

May 21, 1990

To: Jim McGovern, Office of Congressman Moakley
 From: Martha Doggett
 Re: El Salvador Vote

First off, comments on "Let's Get the Facts Straight on El Salvador" from Cong. Dreier.

1. On left, on Judge Zamora's activities. As you know, I believe this to be true. Nonetheless, the case has progressed little since January due to lack of cooperation from the military and others. The Judge has continued to cite people to testify, yet no one has offered any new information or insight into what happened. Some cited have not appeared when called; others have backtracked from the statements they gave extrajudicially. There's evidence of stonewalling, (see below). As I have said to you repeatedly, given realities in Salvador, what the judge is doing is not apt to get at the question of higher orders. Despite Zepeda's stated willingness to testify, remember his quote I gave you. (Translation in today's NYT letters section). As you correctly pointed out in your report, no information is volunteered.

2. On Ochoa and Zepeda testifying: Ochoa has been cited to give a statement. As of last Thursday, when we last communicated with Zamora, he had not done so. He may respond in writing. (The Att. Gen's office asked Zamora to cite Ochoa on 26 April, and he did so shortly thereafter.) Zepeda has not even been cited, so I don't know where Dreier's information comes from. I refer you again to Zepeda's "threat."

I don't know of any appearance by Ponce before Zamora. Ponce answered the first request in writing, as is his right. I'll try to double check this.

3. Cristiani's commitment: If Cristiani is so committed, why hasn't the case moved? The consensus is that Cristiani is not interested in having this go any further, which I think was the impression you got during your last quick trip down.

4. Re Benavides; Diary:

There are three documents in question: a) Benavides' personal 'diary,' known as an *agenda*; b) the book of operations (*libro de operaciones*), where all events are recorded by a commander; c) and the book where exits and entries to the Military Academy are noted, known in Spanish as *libro de control de entradas y salidas*.

a) In a meeting at the State Department on April 18, 1990 with Lawyers Committee director Michael Posner and me, Amb. Walker asked us several times: "How can I get Judge Zamora to request the personal agendas of the high command?" And "How can I get Judge Zamora to request Benavides' diary?"

All officers keep them; I have seen them; It would be highly unusual for Benavides not to keep one. Each officer's diary is an

account of what goes on at meetings, phone calls, etc. Officers regularly pull them out when they want to recall something.

The denial that Benavides kept a diary has just been raised for the first time in the last few days. Between May 7 and 11 there were several references to the agenda.

May 7, 1990 El Mundo ran an AP dispatch which cited New York Times saying "investigators believe the Colonel's diary contains a list of activities and meetings in which he participated before the assassinations."

May 8, 1990 El Mundo ran an AP piece citing unnamed source at the court who said Benavides mentioned the personal agenda in his extrajudicial statement, but denied it when he gave his statement to the judge.

May 9, 1990 El Mundo, AP citing a "judicial source" said Benavides personal diary "cannot be found."

May 10, 1990 El Diario de Hoy piece cites Cristiani saying: "If they want to know about it, ask Col. Benavides where he keeps his diary." Cristiani referred to the diary as a personal, not official document.

May 11, 1990, El Mundo, AP piece citing unnamed source at the court said "no one has found [Benavides'] personal agenda."

May 11, 1990 Washington Post ran an AP dispatch out of SS saying Army had reported that Benavides never kept a personal diary.

My conclusion is that this is their attempt to either cover the fact that it's been destroyed, or to head off further requests that it be produced. I don't think that Zamora has ever asked for it officially. The only mention comes from the press, not official court record. I do not doubt, however, that it once existed.

b) The Book of Operations: Relevant pages from night of Nov 15-16 have already been submitted to the court record. The problem is that they are copies, not originals or properly authorized copies. They have had trouble finding the original to correct the problem. You may recall that Benavides' Book of Operations contained an account that the FMLN had attacked the Pastoral Center where the Jesuits were killed on the night of Nov 15-16, an apparent early attempt at a cover-up.

c) Exit and Entry book: is "misplaced." El Diario de Hoy reported on May 5 that according to the court, military had officially informed them that it had been "misplaced." Zamora has officially requested this. According to Diario Latino on May 19, Zamora has asked new head of Academy, Col. Ricardo Casanova Sandoval for a report on how book got lost and what he has done to find it.

5. Four cadets: According to an "informed source," Zamora asked Lt. Col. Rivas of SIU for the names of those cadets who were on duty that night. Lt. Col. Rivas provided him with these 4 names, after having reportedly confirmed them with Academy. As you know, they were discovered to be out of the country when Zamora cited them. They did return, and did testify, as Dreier says. (Jose Wilfredo Aguilar and Erick Othmaro Granados Moran testified on 11 May. Cesar

Moises Rivera Perez and Raul Galan Hernandez appeared on MAY 15.) However, these were the wrong men. Diario Latino on May 19 says they found it "strange" they were called to testify, since they were not on duty that night. Zamora is now investigating the source of the false information. Obviously, someone knew all along that these were the wrong men. The current head of the Mil. Academy had to have known. Did Lt. Col. Rivas know he was transmitting false information?

6. San Francisco (Sebastian) massacre case is hardly a success story. Many in Sal. government and US Embassy are extremely upset. Charges were dismissed against all but Major Beltrán. (See Norton piece which I'll send with this). They have let go the triggermen, and are trying the major who is said to have given the order. As Walker pointed out, how can they convict him for ordering the murders when by dismissing the charges the court has said no murders took place? By the way, Dreier is out of date. Even the military doesn't claim two guerrillas were killed with eight peasants. That was part of their early disinformation.

Other points to raise:

I would focus on history. History of failed prosecutions, promises to investigate made and broken. Ten years and 70,000 deaths later, still no convictions. You can cite specifics about what has gone wrong in Jesuit case. Your point in the report is a good one about how this would probably have gone nowhere if it were not for Buckland, and I think in fact you can make a good case for every advance having come in reponse to pressure or revelations from up here.

See above on San Francisco massacre. Considerable amount of US pressure brought to bear. Kevin Whitaker, I'm told, is saying this is a personal insult to VP Quayle. Walker once bragged to me that the San Francisco success is all due to Chidester who has really moved the thing through the courts. Is this a success? San Francisco is a text book case in military attempts at cover-up (they offered 3-4 versions over the weeks following the killings). See our "Underwriting Injustice" on what happened. Another disturbing aspect of this recent ruling by the Appeals Court is that they said SIU is not an auxiliary organ of the court. In practice, this means that evidence gathered by SIU is inadmissible. SIU agents are security force members for that very reason, so they are considered aux. organs. This could be serious if it is decided SIU-gathered evidence in Jesuit case is inadmissible. Note recent development in Kidnapping for profit case.

Honor Commission: The members who have talked to Zamora say they did nothing. Some denied even doing a report, just "motivated" people, as they told you. Yet it was said earlier that it was based on their investigation and report that Cristiani named names. Very curious. Zamora has had to cite several times to get them there. Diario Latino on May 19 says Zamora is citing Lt. Col. Juan Vicente Eguizábal and Major José Roberto Zamora, both members of Honor Com,

for the second time. Both failed to show up when cited the week before last. Cristiani says he has their report. Why doesn't the judge have it?

According to most recent "Proceso" (UCA newsletter) Dr. Antonio Augusto Gómez Sarate and Lic. Rodolfo Parker Soto, both failed to show up when cited on 4 May. They finally showed on 14 May, when cited again. Both are said to have denied interviewing the potential suspects. Gen. Rafael Villamariona and Col. Dionisio Ismael Machuca, also members, denied the same.

Zamora plodding along, but military obstructing process by not showing up when cited or not saying anything when they do come, even back-tracking on earlier statements. Proceso says "The judge has advanced in his interrogatory work, but the investigation has retreated almost to the zero point."

An example of failure to show up:

Feb. 1: Court orders all all witnesses belonging to Atlacatl be sent to court and ordered notice given to Director of National Police.

Feb 6: another notice to director of National Police.

Feb 14: court ordered another notice to National Police director to have the Atlacatl show up.

Feb 16: four of five witnesses cited finally appeared.

National Police cited again to send in Ruiz Ramirez.

Feb 22: citation repeated

March 19: Ruiz Ramirez finally testifies

Finally, those Atlacatl men who have testified are telling the judge a very different story than what they told the SIU.

myth of U.S. training: More US training obviously doesn't give you more human rights. Mention Ft. Bragg trainers 48 hours before killings.

Nature of a murder investigation: Cristiani, Walker and others say shouldn't speculate. Following up hunches is how murder cases are solved. You test out theories.