

Article on the Jesuits' Case
for The National Catholic Reporter
by Congressman Joe Moakley

Almost two years have passed since the brutal murders of six Jesuit priests and two women at the University of Central America in San Salvador. As chairman of the Speaker's Special Task Force on El Salvador, I have watched -- perhaps more closely than most -- the investigation of this crime and the way in which it has moved through the Salvadoran judicial system.

The murders at the UCA were not the first in El Salvador, nor would they be the last. And for those who have followed events in that country over the last decade, this horrible crime has made us wonder whether -- despite billions of dollars in U.S. aid -- anything has really changed.

The answer to that question is still not known. But it will be determined, in large part, by the Salvadoran Government's ability and willingness to ascertain the whole truth in this case. Not a portion of the truth or half of the truth -- but the whole truth.

It is expected that a trial will begin in the very near future -- maybe even within days. Currently, eight members of the armed forces, including one Colonel, have been charged with murder. Two others have been charged with destroying evidence. Four others have

been charged with perjury.

If there is a trial, what will it mean? It will mean that this case is progressing forward. Despite the obstructionism of the Salvadoran Armed forces; despite the threats; and despite what is, in my opinion, a lack of strong or consistent pressure from the Cristiani Administration -- Salvadoran army officers, including a Colonel from the influential and powerful "tandona," will actually stand trial for murdering Salvadoran civilians. And, I would be remiss if I failed to recognize the courageous efforts of the presiding judge in the case, Ricardo Zamora. He has consistently pushed this case forward in a country where judges have, in the past, been routinely murdered for doing their jobs.

If there is a trial, this will **not** mean that the case is over -- even if everyone is convicted. The trial is only the first act, not the final curtain. While it seems there is strong evidence against those currently charged, there are many other leads and unanswered questions that require further investigation.

We still know very little about what happened on the night of the murders and we still do not know who masterminded this horrible crime. In fact, we don't even know for sure how Salvadoran authorities arrived at the conclusion that the eight currently charged with murders were in fact responsible. This is because a key part of the investigation was conducted by a special military "honor

board" in secret, without official records, and without accountability to any civilian official. It was the "honor board," not the official investigators, who decided which Salvadoran officers and soldiers should be charged, and which should not. A host of unresolved questions remain about whether those decisions were based on evidence or on a desire to protect certain influential officers from blame.

It has been a matter of great frustration to me that none of the Salvadoran authorities I have talked to -- ranging from the chief investigator to President Cristiani-- can explain in clear and coherent terms how the investigation led to the eight men currently charged and why some officers who were directly above or below some of the defendants in the military chain of command weren't even questioned. This confusion, in my opinion, brings into question the integrity of the entire investigation and leads to speculation that its outcome may have been a charade calibrated to meet the minimum -- and only the minimum -- demands of "meddlers" from Congress and elsewhere.

The judge has attempted to sort through the irregularities of the investigation and has tried to get to the truth. However, the cooperation from the military has been unsatisfactory.

Notwithstanding the fact that there were more than 200 soldiers at or near the scene of the crime, only one officer has come forward ~~voluntarily and~~ openly with new information in the case. Many of the

officers who were called to testify lied and lied again about what they know.

I still believe it is possible that a new witness or witnesses will come forward. It is my hope that the defendants might break their code of silence before or during a trial. But they will not do so if they believe that they will not serve time or be amnestied even if they are convicted. That is why I have called upon President Cristiani to state publicly that those convicted in the Jesuits case will not be granted an amnesty by him, nor will an amnesty be negotiated as part of the peace process. I believe that this step is needed to make it clear to the defendants that they should begin to explore with appropriate judicial authorities in El Salvador what they may have to gain by coming forward with the truth. To date, President Cristiani has refused to make such a pledge.

The Jesuits' case is important not just because six internationally known priests were among the victims. It is important because of its implications for other cases and for the peace process. For if El Salvador, with all the international pressure, cannot bring those who murdered the Jesuits to justice, how can anyone expect justice the next time a labor leader or teacher or a campesino is killed? How can we expect those who have seen their relatives and neighbors kidnapped and tortured and murdered to lay down their arms unless they can do so in an atmosphere of justice and law?

That is why the whole truth is so necessary. That is why we cannot be satisfied with only part of the story. That is why we must continue to push for justice and further investigation -- even after this trial. And, most importantly, that is why now is not the time for Congress to relax its pressure on this case.

As I said in a speech at the University of Central America on July 1, "Without the truth, the armed forces will never be cleansed of their responsibility for this crime, and for shielding those involved in it. Without the truth, the Salvadoran government cannot lay claim to truly democratic institutions. Without the truth, the argument that those in opposition to the government should lay down their arms is undermined. Without the truth, the path towards peace in El Salvador will grow steeper still."

Today, as the trial in this horrible case draws near, we remain without the truth. That is a tragedy for those of us here in the United States who love justice, but it is a greater tragedy by far for the people of El Salvador.

Congressman Joe Moakley (D-Mass.) is the chairman of a special Task Force on El Salvador, appointed by Speaker Tom Foley, to monitor the Jesuits' case and other events in El Salvador. Moakley is also the chairman of the House Rules Committee.