutional reform within the military.

\* This case is important in the context of the peace talks and, therefore, it is vitally important that President Cristiani, with the strong help of the United States, take a more active role in pursuing justice.

I realize that my recommendations today are complicated by the fact that the war still rages in El Salvador. I also recognize that



the FMLN remains a major source of human rights violations in that war-torn country. My focus on the army's role in the Jesuits' case today in no way should be interpreted as indifference or lack of concern with regard to FMLN atrocities.

But, FMLN misbehavior is not an acceptable excuse for the misbehavior of the Salvadoran military -- an institution which enjoys the financial support of the United States.

I would conclude by commending the Bush Administration for its continued willingness to withhold 50% of the FY 1991 military aid package. The military's performance, thusfar, on the Jesuits' case should be admonished -- not rewarded. It is my hope that the Administration will continue to press for justice in the Jesuits' case -- perhaps with a gentle nudge from the Congress -- which I believe will help mightily in achieving a lasting peace for El Salvador.