

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

-----  
ANA PATRICIA CHAVEZ, CECILIA )  
SANTOS, JOSE FRANCISCO )  
CALDERON, ERLINDA FRANCO, AND )  
DANIEL ALVARADO )

Plaintiffs, )

VS. )

NO. 03-2932-MI/P )

NICOLAS CARRANZA, )

Defendant. )  
-----

TRIAL PROCEEDINGS  
BEFORE THE HONORABLE JON PHIPPS MCCALLA, JUDGE  
NOVEMBER 8, 2005  
VOLUME VII

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TUESDAY MORNING AND AFTERNOON

NOVEMBER 8, 2005

The trial of in this case resumed on this date, Tuesday, November 8, 2005, at 9:15 o'clock a.m., when and where evidence was introduced and proceedings were had as follows:

\_\_\_\_\_

THE COURT: Okay. We're ready to proceed. Have the witness come back around to the witness stand, and we're ready to bring the jury in.

(Jury in at 8:00 a.m.)

THE COURT: All right. You may be seated and counsel can proceed with cross examination.

1 TERRY LYNN KARL,  
2 having been previously called as a witness on behalf of  
3 the Plaintiffs, and having been previously duly sworn, was  
4 examined and testified as follows:  
5 CROSS EXAMINATION  
6 BY MR. FARGARSON:  
7 Q. Good morning.  
8 A. Good morning.  
9 Q. If I ask you anything you don't understand, I would  
10 appreciate your stopping and letting me ask you another  
11 question because I want to understand your answer, and I won't  
12 if you don't understand my question, okay?  
13 A. Thank you. I will also try to talk a bit slower for  
14 the interpreters.  
15 Q. Okay. Now, I don't necessarily like to ask ladies  
16 their age, but I don't believe we have been given your age  
17 yet.  
18 A. I'm 57 -- 58.  
19 Q. Okay.  
20 A. In a few days.  
21 Q. And when did you graduate from the university?  
22 A. I graduated from Stanford in 1977. That's where I  
23 got -- when I got my undergraduate degree.  
24 Q. And where did you graduate from?  
25 A. Stanford University.

♀

- 1 Q. Where?
- 2 A. Stanford University.
- 3 Q. And what type of degree did you get?
- 4 A. I got a BA, a bachelor with honors.
- 5 Q. Did you get a master's following that?
- 6 A. I got a master's in 1976, I believe.
- 7 Q. So you finished your college just about the time that
- 8 some of these events you have been testifying about in the
- 9 1979s and 1980s, 1983 started happening, is that right?
- 10 A. No, I finished my college in 1970, and these events and
- 11 my first trips actually occurred at the end of getting my
- 12 doctorate.
- 13 Q. And then that first trip would have been when?
- 14 A. The first trip, I believe, is 198 -- right at the
- 15 beginning of 1981.
- 16 Q. The beginning --
- 17 A. Yeah.
- 18 Q. The beginning of 1981?
- 19 A. That's right.
- 20 Q. And at the beginning of 1981, where did you go?
- 21 A. To San Salvador.
- 22 Q. And was there a particular reason that you went to San
- 23 Salvador at that particular time?
- 24 A. Yes, I had finished my doctorate and finished my work
- 25 which was in Venezuela, and while I was in Caracas, Venezuela,

♀

CROSS - TERRY LYNN KARL

1110

- 1 I met Jose Napoleon Duarte, who at that point was in -- was

2 one of the civilians in the junta. I knew Mr. Duarte and I  
3 knew a number of Christian democrats. Venezuela has a  
4 Christian democratic party too, and so there was a lot of  
5 traffic between the two parties, if I could put it that way.  
6 So I already knew some Salvadorans.

7 Q. So you had been to Venezuela previously to the time  
8 that you went to San Salvador?

9 A. That's right.

10 Q. Then it is also correct that while in San Salvador, you  
11 met with Napoleon Duarte?

12 A. That's right. No, I met Napoleon Duarte in Caracas,  
13 not in San Salvador.

14 Q. I'm sorry, I meant Venezuela. You said Caracas,  
15 Venezuela. As a result of that, you had some conversations  
16 that gave you some interest in San Salvador -- El Salvador?

17 A. Well, the first time I met him, he walked up and he  
18 said my name is Jose Napoleon Duarte, and his next sentence  
19 was I'm going to be the next president of El Salvador.

20 Q. Okay.

21 A. And I thought that was a very odd way for someone to  
22 introduce themselves, and I got introduced in that. That's  
23 when I learned about the electoral fraud and the story that  
24 he had been elected and then was in exile.

25 Q. Okay. And so then because of that interest in him,

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CROSS - TERRY LYNN KARL

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1 what caused you to go to El Salvador?

2 A. It wasn't so much an interest in him. I had that  
3 contact, if I can put it that way or entre, but I took a job  
4 at Harvard University, it was my first academic job. And  
5 Harvard is very linked up to policy circles in the United  
6 States, so that when I got to Harvard, I was considered a  
7 Latin America expert, and everybody was calling and asking  
8 about Central America, and I decided that as a Latin American  
9 expert, I better learn as much as I can about what this is  
10 about, and that was part of the impetus as well.

11 Q. What year did you go to Harvard?

12 A. I went to Harvard in 1981.

13 Q. And you say you were considered at that time in 1981 an  
14 expert on Latin America?

15 A. Well, when you get a doctorate and your expertise is  
16 Latin America, if you are at certain research universities,  
17 you're expected to know about the region, not just one  
18 country, and so, yes, if you -- if I'm working in the center  
19 for Latin American studies and there's a crisis going on in  
20 Central America, that's what people expect us to become  
21 experts in, and that was quite a bit of a push as well.

22 Q. Okay. So then the answer is yes, in 1981 at Harvard,  
23 you were considered an expert in Latin America?

24 A. Yes, exactly.

25 Q. And at that particular time, how many times did you

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CROSS - TERRY LYNN KARL

1112

1 travel to Latin America?

2 A. I have actually no idea how many times I have been to  
Page 9

- 3 Latin America. I have a number of trips on my vitae, but I  
4 haven't kept nearly the -- we don't put everything on our  
5 vitae, and I just actually have no idea. I have been to  
6 Latin America countless times, I have lived in Latin America.  
7 Q. I meant in 1981, I'm not talking about what you have  
8 done since then.  
9 A. 1981?  
10 Q. Excuse me just a moment. I'm not talking about how  
11 many times you have been there since 1981, I'm talking about  
12 how many times you were there before 1981.  
13 A. In Latin America?  
14 Q. Yes.  
15 A. I lived in Latin America, so --  
16 Q. So how many times did you go there?  
17 A. Well, I lived there for two and a half years, and then  
18 I went back and forth to get my doctorate. In the process of  
19 getting your doctorate, you have to constantly be in what we  
20 call the field, and I actually don't know how many times. I  
21 was there pretty constantly for five years.  
22 Q. Where did you live?  
23 A. Most of the time, I lived in Caracas.  
24 Q. In Venezuela?  
25 A. Yes.

♀

CROSS - TERRY LYNN KARL

1113

- 1 Q. Where else did you live besides Caracas?  
2 A. Let's see, at that time period of time, I went to Costa

3 Ri ca, Mexi co -- gosh, at least Costa Ri ca, Mexi co. I may have  
4 gone to Cuba. I have been probably to a number of islands in  
5 the Carribean. I was hoping to be a Carribean expert at  
6 first, so I spent quite some time in the Carribean. I went to  
7 Tri nidad, Tobago, to the Domini on Republic, I think.

8 Q. So we have got Caracas in Venezuel a, we have got what  
9 in Costa Ri ca?

10 A. San Jose.

11 Q. And then we have got Mexi co. What do we have in  
12 Mexi co?

13 A. Mexi co Ci ty.

14 Q. Okay. And what was the purpose of the trip to Costa  
15 Ri ca?

16 A. Let's see. This is probably about 1975, and the  
17 purpose of the trip, I think, for San Jose, Costa Ri ca --  
18 Costa Ri ca and Venezuel a were the centers for where exiles  
19 went, so during -- and Mexi co. During this whole period of  
20 time, there were military dictatorships all over Latin  
21 America, and if you wanted to interview people from those  
22 dictatorships and not go to the -- there, which my advisors at  
23 that point were actually operating under our advisor's  
24 guidance, so we don't -- our universi ties don't like to send  
25 you into situations that they think are dangerous because they

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CROSS - TERRY LYNN KARL

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1 are responsible, so I went to interview people in exile in  
2 Costa Ri ca from the dirty war in Argentina, from Chili. I  
3 also interviewed people in Mexi co, to a number of Latin

4 America studies meetings in Mexico. It is usually following  
5 some story.

6 Q. Do you remember who you interviewed in Costa Rica that  
7 had been involved in the dirty war in Argentina in the 1970s?

8 A. I interviewed in San Jose -- no, I don't, I'm sorry, I  
9 don't.

10 Q. Did you interview anybody with the CIA in Costa Rica  
11 while you were down there?

12 A. No, I did not. The CIA actually comes to Harvard quite  
13 a bit, so you don't actually have to seek them out too much.

14 Q. Isn't San Jose the headquarters of the CIA?

15 A. I'm sorry?

16 Q. Isn't San Jose, Costa Rica the headquarters of the CIA  
17 in Central America, or do you know that?

18 A. I don't know that.

19 Q. Then you mentioned Mexico, who did you interview in  
20 Mexico? Do you believe those were likewise people that had  
21 either been involved in the dirty war in Argentina or in  
22 Chile?

23 A. In Mexico, I interviewed Ricardo Lagos who was in  
24 exile. He is currently the president of Chile.

25 Q. And he was in Mexico City --

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CROSS - TERRY LYNN KARL

1115

1 A. He was visiting Mexico in a meeting. He was in Mexico  
2 for a conference, and I was as well.

3 Q. And so did you have any interviews with him?

- 4 A. I did.
- 5 Q. And did you write any books or write any papers?
- 6 A. No, I was working on my Ph.D. thesis, which became a  
7 book.
- 8 Q. All right.
- 9 A. So this was all in preparation for a book.
- 10 Q. Did you get any information from him about the  
11 political situation in Chile or --
- 12 A. Yes, I did.
- 13 Q. About the war that occurred in Chile?
- 14 A. Well, there wasn't a war in Chile, there was a military  
15 dictatorship, and yes, I did.
- 16 Q. All right. And then you mentioned Cuba?
- 17 A. That's right.
- 18 Q. You may have gone to Cuba, how did you get a visa to go  
19 to Cuba in the 1970s?
- 20 A. I went on the first -- there was one exchange that was  
21 a state department exchange, cultural exchange with Cuba  
22 between the two countries and I went on that trip. I'm also  
23 eligible for an exception because I'm a Latin America expert,  
24 I can always travel legally to Cuba. That's part of the  
25 academic exception for expertise.

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CROSS - TERRY LYNN KARL

1116

- 1 Q. I'm sorry, say that again.
- 2 A. That's part of the academic exception for expertise.  
3 I'm always able to go to Cuba.
- 4 Q. Okay. So it didn't matter that the state department

5 had him on a list of places that you couldn't go too because  
6 of your status?  
7 A. No, because it's a country that we're expected to know  
8 about.  
9 Q. All right. And was that when Castro was the military  
10 dictator and ruler?  
11 A. Then and still.  
12 Q. Now, what did you do there? What did you do on that  
13 trip to Cuba?  
14 A. I had originally thought that I would write a -- my  
15 first trip to Cuba, I believe I was looking for the -- I was  
16 trying to investigate the prospects of doing my doctoral  
17 thesis on Cuba. Nobody had done that. There were no good  
18 studies, and I thought I might be able to produce some kind of  
19 break through, and I discovered quickly that I wasn't going to  
20 have access to the kind of information that would have made a  
21 good study and I switched topics. I continued, however, to  
22 think -- my dissertation advisor advised me to try to hang my  
23 whole career on getting information out of Cuba was a bad  
24 move, and I continued to go there to see if I could do some  
25 kind of study, and I did write articles on Cuba, but I have

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CROSS - TERRY LYNN KARL

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1 never been able to get the kind of information that I think  
2 would be worth my time as a book.  
3 Q. The articles that you wrote on Cuba, what were they,  
4 what were they about?

5 A. I wrote an article on what was called work incentives  
6 in Cuba. The Cubans have a different or had, it's not this  
7 way now, but they had a different way that they were claiming  
8 they were going to motivate people to work. In other words,  
9 we use salaries and bonuses and things like that, and they had  
10 a different system and I was curious to see if it would work  
11 or not and how it would work. So I went to study how you  
12 motivate or don't motivate labor.

13 Q. Okay. And this system that you discovered that they  
14 were using, how was it different from either a capitalistic  
15 system or a socialistic system, if it was different?

16 A. Yeah, it was different.

17 Q. In particularity?

18 A. First of all, it is a really poor country. So it is  
19 very important to realize that not everybody can get  
20 everything. And the issue was in this really poor country of  
21 scarce resources, if you have five refrigerators and everybody  
22 is a worker, which one of you is going to get the  
23 refrigerator. Now, under our system, it would be the person  
24 who could buy it, right? Under their system, it would be  
25 who -- they had this complicated mix of what they called

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CROSS - TERRY LYNN KARL

1118

1 merit, which meant the hardest worker. So if you're the  
2 hardest workers, it would be the front line, and you all would  
3 be out. And then among those, they had a system marked on  
4 needs, so let's say you had five children and you only have  
5 two, then you would get the refrigerator. So I was trying to

6 see how that -- if it worked, if it motivated or discouraged  
7 people from working, and just sort of how that functioned,  
8 because I had never seen anything like that.

9 Q. Did you draw any conclusions about that system as to  
10 whether or not it motivated or --

11 A. My main conclusion was that they needed a lot more  
12 refrigerators, and that it was a complicated story, because it  
13 worked in some places and in other places, it led to what we  
14 call a kind of patron-client situation where because I'm  
15 awarding the refrigerators, you all are going to be really  
16 nice to me, and the merit and need breaks down, so it really  
17 depended on each factory. I went from factory to factory.

18 Q. When you went to Mexico, you told us about  
19 conversations with the gentleman from Chile, what other  
20 studies or conversations did you have --

21 A. I met Jose Insulsa, I think he's currently the foreign  
22 minister of Chile and sustained -- it was a very important  
23 trip, because a number of the people that I met there -- and  
24 actually a number of people I met in Costa Rica, Mexico and  
25 Venezuela, they were all living in exile and they are now the

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CROSS - TERRY LYNN KARL

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1 presidents of democrat countries in Latin America. I met  
2 Fernando Enrique Cardoso who is the -- who was the president  
3 of Brazil until just recently. All of these people were  
4 living in exile from military regimes, and as their countries  
5 became democratic, they went back, entered the democratic

6 process and have won electoral victories, so it was a very  
7 important trip for me in my work today. It has made me able  
8 to go into countries and do very much what I did for years in  
9 El Salvador.

10 Q. And you mentioned that it was a conference that you  
11 went to in Mexico, what --

12 A. Excuse me.

13 Q. What -- let me finish and then --

14 A. Yeah.

15 Q. -- you can say whatever you want to. I understood you  
16 to say it was a conference of some variety or some sort that  
17 you went to in Mexico city, so what was the name of the  
18 conference, what was the purpose of the conference?

19 A. I would have to go back and look at my vitae, it was 30  
20 years ago, and I have been probably to -- we go to -- I go to  
21 dozens of conferences every year, so I don't actually remember  
22 why I went to Mexico, which conference. It probably -- or it  
23 could have been the Latin American Studies Association, which  
24 is our largest professional association, and we meet every  
25 year, but I don't actually remember what conference it was.

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CROSS - TERRY LYNN KARL

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1 Q. Did you go to more than one? Did you go to Mexico more  
2 than one time for any reason?

3 A. Yes.

4 Q. What other reason did you go to Mexico?

5 A. Let's see, I went to Mexico -- I went to Mexico in 1982  
6 as a result of El Salvador because there was an initiative --

7 it might have been '81. There was an initiative by the French  
8 government and the Mexican government to try to get a peace  
9 settlement in El Salvador. They were very concerned about  
10 this huge amount of violence, and it was called the  
11 French-Mexican initiative, and I went there to interview the  
12 French diplomats and the Mexican diplomats that had put that  
13 forward. I went to Mexico again related to Central America  
14 for something called the Contadora initiative, which was  
15 another initiative to try to bring peace in El Salvador, and  
16 there were meetings in Mexico about that. That was between  
17 the Venezuelan government, the Mexican government, the Costa  
18 Rican government and the Panamanian government, and I then  
19 went to Mexico again during what are called the Esquipulas  
20 initiatives. Those are initiatives again for peace agreements  
21 in Central America by the countries of the region who were  
22 pushing hard on both sides for peace, and then eventually I  
23 also went to South America tracking the peace agreements, the  
24 pressure for peace. There were no peace agreements then, but  
25 there was pressure from all Latin American countries to settle

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CROSS - TERRY LYNN KARL

1121

1 this conflict. So I had a lot of trips in and out of Mexico,  
2 Venezuela, Costa Rica and -- once these countries became  
3 democratic in the south, I went there frequently too.

4 Q. Now, the 1981 initiative by the French and Mexicans,  
5 was that a United Nations initiative or was it the hemispheric  
6 states?

- 7 A. It was an initiative just by the French and the  
8 Mexican.
- 9 Q. Okay.
- 10 A. And it was an initiative that was sparked by their  
11 insistence that the FDR, which is the organization that the  
12 six leaders that were murdered belonged to, were a legitimate  
13 politically and needed to be given the right to participate in  
14 the political process, and so it was pushing on a peace  
15 agreement that permitted the FDR and then later the FMLN to  
16 participate in elections and to create the conditions so that  
17 they could participate in elections. They considered that the  
18 key move that the Salvadoran government would have to make for  
19 any peace in El Salvador -- in other words, they said if you  
20 can't be in elections, you cannot stop this war.
- 21 Q. And this was in 1981?
- 22 A. That was, I believe, in 1981.
- 23 Q. And then the other one --
- 24 A. It was called the French-Mexican initiative.
- 25 Q. And then the other ones that you mentioned, were those

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CROSS - TERRY LYNN KARL

1122

- 1 later?
- 2 A. Yeah, they --
- 3 Q. In '81?
- 4 A. They just keep happening. They are consistent  
5 initiatives. After the French-Mexican initiative, the FDR,  
6 and later when it merges with the FMLN and becomes what is the  
7 FDR-FMLN which is later. The UN adopts a position that they

8 are a legitimate belligerent in a conflict and that they need  
9 to be represented in the political process, and that's the  
10 basis for all discussions of peace.

11 Q. I thought I also understood you to say that during that  
12 time you went to South America, where did you go in south  
13 America?

14 A. I don't think I went to South America that early, I  
15 went to South America later because the South Americans  
16 started getting involved in these peace initiatives. As soon  
17 as the military governments fell, which they did in Argentina  
18 and Chile and Brazil, as soon as they fell, they formed a  
19 community of democratic countries in Latin America, and that  
20 what was called the community of democracies, are the ones  
21 that became very involved in trying to bring peace to Central  
22 America, and they were the ones that insisted that all  
23 participants in the conflict had to be able to participate in  
24 peaceful channels as a mechanism to resolve the war, so it was  
25 their insistence that the FDR-FMLN was a group and they needed

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CROSS - TERRY LYNN KARL

1123

1 to be able to participate in elections that eventually laid  
2 the basis for the peace agreement. That initiative was by the  
3 president of Costa Rica, and he won the Nobel Peace prize for  
4 that initiative.

5 Q. In order to -- let's see, was that Mr. Res?

6 A. R-E-S.

7 Q. Don't work about my Spanish, I think we probably spell

8 it the same way, I just may say it different from someone who  
9 is a linguist.

10 Now, to plug in a time, when did the dictatorship in  
11 Argentina fall?

12 A. Most of -- just to plug in a time, as the conflicts are  
13 breaking out in Central America, things in the south are  
14 happening the other way. In other words, as Central America  
15 is entering into war, the military dictatorships in the south  
16 are falling, so it is really the early '80s, with the  
17 exception of Chili, which is much later that we begin to see  
18 changes in the south.

19 Q. Can you put in a date with regard to Argentina since  
20 we're basically talking about '79, '81 in El Salvador, can you  
21 give us a date in Argentina?

22 A. I think Argentina -- actually, I'm not great on dates  
23 unless I bone up, so I don't remember the exact date of the  
24 transition into democracy in Argentina, but is after the  
25 English called the Falkland war. Once the Argentinian

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CROSS - TERRY LYNN KARL

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1 military is defeated in that war, it is really pushed out of  
2 power.

3 Q. And then what about in Brazil, when did the military  
4 dictatorship --

5 A. About the same time.

6 Q. Both of them?

7 A. Uh-huh.

8 Q. Like dominoes?

- 9 A. Like dominoes.
- 10 Q. And then what about Chile?
- 11 A. Chile is later. The Pinochet dictatorship is actually  
12 a lot stronger, and it is later.
- 13 Q. Approximately what time?
- 14 A. Pinochet has a plebiscite, he's confident that the  
15 population supports him. He's a military general. He has a  
16 plebiscite, which -- to permit him to stay in power an  
17 additional, I believe, eight years, and he actually loses the  
18 plebiscite, and then there is tremendous pressure from  
19 everybody that he has to leave, and that is about, let's see,  
20 the plebiscite is in the '80s, so that's at the end of '80s.
- 21 Q. About what?
- 22 A. Near the end of the '80s.
- 23 Q. '88, '89?
- 24 A. I think '88.
- 25 Q. All right. Any -- well, let me back up a minute. I

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CROSS - TERRY LYNN KARL

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- 1 asked you about South America and then we talked about these  
2 dictatorships. I know you had been to Venezuela.
- 3 A. Yes.
- 4 Q. What other countries in South America did you go to?
- 5 A. Well, I have been to -- the countries that I have been  
6 to in South America?
- 7 Q. Yeah. Well, before 1979, 1981, 1983, right in that  
8 period, what --

9 A. In that period of time, I was working on the northern  
10 part of Latin America, so that meant I worked in Venezuela,  
11 Colombia, the Caribbean, Central America and Mexico. That's  
12 where I was. I didn't go south, because when I was getting my  
13 doctorate, those were military dictatorships. By the time I  
14 finished, they were all changing.

15 Q. Okay. So you mentioned Colombia?

16 A. Uh-huh.

17 Q. So where did you go in --

18 A. I went to Bogata.

19 Q. -- Colombia that would be the neighbor to Venezuela?

20 A. I went to Bogata, yes.

21 Q. And what did you do or why did you go?

22 A. I was in Venezuela. One of the things I was  
23 researching was how the budget worked and how money was spent,  
24 how it was hidden, I was particularly interested in forms of  
25 corruption, and I actually got pretty good at figuring out

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CROSS - TERRY LYNN KARL

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1 these things, and I was invited to Bogata by a university to  
2 look at Bogata, Colombia's budget, and it turned out that  
3 there's -- in Latin American budgets there's a line called  
4 errors and omissions where you put your mistakes, it is  
5 supposed to be a very small number. And in the Colombian  
6 case, errors and omissions was the largest number on the  
7 budget -- or one of the largest numbers on the budget, which  
8 meant that that is probably where illegal monies were being  
9 entered. So that's what I did there.

- 10 Q. So you were invited --
- 11 A. I was just there once and I looked at a budget, I tried  
12 to compare it to the way the Venezuela did their budget. I  
13 found it a very perplexing country because its largest export  
14 was actually illegal, which is drugs.
- 15 Q. So do I understand that the reason for going there, you  
16 were invited by a university?
- 17 A. Uh-huh.
- 18 Q. And in the process of being invited by the university,  
19 they assigned you --
- 20 A. Well, they didn't assign me, they knew I was looking at  
21 budgets, they invited me to come give a talk. I decided to  
22 look into the Colombian budgets and see if by comparing it to  
23 the Venezuela budget to see if I could see something or learn  
24 something, and I did, I did learn something.
- 25 Q. Was it a conference of university people or --

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CROSS - TERRY LYNN KARL

1127

- 1 A. No, I was invited to give a talk. It was an invitation  
2 to me to give a speech.
- 3 Q. And the speech was to what group?
- 4 A. It was to a university group, to just academics.
- 5 Q. Okay. And it happened to be on finance because that  
6 was --
- 7 A. That was what I was working on.
- 8 Q. That was an issue?
- 9 A. That is what I was studying at the time, that is what I

carranza07 Karl cross Araujo.txt  
10 was writing about.  
11 Q. Any other countries that we've not mentioned that you  
12 went to prior to 1979, 1981?  
13 A. Let's see, we did the Caribbean. No, I think that is  
14 about right, Mexico, Venezuela, Colombia.  
15 Q. Now, you've told us that you met Duarte in Caracas,  
16 Venezuela?  
17 A. That's right.  
18 Q. What were the circumstances of that situation? In  
19 other words, how was it that you met him, was it a conference  
20 that you went to?  
21 A. It was a cocktail party.  
22 Q. A cocktail party, okay. And how did it come about that  
23 the two of y'all talked, if you did? I guess you did.  
24 A. Yeah, we did. The -- as Ambassador White, I think,  
25 pointed out that one of the places where you really want to

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1 I learn how elites work is socially, that's when people talk to  
2 you the most, that's when they sort of tell you how things  
3 work. I was doing a study of Venezuela for my doctorate, and  
4 I was -- the study was basically trying to understand where  
5 the oil money was going. Venezuela is an oil exporting  
6 country and they have lots and lots of oil money, and it  
7 seemed to be disappearing and I wanted to know where it was  
8 going. And the government -- one of the governing parties was  
9 Culpay (spelled phonetically), which are the Christian  
10 democrats. It is the same -- it is the sister party of

11 Duarte's party. When Duarte won the 1972 elections and then  
12 was captured and interrogated and beaten, he might have been  
13 killed, but the story is -- certainly, the story I heard from  
14 him and from the person he credits with saving him is that the  
15 president of Notre Dame University in the United States called  
16 a friend in the CIA and said Duarte has been captured, you  
17 have got to help get him out, and apparently he was -- there  
18 was pressure put on the Salvadoran military to release him as  
19 long as he stayed out of the country. Because he was a  
20 Christian democrat, he went to Venezuela and he was  
21 incorporated into all of their social circles of the parties,  
22 et cetera. The cocktail party I went to was a Christian  
23 democratic party. Cocktail party for a man who was the  
24 presidential candidate and who eventually became president of  
25 Venezuela, and I was a student, I was alone in Caracas, and so

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1 I was the only unaccompanied female at that party, and he came  
2 in, and he also wasn't with anybody, so I -- he came up to  
3 talk to me, and that's when he introduced himself and he said  
4 his name was Napoleon and he was going to be the president of  
5 El Salvador, and that was quite an opening. And I went over  
6 to the man in the cocktail party and I was laughing, because I  
7 actually didn't know anything about El Salvador at that point,  
8 and I said, there's somebody here who says his name is Jose  
9 Napoleon and he's going to be president of El Salvador, and I  
10 was laughing about it. He said, Terry, don't you know who he

11 is. And then he told me, and then I sat down and basically  
12 interviewed him all night, and that was the beginning. I met  
13 him other times in Caracas. He introduced me to Fidel Chavez  
14 Mana who became the foreign minister of El Salvador, and he  
15 eventually introduced me to the leading Christian democrats in  
16 El Salvador, Morales Ehrlich, Ector Dalda (spelled  
17 phonetically), I mean just all kinds of people, and that was  
18 the way I got to know Christian democrats in El Salvador was  
19 really through that process. He also received me -- when he  
20 was president at El Salvador, he was president from 1984,  
21 he -- on, and he was the chief U. S. ally. I brought  
22 congressional delegations to El Salvador, and he always  
23 received us. He was the one who gave me permission, he was  
24 president, to enter the guerilla zones, because I had  
25 Congressmen with me and I wanted to make sure that everybody

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CROSS - TERRY LYNN KARL

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1 would be safe, which meant that we had to have some kind of  
2 guarantees that as we were moving through the country nobody  
3 would shoot at us, especially when you have Congressmen. So I  
4 asked President Duarte if he could arrange safe passage for  
5 us, and -- so that happened too.

6 Q. Now, this meeting with Napoleon Duarte in Venezuela was  
7 what date?

8 A. Oh, I don't remember.

9 Q. What timeframe?

10 A. It was -- he was still in exile, so my guess is it was  
11 around 1977, but I really don't actually remember.

12 Q. Okay. Now, up until this period of time, you had been  
13 to a number of places, and you had given talks on finance and  
14 you had looked at the worker situation, and I guess somewhat  
15 the economy of Cuba, I haven't heard you say anything about  
16 writing any papers on the military aspects of the governments  
17 of any of the countries in Latin America or even South America  
18 during this period of time.

19 A. Everybody in my profession was writing on the military  
20 in South America at that time because they were military  
21 dictatorships. I -- that was one of the chief areas that we  
22 had to learn about. I wanted to do something different  
23 simply. I mean I just didn't want to write what everybody  
24 else was writing.

25 Q. Okay. Well, I can understand that, but I am correct

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1 then that up until about 1977 or 1978, you had not written  
2 analyses --

3 A. That's right.

4 Q. -- and articles, books or papers about the way the  
5 military functioned in any of these countries?

6 A. That's right. Well, actually, no, that is not right.  
7 I did write a piece on how the military was moved out of power  
8 in Venezuela in 1958. So I had studied the Venezuelan  
9 military actually in great detail, and I published a piece on  
10 that.

11 Q. Okay. And when did you publish that piece?

12 A. Well, it's part of my dissertation, so I would have  
13 written it -- I think I wrote it in about '81, and it wasn't  
14 published -- there's always a big delay in publications for us  
15 unless we go into journal articles, and I probably was  
16 published around -- it's on my CV, but maybe '85, I don't want  
17 to be held to these dates, because I'm not --

18 Q. Okay. What was your dissertation on?

19 A. My dissertation was on Venezuela.

20 Q. Right. I took that to be true since the article was  
21 about Venezuela, but what was the title, the subject?

22 A. The title of the dissertation, it was about the  
23 transition to democracy in Venezuela and the role that oil  
24 played in getting the military out of power and consolidating  
25 a new democracy, and it was a study of how oil had first

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CROSS - TERRY LYNN KARL

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1 helped build a democracy and how it was eroding it, that was  
2 the argument I made in the dissertation, that the oil money  
3 actually helped at the beginning and then had turned into its  
4 opposite and was, in fact, eroding democracy.

5 Q. And what was the conclusion of your dissertation about  
6 how oil helped democracy?

7 A. Well, the conclusion was that it -- I studied oil  
8 export in countries as well, and I studied the impact of the  
9 large amount of monies flowing into countries, which is one of  
10 the reasons the Salvador story interested me because there  
11 were huge amounts of U. S. aid, and aid actually acts a little  
12 bit like oil money, and I was interested in that. The

13 conclusion was that oil was the catalyst that helped bring  
14 down the military dictatorship in Venezuela. It was then for  
15 reasons of timing something that helped consolidate the new  
16 democracy, because they had a lot of money to give people who  
17 were unhappy, and that always helps if you're trying to  
18 consolidate something fragile, and then the way they handed  
19 out that money and the kind of mechanisms that were set up, I  
20 predicted would end up eroding and possibly destroying  
21 Venezuela's democracy. That was my conclusion.

22 Q. Well, was it a welfare type system, some type of  
23 socialist --

24 A. All oil exporting countries are welfare type systems,  
25 because they all live -- all of them live off of one product,

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1 and what governments do is they distribute that wealth and  
2 their welfare for somebody, they can be welfare for the rich,  
3 they can be welfare for the poor, but they're always welfare  
4 for somebody. It is a subsidy system.

5 Q. But what I meant is since the oil money, as I  
6 understood you to say, would cause some eroding process, was  
7 it the free money that was being given that --

8 A. It's not free money. It is more -- I mean it's a  
9 little more complicated than that. It is not about socialism,  
10 it is about --

11 Q. All right.

12 A. -- I mean because all oil exporters are different.

13 Some of them are military dictatorships, some of them like  
14 Saudi Arabia are royal authoritarian regimes, some of them  
15 are, you know, one socialist. Venezuela was democratic, it  
16 was not socialist. There are all different kinds of  
17 governments, but what was fascinating to me eventually, and I  
18 eventually wrote a book on this, that all different kinds of  
19 government that have oil do the same thing, and that was  
20 really interesting to me, because you wouldn't expect a Saudi  
21 Arabian royal family to do the same thing as the democratic  
22 secular government of Venezuela or as the military regime of  
23 Algeria, so --

24 Q. And you say you wrote a book about --

25 A. I did.

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CROSS - TERRY LYNN KARL

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1 Q. -- about your study after your dissertation?

2 A. Yeah, I did. I wrote a different book, which is called  
3 the Paradox of Plenty, and it is about why oil regimes -- why  
4 it is so difficult to build democracies in oil regimes and why  
5 oil is such a difficult commodity to manage for countries that  
6 have it.

7 Q. And who published your book, what publishing house?

8 A. University of California Press.

9 Q. And when was it published?

10 A. I should know these things.

11 Q. Do you know approximately, I don't expect you to  
12 remember the exact time. I couldn't remember --

13 A. It was published in 1998.

- 14 Q. Okay.
- 15 A. And it received a prize.
- 16 Q. Okay. Now, after you met Napoleon Duarte, I understand  
17 in talking with him that sparked your interest somewhat in El  
18 Salvador?
- 19 A. Yes.
- 20 Q. And as a result of that, you first came to El Salvador  
21 when?
- 22 A. I think my first visit was right at the beginning of  
23 '81. At the beginning of '81, I believe.
- 24 Q. And then the purpose of your trip in 1981 was what?
- 25 A. In '81, I came in through Honduras. I -- that's when I

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CROSS - TERRY LYNN KARL

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1 did the interviews on the Rio Sumpul massacre, and that  
2 massacre had happened on the Honduran-Salvadoran border. I  
3 hadn't mentioned Honduras, but I have also been in Honduras  
4 and Nicaragua and other -- I have actually been all over  
5 Central America, Guatemala -- actually, I did mention those  
6 earlier. There had been a war between El Salvador and  
7 Honduras, there was very difficult relations between the two.  
8 The -- there had been a massacre that I had talked about on  
9 the stand yesterday, which was a combined operation of the  
10 army and the security forces and from both sides of the  
11 border, the Hondurans shot at Salvadorans and the Salvadoran  
12 army shot at Salvadorans, and somewhere between 300 -- at  
13 least 300 and 600 people were murdered, civilians were

14 murdered in that process. That's when I interviewed the  
15 fishermen who found bodies, and -- so I first went on the  
16 Honduran side, and then I went on the Salvadoran side.  
17 Q. Now, am I understanding that's the first time you came  
18 to --  
19 A. That's right.  
20 Q. -- El Salvador?  
21 A. That's right.  
22 Q. And you came to El Salvador through Honduras?  
23 A. That's right.  
24 Q. And the reason that you came was what?  
25 A. The reason I came was that the Honduran bishops and

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CROSS - TERRY LYNN KARL

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1 priests, I don't remember how many of them, I think it was  
2 something like 30, had signed a declaration saying that the  
3 Rio Sumpul massacre had occurred, that it was a major  
4 massacre, and the Salvadoran government was saying it had not  
5 occurred or that it had been a skirmish with guerillas, and  
6 there were different stories in that, and I wanted to take a  
7 look.

8 THE COURT: We told our jury that they would  
9 get their snack at 8:45, and I understand it is there.  
10 Also, the folks are here for the 8:45 also, so we are  
11 going to take that -- we have sort of reversed things  
12 today. We will take a 20-minute break, at which time we  
13 will come back and resume cross examination. Twenty  
14 minutes.

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15 (Recess taken at 8:45 a.m. until 9:35 a.m.)  
16 THE COURT: All right. We're ready to bring  
17 the panel back in.  
18 COURT SECURITY OFFICER: Yes, Your Honor.  
19 (Jury in at 9:35 a.m.)  
20 THE COURT: We will stay close to that time.  
21 You can leave whenever you want to.  
22 MR. BROOKE: Thank you, Your Honor.  
23 THE COURT: All right. I appreciate that. I  
24 needed to take care of another matter, and I appreciate  
25 y'all doing that. Mr. Fargarson.

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CROSS - TERRY LYNN KARL

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1 BY MR. FARGARSON:  
2 Q. Okay. Ms. Karl, I think we were in 1981 and you had  
3 been in Honduras and gone to the --  
4 THE COURT: We need to work on that mic a  
5 little bit, and Joe is going to help you.  
6 BY MR. FARGARSON:  
7 Q. Let me try it again. In 1981, you go to Honduras, go  
8 to the border of Honduras in El Salvador, is that correct?  
9 A. Yes, sir.  
10 Q. Now, had you had any conversations with Napoleon Duarte  
11 in the meantime from seeing him earlier until the time that  
12 you go to Honduras?  
13 A. No, sir, he left Venezuela in 1979, I believe, and I  
14 was in the United States writing my doctoral thesis.

- 15 Q. Okay.
- 16 A. So I had no contact with him.
- 17 Q. Your purpose in going there was what?
- 18 A. To the border?
- 19 Q. Yeah.
- 20 A. I got to Harvard in 1981, and it was my first teaching  
21 job, first academic job, and I was confronted with a series of  
22 expectations that I was supposed to know everything about, a  
23 range of issues that were in U. S. policy. At Stanford on the  
24 West Coast, there's a lot less emphasis on policy, we're  
25 farther away from Washington. And every phone call I got from

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CROSS - TERRY LYNN KARL

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- 1 reporters who would call the Center for Latin American Studies  
2 to talk to the expert at that point was about Central America,  
3 and I started both teaching on Central America and researching  
4 Central America virtually right away, and so I was doing my  
5 other work, but also acquiring as much information as I could,  
6 and that's really why I started going back and forth. I was  
7 asked for advice, I was asked for opinions all the time, and I  
8 felt like I had to become extremely knowledgeable, and I felt  
9 that the whole time I was on the East Coast, and then some.
- 10 Q. And so you're at Harvard with a teaching assignment?
- 11 A. Oh, yes.
- 12 Q. And as a result of that teaching assignment, you are  
13 asked a range of issues, one of which is what, U. S. policy?
- 14 A. No, I was appointed a professor at Harvard in the  
15 government department, and because of the prestige of that

16 university, reporters call you all the time, Congressmen call  
17 and say I need a Latin American expert, we're just getting  
18 these calls. Even though they may not know who you are, they  
19 want an expert, and so I started getting really barraged.  
20 Central America was a huge issue at this time, and I started  
21 getting barraged with requests that I go look up things, and  
22 then I started saying this is too important, I started  
23 teaching on Central America, which I did for the next, I  
24 believe, ten years.  
25 Q. Okay. And when you started teaching on Central

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1 America, what was it that you started teaching about?  
2 A. I started teaching about conflicts in Central America,  
3 Guatemala, Nicaragua and El Salvador, and I started teaching  
4 why Honduras and Costa Rica had never had conflicts, so this  
5 was an -- academically, Central America is a -- it is -- it is  
6 kind of a perfect test case, because three countries go into  
7 war and two don't, and they're similar enough for you -- for  
8 one to talk about why war happens and why war does not happen.  
9 Q. So you started teaching those courses --  
10 A. Yeah.  
11 Q. -- in 1981 or 1980?  
12 A. In 1981.  
13 Q. Okay. Now, when you started teaching those courses,  
14 how did you gain the information that you had or where did you  
15 get the information on Nicaragua, where did you get the

16 information on Honduras or El Salvador at that time to start  
17 teaching?

18 A. Well, there's actually a large scholarly body of work  
19 on Central America, so the first thing I did was use Harvard's  
20 library to read sources in both English and Spanish, so I read  
21 first the academic works, and those would be -- there are  
22 excellent studies on the national guard of Nicaragua, there  
23 were excellent studies on the Honduran military, there's a  
24 very good study, an old study of the Salvadoran military.  
25 There was some good histories, there was collections,

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1 particularly at Hoover Institute, which is at Stanford on  
2 guerilla movements in Latin America. They really collect  
3 especially this, and there are lots of exchange -- I just read  
4 everything I could first in both English and Spanish, and then  
5 once I felt like I had a basis to understand certain things, I  
6 started going repeatedly to the region, and I continued to do  
7 that for 20 years.

8 Q. Okay. So you studied and got information from books?

9 A. Uh-huh.

10 Q. And started teaching and then from time to time you  
11 would go into the areas that you were teaching about, is that  
12 a fair statement?

13 A. Yes.

14 Q. Prior to 1981, had you been to Nicaragua?

15 A. No.

16 Q. What did you learn in reading these books about El

17 Salvador's neighbors Nicaragua?

18 A. Well, Nicaragua at that time was also having a  
19 conflict. There had been a military dictatorship there too,  
20 but it was a very different kind. It revolved around one  
21 dynasty, one family, and it was called the Somoza dynasty, it  
22 was very different from the Salvadoran colonels, and that  
23 government -- that military dictatorship had collapsed. And  
24 while I was at Harvard, the big issue was, was it going to be  
25 a democratic government or was it going to be a government by

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CROSS - TERRY LYNN KARL

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1 the Sandinista military force that actually really caused the  
2 collapse and the defeat of the Somoza dynasty, so I spent --  
3 that was a very important issue, the United States was trying  
4 to decide its policy at the time, which changed substantially  
5 in that period, and so I read everything I could about who the  
6 opposition was, who the Sandinistas were, what the Somoza  
7 dynasty was, one of the Somoza children was a student, so I  
8 worked on that issue.

9 Q. Okay. And who did you learn the Sandinistas were?

10 A. Well, the Sandinistas are complicated because they are  
11 in some way similar, in some ways similar to the Salvadoran  
12 story. There was a huge, a huge coalition against Somoza,  
13 huge, and that coalition included people who were religious,  
14 people who were Marxist-Leninist, people who were social  
15 democrats, people who were Christian democrats, it included  
16 armed opposition and it included unarmed opposition. The

17 Sandinistas were originally a coalition that included  
18 different factions, and as in most situations, eventually if  
19 you do not provide enough space for unarmed oppositions to be  
20 involved in politics, it is armed groups that will become the  
21 most important, so the Sandinista government was much more  
22 strongly represented by what had been the armed opposition.

23 Q. And so what was the Marxist-Leninist group that was  
24 involved in the overthrow of the Somoza family?

25 A. Well, the Sandinistas had a Marxist-Leninist --

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CROSS - TERRY LYNN KARL

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1 Q. And what percentage of the Sandinistas belong to that  
2 particular group?

3 A. Actually, I don't know. I spent most of my time in El  
4 Salvador and was much less interested in Nicaragua.

5 Q. Okay.

6 A. So I haven't done the kind of study that I have in El  
7 Salvador.

8 Q. Did you learn that the United States was concerned  
9 about what was happening in Latin America?

10 A. Absolutely.

11 Q. And did you understand and learn that the United States  
12 was very interested in the Marxist-Leninist movement into  
13 Latin America, particularly Central America?

14 A. Yes.

15 Q. And that they had an interest in what was going on in  
16 all of those countries down there?

17 A. Yes.

18 Q. But particularly Nicaragua, El Salvador, Guatemala and  
19 Honduras?

20 A. Right.

21 Q. And there was Marxist-Leninist activities in all of  
22 those areas?

23 A. That's right.

24 Q. Now, to -- and in insofar as the arms, the weapons and  
25 things of that nature that were being supplied to the

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CROSS - TERRY LYNN KARL

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1 Sandinistas and other interests in the area, did you learn  
2 based upon your studies who the major suppliers of those arms  
3 were?

4 A. Yes, I did.

5 Q. Did you learn that it was Cuba?

6 A. No, I didn't.

7 Q. All right. Who did you learn that it was?

8 A. Panama and Costa Rica.

9 Q. Okay. What did Cuba have to do about supplying those  
10 arms?

11 A. I think Cuba was probably more involved in strategic  
12 and tactical discussions. It turned out the Somoza dynasty  
13 had lots of enemies, particularly in the region, and a lot of  
14 governments were happy to see Somoza go, so I am only  
15 speculating here, but I think that the Cubans probably felt  
16 they didn't need to supply guns to the Sandinistas, because  
17 the Costa Ricans and the Panamanians were doing a fine job on

18 their own. I don't know that.  
19 Q. Let me make sure I understand the answer. You're  
20 saying the Cubans and the Russians or the Vietnamese did not  
21 supply any weapons at all, or are you saying --  
22 A. No, sir, I said that -- your question was who supplied  
23 the most arms, and my answer is the Costa Ricans and the  
24 Panamanians.  
25 Q. Okay, we understand each other then. Thank you.

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CROSS - TERRY LYNN KARL

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1 A. All right.  
2 Q. Now, back to 1981 and your going to El Salvador through  
3 Honduras, did anyone invite you to come to do some study or  
4 did you go on your own to gather information in the course of  
5 your teaching courses at Harvard?  
6 A. I went on my own.  
7 Q. Okay.  
8 A. I was financed by grants from Harvard.  
9 Q. Okay. Now, at this particular time in 1981, what was  
10 the composition of the government of El Salvador?  
11 A. In 1981, the situation changed in El Salvador from what  
12 I explained in my view as state terror to one in which a  
13 genuine civil war was occurring, and the country was much more  
14 polarized between two sides, and in that context the only  
15 party that would form an alliance with the military was a part  
16 of the Christian democratic party. In fact, it was Jose  
17 Napoleon Duarte. So when he agreed to be in a military  
18 civilian junta and when the other representatives of his party

19 had quit, had resigned in protest against repression, there  
20 was a pack or a military civilian junta that included part of  
21 the Christian democratic party, the Duarte party. The rest of  
22 the party -- the party split and the rest went into the  
23 opposition and worked with the FDR. So it is an alliance  
24 between Duarte's party and the military.

25 Q. Was it a junta?

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CROSS - TERRY LYNN KARL

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1 A. It is a junta. It is military civil junta, yes.

2 Q. Don't be concerned about my Spanish, it is not very  
3 well, so if I don't pronounce the words right, hopefully, it  
4 will be close enough that you will know what I'm saying.

5 Now, did you know that at the time you went or was that  
6 something you found out in the course of going to El Salvador  
7 in 1980?

8 A. No, I knew that at the time I went. There are a number  
9 of mechanisms and were a number of mechanisms available to me  
10 to keep up on Latin America. This is before the world of  
11 computers, so we had a series of documents that someone like  
12 me, that I would read, the Latin American Weekly Report, the  
13 Latin American Regional Report, and then there are those  
14 reports, which is the news from Latin America, basically, I  
15 would read, and then there was a special regional report on  
16 Central America that I would read, and it would be a  
17 compilation of news from the region. I knew very -- within,  
18 again, it wasn't computer time, so there was always a time

19 delay, but I knew before I went to Central America always more  
20 or less what the situation -- what was happening on the  
21 ground. I didn't necessarily know how people there saw it,  
22 which was why my interviews to me were so important, it gave  
23 me a way of being able to see different understandings of what  
24 was happening in the region and different ways of expressing  
25 that.

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CROSS - TERRY LYNN KARL

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1 Q. And on this visit in 1981, how long did you stay?

2 A. I didn't stay very long. I stayed -- I actually don't  
3 remember, but it was less than a week.

4 Q. Did you stay in El Salvador or did you stay in  
5 Honduras?

6 A. I stayed in El Salvador near the border.

7 Q. All right. What was the name of the town?

8 A. I'm sorry, I would have to look at a map. I could find  
9 it for you.

10 Q. Okay. Excuse me just a moment.

11 MR. FARGARSON: Your Honor, may I hand the  
12 witness a photograph?

13 THE COURT: Certainly.

14 BY MR. FARGARSON:

15 Q. Ms. Karl, I have handed you a photograph having  
16 previously asked you about what the content of the government  
17 was during that period of time in 1981, and that's a  
18 photograph not in '81, but in 1980. Does that identify the  
19 representation of the government at that time you're talking

20 about when you went to El Salvador?

21 A. No, sir, it does not.

22 Q. Okay.

23 A. It partially does. The Jose Napoleon Duarte right here  
24 was in the government in '81. The most -- Abdul Gutierrez  
25 right here was in the government. I don't remember whether

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CROSS - TERRY LYNN KARL

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1 Jose Morales Ehrlich who is on the far end was not, but this  
2 man here is Colonel Majano. He is one of the reformists, he's  
3 the leader of the reformist section, and he was removed of his  
4 command after the incident at San Luis Finca that I talked  
5 about yesterday where the conspirators were found in the masks  
6 and everything. He was removed from his command, and in  
7 November of 1980, a bomb was put in his car, and there was --  
8 and there were other attempts to kill him, and he eventually  
9 left the country. So he was not there then.

10 Q. Okay. Who else was there, who else up there was --

11 A. In the military civilian junta, I actually don't -- as  
12 I said, Duarte was in it, Gutierrez was in it, and I don't --  
13 there were lots of civilian shifts, I don't remember in '91  
14 whether Jose Ramon Avalos and whether Morales Ehrlich was in  
15 the government or not.

16 Q. And what was Napoleon Duarte in that photograph, what  
17 was his position?

18 A. He was, I believe, nominally president of the junta.

19 Q. Okay. Then in 1981, what was Napoleon Duarte?

- 20 A. In 1980, I think -- I believe he was nominally  
21 president of the junta until 1982.
- 22 Q. Okay. Now, the other gentleman on the back row, were  
23 those all still in the government in 1981?
- 24 A. These soldiers in the back?
- 25 Q. Yeah, any of them --

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CROSS - TERRY LYNN KARL

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- 1 A. I don't recognize any of them. Sir, I don't recognize  
2 any of them, I don't actually know who they are.
- 3 Q. And the other --
- 4 A. If -- this caption identifies them as Majano's  
5 supporters. If they were supporters of the reformists, they  
6 were not in any positions of power in 1981. They had already  
7 been marginalized in the military.
- 8 Q. The other two gentleman that you don't have a red  
9 mark --
- 10 A. Morales Ehrlich, yeah.
- 11 Q. What about them?
- 12 A. Well, that's what I said, there was a kind of rotation  
13 of Christian democrats through '80 and '81, and I actually do  
14 not remember whether Jose Ramon Avalos and whether Jose  
15 Antonio Morales Ehrlich are in the junta or not. I know that  
16 Duarte was. I had frequent conversations with him about how  
17 he had no power and couldn't control the military. He  
18 complained of this quite often in private.
- 19 Q. So how would you carry on these conversations with  
20 Napoleon Duarte, would you have personal meetings with him?

- 21 A. Yes, I saw him in 1982.
- 22 Q. Phone conversations or personal conversations?
- 23 A. No, personal conversations.
- 24 Q. And where would they take place?
- 25 A. It depended, either at the presidential palace or at a

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CROSS - TERRY LYNN KARL

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- 1 Christian democratic gathering. It was a very intense time  
2 because the party had divided. The Christian democratic party  
3 had divided, and there were very strong feelings in the party  
4 about whether or not the best way to build democracy was to  
5 move into the opposition or to try to make a deal with the  
6 military, and Jose Napoleon Duarte was on let's make a deal  
7 side.
- 8 Q. Okay.
- 9 A. He wanted to be president very much.
- 10 MR. FARGARSON: Your Honor, I would like to  
11 have this marked as the next exhibit.
- 12 THE COURT: All right. Exhibit 46.
- 13 (Exhibit Number 46 was marked. Description:  
14 Photograph.)
- 15 A. So that photo, to be clear, does not represent the  
16 constitution --
- 17 Q. I understand.
- 18 A. -- it's really a quite different political situation  
19 where the reformists have already been marginalized.
- 20 Q. Now, in 1981 when you were there, what did the

21 government consist of? Tell me the names of the people that  
22 were in the government at that time that you went there from  
23 Honduras and stayed at the border of El Salvador.

24 A. Well, in my view, the government -- the problem from  
25 really --

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CROSS - TERRY LYNN KARL

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1 Q. Excuse me, just a minute, would you tell me who the  
2 people were and then you can say whatever you --

3 A. Well, Jose Napoleon Duarte was in the government and  
4 Abdul Gutierrez, the two people I pointed to in that picture,  
5 they were in the government.

6 Q. Who else?

7 A. Gutierrez was the commander in chief of the armed  
8 forces. In 1981, the minister of defense was Minister Garcia,  
9 Guillermo Garcia who had been working with Colonel Carranza.  
10 The head of the treasury police was Francisco Moran. The head  
11 of the national guard, I believe, was Vides Casanova. Let's  
12 see, the other Christian democratic party members in the  
13 junta, I don't recall at the moment.

14 Q. Okay. Now, you mentioned that you carried on these  
15 conversations with Napoleon Duarte, over what period of time  
16 did those take place?

17 A. I saw him really between 1981 and 1986 or 7.

18 Q. 1981 and --

19 A. 1987. 1981 through 1987. He was the most important  
20 civilian political leader in the government, which is why I  
21 usually talked to him.

22 Q. Now, how many times would you have met with him in that  
23 six-year period?

24 A. Maybe five or six times.

25 Q. Okay. In that same period of time, did you meet with

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1 other members of a junta or --

2 A. I met with military leaders then. I thought the real  
3 power was in the army, and my -- and the armed forces and the  
4 military, and since that's where I wanted to see how power was  
5 being exercised, I met with some military colonels.

6 Q. And which ones did you meet with?

7 A. I met with Colonel Ochoa, I met with Colonel  
8 Monterrosa. I met with --

9 Q. What was the first name of Colonel Monterrosa?

10 A. I'm sorry, I never used his first name. He was often  
11 called Monte by his friends, but I never knew his first name.

12 Q. I know Monterrosa is not an unusual name in El  
13 Salvador.

14 A. No, there was only one Colonel Monterrosa, and he was  
15 considered one of the best military officers. He was also the  
16 man who conducted the massacre of El Mozote.

17 Q. Who else did you meet with?

18 A. I met with Colonel Ochoa.

19 Q. Right, you mentioned him.

20 A. I met with then Colonel Bustillo was head of the air  
21 force. I met with Colonel Lopez Nui la. He was -- he was then

22 head of the police, I believe. I met with -- let's see, I may  
23 need to look at a list.  
24 Q. That's all right.  
25 A. Those were the colonels I met with. I met with a

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CROSS - TERRY LYNN KARL

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1 number of younger officers as well.  
2 Q. And your meeting with them was during what period of  
3 time?  
4 A. Particularly between '81 and '87, those periods of  
5 time.  
6 Q. Okay. Same time you were --  
7 A. Right, right, I also met with a number of soldiers.  
8 Q. Did you ever meet with Mr. Carranza?  
9 A. I never did.  
10 Q. Did you ever meet with Mr. Guillermo Garcia?  
11 A. I never did. I had a meeting with Colonel Garcia,  
12 which he had granted to the congressional delegation that I  
13 was accompanying, and at the same time that we got that  
14 meeting, we were also granted a meeting with one of the  
15 leaders of the guerillas in the guerilla zones, and the  
16 congressional delegation made the decision that I had to go  
17 with the part of the congressional delegation that was going  
18 into the guerilla zone, so we split, and part of my delegation  
19 went to see Colonel Garcia. He may have then been General  
20 Garcia and I accompanied the congressmen and the  
21 representatives into the guerilla zones. That's because our  
22 interpreter had gotten ill, and there was nobody else who

23 spoke Spanish. So I missed my opportunity to interview him.  
24 Q. These meetings with the military men, how would they be  
25 arranged and where would they be conducted? Would you just

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CROSS - TERRY LYNN KARL

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1 call them up and they would make appointments?  
2 A. It wasn't that easy to see military men. Roberto  
3 D'Abuissou helped me set up meetings. He was the person I  
4 described who was named in the Truth Commission as the  
5 intellectual author, which is a Latin American way of saying  
6 the man who designed the murder of Arch Bishop Romero, and he  
7 eventually formed a political party called ARENA, and that  
8 political party, which is now the governing party of El  
9 Salvador today was very close, and Roberto D'Abuissou was very  
10 close to military officers, so he helped me see some people.  
11 Q. Excuse me a moment. Did I understand in your testimony  
12 yesterday that you also met with Roberto D --  
13 A. D'Abuissou, that is who I'm talking about.  
14 Q. That's the one you're talking about?  
15 A. Yeah, he helped me see some military officers.  
16 Q. Okay. So he made -- he was a military officer himself?  
17 A. He had been a military officer. He was a student of  
18 Colonel Carranza, and he was the military officer who took the  
19 files, the secret files that were used to spy on people out of  
20 the presidential palace and moved the Ansseau files and moved  
21 them into the defense ministry. He then --  
22 Q. Excuse me just a minute. But he met with you?

carranza07 Karl cross Araujo.txt  
23 A. Oh, yes.  
24 Q. Okay. On more than one occasion?  
25 A. Well, I -- he was running for president in 1983 --

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CROSS - TERRY LYNN KARL

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1 excuse me, for the March, 1984 elections, but he had already  
2 decided in 1983, and so he was campaigning, and he took me  
3 to -- on some of his campaign trips.  
4 Q. But I mean why did he meet with you? Did you call him  
5 and ask him if he would meet or did he -- I'm not  
6 understanding you exactly what the interest --  
7 A. I tried to talk to everybody, that's my job. So nobody  
8 talked to Roberto D'Abuisson, he had been described in the  
9 declassified documents as a psychopath, and there is constant  
10 descriptions of him as being a quite terrifying person, and  
11 nobody had really talked to him. One of the reporters said  
12 that he had, and several other reporters told me that they  
13 had, and so I thought, well, I could go to the -- his  
14 headquarters, which I did, and ask for an interview. He was  
15 extremely anti-American, extremely. He was in our -- in  
16 academic sense, we call people like this extreme right wing  
17 nationalists. He had been referred to in the declassifieds,  
18 excuse me, as a fascist, as a psychopath, I mean just by the  
19 embassy. I wanted to see what kind of power he had, and I had  
20 talked about rival hypotheses, many people were telling me  
21 that the right had -- the extreme right had no support inside  
22 El Salvador, and I had traveled in the rural areas, and I  
23 found peasants to be extremely frightened, but also extremely

24 conservative in their views, and I wanted to see if that was  
25 true, and the only way to see whether he had any basis of

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CROSS - TERRY LYNN KARL

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1 support was to travel with him, so I said to him in an  
2 interview, everyone says you have no support, and he didn't  
3 like Americans, he was very, very actually insulting, and I  
4 kept saying they say you have no support, and finally he said,  
5 well, if you don't think I have support why don't you come see  
6 it, and I said yes.

7 Q. Okay. And so how much time did you spend with him?

8 A. I went out on several campaign trips with him. He was  
9 an extraordinarily charismatic speaker and --

10 Q. So you were with him a number of hours?

11 A. A number of times. Yeah, those trips -- we would take  
12 day trips or sometimes -- there was one trip where we couldn't  
13 get back to San Salvador, so we ended up taking a two-day  
14 trip, and it wasn't just me, he had his men around him, and I  
15 would go stay somewhere else.

16 Q. So you were with this psychopath riding around in the  
17 car and spending a number of days with him?

18 A. I was indeed, sir. It was terrifying, actually. I  
19 mean I was learning an incredible amount. I was just learning  
20 something I never would have seen, and he -- I just didn't  
21 understand what was happening in El Salvador, and there was no  
22 way to understand it unless you understood Roberto D'Abuison,  
23 there was just no way. He would stand up in the campaign with

24 a watermelon and he would take a machete -- he used to wear  
25 these muscle shirts, you know, and he would -- he would stand

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CROSS - TERRY LYNN KARL

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1 up, he would hold up a watermelon, he would take a machete, he  
2 would cut the watermelon in half and he said these are the  
3 Christian democrats, they're green on the outside, which was  
4 their color of the party, but they're red in the inside, and  
5 so he was saying they're all communists.

6 Q. So you determined that he was a charismatic psychopath?

7 A. I determined that he was a charismatic guy, that he had  
8 a very impressive network, that he had significant help from  
9 inside the military, because I witnessed him going inside and  
10 outside barracks when he was supposed to be outside the  
11 military with them just waving him on, which never happened.

12 Q. And he arranged for you to be able to see this --

13 A. His campaign.

14 Q. Okay.

15 A. Yeah, and I had lots of conversations with him.

16 Q. Now, let me back up to 1979 and 1981, which you have  
17 testified about in your direct examination and maybe even a  
18 little further back. Tell me about -- what you learned about  
19 coups that took place in El Salvador between the party, let's  
20 say, 1970 to --

21 A. '70?

22 Q. Yeah, to 1985, what did you learn?

23 A. Military was a military, but it was also a government,  
24 and so as I said in 1972 -- it was a government that had a

25 very interesting system of elections. The whole time, it was

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CROSS - TERRY LYNN KARL

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1 a military dictatorship, there were elections. So Central  
2 America actually living under militaries had more elections  
3 almost more than any other region in the world.

4 Q. Excuse me for just a moment, if I can. Can I try to  
5 get you to back up a moment and tell me about the coups.

6 A. Right, I have to, because, when the elections didn't  
7 happen the way they wanted, there would be a coup, that's  
8 where I was going.

9 Q. Okay. So that's where you're going, okay.

10 A. That's where I'm going.

11 Q. I want to make sure we're going --

12 A. No, in 1970 -- you asked during the '70 period, the  
13 first thing that I would consider a coup was the electoral  
14 fraud of 1972 when President Molina who is a military man  
15 basically -- Molina, a military man, became president even  
16 though virtually all observers believed that Jose Napoleon  
17 Duarte, the Christian democrat won those elections, so that  
18 would be the first coup. The second coup is in 1977, or it is  
19 both election/coup, let me call it that, is in 1977, and that  
20 is a situation in which under a lot of pressure, President  
21 Molina, a military president, agrees to a land reform.  
22 Remember that opposition I'm talking about is rising, there's  
23 lots of demands for an opening up for a land reform, for less  
24 repression, and there is the same struggle inside the military

carranza07 Karl cross Araujo.txt  
25 between the reformists and the hardliners. The hardliners

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CROSS - TERRY LYNN KARL

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1 win, and General Romero, this is not Arch Bishop Romero, this  
2 is another Romero takes power in 1977. It is really a  
3 hardline -- the hardline pushing out the Molina faction and  
4 taking a hardline position, and that's when death squads start  
5 getting very active, that's when all of the Jesuits are given  
6 a deadline to leave the country or they will all be murdered.  
7 So that's really -- it is a -- it is this odd relationship  
8 between elections and coups, if I can put it that way. The  
9 next one is 1979, October, when the young reformist officers  
10 initially take power with Majano and then lose it very rapidly  
11 to the hardliners.

12 Q. And the hardliner was Garcia?

13 A. No, the hardliner -- the very well-known hardliner was  
14 Colonel Carranza.

15 Q. Okay. And what was his position at that time?

16 A. He became the vice-minister of defense. Garcia was  
17 less -- it was less clear at that time how he was going to  
18 fall. Nobody knew exactly what Garcia and Gutierrez were  
19 going to do until they appointed Colonel Carranza, and then it  
20 became much more clear.

21 Q. In 1979, what is the position that Garcia had?

22 A. After October of 1979, he becomes the minister of  
23 defense.

24 Q. All right. And at that time, was there some type of  
25 I'll call it a revolt in the military as to what the officers

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CROSS - TERRY LYNN KARL

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1 in the military were going to do, who they would obey, who  
2 they wouldn't obey?

3 A. There was a disagreement, but I would not call it a  
4 revolt. There's constant disagreement in the government  
5 between hardliners and reformers, but the thing that is so  
6 exceptional about the Salvadoran military is the fact that the  
7 chain of command holds, so that, for example, when Majano is  
8 ordered out of the position of commander in chief, he simply  
9 follows orders and leaves. You would expect that there would  
10 be some kind of revolt or something like that, but, in fact,  
11 this military is an extremely disciplined military. It is a  
12 military that follows orders. If you say you are being  
13 removed, they follow those orders. So if you try to remove  
14 somebody, and it is the decision of a superior or the general  
15 sentiment of the colonels, they will, in fact, go, but it  
16 holds -- it holds its chain very, very clearly.

17 MR. FARGARSON: Excuse me just a moment.

18 THE COURT: Sure.

19 MR. FARGARSON: May I approach the witness,  
20 Your Honor?

21 THE COURT: You may.

22 BY MR. FARGARSON:

23 Q. Ms. Karl, I'm going to hand you a document marked PL  
24 0796, and take a look at the part that is in yellow?

25 A. Would you tell me where this is from?

♀

CROSS - TERRY LYNN KARL

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1 MR. ESQUIVEL: Your Honor, we will object to  
2 the use of this document. There hasn't been any  
3 foundation laid for its admissibility.

4 THE COURT: Well, it cannot be displayed at  
5 this time until we determine whether or not it can be,  
6 one, identified by the witness, and then meets some  
7 criteria which will allow its use, so...

8 A. I would have to see the date of this document. I'm not  
9 sure where it's from. There is a number of things that have  
10 this same name, so I would need to see where it is from.

11 BY MR. FARGARSON:

12 Q. You don't recognize the information that I have placed  
13 there?

14 A. Well, this same information -- I don't recognize the  
15 specific phraseology. The document is named the Human Rights  
16 Situation in El Salvador, and I know so many documents with  
17 that name that I would have to see the date or something that  
18 is a little stronger to identify it, if that is possible.

19 Q. Well, look at the --

20 A. I mean I'm happy to identify it if can show me more of  
21 the document.

22 Q. Look at the paragraph at the bottom of the page.

23 A. Uh-huh.

24 Q. And it talks about the military commanders and orders.

25 Weren't we just talking about military commanders and orders,

CROSS - TERRY LYNN KARL

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1 and weren't you just saying that the military kind of always  
2 coalesced and lined up according to the chain of command?

3 A. It says --

4 MR. ESQUIVEL: Your Honor, I object to reading  
5 from this document. It is not admissible.

6 THE COURT: It is not -- it cannot be received  
7 until it is identified. Objection sustained.

8 MR. FARGARSON: Well, of course, Your Honor, it  
9 is not my document, it is a document produced by the  
10 plaintiffs.

11 THE COURT: Well, let me take a look at the  
12 document, maybe it will say something.

13 (The following proceedings had at side-bar  
14 bench.)

15 THE COURT: Well, obviously, it came from  
16 something. Maybe we could get the book or article. It is  
17 page 152, 153 of some book.

18 MR. FARGARSON: Well, it is the plaintiffs'  
19 document.

20 MR. EISENBRANDT: But that doesn't make it  
21 admissible.

22 THE COURT: But that doesn't make it one that  
23 this witness can identify. And the question is -- I have  
24 no idea what it is.

25 MR. FARGARSON: Well, I don't either. I know

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CROSS - TERRY LYNN KARL

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1 it came out of this particular book, though, and it was  
2 produced in records. I didn't produce it myself. I guess  
3 I can ask her if she ever read that book and if she ever  
4 saw that page.

5 THE COURT: I think she can be handed the book,  
6 it is just that the two pages out of the book is --

7 MR. FARGARSON: Have you got the book so I can  
8 hand it to her?

9 MR. ESQUIVEL: I don't think I brought our  
10 whole document production. I honestly don't know what  
11 book this is from. I assume that we produced this entire  
12 book. I cannot remember who the author is or what it  
13 comes from, to be honest.

14 MR. FARGARSON: Well, you know, this is cross  
15 examination, and that article contradicts exactly what --

16 THE COURT: But it has to be identified. In  
17 other words, if this was out of a state department  
18 document, if it was out of a learned, you know, an article  
19 by a recognized authority in the area, then we would hand  
20 them the article.

21 MR. FARGARSON: Right.

22 THE COURT: Ask them do they recognize this as,  
23 you know, an authoritative document within the field or a  
24 author within the field, and then you might be able to ask  
25 it under the learned treatise exception, but I can't do

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CROSS - TERRY LYNN KARL

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1 it --

2 MS. BLUM: Your Honor, I think this was part of  
3 our original document production to defendants. It wasn't  
4 part of our exhibit list, and we would, I'm positive, not  
5 have given them a two-page document from a longer  
6 document. I'm sure we disclosed to them the full  
7 document.

8 THE COURT: Right.

9 MR. ESQUIVEL: With some sort of identifying  
10 identification.

11 THE COURT: Well, objection has to be  
12 sustained, and we need to produce the paper and/or book  
13 and -- book, and then it can be determined whether or not  
14 it can be used in cross examination. It is not a  
15 sufficient amount of material, it is two pages out of what  
16 is at least 153 pages, 153 -- there has got to be 154,  
17 because the sentence doesn't end there.

18 Well, objection sustained.

19 MR. FARGARSON: Okay.

20 (The following proceedings were had in open  
21 court.)

22 BY MR. FARGARSON:

23 Q. Okay. Ms. Karl, did you learn in 1981 that there was a  
24 civil war going on in El Salvador or there was a civil unrest  
25 or struggle of some sort taking place in the country?

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CROSS - TERRY LYNN KARL

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- 1 A. By 1981, there was no possibility at all for any  
2 peaceful expression of opposition. At least 10,000 civilians  
3 had been murdered, and at that point, the opposition, those  
4 who felt -- the opposition either stopped doing anything, left  
5 the country or joined the guerillas, and anything any peaceful  
6 opposition could have done would have had to have been  
7 clandestine or underground, there would be no way -- nobody  
8 was going to raise their head in a peaceful opposition at this  
9 point. And by that time, there was a united guerilla army.  
10 There hadn't been before, and it had grown significantly. The  
11 repression fueled the guerillas enormously because people  
12 started joining them as a result of what had happened to their  
13 families, and the guerillas grew bigger, they became much more  
14 sophisticated in their fighting, and by the end of 1981, had a  
15 real army. So I would say that in 1981, you were in full  
16 civil war.
- 17 Q. All right. I think that's what I asked.
- 18 A. Uh-huh.
- 19 Q. And when did the civil war, so to speak, start, in '79  
20 or '80?
- 21 A. No, I think the civil war started at the end of 1980.
- 22 Q. Okay.
- 23 A. I think really with the murder of the FDR leaders, that  
24 was the end of any possible civil rights protest that was  
25 peaceful.

1 Q. Now, also, when you made your chart yesterday and you  
2 gave the names of certain groups, you put the name of the  
3 FMLN, did you not?

4 A. Uh-huh.

5 Q. And then you said something about later on it became  
6 composed of five particular groups, but you didn't need --

7 A. Earlier it was -- there were five small guerilla  
8 factions, quite small, that subsequently united in November of  
9 1980 into one armed organization that was called the FMLN.

10 Q. And who were the -- who were the groups that united  
11 together, what were the names of the groups?

12 A. One was called the FPL, one was called the ERP, one was  
13 called the -- I'm just going to say their acronyms, it gets  
14 too complicated, the PRTC, one was the RN and the other was the  
15 communist party.

16 Q. And when these groups became consolidated and became an  
17 army, so to speak. What interest, if any, did the United  
18 States have in helping El Salvador or not helping El Salvador  
19 in supplying anything to El Salvador, if there was any  
20 interest in the United States or concerns in the United  
21 States?

22 A. There was a change in policy in 1981 when the Reagan  
23 administration came into power, and it took a strong position  
24 that it wanted to militarily defeat the FMLN, that was the  
25 position of the Reagan administration.

- 1 Q. Now, why was that, if you know, what would be the  
2 reasons why the Reagan administration was interested in not  
3 letting the FMLN or these other groups that have joined in  
4 have control of the country?
- 5 A. Well, they identified the FMLN in the view of the  
6 Reagan administration as an armed communist movement. That  
7 was how it was defined by the Reagan administration initially.  
8 As I said, other countries defined it as a legitimate  
9 belligerent, so there was a difference of opinion. The Reagan  
10 administration at the beginning felt that they were the  
11 greatest threat to order in El Salvador, but by 1983, they had  
12 changed that view and thought that the military and the  
13 extremists and the death squads were the greatest threat,  
14 which is why Vice-president Bush came to El Salvador. So  
15 there were different -- they came in with one view and they  
16 changed their view.
- 17 Q. What did the United States do in support of El  
18 Salvador, according to your knowledge, did they --
- 19 A. Military aid to the Salvadoran military.
- 20 Q. Did they supply military supplies?
- 21 A. Yes.
- 22 Q. Did they supply economic --
- 23 A. Support, funds.
- 24 Q. -- support?
- 25 A. Uh-huh.

1 Q. Do you know what economic support the United States  
2 supplied to El Salvador during that period of time?

3 A. It actually wasn't so great. It wasn't so great from  
4 '81 through '83 because the issue of giving money to the  
5 Salvadoran military security forces was a tremendously  
6 controversial issue particularly after the four nuns were  
7 murdered. When the aid really sky rocketed was in 1984 after  
8 the Bush trip in which he basically said no aid unless the  
9 number of human rights abuses go down. The number of human  
10 rights abuses did go down in '84, and aid picked up  
11 enormously, and it reached the level of a million dollars a  
12 day, which in a little tiny country like El Salvador is a huge  
13 amount of money, huge.

14 Q. It was actually the most amount of any money supplied  
15 to Central American countries, wasn't it?

16 A. That's right.

17 Q. And with regard to military advisors, do you know how  
18 many military advisors?

19 A. Well, officially Congress limited -- the original --  
20 the original position of the Reagan administration was that it  
21 wanted to actually militarily land troops in El Salvador, and  
22 that was defeated in Congress. There was no support for U. S.  
23 troops in El Salvador, and there was a limit put on --  
24 formally on U. S. military advisors so as not to get involved  
25 in this conflict, not to get U. S. troops involved in this

1 conflict, and that limit was 56. In fact, the number was  
2 higher.

3 Q. So all the advisors that were supposed to be in El  
4 Salvador that were military advisors in support of the  
5 Salvadoran military were 56?

6 A. That was the official number.

7 Q. All right. So was there an unofficial number then that  
8 was actually in El Salvador?

9 A. Well, it was a well-known secret that there were all  
10 kinds of people attached to the embassy that were not there as  
11 official military advisors, but were, in fact, official  
12 military advisors, and so I actually don't know what the  
13 number reached. And I should say that that is a well guarded  
14 secret. In fact, people who -- we don't actually know how  
15 many U. S. military personnel died in El Salvador because some  
16 of that information has never been made public.

17 Q. Now, we've talked about the FMLN, and that they became  
18 an armed force in El Salvador, what did they do? In other  
19 words, what activities did they engage in in El Salvador that  
20 you learned and you either saw or heard about or read about?

21 A. Well, they tried to develop -- they were very young, I  
22 mean to say, when I went into the guerilla zones, they were  
23 referred to as los muchachitos or los muchachos, which means  
24 the boys. Their average age couldn't have been -- of the  
25 actual guerilla troops, couldn't have been more than 15 or 16,

1 although the commanders were older. I mean they were really  
2 young, and the first thing that the FMLA did was to try to  
3 teach people how to shoot and how to be an army, so I did see  
4 them train. They also had to hide because the military would  
5 kill them. I saw them train. I wanted to know where they got  
6 their weapons from and how they equipped themselves. And in  
7 my trips -- and I also wanted to know how they recruited,  
8 which was an important thing, whether you could recruit or not  
9 and how you recruited. And so I spent some time in the  
10 guerilla zones trying to answer those questions.

11 Q. And what activities did they engage in in El Salvador,  
12 in other words, other than just fighting the military, what  
13 else did they do?

14 A. They -- by, I believe, 1981 or 2, they had defined in  
15 their view certain parts of the infrastructure as a legitimate  
16 war target, which meant that they hit telecommunication  
17 centers which they considered as part of the spy unit of the  
18 military. They had a spectacular bombing of a bridge. They  
19 hit -- they would go into plantation areas where -- there were  
20 huge plantations for growing coffee or cotton, they would go  
21 into these areas and they would tax, that's their language,  
22 quote, tax the owners by saying we will not attack your crops  
23 if you -- if you pay your workers more, and they also, I  
24 believe, extracted funds from landowners to not attack crops.  
25 That was part of the way they raised their money.

1 Q. What about in addition --

2 A. I should say it is a very effective tactic, because a  
3 coffee plant takes five years to produce, so if you pull it  
4 out of the ground, you're hurting somebody for five years, it  
5 is a very effective thing to do.

6 Q. Well, you talked about some of the atrocities that the  
7 military committed, what about atrocities that the FMLN  
8 committed on the civilian population, not just the  
9 infrastructure, but on the civilian population, what do you  
10 know and what did you learn about that?

11 A. I think yesterday, I talked about the ERP, which was  
12 one faction, and I view it as the faction that committed most  
13 of the human rights abuses on the side of the guerillas. It  
14 adopted a policy of killing civilian mayors of ARENA of the  
15 party of Robert D'Abuisson. It was -- there was a huge outcry  
16 after this policy, and the other guerilla organizations and  
17 human rights organizations succeeded in pressuring them to  
18 stop. But they killed -- they did adopt as a policy the same  
19 policy the Salvadoran military, which they killed the ARENA  
20 mayors and the Salvadory military killed the Christian  
21 democratic mayors. So it was not safe to be a mayor.

22 Q. Do you know how many mayors were either assassinated or  
23 killed by the FMLN?

24 A. I don't know the exact number. In the 22,000  
25 complaints that I showed you that are the formal complaints of

1 the Truth Commission, five percent of those complaints are  
2 attributed to the FMLN, so that would be five percent of  
3 22,000.

4 Q. Did you learn that the mayors of villages would ask for  
5 military aid to protect themselves from --

6 A. In villages that were controlled by the right, by  
7 ARENA, say, they would, in fact, petition the military, and  
8 they would particularly do that in areas where there were  
9 strong civil defense units or the paramilitaries that I talked  
10 about earlier. So, yes, they did, in areas where the  
11 Christian democrats were in power, they would not ask for  
12 military protection until actually much later because the  
13 military had killed so many Christian democrats. So it  
14 depended on who you were, whether you were with the military  
15 or afraid of the military.

16 MR. FARGARSON: Just a moment. Your Honor, may  
17 I approach the witness?

18 THE COURT: Certainly, certainly.

19 BY MR. FARGARSON:

20 Q. Ms. Karl, I've handed you a booklet, I guess I would  
21 say, and ask you if you have ever seen that, read it or can  
22 identify it as being a book that depicts activities of the  
23 FMLN and certain photographs?

24 A. I believe that I saw it on your list of documents, but  
25 I have actually never seen this particular document.

1 Q. Well, would you take a look at it and tell if you can,  
2 in reviewing it and looking at the material in it, and you can  
3 take your time, if that is an accurate document or an  
4 inaccurate document, whether it purports to be truthful or  
5 purports to be false?

6 MR. ESQUIVEL: Objection, Your Honor, the  
7 document is hearsay and inadmissible.

8 THE COURT: Objection sustained.

9 MR. FARGARSON: Okay.

10 A. It has no publication, there is no way to know what it  
11 is.

12 THE COURT: I agree. There is a certain way  
13 that certain documents can be used, but there's some  
14 predicate questions that have to be asked to determine  
15 that. For example, you can use an established learned  
16 treatise like you use a medical book in a medical case,  
17 there might be an author who wrote extensively in this  
18 area, and that can be used to ask another question or a  
19 question of another expert. I want to explain that to the  
20 jury because it is a little confusing, I want you to  
21 understand there is a particular way in which these things  
22 can be utilized.

23 MR. FARGARSON: Let me just ask a couple of  
24 more questions about the author and about the book.

25 THE COURT: Absolutely.

♀

CROSS - TERRY LYNN KARL

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1 BY MR. FARGARSON:

2 Q. Do you know the author of this book, Bruce B. Jones?  
3 A. I do not.  
4 Q. Okay. And you have not read the book to know whether  
5 it's --  
6 A. I didn't see it until you handed it to me, but it has  
7 no publisher or publication or anything that would allow me to  
8 identify it.  
9 Q. Okay. Let me talk with you few minutes about the Truth  
10 Commission report. Let me get the Truth Commission report.  
11 Now, you have read the Truth Commission report, haven't you?  
12 A. Yes, sir.  
13 Q. And you did participate in some hearings regarding the  
14 Truth Commission report?  
15 A. No, sir.  
16 Q. Did I understand that, that you were --  
17 A. No.  
18 Q. Oh, I'm sorry.  
19 A. No, I did not.  
20 Q. What input did you have into the Truth Commission  
21 report?  
22 A. I helped produce a document on the organization of the  
23 death squads. That document is not part of the Truth  
24 Commission, and I did not do it for the Truth Commission, I  
25 guess I should be clear about this. The Truth Commission

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CROSS - TERRY LYNN KARL

1174

1 resolved that it was important to know more about the whole

2 death squad apparatus since it was easier to disband formal  
3 troops, but how would you know whether you had actually  
4 disbanded death squads, and after the Truth Commission, there  
5 was a joint commission to compile information on death squads,  
6 and I participated in that. So I didn't participate in the  
7 Truth Commission at all.

8 Q. Well, are you reasonably familiar with the Truth  
9 Commission report and know that Mr. Carranza's name is not  
10 mentioned in there except one time?

11 A. I am familiar with it, yes.

12 Q. And that one time that his name is mentioned in there  
13 is what, if you remember?

14 A. Actually, I thought he was never mentioned in the Truth  
15 Commission, so I am not sure what the one time is. I -- the  
16 Truth Commission in the period of time that Mr. Carranza --  
17 Colonel Carranza was in power has actually very little  
18 information. There's several cases from 1980, and there's  
19 only one case from 1983, so the bulk of the Truth Commission  
20 really -- the overwhelming -- the Truth Commission is about  
21 250 pages, and I think about 10 percent of that covers the  
22 period of time where Colonel Carranza was in power. What it  
23 does say, because it was hardest to find information in those  
24 early years, it was the most difficult years to research, it  
25 does not place responsibility on Colonel Carranza by name, it

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CROSS - TERRY LYNN KARL

1175

1 places responsibility on the state, which includes the  
2 ministry of defense for virtually, I believe, all of the 1980

3 murders.

4 Q. The only reference to his name is on page 253 where it  
5 says Colonel Nicolas Carranza, director of the treasury police  
6 announced that his forces had captured one member of a squad,  
7 though no name was given. And that's the only mention of his  
8 name, so you're correct, it isn't in there any other place --

9 A. Well, except that in the murder of the massacre of San  
10 Francisco Guajoyo and the murder of the six FDR leaders and  
11 the church women's murders and in the murder of two law  
12 students that were taken out of the parking lot of the U. S.  
13 Embassy, it clearly says that the state is responsible. And  
14 by that, they are naming the top officials of the state, which  
15 is the high command, and particularly the defense ministry, so  
16 that is how the Truth Commission dealt with responsibility in  
17 those early years. It says the state has the responsibility  
18 for these murders.

19 Q. But there are names in the Truth Commission of people  
20 who did commit human rights violations, who did commit  
21 murders?

22 A. They are overwhelmingly of much lower level people, and  
23 they are overwhelmingly -- so when it is a high level, it says  
24 the state. And by that, they mean, again, the leaders of the  
25 state. The names that you see in the Truth Commission are

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CROSS - TERRY LYNN KARL

1176

1 generally lower level, although not always. And if you look  
2 at the people who are actually named in the period of time

3 when Colonel Carranza has actually served, what you do see is  
4 an extraordinary pattern, and that is that certain people who  
5 were captured at San Luis Finca and who were in the armed  
6 forces -- San Luis Finca is the conspiracy in May, 1980, where  
7 a number of military officers are found with these documents  
8 and the scopes, the night scopes and the masks and they are  
9 arrested, and arrested when Colonel Carranza is the  
10 vice-minister of defense. Among those people who are arrested  
11 are a number of names that subsequently are named in the Truth  
12 Commission. If, in fact, the people who have been arrested in  
13 San Luis Finca had been investigated and had been prosecuted  
14 for the kinds of activities they were doing. They included  
15 someone who was named in the murder of Arch Bishop Romero,  
16 they included Colonel Carranza's assistant who he brought with  
17 him from La Union where he was before he was the  
18 vice-minister, a Colonel Elmar Gonzales Araujo who was found  
19 in San Luis Finca, who had been brought by Colonel Carranza  
20 and who was named as the leader of the Las Hojas massacre in  
21 1983. He was also named in a huge scandal in the United  
22 States in which Salvadoran -- he was named for receiving a  
23 bribe in which Salvadoran military officers were buying  
24 inferior bullets from Yugoslavia, repackaging them so they  
25 looked like they came from the United States and sending bad

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CROSS - TERRY LYNN KARL

1177

1 bullets to their own troops. Napoleon Alvarado was named, and  
2 he was also in San Luis Finca, and he later is named for  
3 covering up massacres. I believe that there are people other

4 named Eduardo Avila, who -- excuse me, I said Colonel Elmar  
5 Gonzales was with Colonel Carranza, I meant to say that  
6 Eduardo Avila was with Colonel Carranza in La Union, pardon  
7 me, and he is the one that moved into logistics in the  
8 ministry of defense with Colonel Carranza. He was caught in  
9 San Luis Finca. He is the person who was accused by name of  
10 trying to kill Colonel Majano, the reformist, and he's the  
11 person named for the murder of two U. S. advisors in the  
12 Sheraton Hotel and the head of the land reform. So in my  
13 view, the people who were named show that had there been  
14 action against military officers who were caught inside San  
15 Luis Finca with damning evidence that they were involved with  
16 death squad activities, these subsequent actions would not  
17 have happened. That's why I think that the lack of activity  
18 is actually a green light for further abuses. These people,  
19 virtually every one, every military officer in the San Luis  
20 Finca raid went on to commit very egregious human rights  
21 abuses, and one of them was named in the murder of Arch Bishop  
22 Romero.

23 Q. Was that the answer to my question as to whether Mr.  
24 Carranza's name in there, that answers my question?

25 A. That does, sir.

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CROSS - TERRY LYNN KARL

1178

1 Q. Now, what military experience have you had? I mean --

2 A. Well, I have never been in the military. I have had a  
3 number of interactions with the military. My colleague

4 Condoleeza Rice is from my department in the political  
5 science, she is currently the secretary of state, and she and  
6 I collaborated on an article on the military that we still  
7 have not published because of her own involvement in other  
8 things. So -- and she and I invited two Stanford military  
9 commanders from El Salvador to talk about what a democratic  
10 military is, and then I subsequently every year during the  
11 Salvadoran process became an advisor to a group that was --  
12 included members of the joint chief of staff, the defense  
13 department, the army, the navy and the air force of the United  
14 States. I went every year to advise them on El Salvador and  
15 to debate the man who was then assistant secretary of state  
16 for Latin American Elliot Abrahams, so the military actually  
17 had us debate each other, and I did that every year. I also  
18 participated in military advising around human rights issues,  
19 and I have been asked to be an advisor to human rights issues  
20 on the School of the Americas.

21 Q. Well, let me try to simplify the question and ask it  
22 this way: What branch of the United States military service  
23 have you been in?

24 A. I have never been in the military.

25 Q. What branch of any military service have you ever been

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CROSS - TERRY LYNN KARL

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1 anywhere at any time?

2 A. I have never been in the military.

3 Q. Now, of course, you have talked about this at great  
4 length on the chain of command, and I want to ask you a couple

5 of questions about it. The chain of command is the way that a  
6 military functions, isn't it, insofar as orders and commands  
7 occur?

8 A. Yes, sir.

9 Q. And inferior members of the military are responsible to  
10 obey those superior to them, is that right?

11 A. That's right.

12 Q. Now, in the chain of command that's put up there, it  
13 has ministry of defense, but it doesn't have the two people  
14 that are in the ministry of defense, does it?

15 A. No, it does not.

16 Q. But in the ministry of defense, there is a minister of  
17 defense?

18 A. That's right.

19 Q. Is that correct? And there is -- and different words  
20 are used from what we use in the United States, probably here  
21 we would call it a vice-minister?

22 A. Uh-huh.

23 Q. But in El Salvador, it is either called either sub or  
24 an underminister, is that correct?

25 A. That's right.

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CROSS - TERRY LYNN KARL

1180

1 Q. And the reason that there's two is because, one, it is  
2 superior to the other, isn't that correct?

3 A. That's correct.

4 Q. And that's the reason that one of them is called under

- 5 because the other one is over the under, right?
- 6 A. Formally.
- 7 Q. In the chain of command formally or not, the minister
- 8 and the subminister, the subminister is under the minister?
- 9 A. That's right.
- 10 Q. And so when Garcia was minister and Carranza was under
- 11 him, Carranza was under Garcia?
- 12 A. That's right.
- 13 Q. And that meant in the chain of command that he was
- 14 under the authority of Garcia?
- 15 A. Correct.
- 16 Q. Okay. Now -- excuse me just a minute. I didn't mean
- 17 to turn my back on you. Now, Ms. Karl, I also believe that
- 18 you testified about this one that involves the responsibility
- 19 of the undersecretary, is that correct?
- 20 A. That's right.
- 21 Q. And it says to provide technical advice to the minister
- 22 of defense in all matters concerning the branch. Now, there's
- 23 not anything difficult in that, is there?
- 24 A. No.
- 25 Q. In other words, that means he provides information to

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CROSS - TERRY LYNN KARL

1181

- 1 the minister of defense, wouldn't you agree with that?
- 2 A. That's right.
- 3 Q. And then it says to coordinate the technical function
- 4 of the general staff of the armed forces with each of its
- 5 different branches. So is there anything difficult about

6 that, that he talks with the general staff and makes sure that  
7 they are watching the armed forces and coordinating things  
8 with the branches under the general staff?

9 A. Well, I testified yesterday, and actually this refers  
10 to the first provision as well that this is a military  
11 dictatorship, so providing technical advice and coordinating  
12 branches in the military dictatorship has a different meaning.  
13 And in particular, coordinating the actions of different  
14 branches when you have combined actions such as the Rio Sumpul  
15 massacre, that means you have to coordinate the actions of the  
16 army with the security forces. It -- those are not just  
17 technical functions, those are functions that carry out  
18 certain types of operations.

19 Q. Well, it says technical function, you say they're not  
20 technical functions?

21 A. No.

22 Q. So I guess we can --

23 A. It says technical functions for combined operations.  
24 But technical functions for combined operations that are  
25 massacres is really not just a technical function is what I'm

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CROSS - TERRY LYNN KARL

1182

1 sayi ng.

2 Q. Well, I guess we can argue about what a technical  
3 function is then. Let me go to the next one. To propose  
4 appointments, removals, assignments, resignation acceptances  
5 and awarding of leaves for functionaries and employees of the

- 6 armed forces. Now, there's no doubt that that says to propose  
7 appointments, removals and assignments, is that correct?
- 8 A. That's correct.
- 9 Q. In other words, he makes the proposal to Garcia?
- 10 A. Right.
- 11 Q. Would that be the way you would interpret that?
- 12 A. That's right.
- 13 Q. Okay. Thank you.
- 14 Now, I want to make sure I understand a couple of  
15 things, and that is the photographs of bodies and things that  
16 you brought in and showed to the jury, do I understand that  
17 those were not photographs made by you?
- 18 A. That's correct.
- 19 Q. They were some -- and to be fair about it, they was  
20 some effort on your part to show conditions and that there may  
21 have -- and that you had seen things similar?
- 22 A. Yes, there's a number of photo books on El Salvador,  
23 and I have a number of photos myself, they're photos I have  
24 collected over time that represent things that I have seen.
- 25 Q. But they were photographs you got from some place.

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CROSS - TERRY LYNN KARL

1183

- 1 Where did you get them?
- 2 A. Well, there's actually a whole range of published books  
3 on El Salvador. There is some very famous photographers who  
4 went to El Salvador and took these pictures. Some of these  
5 pictures appear -- are published. A number of them appear in  
6 human rights reports, so I got them from different sources. I

7 actually knew and contacted one of the women who was the best  
8 known photographer in El Salvador, and I tried very hard to  
9 pick pictures that were representative, but were not too  
10 gruesome actually. There are lots and lots and lots of photos  
11 of El Salvador.

12 Q. Well, I'm sure there are, I was just asking you about  
13 those that you brought here.

14 A. Right.

15 Q. The answer is they weren't yours, they were somebody  
16 else's?

17 A. They were not mine, but they were representative things  
18 that I have seen.

19 Q. Now, you have obviously testified in court before, is  
20 that right?

21 A. Yes, I have.

22 Q. And how many times would you say that you have  
23 testified in court before?

24 A. In U. S. courts?

25 Q. In what?

‡

CROSS - TERRY LYNN KARL

1184

1 A. In U. S. courts or everywhere.

2 Q. Well, let me put it this way: Since this is a U. S.  
3 court, let's say courts either state or federal in the United  
4 States.

5 A. I've testified in -- as an expert witness twice, and  
6 I've provided hundreds of affidavits to political asylum

7 cases.  
8 Q. Okay. Now, the cases that you have previously  
9 testified in the United States as an expert witness, who were  
10 the lawyers that asked you to testify as an expert witness?  
11 A. I was requested to testify by the Center for Justice of  
12 Accountability.  
13 Q. I asked you who the lawyers were.  
14 A. And the lawyer who requested my testimony, it's my  
15 colleague lawyer, Patty Blum, who was a professor of law at  
16 Boalt Law School and who lived near me, so -- in California,  
17 so we knew each other.  
18 Q. So y'all were both professors?  
19 A. We were both professors.  
20 Q. At what school?  
21 A. She was a professor at the University of California and  
22 I was a professor at Stanford, and she had been working on El  
23 Salvador for a long time. I had also. I believe she invited  
24 me to speak to her class before. I have invited her to be on  
25 a panel, so we've had a long history of knowledge of El

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CROSS - TERRY LYNN KARL

1185

1 Salvador together.  
2 Q. So was one of those cases in Florida and one in  
3 California?  
4 A. One of those was in Florida, that's right, and the  
5 other was in California.  
6 Q. And what about an affidavit to testify as expert  
7 witnesses in cases in the U. S., have you given affidavits to

8 testify in other cases as an expert witness --

9 THE COURT: It may be a little confusing, there  
10 are administrative courts that involve immigration issues,  
11 are you asking about those or not?

12 MR. FARGARSON: No, sir.

13 THE COURT: We just need to clear that up  
14 because it is a little confusing.

15 BY MR. FARGARSON:

16 Q. So that I can make that clear, I'm asking you if you  
17 have given affidavits where you list your credentials and  
18 purport to testify as an expert in other cases similar to this  
19 in the United States?

20 A. Yes.

21 Q. And how many of those affidavits have you given?

22 A. I think there's two on my vitae. I'm not really -- I  
23 would need a copy of my resume to be exact about the number  
24 where I have submitted an affidavit, one was to the Supreme  
25 Court -- or the case went to the Supreme Court, and one other,

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CROSS - TERRY LYNN KARL

1186

1 which has not yet been submitted to court.

2 Q. And, again, the person that asked you to provide those  
3 affidavits, the lawyer that has asked you, who is that?

4 A. The lawyers are not present, are not part of this legal  
5 team or the Center for Justice of Accountability.

6 Q. Who are the lawyers?

7 A. The lawyer who requested -- the latest one is named

8 Judith Chomsky, and the affidavit for the case that went to  
9 the Supreme Court was Karen Musalo.

10 Q. You mentioned a moment ago that there are numbers of  
11 photographs that are available that have been -- well, have  
12 books been published about photographs?

13 A. Yes, a number of books on El Salvador and photo books,  
14 in particular.

15 Q. Okay. And have you seen large numbers of them?

16 A. I have seen -- I think I have seen most things that  
17 have ever been published on El Salvador, so, yes, I have seen  
18 them.

19 Q. You think you have seen most pictorial books that show  
20 pictures?

21 A. I tried at least through 2001 to see just about  
22 everything that had been published on El Salvador, so I would  
23 look at photo books as well. I also looked at poetry books  
24 and other things. There's a lot of novels about El Salvador,  
25 and I read them as well.

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CROSS - TERRY LYNN KARL

1187

1 MR. FARGARSON: Okay. Excuse me just a moment.

2 THE COURT: Certainly.

3 BY MR. FARGARSON:

4 Q. In talking about books that have photographs in them,  
5 there is a pictorial book, and I don't know, you said you have  
6 seen most of them, but is that --

7 A. I will remember by the pictures, one second.

8 Q. And particularly I have got a mark in there that I

9 wanted to ask you about.  
10 A. I certainly remember some of these. Uh-huh. I'm  
11 sorry, I was just --  
12 Q. That's okay.  
13 A. I just got involved, I'm sorry.  
14 Q. Is that pink page, is that representative of anything  
15 that you saw while you were in El Salvador, and I think you  
16 said --  
17 A. Yes, it is.  
18 Q. -- you went to a guerilla camp.  
19 A. Yes.  
20 Q. And --  
21 A. This is representative of something I have seen.  
22 Q. On both sides, on both sides of the page?  
23 A. Oh. So not just the one you have indicated, but on  
24 both sides of the page?  
25 Q. Well, I just opened the whole thing up, on both sides

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CROSS - TERRY LYNN KARL

1188

1 of the page, have you seen what is on both sides?  
2 A. Yes.  
3 MR. FARGARSON: Your Honor, those two pages, we  
4 would like to -- I don't know whether that will show or  
5 what.  
6 THE COURT: Sure, they will. I'm sure they  
7 will. Sure, Joe, will help you.  
8 BY MR. FARGARSON:

- 9 Q. The star on the FMLN flag, do you know what that  
10 represents?
- 11 A. No, I don't. It is their flag.
- 12 Q. Okay.
- 13 A. And I have seen it with and without the star.
- 14 Q. Okay. And then they have apparently military uniforms  
15 on or at least three of them do?
- 16 A. Well, these are commanders, so these are -- in fact,  
17 some of them are top commanders of the FMLN. And this is  
18 somewhat representative. It really depends on when you go  
19 into the guerilla zones. At the beginning, most people didn't  
20 have any uniforms. By the end, there were more uniforms and  
21 certainly more weapons.
- 22 Q. You may not know this, but do you know where they get  
23 or got their uniforms from, or that may not have been  
24 something that you were interested in?
- 25 A. I was less interested in their uniforms than their

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CROSS - TERRY LYNN KARL

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- 1 weapons, actually.
- 2 Q. Okay. Would you know where they got their uniforms?
- 3 A. I think people made them for them.
- 4 Q. All right.
- 5 A. But I don't know who made them or where they were made.
- 6 Q. I'm sure people made them.
- 7 A. No, I believe that -- El Salvador is famous for its  
8 textile industry, and I think they were actually coming mostly  
9 from El Salvador.

10 Q. Okay.

11 A. But I don't actually know that. I didn't investigate  
12 uniforms.

13 MR. FARGARSON: Let's mark that as the next  
14 exhibit, Your Honor, and we will substitute a copy.

15 THE COURT: All right. Exhibit 47. Joe will  
16 need to put a sticker so we can keep them straight.

17 (Exhibit Number 47 was marked. Description:  
18 Photograph.)

19 BY MR. FARGARSON:

20 Q. Now, were these pictures where you observed things like  
21 this?

22 A. Yes, this is actually much more representative. The  
23 guy in the middle in all ways, the young woman, but the guy in  
24 the military is very young.

25 Q. Right.

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1 A. He's carrying a gun, which is likely to have been -- I  
2 can't quite tell from the picture, but it is likely to have  
3 been provided by the United States to the Salvadoran military.  
4 The guerillas bought and stole a lot of weapons, and when I  
5 was in the guerilla zones, one of the things that most  
6 impressed was they were mostly equipped by weapons that the  
7 United States was giving to the army, and that was -- clearly,  
8 they made their way somewhere else.

9 Q. Okay. And then the gentleman on the right?

carranza07 Karl cross Araujo.txt  
10 A. Well, again, that's more like how I saw people dressed.

11 MR. FARGARSON: Okay. I would like to mark  
12 that as the next exhibit.

13 THE COURT: Those three photographs will be  
14 Collective 48.

15 (Exhibit Number 48 was marked. Description:  
16 Photographs.)

17 MR. FARGARSON: May I approach the witness?

18 THE COURT: You may.

19 BY MR. FARGARSON:

20 Q. Let me hand you that book, and I want you to look at  
21 that page, if you have seen that book or can identify that  
22 book.

23 A. Actually, I never have seen this book.

24 Q. Well, I don't know if you haven't seen a book whether  
25 you can -- you mentioned something about a bridge that was

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CROSS - TERRY LYNN KARL

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1 destroyed, and I don't know whether you can identify that as  
2 the same bridge or not, and I don't know whether you actually  
3 saw it destroyed.

4 A. No, I did not see it destroyed, and no, I cannot  
5 identify this as the same bridge. It's not the same bridge.

6 Q. Okay. Now, you had mentioned yesterday, if I  
7 understood you correctly, that there was a meeting with the  
8 director of the CIA Casey?

9 A. That's right.

10 Q. Do you have a document about that meeting?

11 A. It's a book by Woodward who was one of the chief --  
12 Robert Woodward is one of the chief --  
13 Q. Bob Woodward?  
14 A. Right.  
15 Q. But I think my question is did you have a document or  
16 anything of that nature that you personally had as a result of  
17 the meeting?  
18 A. No, I relied on other -- I didn't rely on a  
19 declassified, if that what's you are asking. I have never  
20 seen a declassified about that meeting, I have only seen  
21 published reports.  
22 Q. Okay.  
23 A. And the other thing that I have --  
24 Q. Well, then it wasn't something that --  
25 MR. ESQUIVEL: Your Honor, I'm sorry, could the

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1 witness be allowed to finish her answer, please?  
2 THE COURT: We will allow the witness to finish  
3 her answer.  
4 BY MR. FARGARSON:  
5 Q. I'm sorry, I apologize for interrupting you, you can go  
6 ahead.  
7 A. I read it in a book by Bob Woodward, and then I  
8 proceeded to see if I could verify it.  
9 Q. The -- well, my only concern was -- and it was probably  
10 a misrepresentation in my mind, I thought that you maybe had

11 attended some meeting.

12 A. No, I had not.

13 Q. Okay.

14 A. It is just part of the materials I relied on as my  
15 expertise.

16 Q. So this was something you learned from reading and  
17 getting information?

18 A. Well, I read it first, and it was sufficiently  
19 interesting to me that I proceeded to see if I could confirm  
20 it in another way; and I was able to do so.

21 Q. Now, you also mentioned something about Mr. Carranza  
22 making some improvements in the -- at the treasury police, did  
23 I understand you correctly about that or did I misunderstand  
24 you?

25 A. What I said yesterday is that after the Bush visit and

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1 in the pressure to try to keep his job with all the pressure  
2 from -- to get rid of hardliners, he started taking certain  
3 public actions for the first time, to my knowledge, that might  
4 allow him to stay in his position.

5 Q. Do you know what those public things were?

6 A. Well, I found -- two. One was the press conference to  
7 improve the image of the treasury police in which he handed  
8 out the music of four treasury police bands, and the other was  
9 a statement he signed. As a result of the Bush visit, one of  
10 the conditions of that visit was that the high command and the  
11 colonels sign a document that they were against death squads.

12 In other words, the United States was insisting on a public  
13 manifestation to the population of El Salvador that these kind  
14 of actions were going to be condemned, and there was a  
15 document condemning death squad activity which was the direct  
16 result of this U. S. pressure and which Colonel Carranza  
17 signed. The other colonels signed it as well, and it is a  
18 list of colonels who did that as part of the conditions, I  
19 believe, for sustaining U. S. aid.

20 Q. So then the two things that you say he did was he gave  
21 out music?

22 A. Those are the two things that I am aware of, is that he  
23 had a press conference, he gave out music, and he signed this  
24 document that came about as a result of the Bush visit when  
25 the United States was pressuring very strongly against death

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1 squad activity.

2 Q. Are you aware of any other things that he did such as  
3 terminating the subdirector of the treasury police?

4 A. Well, I believe that the subdirector, who is Pozo, the  
5 man in charge of the interrogation of Daniel Alvarado,  
6 appeared on a list of people that the United States gave the  
7 high command saying that they had to be transferred out of the  
8 country by January 10th. The termination of Pozo was also  
9 made a condition, not to Colonel Carranza, but to then defense  
10 ministry, Vides Casanova, and so there was direct and very  
11 particular pressure that said that the torture of Daniel

12 Alvarado had to go -- or the man, excuse me, in charge of his  
13 interrogation, his name was given, a date was given, and it  
14 was only then that he was transferred.

15 Q. So --

16 A. I saw no evidence that Colonel Carranza was interested  
17 in transferring him before that pressure was applied.

18 Q. So your understanding is that Major Pozo was the  
19 subdirector of the treasury police at that time?

20 A. No, no, excuse me, Major Pozo was in charge of  
21 intelligence.

22 Q. I thought you said he was the subdirector. I asked  
23 about the subdirector.

24 A. Subdirector of the treasury police. Could you give me  
25 a name, I'm sorry?

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1 THE COURT: I think we probably need to take a  
2 restroom break, and I understand that -- hopefully, the  
3 food is ready upstairs for you. You know, this is the day  
4 we go from 11:30 to 1:00, so somebody else can attend  
5 something they need to. I'm going to be here, but we need  
6 to do that.

7 (Recess taken at 11:30 a.m until 1:15 p.m.)

8 THE COURT: Mr. Fargarson, I think we are  
9 altogether now, so we're ready to go.

10 By the way, our schedule right now looks like  
11 we will get to defense proof and a couple of witnesses  
12 this afternoon. We're actually in very good shape.

carranza07 Karl cross Araujo.txt

13 MR. FARGARSON: May I approach?

14 THE COURT: Certainly.

15 MR. FARGARSON: Can I stand here for just a  
16 moment, Your Honor?

17 THE COURT: That's perfectly fine.

18 BY MR. FARGARSON:

19 Q. Ms. Karl, I want to hand you a New York Times article  
20 regarding Mr. Carranza said to be a CIA agent and see if you  
21 can tell me if you have seen that and read that and know the  
22 contents of it.

23 A. Excuse me, sir, I wonder if I could -- I think I  
24 misheard your last question before we took the break.

25 Q. Okay.

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CROSS - TERRY LYNN KARL

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1 A. And I wonder if you could repeat that to me too.

2 Q. Let's take care of this and then whatever you misheard,  
3 I want to certainly give you the opportunity to correct it.

4 Yes, are you familiar with that?

5 A. Yes, I am.

6 Q. You had stated that you had read newspaper articles all  
7 the time?

8 A. Yes. I have seen this before.

9 Q. Could we put this on the screen, and I would like to  
10 ask you --

11 A. Sir, could you tell me the date of this article?

12 Q. March 22, 1984. And can you read that? Can you see

13 that clearly that marked in red about what American officials  
14 said about Mr. Carranza being involved in death squads?

15 A. Yes, it says the American officials maintained,  
16 however, that there was no credible evidence Colonel Carranza  
17 was personally involved with death squads.

18 Q. And then the other paragraph marked in yellow where it  
19 states conduct said to be improved, would you read that?

20 A. The state department officials said today -- I'm sorry,  
21 I'm having trouble here -- that -- thank you -- that since  
22 Colonel Carranza took command last year, the treasury police  
23 had improved their conduct somewhat, but remained a major  
24 source of human rights abuses.

25 Q. Okay.

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1 A. I should say that this reporting, there's several  
2 things I would like to point out about that. First of all, it  
3 says there was no evidence that he was personally involved in  
4 a death squad, it does not comment on knowledge, and it  
5 also -- the same officials also -- I can't say it is the same  
6 officials, because they're not actually identified, but at the  
7 same period, this came out, officials also denied that Colonel  
8 Carranza was a paid asset of the CIA, and that proved to be  
9 false.

10 Q. But, of course, the title of this says -- he is the CIA  
11 informant, doesn't it?

12 A. Right. They're referring to some hearings that are  
13 still classified. All the documents involved on Colonel

14 Carranza's actual or alleged involvement in responsibilities  
15 with the death squads have never been released.

16 Q. Well, let me ask you this: You disagree with this, is  
17 that what you're saying, you disagree with this article?

18 A. No, I'm not saying that. The top commanders of the  
19 armed forces were generally not personally involved in death  
20 squads. In other words, they were generally not the people  
21 who went out and did the actual killings, those were much  
22 lower level officers. And that statement says that Colonel  
23 Carranza was not personally involved in death squads, and in  
24 that sense, it is consistent with my understanding; it is not  
25 saying that he had either no knowledge or no involvement with

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CROSS - TERRY LYNN KARL

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1 death squads.

2 Q. Well, that's your interpretation of what the word  
3 personal involvement means?

4 A. Right, that's my interpretation, yes.

5 Q. Not necessarily what the officials interpretation was?

6 A. That's right, that's my reading of the situation.

7 MR. FARGARSON: Would you mark this as the next  
8 exhibit?

9 THE COURT: 49.

10 (Exhibit Number 49 was marked. Description:  
11 New York Times Article.)

12 A. I wonder if you would mind giving me an opportunity --

13 Q. Oh, yeah, now let's revisit -- I don't --

carranza07 Karl cross Araujo.txt  
14 A. Would you repeat your question?

15 Q. Well, I don't have a clue what it was.

16 THE COURT: Well, let's do this, I think the  
17 interpreters really need people to only have one person  
18 speaking at one time. They have been trying to get us to  
19 do that. So let me let the professor finish her  
20 statement, because she was trying to earlier, and then we  
21 will go to the next question, because it is really  
22 difficult on our interpreters.

23 MR. FARGARSON: Right, that's what I meant. I  
24 didn't want to ignore you and wanted to let you answer the  
25 question that I asked, but at the moment, I don't remember

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CROSS - TERRY LYNN KARL

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1 what it was.

2 A. Thank you, sir. I believe that you asked me whether  
3 his deputy, Colonel Carranza's deputy director of the treasury  
4 police was dismissed, and I answered with regard to the head  
5 of S-2.

6 Q. Right.

7 A. The intelligence, which was Major Pozo who had  
8 conducted the -- or had been responsible for the interrogation  
9 of Daniel Alvarado, I did not answer your question which was  
10 about the deputy director. The deputy director is a different  
11 person.

12 Q. Right.

13 A. The deputy director is named Carrillo -- or was named  
14 at the time Carrillo Schlenker. He left the treasury police

15 at the time -- I think some time in 1984 is my understanding.  
16 He was appointed deputy director under Colonel Carranza who  
17 was the director. He appeared on the 1982 list of extreme  
18 rightists that the United States put together about the people  
19 they were most worried about in death squad relations. He  
20 was -- I don't know the circumstances of his removal from the  
21 treasury police, but he was promoted immediately and became  
22 the commander of the Atlacato brigade and later became a  
23 colonel. The reason I know about him is that he was  
24 subsequently involved in a kidnap for profit ring that I had  
25 investigated. A group of colonels under the leadership of one

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1 of the colonels, Roberto Staben, were kidnapping the children  
2 and families of wealthy Salvadorans, pretending they were  
3 guerillas, and then holding them for profit, and this  
4 eventually became public in 1986. The deputy director was  
5 involved in that, and then he was subsequently involved in the  
6 planning and the cover-up of the murders of six Jesuit  
7 priests.

8 Q. I believe you listed as one of the sources on some of  
9 your opinions or in preparing your opinions or your  
10 credentials that you were familiar with a book, The Salvadoran  
11 Officer Corps and the Final Offensive of 1981 by Brian J.  
12 Bosch?

13 A. That's right.

14 Q. And is that book what you would consider to be a

15 scholarly book, an informative book about somebody with  
16 knowledge of the facts?

17 A. I think Ambassador White talked about this author and  
18 said he was a very sophisticated military attache. I would  
19 not consider it a larger overview of the -- of a scholarly  
20 book about El Salvador in its greatest sense, but in the sense  
21 of understanding some aspects of the military, I certainly  
22 would.

23 Q. And if I remember what Mr. White said, he said that he  
24 was the best military attache or words to that effect?

25 A. That he had had, I believe.

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CROSS - TERRY LYNN KARL

1201

1 Q. He was very complimentary about him. And did you read  
2 the entire book?

3 A. I did.

4 Q. And did you read what he said about Colonel Carranza?

5 A. I did.

6 Q. Could I hand you this book and ask you to look at what  
7 he said?

8 A. Sure. Let me just note the date.

9 Q. Starting on page 32, going over to, page 33, would you  
10 read to the court and jury what he said about Colonel  
11 Carranza?

12 A. Yes. Despite the fact that Colonel Carranza, Nicholas  
13 Carranza was an exceptionally talented officer, he had not  
14 been accepted in President Romero's intercircle. Do you want  
15 me to read the entire --

16 Q. Yeah, the whole thing down to the --

17 A. Colonel Carranza graduated first in the class of 1957,  
18 the time most distrusted by the president supporters. He was  
19 a superb student at the U. S. Artillery School at Fort Sill,  
20 Oklahoma, and he eventually attended the Mexican staff  
21 college. His disagreement with how President Romero was  
22 governing, however, caused him to be removed as general  
23 manager of ANTEL in August of 1979 and vanished to La Union,  
24 the farthest point east in the country. After the coup was a  
25 success, Carranza, age 46, returned to favor and was allowed

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CROSS - TERRY LYNN KARL

1202

1 to remain on active duty. As the subsecretary of defense, he  
2 was directly subordinate to Colonel Garcia, but in many  
3 instances, he functioned as the minister's partner. Before  
4 the coup, Colonel Carranza was not viewed as overly rightist  
5 when he was compared to the president's close associates, but  
6 after the overthrow of Romero, he was frequently identified as  
7 being a conservative. His distrust of the PDC, Christian  
8 Democratic Party, and of Majano placed him inadvertently in a  
9 hard right category, which may have been unjust. Colonel  
10 Carranza was a reasonable intelligent officer who realized  
11 that an extreme course would not be in El Salvador's interest.  
12 Despite this fact, ultra conservatives were drawn to the  
13 subsecretary a situation that eventually caused unnecessary  
14 divisiveness in the government during the 1979 to 1980 period.

15 Q. Thank you. Do you recall when Brian Bosch was the

16 attache?

17 A. Yes, he was the attache when Robert White was the  
18 ambassador.

19 Q. And that would have been what period of time?

20 A. I actually don't know when he left the embassy. I  
21 don't know how long he served, but I do know he served under  
22 Robert White, which would have been in 1980.

23 Q. And -- and was Brian Bosch the chief of the military  
24 attaches or just one?

25 A. No, he's the military attache, that is the person that

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CROSS - TERRY LYNN KARL

1203

1 the embassy relies on.

2 Q. The --

3 A. He is the one that frequently and constantly described  
4 Colonel Carranza as one of the most talented officers, and for  
5 that reason the defense minister's partner.

6 Q. Was -- were American soldiers -- are you familiar with  
7 the fact that some American soldiers, American Marines were  
8 killed by either guerilla forces or the FMLN or the FPL?

9 A. Yes. I actually don't remember who killed those  
10 Marines.

11 Q. And then Albert Schaufelberger, an attache, military  
12 attache, I think some writings have him as a marine colonel?

13 A. He is frequently misidentified.

14 Q. And some of them have him a naval attache, one or the  
15 other. But are you aware of the fact that the FPL claimed  
16 that they were responsible for assassinating him?

17 A. The only FPL documents that I have seen were the  
18 documents in which they claimed -- actually, it is a radio  
19 broadcast, which they claim Daniel Alvarado was not the person  
20 who had been responsible for that, but I actually haven't seen  
21 a claim of who was responsible for the murder. And as -- I  
22 believe the murder of Lieutenant Commander Schaufelberger has  
23 never been solved.

24 Q. Right, but you didn't read anything and didn't hear  
25 anything or didn't see anything that the Clara Elizabeth

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CROSS - TERRY LYNN KARL

1204

1 Ramirez -- and remember that's Spanish.

2 A. I'm sorry, who?

3 Q. Clara Elizabeth Rameriz unit of the FPL acknowledged  
4 that they had assassinated him.

5 A. I don't recall that. I do recall that in the  
6 declassified documents, it was frequently attributed to the  
7 FPL the murder of Commander Schaufelberger.

8 Q. Now, I'm trying to get through, let me just ask you a  
9 few more things. When did you formulate your opinions in this  
10 case that you have testified to the jury?

11 A. I'm not sure I understand the question. My opinions,  
12 you mean the summary opinions I gave or the --

13 Q. Your opinions and conclusions in this case, when did  
14 you formulate them, when did you make up your mind about them?

15 A. If I'm ever asked to testify in a case, I usually look  
16 at the case itself first and see whether I have anything to

17 say about it and whether -- and what it is I would say. When  
18 I first heard about this case, I looked at -- I looked back at  
19 a period of time that was a long time ago when I worked on  
20 Central America, I decided what I feel certain or comfortable  
21 testifying with, and I did that when I agreed to be an expert  
22 witness, and I'm not quite sure when that was. I think -- I'm  
23 not quite sure when it was, but it was around the time the  
24 case was filed.

25 Q. And you said when you heard about the case, when did

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CROSS - TERRY LYNN KARL

1205

1 you hear about the case?

2 A. I was contacted by, I believe, Professor Blum who asked  
3 me if I would -- if I had an opinion in this case. I sat down  
4 after that and spent some time thinking about it. These cases  
5 are extremely difficult to prepare. For your expertise, they  
6 take a lot of work, a lot, lot of work, and I have employed  
7 and am working on other things, and I then reviewed all of my  
8 materials and decided that, yes, I would testify and that I  
9 knew what I would testify to.

10 Q. Let me get back to the question that I asked.

11 A. Uh-huh.

12 Q. When was it that you were told about the case, the  
13 date?

14 A. When was I told about the case? I'm sorry, I don't  
15 remember the filing date of this case. So if it is -- it's  
16 before the filing date.

17 Q. Okay.

18 A. I'm not involved in the filing, the legal filing, so I  
19 don't actually remember, but I think it must be in 2002 maybe.  
20 I'm sorry, I don't remember the filing date.

21 Q. Are you being paid to testify in the case?

22 A. I'm being paid -- I'm compensated for my expenses, I'm  
23 not earning anything on this case.

24 Q. You're not being paid anything as an expert witness,  
25 you're only having your --

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CROSS - TERRY LYNN KARL

1206

1 A. My reasonable expenses are being compensated for.

2 Q. And is that travel?

3 A. That's travel, that's --

4 Q. Is it food?

5 A. Food, that's my room that -- I have raised some funds  
6 at Stanford for students to help me with the declassifieds.  
7 There are thousands of them to read, and they're very  
8 illegible, many of them, so I have had help with those kinds  
9 of things, and I -- Stanford has helped me with those. My  
10 airplane trips -- what else.

11 Q. And yesterday --

12 A. Reasonable expenses.

13 Q. Yesterday, I think we ate lunch at the same place and  
14 you had some young people with you, I don't know --

15 A. Those are my students.

16 Q. Are those your children?

17 A. No, those are my students. They're not my students any

carranza07 Karl cross Araujo.txt  
18 more, they're my former students.  
19 Q. And are they assisting you in the case?  
20 A. They worked with me in the declassified documents and  
21 the organization of materials. I have boxes and boxes and  
22 boxes and boxes of material on El Salvador. They worked with  
23 me. They have subsequently graduated and -- from my  
24 university, and Stanford has offered or Stanford donors have  
25 offered to bring the students that worked on this case to see

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CROSS - TERRY LYNN KARL

1207

1 the trial, so my -- two of my students -- two of my former  
2 students have been here, and another one who is currently a  
3 student and is in classes and can't leave, I'm hoping, will  
4 come at some point just so they can see something like this.  
5 It is part of their experience as students.  
6 Q. And are they supported by the university to come?  
7 A. The university will -- if we are doing anything that  
8 involves research and training students -- for example,  
9 training to read the declassifieds or training to draw a map  
10 or training to count human rights abuses, the student who is  
11 going to come that is currently a student verified -- she  
12 spent the entire time verifying lists of dead teachers, so she  
13 was comparing different lists of dead teachers from different  
14 sources, and seeing who -- what we could actually verify when  
15 there was consistency, when there was inconsistency.  
16 Q. And so you have been here how long?  
17 A. I have been here for the trial. I came here --  
18 Q. When did you come to Memphis?

19 A. I think the night before the trial started. Sunday  
20 night, I drove here from St. Louis, yes.

21 MR. FARGARSON: All right. Just a moment,  
22 excuse me.

23 THE COURT: Certainly.

24 MR. FARGARSON: That's all, Your Honor. Thank  
25 you.

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CROSS - TERRY LYNN KARL

1208

1 THE COURT: Thank you. Redirect?

2 THE WITNESS: Thank you, sir.

3 REDIRECT EXAMINATION

4 BY MR. ESQUIVEL:

5 Q. Professor Karl, Mr. Fargarson showed you a photograph  
6 of people in the FMLN earlier, was that photograph taken  
7 during the civil war in El Salvador?

8 A. Yes, it could not have been taken in 1980 because it  
9 had an FMLN flag and it would have to have been taken after  
10 November of 1980.

11 Q. So that photograph was taken after Colonel Carranza  
12 served as vice-minister of defense?

13 MR. FARGARSON: Object, leading.

14 THE COURT: Objection sustained.

15 BY MR. ESQUIVEL:

16 Q. When was that photograph taken in relation to Colonel  
17 Carranza's position as vice-minister of defense?

18 A. I don't know the exact date of that photograph. I

19 would have to look at the book again and see if it is actually  
20 dated, but what I can tell you from the photograph is that it  
21 could not have been taken before the FMLN is formed as an  
22 army, and that means really that it could not have been taken  
23 before the very end of 1980. It could not have -- it could  
24 not have been representative of armed men in uniform that were  
25 death squads, for example -- or excuse me, out of uniform that

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REDIRECT - TERRY LYNN KARL

1209

1 were death squads, it did not have the characteristics of  
2 that. The other reason I know that it is later, it is not  
3 just the flag that said FMLN, but it is also the fact that the  
4 weapons that I saw in that picture, if I'm correct -- I'm not  
5 an expert in all weapons, but if I'm correct, those weapons  
6 came as a result of U. S. aid and the guerillas. The FMLN  
7 started successfully stealing equipment much later. So it had  
8 to have happened probably -- those two facts make me think  
9 that it would have had to have been a picture from at least  
10 after the middle to end of '81.

11 Q. Now, Professor Karl, Mr. Fargarson showed you this book  
12 by Brian Bosch, the military attache at the U. S. Embassy in  
13 1980.

14 A. That's right.

15 Q. And he read you one passage from this book about  
16 Colonel Carranza, and I would like you to take a look, please,  
17 at another section in this book that mentions Colonel  
18 Carranza, and it is on page 61, and it is this paragraph, the  
19 last two sentences of that paragraph talk about Colonel

20 Garcia, the minister of defense, and Cornel Carranza, could  
21 you read that passage for the jury, please?

22 A. Yes, this is in the context of a discussion about  
23 Garcia and Carranza in which he calls Garcia and Carranza the  
24 center of gravity for the direction of the war. He constantly  
25 refers to them together as the center of gravity for the war,

♀

REDIRECT - TERRY LYNN KARL

1210

1 and down at the bottom, he says -- I'm sorry, let me see,  
2 where you want me to read, the last two sentences did you say?

3 Q. That's right.

4 A. Okay. Colonels Garcia and Carranza demonstrated little  
5 interest in relinquishing their joint position as de facto  
6 commanders in chief. What was observed was that the minister  
7 tended to focus more on strategy and political military  
8 affairs, while the subsecretary, until his removal in  
9 December, interested himself with forced deployment and the  
10 public security organizations.

11 Q. And is that consistent with your understanding of  
12 Colonel Carranza's role as the vice-minister of Defense in  
13 1980?

14 A. Yes, it is. I believe I testified earlier that they  
15 acted as a partnership with a division of labor. Other people  
16 refer to Colonel Garcia as the public relations man, and  
17 Colonel Carranza as the man in charge of the day-to-day  
18 operations of forced deployment and the security forces, and  
19 that is exactly how the military attache describes it.

20 MR. ESQUIVEL: Thank you, Professor Karl. No  
21 further questions, Your Honor.  
22 THE WITNESS: Thank you.  
23 THE COURT: Well, Professor, thank you for  
24 being here. We're going to let you step down.  
25 THE WITNESS: Thank you. Thank you for your

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REDIRECT - TERRY LYNN KARL

1211

1 patience.  
2 THE COURT: Certainly.  
3 (Witness excused.)  
4 THE COURT: Will there be any other proof for  
5 the plaintiffs in this case?  
6 MR. ESQUIVEL: The plaintiffs rest, Your Honor.  
7 THE COURT: All right. Ladies and gentlemen,  
8 that concludes all the proof from the plaintiffs, and I  
9 will speak briefly -- I understand we're ready to go to  
10 the defense case, but I'm going to speak briefly with  
11 counsel at side bar, and then we will proceed. I'm just  
12 going to have you wait right where you are.  
13 (The following proceedings had at side-bar  
14 bench.)  
15 THE COURT: All right. I think we're all set  
16 to go.  
17 MR. FARGARSON: I want to make a motion for a  
18 directed verdict or for dismissal on the grounds that the  
19 statute of limitations --  
20 THE COURT: Right, and that issue -- that's  
Page 107

21 perfectly fine to renew it. That is not waived because  
22 the court did do the opinion on that, and that's fully  
23 preserved.

24 MR. FARGARSON: And here is the reason for the  
25 motion.

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1212

1 THE COURT: Okay. Sure, sure.

2 MR. FARGARSON: The -- all plaintiffs have  
3 testified that they did not learn that they had a cause of  
4 action until December the 23rd or some day like that.

5 THE COURT: Right.

6 MR. FARGARSON: And, Your Honor, our contention  
7 is that while there is no excuse, in other words, that's  
8 no reason, that's no legal reason to not file a lawsuit.  
9 It would accord these individuals a greater right than it  
10 would a citizen in the United States, because the law  
11 in -- the common law is always that ignorance of the law  
12 is no excuse. Now, it's stipulated that as a fact that  
13 Colonel Carranza has been in this country since 1985.

14 THE COURT: We might as well let them take a  
15 restroom break.

16 (The following proceedings were had in open  
17 court.)

18 THE COURT: We realize we should let you take  
19 just a longer restroom break at this time because I'm sure  
20 this will take -- I didn't know for sure, but it is going

21 to take 10 minute or 15, so let's let you be at ease so  
22 you can have a restroom break. We will see you in 15  
23 minutes. Thanks.

24 (The following proceedings had at side-bar  
25 bench.)

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1213

1 THE COURT: We will just stay up here, it is a  
2 little easier.

3 MS. BLUM: Okay.

4 THE COURT: The point is that clearly that some  
5 of the reasons asserted by the plaintiffs at the time in  
6 connection with the statute argument have ultimately  
7 perhaps not been -- perhaps not been supported by the  
8 record and that --

9 MR. FARGARSON: That's right. There's nothing  
10 in the record about any extraordinary circumstances or  
11 anything like that. The record is silent about those  
12 things and, of course, the technical record shows when the  
13 lawsuits were filed, and in accordance with the testimony  
14 that they had given in the case -- the testimony they had  
15 given in the case is they didn't learn they had a cause of  
16 action, and the whole idea of that is, while it may be  
17 unfortunate, the law does not even accord a resident of  
18 another state the right to be ignorant of the law -- I  
19 mean of another country. There's nothing about the law  
20 that provides for that ignorance. The law tolling the  
21 statute, which has been relied on up until this point, is

22 that there has to be unusual or exceptional circumstances,  
23 and the normal reason for statute of limitations to be  
24 tolled is because of the conduct of the defendant, either  
25 he hides himself or he does something, he commits some

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1214

1 affirmative act that prevents the person from being able  
2 to assert a remedy. That's not in this case. This guy  
3 has been here. In addition, to that, the only two people  
4 that haven't been here for well over ten years is Daniel  
5 Alvarado who has been in Sweden and Erlinda Franco who has  
6 been in El Salvador, but that is how a non-resident --  
7 that would afford them a greater right than it would  
8 anyone else. And that would deny equal protection of the  
9 law to Mr. Carranza. So, Your Honor, we contend that it  
10 is not an earth shaking matter, it is a clear-cut matter,  
11 and that is that 10 years have expired and no lawsuit has  
12 been filed, and their answer is I didn't know I could file  
13 a lawsuit. That's ignorance of the law.

14 MR. ESQUIVEL: Your Honor, that's not their  
15 answer. The answer is that the statute should be  
16 equitably tolled because of independent circumstances.  
17 The plaintiffs have testified -- the plaintiffs have  
18 testified they had family in El Salvador and that they  
19 have felt fear as a result of these actions. That fear  
20 has continued to the present day. It is felt by their  
21 families in El Salvador, it stays with them today. Now,

22 equitable tolling, because it is equity is not a question  
23 for the jury, it is a question for the court. The court  
24 has already ruled on equitable tolling both on the motion  
25 to dismiss and on summary judgment, and relying on record

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1215

1 evidence presented in the form of affidavit on summary  
2 judgment for equitable tolling.

3 MR. FARGARSON: That's not --

4 MR. ESQUIVEL: So, Your Honor, we oppose the  
5 motion, because it is within the purview of the court, not  
6 the jury to determine equity.

7 THE COURT: I think it is -- it would be  
8 unusual for the courts to require once an issue is  
9 resolved based on the record that this record will  
10 duplicate all those contentions of proof; otherwise, we  
11 just had everything heard by a panel, which would not be  
12 the way in which our system is structured. The  
13 information that was submitted at the time of the court's  
14 ruling was more than sufficient to satisfy the court that  
15 equitable tolling was appropriate in the case. That has  
16 not changed. That information has not been withdrawn or  
17 shown to be inaccurate or to have been renounced by  
18 anybody. So the court will not rule differently at this  
19 time. It is an interesting argument, and certainly you  
20 caught my attention on it, but procedurally it would be  
21 very problematic to -- to cause this to resurface or to  
22 require the plaintiffs to have again addressed that

23 argument for the jury. I might also say that it might be  
24 unfairly prejudicial to the defendant to require that  
25 because it would have suggested, perhaps, a fear of --

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1216

1 current fear of Carranza, which is not something that is  
2 before the court and as to which evidence should be  
3 submitted or as to his former colleagues or individuals  
4 who were in power at the time, so I should not revisit  
5 that based on this record, because the record consists not  
6 just of testimony at trial, but all the material that was  
7 submitted at the time that the motion itself, which was a  
8 point of discussion and focus, at the time that motion was  
9 resolved.

10 MR. BROOKE: But, Your Honor, the summary  
11 judgement, the issue is whether there are disputed issues  
12 of fact, that doesn't mean those matters are in evidence  
13 or out of evidence at the time of trial. They still have  
14 to be proven at trial and --

15 THE COURT: Well, not on a statute question.  
16 The jury is not being asked to decide the statute  
17 question.

18 MR. BROOKE: But on the statute question, the  
19 parties would still have to show that they were under fear  
20 or whatever, and likewise, in the case of the 10th Circuit  
21 in counting about equitable tolling and the form -- in the  
22 Foster case, it says we agree with the district court that

23 even if some degree of equitable tolling were appropriate  
24 on the basis of plaintiffs' poverty, their status is  
25 subject of communist government, the Viet Nam war and

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1217

1 their inability to travel. Plaintiffs have made no  
2 showing sufficient to justify tolling of the Bivens claim  
3 for 28 years under the Alien Tort Statute Claim 22, so  
4 that court in that case, the 10th Circuit rejected the  
5 idea of equitable tolling. And so in this case, these  
6 parties have submitted, in support of a response to  
7 summary judgment, that there are disputed issues of fact,  
8 and we submit that they still are required to present  
9 their case in court on that issue. And if they fail to  
10 present sufficient evidence of this alleged fear of  
11 retribution or whatever --

12 THE COURT: That's an interesting point. For  
13 example, as to Mr. Alvarado, there has been even issues as  
14 to whether he felt safe to return to this hemisphere as  
15 opposed to staying in Sweden where he does feel safe, and  
16 this is in 2005, as I understand it. His clear  
17 apprehension. When you look at the gravity of the events  
18 that these individuals were subjected to, whether they're  
19 attributable to Colonel Carranza or not, because we have  
20 to look at it in full context, they were truly horrific  
21 events that would cause many people to -- and it appeared  
22 as to, for example, as to Mr. Alvarado to be apprehensive  
23 even today about returning to the United States. I don't

24 want to -- the degree of trepidation in this case, the  
25 actual palatable fear is -- we had a hearing on it, we had

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1218

1 a discussion about it, is illustrated to some degree by  
2 the fact that we have even had a security issue in this  
3 case, people feel very apprehensive.

4 Now, clearly until the Peace Accord and the  
5 Truth Commission report, it would have been unrealistic to  
6 expect anybody in any way to attempt to come forward, but  
7 these things were well articulated in the papers. It was  
8 presented to the court at that time, and there really has  
9 not been anything that would change the court's  
10 conclusions regarding the issue about tolling. I think --  
11 and obviously, I don't know if this is the opportunity for  
12 me in any way, because it is not my task to go back  
13 through and again marshal everything that has been  
14 submitted on these types of issues.

15 MR. BROOKE: Mr. Fargarson's point on the issue  
16 is that if they have all admitted that they didn't know  
17 they had a lawsuit until 2002, then they couldn't have had  
18 fear about bringing one earlier.

19 THE COURT: No, I understand that, and actually  
20 that's -- I have been thinking about that.

21 MR. ESQUIVEL: Well, Your Honor --

22 THE COURT: I think it is not the fear of  
23 bringing the lawsuit; it is the fear of confronting

24 Carranza that is the issue. I -- if it was just with --  
25 in bringing a lawsuit, that would be a totally different

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1219

1 thing, but it's -- the people involved in this case, while  
2 I have been somewhat surprised, I understood that, of  
3 course, they had parents who were teachers, but placing  
4 them in educational and socioeconomic strata within the  
5 United States, and what has happened to them, their lives  
6 have been -- I don't want to be offensive, but  
7 surprisingly unsuccessful, that they do not have great  
8 sophistication. I thought initially that they were more  
9 sophisticated people. Now, they're very nice people, I  
10 don't have any -- and they're truly -- you don't always  
11 have to have gone to Harvard or Stanford to be a person of  
12 worth, that's not the point at all, but I have been  
13 impressed by the fact that they were much closer to the  
14 less educated class in El Salvador than I had perceived.

15 MS. BLUM: I think what Your Honor is speaking  
16 to is the ways in which their life project was disrupted.

17 THE COURT: Oh, totally.

18 MS. BLUM: By the assassination of their  
19 parents or their own torture. You're talking about people  
20 who was in school until the university was shut down by  
21 the army invading it and who had every intention of going  
22 on, getting a degree, who was picked up, tortured and  
23 raped, and that's going to disrupt in a fundamental way a  
24 person's life project, the way with, you know, the child

25 of a teacher or whatever, so --

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1220

1 THE COURT: The impact on their lives has been  
2 visibly apparent to the court. That was not so clear  
3 before, I'm trying to express that maybe inartfully.

4 MS. BLUM: Okay.

5 THE COURT: I believe they were on one course,  
6 but to see that kind of impact on someone is rather  
7 remarkable. I didn't quite expect that it would be so  
8 severe. It has been severe on these individuals. That  
9 strongly supports the determination of tolling in this  
10 case, maybe not in some other case. I think in this case,  
11 and I have more information even now than I had before, I  
12 did not see them or hear them before, I did not see the  
13 degree to which they were impaired as a result of the  
14 events. That is my perception.

15 MR. FARGARSON: Of course, I thought Daniel  
16 Alvarado seems well educated, well spoken, well -- I mean  
17 from the very start, I think he seems to me, I would think  
18 he's well educated, in talking to him. And while  
19 Mr. Calderon is a security guard, he is very, to me,  
20 articulate in the way that he's able to express himself  
21 and what he says. They're not dummi es.

22 THE COURT: Well, I didn't say that, and that  
23 is what I tried to be careful --

24 MR. FARGARSON: I know that.

25

carranza07 Karl cross Araujo.txt  
THE COURT: -- not to say.

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1221

1                   Let's go to the next issue if there are other  
2 issues that we need to address.

3                   These are difficult cases, I mean I -- so  
4 that's -- probably that may be our only issue.

5                   MR. FARGARSON: That was it. What else do you  
6 want me to raise?

7                   THE COURT: No, no, no, no. That's perfectly  
8 fine.

9                   MR. FARGARSON: What do you -- what else do you  
10 want me to say?

11                   THE COURT: No, I wanted to make sure we had a  
12 full opportunity to say anything we needed to say. It is  
13 five after the hour, that is right on our schedule. Do  
14 you need five minutes to just consult and be ready to  
15 proceed?

16                   MR. FARGARSON: Right. About five to eight  
17 minutes.

18                   THE COURT: You need a restroom break?

19                   MR. FARGARSON: Five to eight minutes, and what  
20 you said is you were going to quit early, is that your  
21 intention?

22                   THE COURT: Well, my intention is to quit no  
23 later than 5:00, which is earlier than we have been  
24 quitting. But if you need to quit at 4:30, let's quit at  
25 4:30 today.

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1222

1 MR. FARGARSON: I would appreciate that. And  
2 then tomorrow, I'm not sure when Talavera is supposed to  
3 be here, but we would like to get these people on and off  
4 so that they don't have to hang around, they don't have to  
5 stay in -- they don't have to stay in town or anything  
6 like that.

7 THE COURT: Sure.

8 MR. FARGARSON: So hopefully --

9 THE COURT: I think we're all set. I think  
10 we're in good shape, I will see everybody in about six or  
11 seven minutes. Tell the jury we're just now taking our  
12 break.

13 MS. BLUM: Thank you very much, Your Honor.

14 (Recess taken at 2:05 until 2:15 p.m.)

15 (Jury in at 2:15 p.m.)

16 THE COURT: All right. You may be seated.

17 Mr. Fargarson, who will our first witness be  
18 for the defense?

19 MR. FARGARSON: Mr. Mejia.

20 THE COURT: Stop at the podium and raise your  
21 right hand.

22 THE CLERK: Do you solemnly swear that the  
23 testimony you are about to give the court and jury in this  
24 matter to be the truth, the whole truth and nothing but  
25 the truth, so help you God?

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1223

1 THE WITNESS: Yes.  
2 THE CLERK: You may take the witness stand.  
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25

1 (Miguel Angel Urrutia previously sworn to  
2 interpret Spanish into English and English into Spanish.)

3 LEONEL MEJIA,

4 was thereupon called as a witness on behalf of the  
5 Defendant, and having been first duly sworn, was  
6 examined and testified as follows:

7 DIRECT EXAMINATION

8 BY MR. FARGARSON:

9 Q. Would you tell the court and jury your name?

10 A. Leonel Mejia.

11 Q. And where did you live?

12 A. In El Salvador, at the capitol, San Salvador.

13 Q. And how long have you lived in San Salvador?

14 A. Might have been 40 years or perhaps 50 years. I am --  
15 I was not born in San Salvador, but I did move to San Salvador  
16 when I was very young.

17 Q. And what is your age?

18 A. Seventy-five years of age, but I look younger, don't I?

19 Q. What do you do, sir?

20 A. I am a member of several boards of directors in El  
21 Salvador. Besides, I am also involved in social work. I am  
22 the chairman of a foundation for the overall education of the  
23 Salishan Company of El Salvador. Besides, also, being  
24 director of some companies.

25 Q. Are you married?

♀

DIRECT - LEONEL MEJIA

1225

1 THE INTERPRETER: Come again, sir.

2 BY MR. FARGARSON:

3 Q. I said Are you married?

4 A. Yes, I am married. I am -- I have -- yes, I am  
5 married, I have four children, two of them American citizens.  
6 The other two are graduated from the United States, but  
7 they're today living in El Salvador.

8 Q. Where are your -- where are your children that live in  
9 the United States?

10 A. Near here, in Houston.

11 Q. Okay. Both of them live in Houston?

12 THE INTERPRETER: Come again, sir.

13 THE COURT: Do both of them live in Houston?

14 A. Both of them live in Houston.

15 BY MR. FARGARSON:

16 Q. Okay. Are you involved in any type of activities or  
17 services in El Salvador?

18 A. Activities, well, I have already said that I'm a member  
19 of board of directors -- boards of directors in El Salvador.  
20 And what other activities, well, no political activities. I  
21 am also director of a hotel. I am a member of the bureau, and  
22 actually it's a hotel that bears the same hotel of where I am  
23 lodged right now, Radisson.

24 Q. Do you know Nicolas Carranza?

25 A. Yes, I do know him. I know him since more or less the

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DIRECT - LEONEL MEJIA

1226

- 1 year 1975.
- 2 Q. And how did you meet Mr. Carranza?
- 3 A. Mr. Carranza, I met through a friend of mine.
- 4 Q. Okay. And did you have any type of social friendship,  
5 religious friendship, what was your relationship with him?
- 6 A. The normal type of relationships it is a friendship.
- 7 Q. Were you a member of the military of San Salvador?
- 8 A. No, I was not a member of the military forces in El  
9 Salvador except for the friendship, of course. I also know  
10 civilians in El Salvador, as you normally would.
- 11 Q. I want to ask you specifically about anything that you  
12 did at the request of Mr. Carranza to improve jails, prisons  
13 in the period of time when that happened.
- 14 A. With all pleasure, I am available to you, and I repeat  
15 I will tell the truth.
- 16 Q. I'm sorry, say that again.
- 17 A. With all pleasure, I am at your disposal, and I repeat  
18 I will tell the truth.
- 19 Q. Okay. Well, what I am asking is how did it come about  
20 that you talked with Mr. Carranza about doing anything in  
21 regard to a prison or a jail.
- 22 A. Very well. The private sector in El Salvador is very  
23 involved in social development in the community. Colonel  
24 Carranza, as I used to know him, told me and requested whether  
25 the company, and I will say the company's name Goldtree, it is

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DIRECT - LEONEL MEJIA

1227

1 it is a Salvadoran company has over 100 years of having been  
2 founded could intervene in order to improve the physical  
3 well-being of some detainees of the treasury police. Of  
4 course, the decision was not mine to make -- well, apparently,  
5 it had to be my decision, but I consulted with the board of  
6 directors of the company, and they agreed in doing so. We  
7 made a donation, if I'm not mistaken, it was approximately 30  
8 beds, including mattresses for the benefit of those who were  
9 detained at the finest police of El Salvador, and that  
10 donation we did, not on my behalf but on behalf of the  
11 company, and we understood and so we saw that it was a good  
12 gesture in order to try to improve the stay for those who were  
13 detained at the finest police.

14 Q. Now, when did this happen, Mr. Mejia, can you give a  
15 reference point or a period of time where that took place?

16 A. I believe that question that was asked would already  
17 determine the timeframe. It was when he was the director of  
18 the national civilian police, which was approximately 19 --  
19 1983.

20 Q. Did you make or your company make a delivery, how did  
21 the beds and the mattresses get to the jail or to the holding  
22 facility?

23 A. Very well. We had transportation for that purpose, a  
24 truck which had to bring the beds and the mattresses. What we  
25 did do is call Colonel Carranza to make sure whether they had

1 been received, and he did, indeed, confirmed that they had  
2 been received.

3 Q. And the -- the reason that the beds and the mattresses  
4 were delivered was because Mr. Carranza told you of a need or  
5 what? In other words, did he request beds or did he just  
6 request anything that would help, what do you remember about  
7 that?

8 A. Well, those facts, I do recall very clearly. He  
9 requested beds and mattresses with the objective of -- well,  
10 as I understand, the prisoners did not have facilities for  
11 sleeping adequately in jail, and it was, therefore, necessary  
12 to provide them with beds so that they could -- well, how  
13 could I call it, they could have a more pleasurable forced  
14 stay.

15 Q. Okay. Now, after this request was made, were any --  
16 were any other beds or equipment or anything else delivered at  
17 his request?

18 A. No, only what has already been mentioned, which were  
19 the beds and the mattresses.

20 Q. Were these donated by your company?

21 A. Exactly.

22 Q. Nothing had to be paid for?

23 A. Well, they have to be bought, they have to be paid for  
24 in order to then be able to transfer them to someone else.

25 Q. Okay. Now, how long have you known Mr. Carranza?

1 A. A long time. Well, more or less since 1975.

2 Q. Does your family know his family or is it just a  
3 relationship that you have with Mr. Carranza?

4 A. Very well. My wife does know Colonel Carranza. My  
5 children, they were here studying in the U. S., all of them  
6 studied here in the United States, so they did not have an  
7 opportunity. I would have liked them to know him as he is a  
8 man as, per my judgment, he's very correct, he's very sincere,  
9 he's a military man whom I would call adhering to his military  
10 career, complying with military norms, very dedicated.

11 MR. FARGARSON: Hold on just one moment, Your  
12 Honor.

13 THE COURT: Certainly.

14 MR. FARGARSON: That's all, Your Honor.

15 THE COURT: Cross examination?

16 CROSS EXAMINATION

17 BY MS. BLUM:

18 Q. Good afternoon, Mr. Mejia.

19 A. Good afternoon. Whom do I have the pleasure of  
20 addressing?

21 Q. My name is Carolyn Blum.

22 A. Okay.

23 Q. I just have a couple of questions for you, sir.

24 A. Welcome, they are.

25 Q. You stated that you were never a member of the

- 1 military, is that correct?
- 2 A. More than correct.
- 3 Q. So you have no familiarity with Colonel Carranza's role  
4 as a commander when he was vice-minister of defense of El  
5 Salvador?
- 6 A. Very well. Salvador is a small country and the capital  
7 is also small, therefore, I would dare say that in El Salvador  
8 everything is known. And I would like to add something, may  
9 I?
- 10 Q. Thank you very much.
- 11 So I understand that your testimony is that you  
12 assisted the treasury police in obtaining a number of  
13 mattresses, is that correct?
- 14 A. No, the other way around. Beds and mattresses were  
15 donated to the treasury police, which is different to your  
16 question.
- 17 Q. Okay. Thank you. And you personally did not supervise  
18 the beds being put into the treasury police prison cells, is  
19 that correct?
- 20 A. Well, when you have trust in someone who requests  
21 something of you, one will trust the person and not go around  
22 checking as to whether they did it or not. I am positively  
23 sure that he did place them at the disposal of -- well,  
24 because I know him -- at the disposal of the prisoners at the  
25 treasury police.

1 Q. And you testified that you did not assist the treasury  
2 police in any other way with any other goods or services, is  
3 that correct?

4 A. Yes.

5 Q. May I ask, are you aware that there are special cells  
6 in the treasury police headquarters for torturing prisoners?

7 A. Well, I never went to the treasury police and I never  
8 heard on the newspapers or radio, not even in statements and  
9 claims made at the time by the parties involved in the armed  
10 conflict in the country, I never heard such a thing. Neither  
11 did I investigate anything in that regard because that was not  
12 my job.

13 Q. Sir, do you believe that it is permissible for a  
14 prisoner to be beaten with fists and kicked with feet?

15 A. It should not be so.

16 Q. Do you believe that it is permissible to suffocate a  
17 prisoner?

18 A. What do you mean by suffocate?

19 Q. Do you believe it is permissible to put a bag over a  
20 prisoner's head and to squeeze it tight so they feel like that  
21 they are suffocating?

22 A. I understand there might be something made up by  
23 someone and perhaps not a reality.

24 Q. Do you believe it is permissible to hang a prisoner  
25 from the ceiling by their arms?

1 A. I understand no.  
2 MS. BLUM: Thank you very much. No further  
3 questions.  
4 THE COURT: Redirect?  
5 MR. BROOKE: None, Your Honor.  
6 MR. FARGARSON: That's all.  
7 THE COURT: All right. Thank you very much.  
8 You are excused. Thank you.  
9 (Witness excused.)  
10 THE COURT: Who will our next witness be?  
11 MR. BROOKE: I will get him.  
12 THE COURT: Certainly.  
13 THE CLERK: Sir, if you will stand at the  
14 podium and raise your right hand. Do you solemnly swear  
15 that the testimony you are about to give the court and  
16 jury in this matter to be the truth, the whole truth and  
17 nothing but the truth, so help you God?  
18 THE WITNESS: I swear, so God help me.  
19 THE CLERK: You may take the witness stand.  
20  
21  
22  
23  
24  
25

1 (Miguel Angel Urrutia previously sworn to  
2 interpret English into Spanish and Spanish into English.)

3 ALEJONDRO MARROQUIN

4 was thereupon called as a witness on behalf of the  
5 Defendant, and having been first duly sworn, was  
6 examined and testified as follows:

7 DIRECT EXAMINATION

8 BY MR. BROOKE:

9 Q. Buenos dias.

10 A. Good morning. And good morning.

11 Q. Would you please state your full name for the court and  
12 jury?

13 A. My name is Alejandro Dagoberto Marroquin, and I come  
14 from El Salvador.

15 Q. How long have you lived in El Salvador?

16 A. I am 67 years of age and about to turn 68, and I have  
17 only -- I have only been outside of El Salvador for ten years  
18 during which I was studying in Argentina. I was studying  
19 economy, finance and political sciences. I have -- well,  
20 practically, I have never lived anywhere else besides El  
21 Salvador.

22 Q. While you were in Argentina, did you know of a General  
23 Garcia?

24 A. No, if you're making reference to the former defense  
25 minister, I met him when I came back from Argentina in 1965.

- 1 Q. No, sir, I'm referring to Garcia in Argentina.
- 2 A. No, I did not meet any Garcia in Argentina.
- 3 Q. What year approximately was it that you came back to El  
4 Salvador after your studies in Argentina?
- 5 A. I returned to El Salvador in 1965.
- 6 Q. And what business or profession did you pursue upon  
7 your return to Argentina -- to El Salvador, excuse me?
- 8 A. I returned in order to work with the family in a  
9 construction materials company called M. C. Enriquez, SA  
10 Enriquez Construction Materials, SA. I had already been hired  
11 to come work with the family.
- 12 Q. And where did you live and where was the business  
13 located?
- 14 A. Well, it was located on the 23rd -- at the end of the  
15 23rd Avenue South, and later -- well, now, because we're still  
16 in the business, the business is about to be a hundred years  
17 old, and I have gone up, and now I'm at the top, and it is now  
18 located on the 45th and Venezuela Boulevard. The company has  
19 diversified. Thanks to a change that was undertaken, it  
20 became more modern, and on the one hand, we had the  
21 construction materials; on the other hand, we had decoration  
22 materials, and yet on another hand, we had distributor,  
23 meaning grocery parts.
- 24 Q. Is the company located in San Salvador?
- 25 A. San Salvador, the capital of El Salvador, indeed. As a

carranza07 Karl cross Araujo.txt

1 matter of fact, it is in the downtown area.

2 Q. And is that likewise where you live?

3 A. I live in a residential area. I live in the San

4 Francisco Colony.

5 Q. Are you married?

6 A. Thank the Lord, I am indeed married. I have four

7 children and six grandchildren.

8 Q. Are you currently a member of the El Salvador Congress?

9 A. I am a member of -- since 1964, I am a Congressman --

10 excuse me, sir. Since 1994, I have been a Congressman in El

11 Salvador. I have been '94-'97, '97-2000, 2000-2003, it is

12 three-year periods, and right now, I am also running for first

13 deputy of El Salvador.

14 Q. Have you ever been a member of the junta?

15 A. No, no, no, no, no, I was never a member of the junta.

16 Q. Have you ever been a member of the military?

17 A. No, I have not -- I have not done that either. I have

18 not had the opportunity, the great opportunity of being a

19 member of the military forces and defending the fatherland,

20 but as Congressman, I am indeed fulfilling my duty.

21 Q. Do you know Nicolas Carranza?

22 A. Yes, I know Nicolas Carranza for many years. For a

23 long time, 196 -- well, '74, something around that.

24 Q. How did you come to meet Mr. Carranza?

25 A. Well, El Salvador is very small. El Salvador,

♀

DIRECT - ALEJONDRO MARROQUIN

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1 practically, we all know each other. San Salvador is a

2 country that has 23,000 square kilometers, we no longer fit in  
3 there. We have approximately 120 inhabitants per kilometer,  
4 and that has caused us all to know each other, and especially  
5 when there are some persons who occupy important positions  
6 and -- well, one gets to know each other through the  
7 newspaper, radio, through television, one gets to know them.  
8 And there are other -- also at meetings, you get to know each  
9 other and you get to form a relationship with them.

10 Q. Did you know Colonel Carranza when he was the vice or  
11 subminister of defense?

12 A. Yes, I knew him. I knew the colonel when he was  
13 vice-minister of defense.

14 Q. Did -- how often would you see him when he occupied  
15 that position?

16 A. Well, the truth is that at the ministry of defense, the  
17 vice-minister is an administrative person only. That person  
18 doesn't have so much time to meet with friends except when we  
19 have some kind of a family reunion or we would be invited and  
20 we would meet, and that is because it is very difficult for a  
21 person who holds the administration of such an important  
22 position.

23 Q. During the time that Colonel Carranza was the  
24 undersecretary or subsecretary administrator of defense, did you  
25 and he ever discuss death squads?

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DIRECT - ALEJONDRO MARROQUIN

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1 A. No, no, no, no, no that kind of thing -- well, we have

2 never talked about -- well, that type of conversation. That  
3 is not possible. Those things were the product of just  
4 rumors. I have never had any such conversation with anyone.

5 Q. Have you ever seen a death squad?

6 A. No, I have never seen anyone from the death squads, no.

7 Q. Have you ever seen any skirmishes between guerillas and  
8 the military?

9 A. No. That was up in the mountains in  
10 Perkin/Chalatenango in Guazapa Hill. At no time was I to go  
11 or see there. It was forbidden to go there, and I never went  
12 to any place like that.

13 Q. Why was it forbidden to go there?

14 A. Well, those parts were dangerous, and no one could be  
15 safe, their lives, any situation of danger, people would avoid  
16 that. They said you should not go around that area, it was  
17 dangerous to be around that area, and so if someone went over  
18 there and came back in a poor state, it would have been their  
19 responsibility.

20 Q. Did you ever visit Colonel Carranza in his office as  
21 the subminister of defense?

22 A. Yes, I believe I did come there on two occasions. I  
23 came on one occasion to notify him that the request that he  
24 had made had been accepted by the company, that we would  
25 give -- well, he had said that he wanted to improve the

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DIRECT - ALEJONDRO MARROQUIN

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1 quality of living of the prisoners and he wanted to see  
2 whether we could help him. So when I came to tell him that

3 the company would indeed help by donating what he had  
4 requested, and also when I came to offer, because he wanted to  
5 improve the conditions and our budget was kind of short, and I  
6 came to offer paint, and he said, yes, that he would accept  
7 it. On those two occasions, I came to that office.

8 Q. Where was his office located?

9 THE INTERPRETER: Please forgive me, the  
10 interpreter would like to clarify something from the  
11 witness.

12 THE COURT: Certainly.

13 (The interpreter conferred with the witness.)

14 A. They were located at the ministry of defense.

15 BY MR. BROOKE:

16 Q. And did you ever have occasion to go to the treasury  
17 police location when he was with the treasury police?

18 THE INTERPRETER: The interpreter would like to  
19 ask the witness a question.

20 THE COURT: Certainly.

21 (The interpreter conferred with the witness.)

22 A. Very well, yes. I went on several occasions because I  
23 used to practice parents football, and they had a small  
24 football field there, so I used to come there to practice and  
25 I used to come there, and so I did get to see the treasury

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DIRECT - ALEJONDRO MARROQUIN

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1 police, which, by the way, is one of the great achievements.  
2 As a congressman, we -- and as congressmen, we are very proud

3 of having a country, the way we held it before, the peace  
4 agreements, and then after the peace agreements, the national  
5 police, and we had the human rights office and, of course, we  
6 had a lot of help from the United Nations and Javier Perez De  
7 Cuellar and DeSoto, we feel proud of what we have and we are  
8 very grateful because they have given us an opportunity, and  
9 now Congress is interchanging with commanders, and we have  
10 found a way to restore social life and incorporate them fully  
11 to social life.

12 Q. When you visited Colonel Carranza at the national or at  
13 the treasury police location, did you go to any of the cells?

14 A. Yes, indeed, on one occasion, I went over to verify  
15 that the paint that I had sent over, whether they had painted  
16 it, and I found that, yes, they had painted them.

17 Q. At any time while you were on the premises, did you  
18 observe any prisoner being tortured?

19 A. No, in no way, no, definitely not.

20 MR. BROOKE: I believe that's all, Your Honor.

21 THE COURT: Cross examination?

22 CROSS EXAMINATION

23 BY MR. EISENBRANDT:

24 Q. Good afternoon, sir.

25 A. Good afternoon.

♀

CROSS - ALEJANDRO MARROQUIN

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1 Q. You said you've never been in the military, is that  
2 correct?

3 A. That is very correct.

4 Q. And you indicated that, to your knowledge, death squads  
5 were as a result of rumors, correct?

6 A. What I said is I have never seen a death squad. I was  
7 asked whether I had seen death squads and I said no. That was  
8 rather speculation as to the existence of death squads, but I  
9 have never seen one.

10 Q. When Colonel Carranza was vice-minister of defense, you  
11 helped donate paint to repaint jail cells, correct?

12 A. That is correct.

13 Q. And then when he was at the treasury police, you played  
14 football at the treasury police?

15 A. No, I have not said that I played football with him.  
16 What I said was that over at the treasury police, there was a  
17 tournament, and I don't know whether he plays football, but I  
18 do, and I was a great football player.

19 Q. And you also went to review the paint in the cells  
20 there at the treasury police?

21 A. Yes, I came over to verify, because, first, you give  
22 the order, and then it is sent by a delivery truck, so I went  
23 over to see whether the paint had been delivered and whether  
24 it had been used; and yes, it had.

25 Q. What is the name of the party that you represent in

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CROSS - ALEJANDRO MARROQUIN

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1 Congress?

2 A. The name is El Gran Partido De Conciliación Nacional,  
3 Great National Conciliation Party.

4 Q. Does that go by any initials?  
5 A. PCN. PCN, National Conciliation Party.  
6 Q. Were you ever a prisoner at the treasury police?  
7 A. No, never.  
8 Q. Is it okay for police officers to hang up a prisoner by  
9 his feet from the ceiling?  
10 A. That would not be all right. I don't know anything  
11 about that. I don't know whether that has happened, but I  
12 don't know anything about that.  
13 Q. Would it be okay for a police officer to attach  
14 electrical wires to a prisoner's body and run electrical shock  
15 through his body?  
16 A. I -- well, I have never heard of that. I don't know  
17 where you got that, but I have never heard that, and I think  
18 that that might be found in Hemingway's best novels, but I  
19 have never seen any such thing.  
20 MR. EISENBRANDT: No further questions, Your  
21 Honor.  
22 THE COURT: Any redirect?  
23 MR. BROOKE: No, Your Honor.  
24 THE COURT: Thank you very much, and we will  
25 let you step down.

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1242

1 (Witness excused.)  
2 THE COURT: Okay. We have some other folks who  
3 need to see me for a short period of time. And this will  
4 be our afternoon break, it will be about 15 to 20 minutes,  
Page 137

5 and we will see you in that time. Thank you very much.  
6 Have the parties come forward.

7 (Recess taken in this case at 3:10 p.m. until  
8 3:35 p.m.)

9 THE COURT: Let everybody get situated. All  
10 right. Go ahead and bring the panel in.

11 (Jury in at 3:35 p.m.)

12 THE COURT: Let me see counsel -- I didn't know  
13 this was going to come up, we have to talk something about  
14 briefly at side bar I didn't know about. We just finished  
15 our other matter, and I apologize, it is not these folks'  
16 fault, everything is -- as the case gets longer, we have  
17 other business we have to sort of squeeze in, and it  
18 doesn't squeeze very well, but we do need to come around  
19 and make a record on this other point.

20 (The following proceedings had at side-bar  
21 bench.)

22 THE COURT: My recollection is that whenever a  
23 question comes up later about translation, the interpreter  
24 always tells the court, and then if there is a question,  
25 he advises us and see if there is anything that we need to

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1243

1 do to address that.

2 THE INTERPRETER: My colleague, who was  
3 verifying my interpretation, has advised me that at one  
4 point there were two very similar questions, but one was

5 pertaining to the national police and the -- or rather the  
6 ministry of defense, and the second question was about the  
7 treasury police, and apparently I said treasury police on  
8 both occasions.

9 THE COURT: I do recall you did.

10 THE INTERPRETER: Not exactly.

11 THE COURT: I think you may have used --

12 THE INTERPRETER: I recall asking about the  
13 treasury police twice. The second time I asked, I thought  
14 it's the same question twice.

15 THE COURT: Okay. What do we need to do?

16 MR. EISENBRANDT: I don't think it is a  
17 particularly -- I mean I don't think it was a question  
18 with a substantive answer that is important on the record,  
19 at least I -- I didn't catch the mistranslation, so I  
20 wasn't positive on what the -- on what question that came  
21 on.

22 THE INTERPRETER: The question -- the questions  
23 I interpreted both times were so while he was the head of  
24 the treasury police, did you go over to verify that the  
25 cells were painted, and I should have said the first time

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1244

1 the ministry of defense. I guess that's what it was. The  
2 second time, it would have been the treasury police.

3 MR. EISENBRANDT: I believe his answer was yes,  
4 though, too.

5 THE COURT: But the answer is yes, I don't  
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6 think it would change the substantive meaning.

7 MR. FARGARSON: It would not.

8 THE COURT: I think everybody agrees. I  
9 appreciate you bringing it to our attention.

10 MR. BROOKE: When he testified on direct, he  
11 did initially say he got them to paint while vice-minister  
12 of defense, and then I think he has left the impression,  
13 in my mind, at least, that he went to inspect to see if  
14 the painting was done by the treasury police.

15 MR. EISENBRANDT: Right, that matches my  
16 recollection, which doesn't --

17 THE COURT: With the clarification, unless  
18 there's something else, we should go to the next witness,  
19 but I appreciate the interpreter bringing it to our  
20 attention. Thank you very much.

21 THE INTERPRETER: You're welcome, sir.

22 MS. BLUM: Thank you.

23 (The following proceedings were had in open  
24 court.)

25 THE COURT: We're ready to have our next

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1245

1 witness.

2 MR. BROOKE: Yes, Your Honor. We call  
3 Mr. Araujo.

4 THE CLERK: Sir, if you will stand right there  
5 and raise your right hand to be sworn. Do you solemnly

carranza07 Karl cross Araujo.txt  
6 swear the testimony you are about to give the court and  
7 jury in this matter to be the truth, the whole truth and  
8 nothing but the truth, so help you God?  
9 THE WITNESS: I swear to tell the truth.  
10 THE COURT: You may take the witness stand.  
11 I will tell the jury that we have all agreed  
12 that everybody will be happy to stop at 4:30 today? Is  
13 that okay? All right.  
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DIRECT - JOSE ANTONIO ARAUJO

1246

1 (Francis Icaza previously sworn to interpret  
2 Spanish into English and English into Spanish.)  
3 JOSE ANTONIO ARAUJO,  
4 was thereupon called as a witness on behalf of the  
5 Defendant, and having been first duly sworn, was  
6 examined and testified as follows:

7 DIRECT EXAMINATION  
8 BY MR. BROOKE:  
9 Q. Good afternoon.  
10 A. Good afternoon. Jose Antonio Araujo.  
11 Q. Where do you live?  
12 A. In El Salvador.  
13 Q. What is your age?  
14 A. Forty-three years old.  
15 Q. Are you married?  
16 A. Yes.  
17 Q. Do you have any children?  
18 A. I have two children, a girl, 14 years old, whose name  
19 is Elisa Cristina Araujo, and the boy, Jose Alberto Araujo,  
20 nine years old.  
21 Q. What is your educational background?  
22 A. Very well. In 1998, I prepared for the university for  
23 superior studies in order to obtain the -- a degree in  
24 juridico sciences, law, and after that, I had to wait a  
25 six-month period for the Supreme Court of El Salvador to swear

‡

DIRECT - JOSE ANTONIO ARAUJO

1247

1 me in as an attorney of the Republic of El Salvador.  
2 Q. After -- in order that the jury can understand your  
3 schooling in El Salvador, did you have six years of primary  
4 school?  
5 A. I will explain. In elementary school, the grades are  
6 six, six yearly grades. In -- and this was at the group of

7 Baltazar Parada at the City of Santiago de Maria, Department  
8 of Usulután in El Salvador. The third cycle, which is from  
9 the seventh grade to the ninth grade. I also studied at the  
10 Dolores De Jesus Montoya School in Santiago de Maria,  
11 Department of Usulután in El Salvador. There are three years  
12 more for that cycle. After that, I studied for my high school  
13 degree, high school diploma, which is three more years, goes  
14 from the intermediate level, and then to go to the superior  
15 educational level. During the intermediate period, I studied  
16 three years for a title as an agricultural technician at the  
17 Thomas Jefferson Institute at the Department of Sonsonate in  
18 El Salvador, in the western portion.

19 Q. Did you then go to the university?

20 A. Well, yes, went to the university in 1984 with the  
21 purpose of studying or to prepare as an agronomist or engineer  
22 in agronomy, but the conditions at the university, the state  
23 university would not allow, would not allow one to continue  
24 moving forward studying any particular discipline.

25 Q. How many years did you attend the university?

♀

DIRECT - JOSE ANTONIO ARAUJO

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1 A. In order to complete the three levels of agronomy  
2 engineering, that was a year and a half approximately, see,  
3 each level for studying in that discipline is comprised of six  
4 months, which would make a cycle, and so then you have the  
5 three cycles that appear on my resume, and that would  
6 represent a year and a half.

7 Q. Did you study five years at the university?

8 A. I'll explain this portion. Well, after these three  
9 years of agronomy engineering, in 1985 -- yes, in 1985, I  
10 joined the Assemblies of God in a biblical institute in order  
11 to receive a degree as a professor of theology. I studied for  
12 three years after that because the state university logically  
13 was in no -- was in critical condition, you could not study  
14 there because of the problems and the different incidents that  
15 took place inside, did not allow the university to remain  
16 open; therefore, I joined the institution to study theology, a  
17 professorship in theology, and it took three years over that  
18 period from 1985 to 1988. After that, I dedicated myself to  
19 work for the churches of the Assemblies of God in El Salvador  
20 in programs for -- in food programs for needy communities for  
21 the purpose of ensuring that these people could consume their  
22 food. These, of course, are people who don't have food; and  
23 other than that, we also would deliver the Bible knowledge of  
24 the word of our Lord Jesus Christ, giving them, therefore, the  
25 opportunity to be educated in a spiritual manner.

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DIRECT - JOSE ANTONIO ARAUJO

1249

1 Q. When did you study law?

2 A. In 1991-'92, I started working with the public ministry  
3 at the attorney general's office where I was called to work on  
4 programs for drug prevention, and it was during that year I  
5 started my studies while I was at that institution of the  
6 public ministry, so I moved forward through those five years  
7 of studies that will allow you to receive a degree, and I

- 8 spent one year preparing the report --
- 9 Q. Is the report --
- 10 A. -- so that I could later on be able to receive the  
11 degree in law. And then from 1992 to 1998 were the years  
12 during which I studied that discipline, and I graduated in  
13 1998 as an attorney at law.
- 14 Q. The report or paper, is that the same thing that we  
15 would know in this country as your thesis?
- 16 A. Yes.
- 17 Q. Did you then spend one year and six months in an  
18 apprenticeship in getting your license as a lawyer?
- 19 A. I did not spend a year and a half -- actually, what I  
20 did was I spent an exact year drafting my report, my thesis  
21 with the purpose of generating a scientific report concerning  
22 international treaties, about civil rights, about human rights  
23 that was the subject matter of the thesis; and that included  
24 the substitution or measures for provisional detention.
- 25 Q. Since obtaining your license as a lawyer in El

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DIRECT - JOSE ANTONIO ARAUJO

1250

- 1 Salvador -- well, first let me ask you, have you lived in El  
2 Salvador all your life?
- 3 A. Yes.
- 4 Q. And since obtaining your license as a lawyer, have you  
5 taught at any schools?
- 6 A. After I graduated in 1998 from the Military University  
7 of El Salvador -- of the Republic of El Salvador, which was a  
8 recognized university, and it was a state university, the

9 second state university in El Salvador where civil or civilian  
10 and military students would concur to receive their education,  
11 their professional education. It was at that university after  
12 I graduated, after having submitted my thesis and after having  
13 taken my oath as an attorney of the republic, I was therefore  
14 able to begin to teach students at that national university.

15 Q. Were you the academic administrator of the El Salvador  
16 Military University?

17 A. I was the academic administrator at that very same  
18 university because the directors had seen in me the ability to  
19 manage, to administrate the files for each one of the students  
20 in each one of the disciplines that the university had. So  
21 they called upon me, and they asked me whether or not I could  
22 take charge of the management of the university as pertains to  
23 academic administration, the review of grades, the review of  
24 student reports, exams and generating reports to the  
25 administrator of education, and they called upon me for the

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DIRECT - JOSE ANTONIO ARAUJO

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1 purpose of receiving through me an exhaustive and formal  
2 registry.

3 Q. Have you taught courses at the university?

4 A. Yes, I have taught courses. We have had different  
5 levels of youths who are ready to enter the university even at  
6 the 9th grade level. We have taught them criminal procedural  
7 subjects, criminal law. You teach these when you're teaching  
8 juridico science or oral techniques and also we also teach the

9 students concerning the behavior to be observed within the  
10 university itself because the university was by name military.  
11 In spite of that, many students, many cadets after leaving  
12 that school would come to our university to receive a degree,  
13 and amongst the degrees that were being offered, they were  
14 the -- there was economic sciences, juridico sciences,  
15 business administration, health technician and computer  
16 technician. These are the courses that were being taught at  
17 the university, which was a university that opened its door  
18 after the Peace Accords to be able to receive this group of  
19 people who wanted to become professionals, to receive the  
20 training necessary to become professionals.

21 Q. Have you taught courses which have included the study  
22 of the El Salvador Constitution?

23 A. Yes. We have taught courses at the military university  
24 concerning the Constitution of the Republic itself. And also  
25 at the Christian University of the Assemblies of God, we also

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DIRECT - JOSE ANTONIO ARAUJO

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1 provide training to students who, also, we have the same types  
2 of courses, and these were offered to all of the students.  
3 Also, at that second university, I would teach courses on the  
4 Constitution of the Republic.

5 Q. Have you likewise taught courses that included the  
6 study of international treaties regarding civil rights and  
7 human rights?

8 A. That is correct, we have taught courses concerning  
9 human rights, civil and political rights of man, and the new

10 rights. And this happened in Costa Rica, it came from Costa  
11 Rica, it was very a good modality of the country. Even right  
12 in the middle of the war process in El Salvador, we  
13 incorporated these new treaties, all these courses of the  
14 professional training for each one of the students because in  
15 1998, the laws also suffered a considerable and very deep  
16 reform. And in these laws I'm talking about are the criminal  
17 codes and the procedural criminal code, the civil codes, the  
18 judicial code and the mercantile code, so there was a  
19 revolution concerning the preparation of the judicial system,  
20 and this has served to train each one of the professionals at  
21 each of the universities, and many of them are graduated  
22 professionals who serve the state.

23 Q. Have you likewise studied and taught courses regarding  
24 the El Salvador military code that was in effect back in 1979  
25 through 1984?

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DIRECT - JOSE ANTONIO ARAUJO

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1 THE INTERPRETER: Counsel, could you please  
2 repeat the end date? 1979 through what date.

3 BY MR. BROOKE:

4 Q. 1984.

5 A. In 1984, we weren't teaching those courses.

6 Q. No, I -- I asked if -- in your teaching if you had  
7 either studied or taught what would have been the military law  
8 and the courses that would have included the military law of  
9 1979 through 1984.

10 A. Yes, we have taught students, trained students at the  
11 university, as I said, at the Military University of El  
12 Salvador, and this incorporated many students. And these  
13 students, the majority, came from the military school, and  
14 these students prepared with military codes, with military  
15 ordinances with the organic military laws, because that was  
16 their training, that was their preparation on the military  
17 side and so, therefore, we could not leave out that they could  
18 not receive that education, which was very, very important for  
19 their training, in the military training.

20 Q. Did you know Nicolas Carranza when he lived in El  
21 Salvador?

22 A. I knew him through reference of his brothers and  
23 sisters, or siblings and his father. His father, Nicolas  
24 Carranza, bears his very same name, Nicolas Carranza, and he  
25 lived in the City of Santiago de Maria at approximately 115

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1 kilometers to the east of the capital city of San Salvador of  
2 El Salvador. We were -- we had contact with Don Carranza, a  
3 gentleman at that time some 55 years of age, 55, 60 years of  
4 age, a man with a considerable reputation because in these  
5 cities in the townships, people who are respected, people who  
6 are loved, they have their limits, and they define how far  
7 they will respect each one of the persons. This I liked very  
8 much, because it was the same way he was educating his  
9 children, and I'm give you the names later.

10 Q. Had you ever met Nicolas Carranza in El Salvador while  
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11 he lived in El Salvador?  
12 A. No, I only knew of him through his -- two of his  
13 brothers, two brothers to Colonel Nicolas Carranza, Mario  
14 Carranza and Reynaldo Carranza. The contact with them was  
15 because in those days, in the City of Santiago de Maria, I  
16 lived at that city, and, logically, the financial situation of  
17 my family was rather precarious, rather difficult, and I  
18 dedicated myself to the sale of newspaper in Diario De Hoy La  
19 Prensa Grafica, the newspaper, so Colonel Carranza's --  
20 Colonel Nicolas Carranza's father lived in a neighborhood  
21 called Parroquia, a very popular neighborhood, a neighborhood  
22 where I said where he was highly respected, and when I would  
23 go by, dropping off the newspapers he would always call me over  
24 in a very kind manner and say, hey, kid, come over here, bring  
25 me the Prensa Grafica, and then I would go over there and drop

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1 it off.  
2 Q. Are you referring to Mr. Carranza's father would call  
3 you like that?  
4 A. That is so, the father of Colonel Nicolas Carranza.  
5 Q. How many years did you pass newspapers?  
6 A. Very well. I spent about six years while I was in  
7 elementary school at the City of Santiago de Maria, because I  
8 had to work early in order to help sustain my studies. I was  
9 very interested in getting my studies forward, I was very  
10 interested in covering the food for my brothers and sisters

11 who were considerably smaller, but God has always given me  
12 that capacity for work, and over those six years, I was able  
13 to do this, and I would drop off that newspaper at Nicolas  
14 Carranza father's house, so this allowed me to know that  
15 family better, and not only him, but his sons. And this  
16 allowed the creation a very close relationship with each one  
17 of his brothers, logically, Mario Carranza. It was with Mario  
18 Carranza that we oscillated within the same age range. And  
19 years later, we came across each other in 1984 at the State  
20 University of El Salvador where we were trying to start our  
21 studies, but, of course, the conditions at the Salvador  
22 University were rather critical, which is to say the State  
23 University, but we always maintained that friendly  
24 relationship, brotherly relationship, compatriot relationship  
25 anywhere we would run into Mario Carranza. Reynaldo was

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1 elder.  
2 Q. In 1980, where were the universities in El Salvador?  
3 A. In 1980, the University of El Salvador or the State  
4 University, generally known, that was the State University,  
5 and there was another university, the UCA, U-C-A, which is the  
6 Central American University, and that was founded by Fathers  
7 Baron, Elliacurias and Monte who came to the country at that  
8 time. The University of Salvador had different directors  
9 because since it was a state university, it was through the  
10 students they would elect each one of the directors of the  
11 university, those who would direct the educational center, so

12 it was practically two universities that we had at the City of  
13 San Salvador.

14 Q. Is the University UCA, is that the one founded by the  
15 Jesuits?

16 A. By the Jesuits, by the priests whose names I already  
17 gave you Baron, Eliacurias and Monte.

18 Q. Did ANTEL have any relationship to the universities?

19 A. ANTEL is -- was at that time, was an institution that  
20 provided a telecommunications service for the entire nation.  
21 It was a national institution, an institution of the state  
22 that sold service, a telephone service. Any person who had  
23 the financial ability could access or could request that  
24 telephone line for their houses. That institution, which is  
25 the National Administration of Telecommunications, was part of

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1 the patrimony of the state which collected the funds through  
2 the services that the public paid, the civilian population.  
3 They would collect those funds, and these were served to pay  
4 the salaries at the courts, the public ministry, the  
5 legislative assembly of the semi-autonomous institutions, and  
6 so this institution was an institution that, in fact, provided  
7 a service to the population of all of El Salvador. Likewise,  
8 also, that money served to pay the salaries of the teachers  
9 who became part of the ministry of education, to pay those of  
10 the Supreme Court, and even from that same amount of money  
11 that would -- the income that money would also serve to pay

12 the salaries of the armed force in El Salvador. Logically,  
13 this institution, as we have defined it, has been an  
14 institution that awarded a service to the state. Later on,  
15 with the reforms that took place in the country, transnational  
16 companies appeared. An example, Mexico and Spain, but Mexico  
17 defined a certain amount of money to purchase that ANTEL  
18 institution. Of course, it wasn't easy for the state to sell  
19 that institution, because there was still people who  
20 received -- received dividends, because they had purchased  
21 their shares. You see, this is to say that it was an  
22 institution that wasn't closed, but -- so many employees had  
23 purchased their dividends, they had purchased their stock,  
24 their shares. And this in some way or another, they allowed  
25 them to receive beyond the salaries that they earned, they

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1 could also receive an additional amount of money as a result  
2 of the dividends that they had received every year from that  
3 institution.

4 THE COURT: This is a good place for us to stop  
5 for the evening. I appreciate everybody coming early  
6 today, and we will see you tomorrow at 9:30 in here, 8:45  
7 in the back. Just be prepared for some traffic.

8 Well, don't talk about the case among  
9 yourselves. Don't let anybody talk with you about it. Of  
10 course, if anybody tries to discuss the case with you or  
11 approach you in any way, then, of course, you should  
12 notify one of the members of my staff or the court

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13 security officers immediately, and we will take the  
14 appropriate steps. We will see y'all tomorrow at 8:45.

15 Thank you.

16 THE CLERK: All rise. This honorable court  
17 stands in adjourned until tomorrow morning.

18 (Court adjourned at 4:30 p.m.)

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