

January 8, 1993

Joe,

Late last night you received the attached letters from Prof. Buergethal. He says that Justice and DoD are not providing them with information on a number of murders -- including the killing of the American servicemen by the FMLN; the killing of the American nuns; and the killing of the American labor advisors. This is outrageous.

While the State Dept has been good -- Justice and DoD have not.

The Truth Commission has not breached any confidences and has pledged to not mention anything about the US role in these events. They need corroboration and confirmation.

I sent the attached letter off to John Maisto last night -- who heads the inter-agency group working with the Truth Commission. If he calls you -- make it clear that something should be worked out. There has to be a way to give the Truth Commission what they need without violating the rules and regulations of DoD and Justice. *State did it.*

This is the final chapter of the Salvador saga -- it's disgusting that the Administration is dragging its feet. And it's dragging its feet on cases involving the murders of Americans!

*P.S. The Truth Commission's
work is over in
3 weeks!*

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THE TRUTH COMMISSION FOR EL SALVADOR

THOMAS BUERGENTHAL
Member

Please reply to:
The National Law Center
The George Washington University
720 20th Street, N.W.
Washington, D.C. 20052

January 7, 1993

The Honorable John J. Moakley
Chairman
House Rules Committee
235 Cannon House Office Building
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Moakley:

For your information, I am enclosing two letters I addressed to the Department of State and the Federal Bureau of Investigation on behalf of the Truth Commission for El Salvador.

Mainly because of your efforts, the Department of State has for the most part cooperated fully with the Truth Commission. Unfortunately, I cannot say the same for the Department of Defense and the Department of Justice. This situation is making it most difficult for the Commission to comply with its mandate. The surprising part is that we have not even received the requisite cooperation in cases involving the killing of American citizens.

Since our mandate expires this month, I hope that you will be able to help us make one last effort to obtain the cooperation that is so urgently needed.

Sincerely,



Thomas Buergenthal
Member

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THE TRUTH COMMISSION FOR EL SALVADOR

THOMAS BUERGENTHAL
Member

Please reply to:

The National Law Center
The George Washington University
720 20th Street, N.W.
Washington, D.C. 20052

January 5, 1993

The Honorable William S. Sessions
Director
Federal Bureau of Investigations
J. Edgar Hoover F.B.I. Building
Tenth Street and Pennsylvania Avenue, N.W.
Washington, D.C. 20535

Dear Judge Sessions:

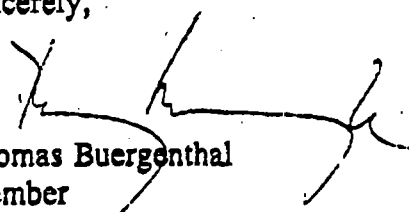
On behalf of the Truth Commission for El Salvador, I write you to express our most serious concern over the F.B.I.'s continuing failure to respond to our requests, made through the Inter-Agency Working Group established by the Department of State, for certain information needed to fulfill our mandate under the El Salvador Peace Accords.

Much to our regret, the F.B.I.'s failure to provide the information has impeded our investigation into some of the most serious crimes committed by both sides during El Salvador's civil war, including the murders of four American churchwomen, two U.S. representatives of the American Institute for Free Labor Development (AIFLD), and four U.S. Marines. In addition, the F.B.I.'s position on this matter may make it impossible for us to confirm certain facts relating to the assassination of Archbishop Romero, including the participation of Salvadorans living in the United States with alleged links to death squads.

Given the United States Government's formal undertaking to cooperate fully with the Truth Commission, we are at a loss to understand why the F.B.I. would refuse to do so. I have always been ready to discuss any measures we can take to meet any concerns the F.B.I. may

have regarding the protection and confidentiality of the information provided us. Moreover, much of the information requested by us was apparently disclosed at different times to Salvadoran authorities.

Sincerely,



Thomas Buergenthal
Member

cc: Senator Biden
Congressman Moakley

UNITED NATIONS  NATIONS UNIES

THE TRUTH COMMISSION FOR EL SALVADOR

THOMAS BUERGENTHAL
Member

Please reply to:
The National Law Center
The George Washington University
720 20th Street, N.W.
Washington, D.C. 20052

January 5, 1993

The Honorable John Maisto
Deputy Assistant Secretary of State
Bureau of Inter-American Affairs
Department of State
Washington, D.C. 20520

Dear John:

In addressing this letter to you in your capacity as chair of the Inter-Agency Working Group, I wish to emphasize that I am writing it in the name of the full Commission. The purpose of the letter is to express the Commission's profound disappointment and displeasure at the decision of the United States Government to refuse me permission to interview certain active duty U.S. Government officials -- primarily military officers and intelligence officials -- who we believe may be in a position to help us discharge our mandate.

As the Working Group knows, I was authorized by the Truth Commission to interview these individuals on the basis of full confidentiality and for background information only. I even offered not to disclose their names to the Commission if that was desired and to accept any other reasonable conditions. All of these offers were declined, except that I was advised that we could submit written questions. We declined this offer because it would not serve our purpose; it would also require time consuming background investigations and exchanges of correspondence for which we lack the requisite resources and time.

Therefore, the Commission makes this last appeal to the U.S. Government to permit me to interview the individuals whose names appear on the attached list. In addition, we herewith add Amado Gayol, John Hightower, Marsh Niner and John McKay to the list. I stand ready to meet with each of them as soon as possible.

For my part, let me add that as an American citizen, I resent the fact that I am being denied the opportunity to interview these individuals and, even more, that I may be forced to sign a report that lists the names of Americans who were not allowed by my Government to help this Commission establish the truth. I want to say, too, that I have not been presented with one valid reason why the U.S. has not permitted these individuals to talk to me. It is ironic that, while I was given security clearance to read secret documents relating to the conflict in El Salvador, I am not allowed to speak to employees of the U.S. Government about events described in these documents. But maybe my sense of the absurd is more developed than that of those who are making these decisions.

For the information of the Inter-Agency Group, I am enclosing a copy of a letter I have addressed to the Director of the F.B.I. The Commission wishes me, moreover, to express its concern to the U.S. Government about the failure of the F.B.I. thus far to provide the information to which the letter refers. Much of this information was apparently passed to Salvadoran authorities at one time or another.

I would appreciate hearing from you at your earliest convenience.

Sincerely,



Thomas Buergenthal
Member

cc: Senator Dodd
Congressman Moakley

The Truth Commission for El Salvador has requested to interview, under conditions of the strictest confidentiality, the following U.S. Government personnel, in addition to the four individuals mentioned in my letter of January 5, 1993 to Mr. Maisto*:

Capt. Alfredo Diaz Truconnis

DATT Angel Chamizo

DATT Gilberto Perez

Col. Hunter

DATT Archibald Kielly

Maj. Stephen Donehoo

Raul Antonio Lazo

Mauricio Torres

Col. Brian Bosch

Erick Schluss

U.S. military advisor Juan Lopez

Roberto Figueredo

Stan Pimental

Erik Buckland

Col. Mark Hamilton

U.S. military advisors present at the Fourth Infantry Brigade in El Paraiso, Chalatenango, March 1982

U.S. military advisors present at the Estado Mayor on November 15, 1989

U.S. military advisor who served at Detachment No. 6 in February 1983

Chief of Security, U.S. Embassy, January 1980
