

1 THE COURT: I wanted to just talk with you for a
2 second.

3 There was a case in Florida awhile ago, and there
4 was a lawyer who is a magnificent lawyer, marvelous trial
5 lawyer, and the case involved, it was a criminal
6 prosecution, and involved a fellow who was a boat captain
7 who clearly panicked bringing over illegal aliens, and had
8 these people literally pushed or jumped out of a boat,
9 probably a half mile from shore, not far at all, and
10 people drowned, it was a terrible, terrible case.

11 When that lawyer was arguing the case at the end,
12 he began to cry. It was a very natural thing, but that
13 was the major issue on appeal. I know that lawyer, and he
14 is a magnificent lawyer, and that was not faked or
15 anything else, it was a natural thing.

16 I don't think the case was overruled, but I know
17 that was one of the major issues on appeal.

18 Now, you folks are facing the jury and the
19 testimony in this case is just, you know, there cannot be
20 more emotionally wrenching testimony. Ms. VanSchaack, you
21 are very expressive, and you had tears yesterday through a
22 great deal of the testimony. My concern is, I don't want
23 to have anything in the case that would in any way imperil
24 whatever the verdict is. And my concern is, the
25 testimony, it is hard to say this how something could get

1 worse from what it was yesterday, but clearly this is
2 incredibly, just emotionally wrenching testimony, and I
3 wanted you to be aware of that. If you need to move at
4 any time in the trial, I want you to feel free to do it.
5 If you want to sit in the back or something, but I just
6 wanted to mention that to you.

7 MS. VanSCHAACK: I am glad you did.

8 THE COURT: The point is, it is one of those
9 things that just overtakes you. Nobody is made of stone,
10 and you can't sit there, and so -- but I am concerned
11 about it, and you are so expressive, and I could see
12 yesterday that it was really getting to you. My concern
13 is that we just need to be aware of that, and I would ask
14 you to be aware of that, and if you need to move, take
15 care of that, okay?

16 MS. VanSCHAACK: At one point I realized I was
17 tearing up, and I was trying to be as discrete as I could
18 about it.

19 THE COURT: I want you to know my secretary was
20 sitting here listening, and was doing the same thing.

21 This is so emotional testimony, I guess we ask so
22 much of lawyers, sometimes it is very, very tough, but I
23 wanted to ask you to be aware of that just so we again are
24 doing everything we can to make sure we are giving these
25 people on all sides a fair trial and then put this to the

1 jury.

2 Are we all set to go ahead?

3 MR. KLAUS: Yes.

4 THE COURT: Good.

5 Mr. Marshal, would you bring in the jury, please?

6 MR. STERN: Your Honor, we discussed putting
7 those exhibits into evidence.

8 THE COURT: Do you have that list?

9 MR. STERN: I do.

10 THE COURT: Just give me the list, and why don't
11 you announce in front of the jury one by one.

12 MR. STERN: I will simply read this document.

13 THE COURT: Do both sides agree the exhibits
14 listed on the document may be offered and received into
15 evidence?

16 MR. KLAUS: Subject to discussions we had.

17 THE COURT: Objections announced.

18 MR. STERN: Relevancy grounds.

19 THE COURT: Yes. Are you going to be needing
20 these exhibits?

21 MR. STERN: Yes, Your Honor.

22 THE COURT: Okay.

23 (Thereupon, the jury returned to the courtroom.)

24 THE COURT: Ladies and gentlemen, please be
25 seated. Before the Plaintiff's call their next witness,

1 let me recognize Mr. Stern, if I might, on behalf of the
2 Plaintiffs so you might offer certain exhibits that the
3 lawyers have discussed. And I wonder if you would be good
4 enough to read the list of the exhibits for the record.

5 MR. STERN: Certainly, Your Honor. If it please
6 The Court, the exhibits offered into evidence pursuant to
7 the parties agreement are as follows: Number 32, Number
8 222, Number 223, 338, 341, 342, 380, 393, 448, 454, 493,
9 496, 499, 561, 577, 755, 779, 103, 144, 147, 157, 158,
10 159, 161, 162, 171, 180, 188, 190, 191, 192, 200, 201,
11 211, 214, 329, 333, 334, 337, 363, 379, 459, 534, 542,
12 552, 553, 554, 559, 563, 565, 566, 570, 557, and 713.

13 THE COURT: Any objection to the exhibits
14 announced?

15 MR. KLAUS: Not at this time, but we reserve.

16 THE COURT: Each of these will be received into
17 evidence without objection understanding that the
18 Defendants will have a right to move to strike an exhibit
19 if its relevancy is not established.

20 And I think the other objection is if it is
21 cumulative or duplicative of something else.

22 MR. KLAUS: Correct.

23 THE COURT: Each of these are received and I will
24 entertain a motion to strike if it is appropriate.

25

1 (Plaintiffs' Exhibits above noted received in
2 evidence without objection.)

3 THE COURT: With that having been said, the
4 Plaintiffs may call your next witness.

5 MR. STERN: The Plaintiffs call Ambassador White.

6 THE COURT: Ambassador White, would you come up
7 to the witness stand and make yourself comfortable?

8 THE WITNESS: Yes, sir.

9 THE COURT: I need to tell you the microphone has
10 a short pickup range. After you are seated, if you pull
11 that chair up to the desk area, you will be more
12 comfortable.

13 Sir, would you raise your right hand?

14 ROBERT WHITE, PLAINTIFFS WITNESS SWORN.

15 THE COURT: Sir, would you please begin by
16 introducing yourself to the members of the jury? Would
17 you tell them your full name, and would you please spell
18 your last name for the court reporter?

19 THE WITNESS: My name is Robert E, White,
20 W-H-I-T-E.

21 THE COURT: Thank you, sir.

22 Counsel you may proceed.

23 MR. STERN: Thank you, Your Honor.

24

25

1 DIRECT EXAMINATION

2 BY MR. STERN:

3 Q. Ambassador White, good morning.

4 A. Good morning.

5 Q. Where do you live?

6 A. Alexandria, Virginia.

7 Q. And what do you do for a living?

8 A. President of the Center for International Policy.

9 This is commonly known as a think tank. We concern
10 ourselves with international issues, we write reports, we
11 write books, we write articles, we discuss these issues
12 with Congress and with the executive as the occasion
13 arises.

14 Q. Am I correct that you were formerly United States
15 Ambassador to El Salvador?

16 A. Yes, sir.

17 Q. When did you serve in that post?

18 A. I served from March, 1980 to March, 1981.

19 Q. Who appointed you?

20 THE COURT: Let me stop you for a second if I
21 can.

22 Ambassador White, what was the beginning of your
23 appointment, so we are clear on that?

24 THE WITNESS: I was appointed in 1979.

25 THE COURT: 1979?

1 THE WITNESS: But the Senate did not choose to
2 act promptly, and during that time I served as Acting
3 Deputy Assistant Secretary of State for responsibility for
4 Central America.

5 THE COURT: It would have run from March, '79 --

6 THE WITNESS: No, it ranged from November of '79,
7 and then I arrived in country in March of '80.

8 THE COURT: What was the closing date you
9 indicated?

10 THE WITNESS: March, '81.

11 THE COURT: Thank you, sir.

12 Let me go back to Mr. Stern.

13 BY MR. STERN:

14 Q. Who appointed you the post of Ambassador?

15 A. President Carter.

16 Q. Were you a career foreign service officer?

17 A. Yes, I was a career diplomat for 25 years, with most
18 of that service in Latin America.

19 Q. Could you tell the jury the extent of the foreign
20 service, prior to posting in El Salvador?

21 A. I joined in 1955. I served in Hong Kong, United
22 Nations, and then I went to Latin America, and I served in
23 Ecuador, Dominican Republic, Honduras. I was director of
24 the Peace Corps for Latin America. I went to Nicaragua,
25 and I was Ambassador to Paraguay. I was deputy Ambassador

1 to the Organization of American States, and I finished my
2 career as Ambassador to El Salvador.

3 Q. At what point did you leave the foreign service?

4 A. I left foreign service in May, June, 1981.

5 Q. And what was your job after you left the foreign
6 service?

7 A. I became senior associate at the Carnegie Endowment
8 for International Peace.

9 Q. How long did you remain in that job?

10 A. One year.

11 Q. And what did you do after that?

12 A. I became a professor at a small college in Boston, and
13 then I went with the Center for International Policy, and I
14 am still there today.

15 Q. During your time at the Carnegie Endowment and college
16 professor, did you continue to occupy yourself in research
17 and study on Latin America issues?

18 A. Yes, sir.

19 Q. Did that include El Salvador?

20 A. Yes, it did.

21 Q. In your Latin America postings, did you have occasion
22 to communicate in Spanish?

23 A. Yes.

24 Q. You speak that language fluently?

25 A. Yes.

1 Q. Thank you.

2 In the context of your duties in El Salvador, did you
3 travel throughout the country?

4 A. Yes, I did.

5 Q. Do you have a general understanding of the geography
6 of the nation?

7 A. Yes.

8 Q. Yesterday the jury saw a map of the interior of El
9 Salvador. To put things in a bit of perspective, could you
10 explain where El Salvador is in relation to other countries
11 in Central America?

12 A. El Salvador is the smallest country of Central America
13 and it is bounded by Guatemala and by Honduras and
14 Nicaragua, and it is, as I said, a small country. If you
15 take a helicopter up to 9,000 feet you can see the entire
16 country. We are talking about a country the size of
17 Maryland or Massachusetts.

18 Q. In 1980 when you served as Ambassador to El Salvador,
19 what was the population of the country?

20 A. Somewhere four and five million.

21 Q. Now, you mentioned you were nominated to become
22 Ambassador in 1979, and left to take up the post in 1980.
23 In the Inter-American could you tell us what activities you
24 undertook regarding your posting?

25 A. First I functioned, as I said, as the deputy assistant

1 secretary for Latin America with special emphasis on El
2 Salvador because that was the crisis country. I also
3 received briefings from the experts at the Department of
4 State, Department of Defense, Central Intelligence Agency,
5 Treasury and other agencies of the United States
6 Government, National Security Counsel that were focused on
7 this problem.

8 Q. Would it be fair to say that you had access to the
9 full range of U.S. Government information about El Salvador
10 at that time?

11 A. Yes. I have the highest clearances.

12 Q. In those months before you took up your posting, you
13 engaged in briefings and reviewed information available to
14 you?

15 A. Yes.

16 Q. Broadly speaking, Ambassador White, what were your
17 responsibilities as Ambassador to El Salvador?

18 A. The Ambassador of the United States in any country, in
19 this case El Salvador, has the obligation to carry out
20 United States policy to the best of his or her ability.
21 This -- every Ambassador goes in the country has a list of
22 priorities and his obligation is to carry out those
23 priorities.

24 The Embassy -- the Ambassador doesn't do this alone.
25 In the case of El Salvador, there was a political section,

1 five, six persons. There was an economic section about the
2 same size, counsel or section charged with the protection
3 of American citizens. Also the agencies that I have just
4 mentioned were also represented in the Embassy.

5 Q. Did you in your Embassy have any responsibilities for
6 gathering information on behalf of the United States in El
7 Salvador?

8 A. Yes. The United States had a very sophisticated
9 communication facilities and so we were very well up to
10 date, up to the minute on what was going on in El Salvador.

11 Q. Was your Embassy the primary means by which the U.S.
12 Government in Washington received its information about
13 events in El Salvador?

14 A. Yes.

15 Q. And did you also have responsibilities for receiving
16 information and instructions from officials in the State
17 Department in Washington in El Salvador?

18 A. Yes.

19 Q. What responsibilities, if any, did you have for
20 stating U.S. policy to individuals in El Salvador?

21 A. Well, that, of course, was one of my primary duties,
22 to leave no doubt about what the United States objectives
23 were in El Salvador. This is particularly important
24 because El Salvador was in crisis in 1980.

25 It had been a military dictatorship known for its

1 cruelty, its brutality. And then on October 15, 1979,
2 there was a revolt by young officers, military officers who
3 were disgusted and angered by what they regarded as
4 unprofessional conduct of the higher ups and they announced
5 that military would no longer be involved in politics, that
6 they would be -- they wanted -- in effect they wanted to
7 midwife a democracy in El Salvador. And that was one of my
8 particular responsibilities, was to try to bring resources
9 to bear to help El Salvador move towards a Democratic form
10 of government.

11 Q. How did you communicate with people in the State
12 Department in Washington when you were serving El Salvador?

13 A. Well, the primary way is by classified telegram. We
14 also had a secure telephone to Washington, and normal
15 business was also occasionally transacted by normal
16 telephone when you were dealing with unclassified
17 information.

18 Q. We are going to be looking at some of the telegrams or
19 cables from that period today. I have a few more questions
20 for you about the cables in particular.

21 Was it part of your responsibility and the
22 responsibilities of members of your Embassy to send and
23 receive those cables?

24 A. Yes, it was.

25 Q. And did the cables contain the investigation and

1 analysis of events in El Salvador that you dug up?

2 A. Yes. All the officers that I mentioned, service
3 officers, the military attache, Central Intelligence Agency
4 all had their own contacts. We had lines into all levels
5 of El Salvador society. Each officer would report his or
6 her findings, and they would go out on a regular flow of
7 telegrams to keep the department informed of this crisis
8 country.

9 Q. And in light of your responsibilities, you and other
10 members of the Embassy tried to report as accurately as you
11 could?

12 A. That is our primary obligation. Better not to report
13 than report something that is erroneous. A great deal of
14 care went into making certain telegrams and all
15 communications were accurate.

16 Q. Now, as Ambassador in El Salvador, did you have
17 meetings with Salvadoran officials?

18 A. Yes.

19 Q. I want to focus on the military and security forces of
20 El Salvador. Did you have meetings with the
21 representatives of the military and Security forces?

22 A. Yes. The primary contacts for Ambassador are the
23 President and foreign minister. Because of the crisis
24 situation in El Salvador, I met frequently with the
25 Minister of Defense and Minister of Defense here present,

1 and with other subordinate officials, including commander
2 of the National Guard.

3 Q. We use the phrase military and security forces, I want
4 to investigate those a little bit.

5 What are you referring to when you use the phrase
6 security forces?

7 A. The military forces are the Army, Navy, and Air Force.
8 Security forces are in effect the police, but the police
9 are divided into the National Guard, the National Police
10 and the Treasury Police. The National Guard was
11 responsible primarily for the countryside. The National
12 Police for the urban areas. The Treasury Police started
13 out as a Customs organization but soon became, I think it
14 would be fair to say, a kind of hit squad, a group that had
15 a very bad reputation for murder -- for torture and murder.

16 Q. As Ambassador, was understanding the military forces
17 an important part of your job?

18 A. Yes, sir.

19 Q. Why was that?

20 A. Well, the main problem was the military. What was
21 occurring in El Salvador was a kind of a revolt,
22 generalized uprising against a cruel and arbitrary
23 dictatorship. The United States fears disorder and so what
24 we were working towards was to make a transition from
25 dictatorship to democracy. We realized that this would

1 take some time, but there were numerous people, people of
2 common sense and good will who were trying to bring about
3 that new Democratic framework.

4 Q. During the time you were Ambassador, did you have
5 personal contact with the individuals in the courtroom to
6 my left, General Garcia and General Vides Casanova?

7 A. I did.

8 Q. If I showed you a picture of those individuals at that
9 time, would you be able to identify them for me?

10 A. I think so.

11 Q. I would like to do that.

12 Ambassador White, can you identify General Garcia for
13 me, please?

14 A. I can't really see it.

15 Q. My apologies.

16 A. The two civilians on the right is Napoleon Duarte, and
17 next to him Dr. Alec, and then Minister of Defense Garcia,
18 and the man on his right is head of the National Guard,
19 Manuel Vides Casanova.

20 MR. KLAUS: Your Honor, maybe if you place it in
21 front of the screen we can see it also.

22 THE WITNESS: I don't think I need to see it.

23 THE COURT: That would be a good location.

24 BY MR. STERN:

25 Q. Ambassador White, do you see General Garcia in the

1 courtroom today?

2 A. Yes, General Garcia is on the left.

3 Q. Could you identify General Vides Casanova as well.

4 A. He is the gentleman in the middle.

5 Q. At the time you were Ambassador to El Salvador, what
6 rank did General Garcia hold?

7 A. Colonel.

8 Q. And what rank did General Vides Casanova hold?

9 A. Also colonel. Colonel at that point was the highest
10 rank in the Salvadoran military.

11 Q. Were there any military that had the rank of general
12 during the time you were Ambassador to El Salvador?

13 A. No.

14 Q. During the time you were in El Salvador, how many
15 times did you meet with general, then Colonel Garcia?

16 A. I would say on the average of two, three times a
17 month. Some of those were social occasions.

18 Q. Approximately how many times were you in meetings
19 where General Vides Casanova was present?

20 A. On many, if not most of those occasions, the Minister
21 of Defense would bring Colonel Vides and the other members
22 of the high command.

23 Q. Did you also have occasion to meet with other
24 subordinate military and security officials?

25 A. Yes.

1 Q. And did you receive information or intelligence from
2 resources at your Embassy about the Salvadoran military?

3 A. Yes, that is the purpose of the military attaches.
4 That is the purpose of the foreign service, career
5 diplomats, and also the Central Intelligence Agency.

6 Q. As Ambassador, did you concern yourself with human
7 rights issues with respect to the Salvadoran military and
8 security forces?

9 A. Yes, it was our analysis that the gross and consistent
10 pattern of human rights violations was undermining the
11 attempt to bring democracy to El Salvador because the
12 people had been abused for many, many decades, and they
13 were demanding a change. And unless the military could
14 deliver on that change, democracy would fail.

15 MR. STERN: May I approach, Your Honor?

16 THE COURT: Yes.

17 BY MR. STERN:

18 Q. Ambassador White, I have handed you a copy of what has
19 been marked and admitted into evidence as Plaintiffs'
20 Exhibit 157. Can you tell us what Exhibit 157 is, please?

21 A. This is a telegram from me -- when I left, the
22 Secretary of State asked that I send a report to him giving
23 him my overall assessment of the situation in El Salvador,
24 and this is that analytical of that.

25 Q. What is the date of the telegram?

1 A. It is unclear here, looks like March, March 09.

2 THE COURT: Could I stop you for a minute?

3 March 9 what year, sir?

4 THE WITNESS: 1980.

5 BY MR. STERN:

6 Q. Could you show us -- we have bad copies
7 unfortunately -- from time to time how one goes about
8 identifying the date on the cable such as this?

9 A. Right under the info line, that top line you have a
10 zero and then 19 -- you have first a date, 19th, and then
11 the hour, 2045 zulu, that is the time we use to make sure
12 everybody understands that there is not eastern standard or
13 western time. So it is -- I can now tell you that this is
14 the 19th of March. The telegram was sent at 10:45 on that
15 date, 1980.

16 THE COURT: Could I stop you for a second? Would
17 you mind if we remove the easel and so on so there is a
18 clear view?

19 BY MR. STERN:

20 Q. In whose name did this telegram go out, Ambassador
21 White?

22 A. At the end of the telegram you will see the name
23 White, and that is my name and the telegram went out under
24 my name.

25 MR. STERN: Your Honor, I request permission to

1 publish a portion of this cable to the jury.

2 THE COURT: You may.

3 MR. KLAUS: I would ask the entire thing be
4 published.

5 THE COURT: Let's do this, let's agree anything
6 that goes into evidence, either side may publish any part
7 you like, and on cross examination, certainly, the other
8 side can publish any other part that you think is
9 appropriate, and, of course, the only limitation now is
10 the general rule about the Rule of Completeness. If a
11 particular portion is shown and doesn't totally deal with
12 the issue under the Rule of Completeness, the remainder of
13 that portion can be shown. Okay?

14 MR. STERN: Certainly. If I could ask the
15 technician to put up slide 45, please.

16 Your Honor, if we could have a moment.

17 THE COURT: That is all right. Let's explain to
18 the jury we have a system for showing certain exhibits,
19 and we haven't tested it before, we hope it works. Give
20 us a minute and we will see if we can do this.

21 BY MR. STERN:

22 Q. I apologize for the delay. Is that legible to you,
23 Ambassador White?

24 A. It is.

25 Q. Does this slide reflect a portion of the cable we have

1 been discussing, 157?

2 A. It does.

3 Q. Could you read the passage?

4 A. Yes. "In El Salvador the rich and powerful have
5 systematically defrauded the poor and denied 80 percent of
6 the people any voice in the affairs of their country. A
7 revolution is now underway and we are one of the principal
8 actors. There is no stopping this revolution, no going
9 back. We can influence the course of events, however, and
10 try to guide it into channels which will benefit the
11 Salvadoran people, provide an alternative to the Nicaragua
12 model for Guatemala and Honduras and safeguard our security
13 interests in Central America and the Caribbean."

14 Q. The first sentence uses the phrase rich and powerful.
15 Who are you referring to?

16 A. Basically I am referring to that small group of rich
17 people who had exploited El Salvador for the course of the
18 entire century, and the military who were in effect the
19 enforcers that kept this unjust group in power.

20 Q. And in what ways had the rich and powerful defrauded
21 the poor?

22 A. Well, in El Salvador -- El Salvador, the percentage of
23 landless and near landless is the highest in the world.
24 There were no -- very, very few schools, very few health
25 centers out in the countryside, and most of the time there

1 weren't even roads where people lived. So people -- the
2 only presence out in the countryside in a great deal of the
3 country was the, was a military detachment.

4 So basically what you had was for the rich and
5 powerful of El Salvador, El Salvador was a money machine,
6 and the poor had no land. They had no stake in the
7 society. They also, if anybody tried to organize into
8 campesinos organizations or labor unions, they would be
9 beaten or tortured or worse.

10 Q. You used the phrase campesinos. What does that mean?

11 A. It means a rural farmer, worker, but most of them had
12 no land.

13 Q. The second sentence of the passage on the screen says,
14 a revolution is now underway. Was there a potential for a
15 civil war in El Salvador at this time?

16 A. Yes, there was. It was an incipient revolution. It
17 was a revolution that was beginning to break out. At this
18 point it wasn't characterized by pitched battles or armed
19 struggles between opposing forces, it was mostly the
20 killing of unarmed men and women, people who were suspected
21 of wanting change.

22 Q. At this time, in March, 1980, did you believe that it
23 would be possible for a political solution to avert civil
24 war?

25 A. Yes, I do believe there was a political solution on

1 the basis of compromise and common sense that could be
2 worked out.

3 Q. What were your grounds for having that belief?

4 A. Well, there were a great many people, leaders, who
5 understood that the country would lose if it descended into
6 violence, generalized violence, and so there were a number
7 of organizations and political parties, campesino
8 organizations, labor unions working for responsible change.
9 And I include some parts of the military in that.

10 Q. Ambassador White, what was it like to be in El
11 Salvador in 1980 in this situation? What was the nature of
12 civil society?

13 A. Well, it was a period of uncertainty. No one knew
14 which way things were going to unfold. There was -- there
15 were strikes, there were occupations of public buildings
16 and demands for higher wages, and a drop in prices of milk,
17 and other commodities. But life went on more or less
18 normally. People went to work, kids went to school, people
19 went to the movies, and went out to dinner, people shopped
20 at supermarkets. There was not the air -- it wasn't a
21 battle field by any means.

22 MR. STERN: Could I have slide 56, please?

23 BY MR. STERN:

24 Q. This is another passage from Exhibit 157, Ambassador
25 White. The cable states that, "The major immediate threat

1 to the existence of this Government is the right-wing
2 violence."

3 Could you elaborate on that, please?

4 A. Yes. The right-wing violence I refer to here is
5 basically death squads made up largely of military,
6 military officers not wearing a uniform, but operating at
7 night in the dark, and a certain number of civilians who
8 were -- who felt that they would lose if democracy came to
9 El Salvador.

10 And my concern was that if the violence that had
11 characterized El Salvador throughout most of this 20th
12 century continued, then there would be this -- this
13 government would have no credibility with the population as
14 a whole.

15 Q. With regard to the second portion of the quotation
16 here, which states, "Unfortunately, the command structure
17 of the Army and security forces either tolerates or
18 encourages this activity. These senior officers believe or
19 pretend to believe that they are eliminating the
20 guerrillas."

21 When you use the term command structure of the Army,
22 to whom are you referring?

23 A. I am referring to the Defendants, General Garcia and
24 General Vides Casanova. I am referring to the high command
25 as an entity.

1 Q. Was Minister of Defense part of the command structure?

2 A. He was the top, he was the head.

3 Q. Was National Guard one of the security forces?

4 A. It was the largest security force.

5 Q. What did you mean when you wrote in this cable that
6 senior officers believe or pretend to believe that they are
7 eliminating the guerrillas?

8 A. The pretext for the death squads was that they were
9 killing guerillas, but most of the people who were killed
10 were, as far as we could tell were people who legitimate --
11 were legitimately and lawfully trying to change El Salvador
12 from dictatorship to democracy.

13 MR. STERN: Could I have slide 63, please?

14 BY MR. STERN:

15 Q. This is another passage from the same cable,
16 Ambassador White. It says, "What can we do: Encourage
17 security forces to go after the left-wing guerrillas and
18 stop torturing and killing any youth between 14 and 25
19 because he may be involved in labor unions, church
20 organizations, et cetera."

21 Does this cable reflect your view about the
22 responsibility of the security forces for human rights
23 abuses?

24 A. Yes.

25 Q. Up at the top, it says, "what can we do." Who is we?

1 A. United States, United States Embassy and with support
2 from the Department of State and other agencies in
3 Washington.

4 Q. And on what basis did you state that the security
5 forces were going after any youth between 14 and 25?

6 A. It was so dangerous for any young man, particularly,
7 to be found on the streets of San Salvador or any other
8 place. They were killing young men of military age because
9 they believed, I suppose, that they were potential recruits
10 for the guerrillas. And some of these things were simply
11 beyond belief.

12 I remember going to Colonel Garcia after a Spanish
13 T.V. company had come into the Embassy and showed me a film
14 of the security forces going into a high school and forcing
15 12, 14 young men, youths, 15, 16 years old, and simply
16 executed them right down the line.

17 And I told Colonel Garcia, this is simply wrong. It
18 is destroying the reputation of this Government and it has
19 to stop. And he was -- seemed -- my basic impression was
20 that he reacted to this with indifference, with a shrug,
21 well, these things happen kind of thing, but that type of
22 killing went on every day.

23 Q. In the cable, Ambassador White, you single out abuses
24 directed against youths involved with labor unions. Why in
25 your opinion did that become a target of the security

1 forces?

2 A. Labor unions were sympathetic to change. Labor unions
3 were organized and demanded higher wages and this cut into
4 the profits of the people who basically owned the country.
5 Labor unions were active in promoting a change -- they were
6 against the current government regime.

7 Church organizations were particularly hard hit
8 because catechists, people who worked with the Catholic
9 Church in organizing the people were regarded as enemies of
10 the state, and I suppose the largest number among them, the
11 largest number were people who were church catechists.

12 Q. The cable goes on to state, "The military is the key
13 here, but it is a open question whether the younger
14 officers can master sufficient leadership, conviction and
15 force to reform the military, rid it of reactionary
16 elements tied to the ultra-right and eliminate the torture
17 and killing of young people sympathetic to the left which
18 is radicalizing the Salvadoran campesinos towards the
19 insurrection."

20 Ambassador White, who were the younger officers?

21 A. All of the generals, most of the colts and declared
22 that their intention was to end human rights abuses and
23 make the Salvadoran military a professional organization,
24 but there were real doubts that these younger officers,
25 they were all -- most of them were concentrated in the

1 first battalion, the battalion that was in San Salvador,
2 the capital, and most of them were, were not in the
3 counsels, were not listened to as far as we could tell.
4 Their influence, it was at its height in the early days
5 following October 15, 1979, was already on the wane when I
6 wrote this telegram.

7 Q. Generally speaking did you support the efforts of the
8 younger officers?

9 A. Yes, indeed. We supported the military. We wanted to
10 support the military. That was, after all, the best
11 guarantee, the military was the best guarantee that there
12 would be stability in the country. But the way to achieve
13 stability is not to make war on your own people.

14 And so that is why we were so concerned about the
15 torture and killing of young people sympathetic to the
16 left, and because it was radicalizing the entire
17 population.

18 MR. STERN: Could I have slide 65, please?

19 BY MR. STERN:

20 Q. Ambassador White, this is another passage from the
21 cable of March 19. Could I ask you to read this portion,
22 please?

23 A. "The security forces, the National Guard and police
24 have been closely identified with the oligarchy for
25 generations. The National Guard in particular has been a

1 kind of landlords' militia in the countryside. All three
2 security services have a very bad human rights record, most
3 of it well deserved."

4 Q. What is the oligarchy identified?

5 A. The oligarchy are the tiny group of rich people who
6 controlled all of the resources in the country. This is
7 true of all Latin America, but particularly true of El
8 Salvador. It was so well-known there was a name, a
9 nickname, if you will, for this group. They were called
10 the 14 families, and the idea was that the members of 14
11 families were the people who totally controlled the
12 resources of the country.

13 Q. And what did it mean to refer to the National Guard as
14 a landlords' militia?

15 A. In many cases the National Guard were not only
16 receiving their salary from the Government, they also
17 received a retainer from the landlord, and he used them as
18 a kind of enforcer against any campesino that tried to
19 organize for better wages, that tried to move toward
20 change. It was a way of insuring that there was no
21 organized opposition to the landlord that could cut into
22 his productive capacity.

23 Q. The last sentence of this passage states, "All three
24 security services have a very bad human rights record, most
25 of it well deserved." Did this reflect an opinion on your

1 part that the security forces were responsible for a
2 pattern of human rights abuses directed toward civilians?

3 A. Yes, it did. Not only mine, but the opinion of just
4 about everybody in El Salvador. I think this is in a sense
5 not debatable. This is simply the fact. You can read it
6 in any textbook on El Salvador.

7 Q. And did you likewise have an opinion about the
8 responsibility of the security forces for incidents of
9 torture?

10 A. Yes. The security services were by far the worst. At
11 this point the Army was not as involved in the internal
12 problems of El Salvador as were the security forces that
13 were police forces.

14 MR. STERN: If I could have the lights up,
15 please.

16 THE COURT: I need to tell you we have these
17 energy efficient lights. It will take a few minutes for
18 them to come on. I do think it helps us to see these
19 things.

20 MR. STERN: Thank you, Your Honor. I will be
21 going back to the slides in a moment.

22 If I may approach.

23 BY MR. STERN:

24 Q. Ambassador White, I have handed to you and counsel a
25 copy of Plaintiff's Exhibit 499 which has been admitted

1 into evidence. Can you identify for me what 499 is,
2 Ambassador White?

3 A. Yes, this is a famous letter from the Christian
4 Democratic party leaders to the Government, to the high
5 command of the armed forces, and to the group known as
6 COPEFA which was the group of young officers, a mixture of
7 officers that were charged with safeguarding and moving
8 forward the ideas of the October 15th rebellion.

9 Q. Ambassador White, what was the Christian Democratic
10 party?

11 A. The Christian Democratic party was an important
12 political party that was founded in the ideals of Christian
13 Democracy and was profoundly influenced by the social
14 doctrine of the Catholic church. Its leader was Jos,
15 Napoleon Duarte, who was the real victor in the 1972
16 presidential election, but the military decided they did
17 not want to have a civilian president, so they had a phony
18 recount, threw him out, expelled him from the country.

19 Duarte came back from exile only a short time before
20 this time period, assumed leadership of the Christian
21 Democratic party, and after -- as I mentioned, October 15
22 revolution, when the young officers threw out the ruling
23 generals, there were four, five months of uncertainty, but
24 then the military invited the Christian Democrats to become
25 ruling partners with the military in building the new El

1 Salvador.

2 But, unfortunately, according to the writers of this
3 letter, the military instead of accepting the Christian
4 Democrats as true collaborators, treated them as criminals,
5 and particularly in the countryside treated their Christian
6 Democratic leaders as enemies. And detailed in here
7 instance after instance of a torture, murder, murder,
8 kidnapping, et cetera.

9 Q. What is the date of the letter?

10 A. January 31, 1980.

11 Q. And about three months, three and a half months after
12 the October 13 revolution?

13 A. Yes.

14 Q. Where would you put the Christian Democratic party on
15 the spectrum of El Salvador?

16 A. The central left.

17 Q. Did the United States Government regard them as an
18 important political force?

19 A. At this point they were crucial, they had good
20 leadership, had good organization, they had talented
21 people, and they had a real desire to put El Salvador on
22 the Democratic path.

23 Q. As you indicated, the letter is addressed to, among
24 other parties, the high command of the armed forces. Who
25 did that include, Ambassador White?

1 A. Well, it included Minister of Defense and the chiefs
2 of the security forces.

3 Q. And who at that time was the Minister of Defense?

4 A. Colonel Garcia here present, and Colonel Vides
5 Casanova, head of the National Guard.

6 Q. Okay. Looking at the first page of the letter, there
7 is a heading that states "The facts" if you look on that.

8 A. Yes.

9 Q. What are the facts that the Christian democrats are --
10 had included in that letter?

11 A. Well, the facts that they are talking about here is
12 they are complaining that they have not been treated in the
13 manner befitting a partner, and then they list 19 cases of
14 abuses where the -- for example, in one neighborhood, on
15 the 22nd of April, they were -- there were four -- four
16 people were assassinated and by the -- it doesn't exactly
17 identify it there. It identifies, for example a -- it says
18 in number 15, in Atlacat, the repression by the National
19 Guard has returned with renewed vigor.

20 And it talks about several colonels who have -- one
21 colonel who has denounced Christian Democrats as
22 subversives who ought to be killed. Another one, similar
23 on number 18. And then there is a particularly strong
24 example of a Colonel Benevides who has unleashed, they say
25 a terrible repression where he assassinated campesinos,

1 destroyed houses, and stolen goods. This is a National
2 Guard.

3 There is a whole series of complaints that they later
4 generalize into a complaint that the armed forces are
5 carrying out a campaign of repression, in particular,
6 against Christian Democrats.

7 Q. Was this a letter that you reviewed when you went to
8 take up your post?

9 A. I was -- I did.

10 Q. After January, 1980?

11 A. Yes. This is a letter -- we were delighted to see it,
12 this letter came out in January before I arrived. I knew
13 about it because I was working in El Salvador -- on El
14 Salvador in the Department of State. This was a letter
15 that we thought presented a great opportunity to the
16 leadership of the armed forces because it detailed in
17 great -- in number, in concretely, the abuses that were
18 going on. And we hoped that the military would respond
19 positively to these justified complaints.

20 Q. Looking at page four of the letter, Ambassador White,
21 under the section that says analysis, what did the --

22 A. Excuse me, but I have a Spanish text here.

23 Q. There is a English translation underneath.

24 A. I am sorry, okay. I have been reading the Spanish.

25 Okay. Go ahead.

1 Q. There is a heading that says analysis in the English
2 translation.

3 A. Yes.

4 Q. What conclusions did the Christian Democrats come to
5 about responsibility for the abuses they were complaining
6 of?

7 A. Well, I should read this.

8 Q. Certainly, that would be helpful.

9 A. Their analysis, analysis of the Christian democrats
10 says that all of the cases described above have three
11 characteristics in common. One, they implicate members of
12 the security forces, especially the National Guard, the
13 local commandantes and civilian paramilitary groups such as
14 Orden. Orden was the auxiliaries of the National Guard in
15 the countryside and were infamous for their cruelty and for
16 their arbitrary treatment of the campesinos. They were the
17 unofficial -- semi official enforcers of the National
18 Guard.

19 Secondly say these -- they occur in various locations
20 of the country, presenting a generalized character, not
21 just a pocket here or there. It is general.

22 Thirdly, they have all occurred within a short time
23 span, that is within the present month of January, 1980
24 which coincides with the period of the new revolutionary
25 Government Junta.

1 In other words, this was the month that the Christian
2 Democrats and military came together in a governing
3 collusion, but during that time the military targeted the
4 military Democrats, Christian Democrats with a particular
5 vigor.

6 Q. Did the letter -- do they take steps to solve the
7 problems that they stated?

8 A. Yes, they make some proposals, and first they require
9 the Orden be dismantled. Orden, as I explained, were these
10 gangs of enforcers that worked with the military, used the
11 military headquarters, operated out of the military
12 headquarters, and so they are requesting that the Orden
13 members be disarmed, and if they refused to be disarmed,
14 they say they should be turned over to the court.

15 And they also ask for dismantling of the -- of what
16 was known -- the PCN was a military sponsored political
17 party, and they were the sworn enemies of the Christian
18 Democrats, and they -- the Christian Democrats wanted
19 members of this party that had worked hand in hand with the
20 old military regime, wanted them out, and they wanted a
21 public demonstration that the activity of the right, that
22 is proclaiming the fall of this Government, the near term
23 failure of this Government, and carrying out repressive
24 actions will not be tolerated, so they propose criminal
25 prosecution of those responsible.

1 MR. STERN: If I could have page 3542 of Exhibit
2 499 on the screen, please.

3 BY MR. STERN:

4 Q. A moment ago, Ambassador White, you mentioned Orden's
5 use of military service and equipment. Based on all the
6 information you had available to you, was the military
7 aware of that usage?

8 A. Certainly. They were regarded by the National Guard
9 as auxiliaries. If I remember correctly, October 15, in
10 effect outlawed Orden, but it still existed.

11 Q. Did the Christian Democrat letter come up with any
12 proposals in the military field for addressing problems of
13 human rights abuses?

14 A. Yes. They made quite a number of recommendations.
15 They --

16 MR. STERN: I would like to ask the technician to
17 expand the bottom paragraph.

18 THE WITNESS: They asked in effect for a general
19 order from the high command with precise instructions as
20 to how they are to treat the population. In other words,
21 what they want is precise written orders that tell the
22 subordinate officers out in the field what the correct
23 procedure for coping with problems.

24 BY MR. STERN:

25 Q. You indicated that the letters, this particular

1 request was directed to the high command. Did that include
2 General Garcia, Minister of Defense?

3 A. Yes, it did.

4 MR. STERN: If I could have the next page on the
5 screen, please, and I would like to have the paragraph
6 above. That is fine, thank you.

7 BY MR. STERN:

8 Q. What is this portion of the Christian Democrats
9 recommendation? What are they proposing here?

10 A. As I said, they are proposing that, just as they
11 recommended this in the military, that they want the
12 security forces called together and orders given to confirm
13 knowledge of this military procedure.

14 Q. And did the Christian Democrats set out in specific
15 terms what they wanted this directive to contain?

16 A. Yes.

17 MR. STERN: Could I have the next portion of the
18 page highlighted, please. Down to numbered paragraph
19 eight. Thank you.

20 BY MR. STERN:

21 Q. What are the specific requests that the Christian
22 Democrats have in the inclusion?

23 A. First they ask that people not be mistreated when
24 taken into custody. Then they ask that the rights
25 guaranteed under the Salvadoran Constitution, a peaceful

1 assembly be guaranteed, and meetings be disbursed only with
2 express authorization of the high command or one of the
3 members of the high command. And then they say just
4 because you are a member of a political organization should
5 not be grounds for arrest or mistreatment.

6 And they ask to make sure that a officer is always
7 in -- a uniformed officer is present when these people are
8 arrested, and that is because an Orden would make these
9 arrests. And they ask for any detainee be allowed to make
10 a telephone call and that they be turned over to the courts
11 if there is a valid case.

12 And they are particularly concerned about expulsion of
13 people who are on strike against factories or ranchers, and
14 that is directed against the National Guards that
15 frequently acted as enforcers for the landlords. And they
16 ask for the punishment of any officer or non commissioned
17 officer who sends out false or misleading information.

18 Q. Taken together, Ambassador White, did you regard these
19 as useful reform proposals?

20 A. Yes, they were very much needed.

21 Q. If implemented, do you think it would reduce the
22 abuses?

23 A. Yes, I am convinced of it.

24 Q. As best you know, were they implemented?

25 A. No.

1 Q. Do you believe it would be practically feasible for
2 the military to implement these measures?

3 A. Yes, I certainly do.

4 Q. Did you want to comment on that?

5 A. I want to say in the next paragraph --

6 Q. Yes.

7 A. -- they ask that offenders, some of the chief
8 offenders be expelled from the military. They talk about
9 people have ostentatiously fought their repressive attitude
10 against the Democratic objectives of the state. Meaning
11 these people wanted the military to stay in absolute
12 control of El Salvador. And so they named the specific
13 individuals, they name about ten of them, and what they are
14 doing here, they want them fired as examples.

15 Q. What is the range of the individuals who are named in
16 the Christian Democratic --

17 A. Well, it varies, mostly identifies function,
18 Commandante Ilobasco, and several cases. It does note
19 there is one colonel, captain, major, it is not only low
20 level people, but higher level people.

21 Q. And these are identified by title or --

22 A. Sometime by name, more frequently by title or
23 function.

24 Q. So there wouldn't be any question about identifying
25 them?

1 A. Oh, no, no.

2 THE COURT: Mr. Stern, I think we are at a point
3 where we need to take a mid-morning recess, why don't we
4 recess and when we come back we will continue on with the
5 testimony.

6 (Thereupon, the jury retired from the courtroom.)

7 THE COURT: Just before we stop, Mr. Stern, last
8 night you asked about whether you needed to tender the
9 witness as an expert, and I indicated that I didn't think
10 that was necessary. I mean, I think that on both sides
11 the parties recognize the expertise of both Ambassador
12 White and certainly Ambassador Corr, too.

13 However, I think it would be appropriate when we
14 start to alert the jury that the Ambassador is testifying
15 probably as a fact witness and as an expert. I only say
16 that because at the end of the case there is an
17 instruction on experts, and I think it would be helpful
18 for the jury to know who fits into what category.

19 MR. STERN: Yes, I appreciate that, Your Honor.

20 THE COURT: Okay. Let's take a break for 15
21 minutes and then we will continue on.

22 (Thereupon, a short recess was taken.)

23 (Trial reconvened after recess.)

24 MR. KLAUS: Your Honor, I obtained the exhibits
25 from the prior trial, I want The Court to know that.

1 THE COURT: Good, thank you. I am glad you are
2 able to do that.

3 (Thereupon, the jury returned to the courtroom.)

4 THE COURT: Ladies and gentlemen, please be
5 seated. When we stopped, we were in direct examination.
6 Let me turn back to Mr. Stern so he may proceed.

7 MR. STERN: May it please The Court, did you
8 want --

9 THE COURT: Yes, thank you for reminding me.
10 Ladies and gentlemen, most of the witnesses
11 called in a case are usually referred to as a fact
12 witness, and those are people who come in and tell you
13 what they say they have personally observed themselves or
14 heard themselves, and, of course with that type witness it
15 is up to the jury to decide is the person accurate in what
16 they tell you they have seen, and how good is their memory
17 so as they are telling you something today, is it an
18 accurate accounting of what has happened. So those are
19 fact witnesses.

20 Now, there is another category of witnesses, and
21 that is when it would be helpful to the jury to have
22 information regarding a specialized area of knowledge, and
23 so when that is appropriate, someone who has some
24 experience either by virtue of their academic training or
25 work experience is allowed to come and testify as an

1 expert.

2 Now, when someone is classified as an expert,
3 that means that they are allowed to give you their
4 opinions about things. And I am going to explain in
5 greater detail at the end even with a fact witness, it is
6 up to the jury to decide whether to accept the opinions,
7 and I will talk in greater detail.

8 I neglected to mention to you that the Ambassador
9 was being called as an expert witness. Now, in addition
10 to that the Ambassador is also being called as a fact
11 witness regarding certain things that he may have observed
12 himself.

13 So, if you will, Ambassador White is sort of a
14 hybrid of a witness because it is possible some of his
15 testimony will deal with things he had firsthand knowledge
16 of, but in addition to that, because of his background and
17 experience, he has also been categorized as an expert with
18 respect to Central America and Latin America foreign
19 policy and so on.

20 Okay. So with that, let me turn back to
21 Mr. Stern so he can proceed.

22 MR. STERN: Thank you, Your Honor.

23 BY MR. STERN:

24 Q. I have a couple more questions about the Christian
25 Democrats letter, Mr. White.

1 MR. STERN: If I could have the last page on the
2 screen.

3 BY MR. STERN:

4 Q. Ambassador White, turning to the paragraph we have
5 highlighted on the screen, the last sentence of the
6 document states -- of this paragraph states, "It is the
7 obligation of the Government to put a stop to such wrongful
8 behavior, and it is up to the armed forces to act in such a
9 way as not to destabilize the unity of the Government but
10 so as to consolidate its authority and be able rationally
11 to achieve the kind of popular support that will isolate
12 the ultra-left and restore social order."

13 Were the armed forces able to achieve popular support
14 as set out in the letter?

15 A. They had the capacity, but they did not do it. As far
16 as I know the armed forces never even bothered to answer
17 this terribly important letter and that was a slap in the
18 face to the Christian Democratic party.

19 Q. To your knowledge, Ambassador White, did Minister of
20 Defense Garciagive any response to this letter?

21 A. I have never seen such a response, and I am 100
22 percent certain I would have seen such a response.

23 Q. Did the director of the National Guard, General Vides
24 Casanova respond to this letter?

25 A. Not to my knowledge.

1 Q. I want to turn to some other human rights abuses we
2 have in question.

3 Ambassador White, along with Christian Democratic
4 policy was there a party that went by the name FDR?

5 A. Yes, sir.

6 Q. What does that stand for?

7 A. Revolutionary Democratic Front.

8 Q. What is FDR?

9 A. A group of progressive politicians who shared the
10 ideals of the revolution, who were democrats, who wanted
11 change. They were to -- they were to the left of the
12 Christian Democrats, but they wanted to achieve their
13 objectives peacefully. They were a party committed to
14 peaceful change.

15 Q. Was FDR engaged in the use of violence?

16 A. No. No. They were a crucial group because they had
17 the capacity to speak and be listened to by both sides.
18 They were kind of the wheel on which the political fulcrum
19 turned.

20 Q. And when you were Ambassador to El Salvador, were
21 members of the FDR party the victims of politically
22 motivated assassination?

23 A. Yes. This was a terrible blow to El Salvador and to a
24 Democratic El Salvador and to a peaceful El Salvador. On
25 November 27th in the middle of the downtown section of San

1 Salvador a group of military people entered the Jesuit high
2 school, arrested the six men who were there peacefully
3 meeting and took them away with their thumbs tied behind
4 their back, and they were found later a short distance from
5 San Salvador with marks of torture on their bodies. They
6 were all executed.

7 Q. Who were the six men you are referring to, Ambassador
8 White?

9 A. These were the leaders of the Democratic front,
10 including the most prom -- the most prominent was a former
11 Minister of Agriculture named Alvarez, a very well-known
12 and respected statesman.

13 MR. STERN: Could I have slide 66 on the screen?
14 And could I ask the lights to be turned down to half
15 strength?

16 BY MR. STERN:

17 Q. Ambassador White, I have handed you a copy of Exhibit
18 188, a portion of which has been put on the screen. Can
19 you tell the jury what 188 is, please?

20 A. This is a telegram from me to the Department of State,
21 to the Secretary of State reporting on this tragic event of
22 November 27th.

23 Q. The first portion of the excerpted passage here says,
24 "The commander of the National Guard, Colonel Carlos
25 Eugenio Vides Casanova told me that the security forces

1 maintain a constant surveillance of the offices of the
2 Socorro Juridico."

3 First, is the man who is identified in this cable in
4 courtroom today.

5 A. Colonel Vides Casanova, right there. Socorro Juridico
6 was the legal aid office of the Catholic archdiocese of San
7 Salvador, and they helped give legal counsel to victims of
8 the terror, orphans, other people who lost family members.
9 So they were regarded as enemies of the military, and this
10 is why they maintained this constant surveillance, not only
11 to watch the people who staffed Socorro Juridico, but also
12 to see who it was that went in and out.

13 Q. What was the connection, if any, between the
14 surveillance of those offices and responsibility for the
15 killing of the FDR leaders?

16 A. Could you repeat that?

17 Q. Well, the second part of the passage that we have on
18 the screens states that, "It is inconceivable that a large
19 group of heavily armed men surround the Socorro Juridico's
20 offices, accomplish a room by room search of the premises
21 and take away six men without the permission, not to say
22 the participation, of the security forces."

23 What are you saying about the responsibilities for the
24 murders?

25 A. I am saying the security forces were involved in the

1 abduction, torture and assassination of the six men.

2 Q. And what is the significance of the surveillance of
3 the offices of the Socorro Juridico?

4 A. The fact that they were under constant surveillance
5 means there is no way that another band of the
6 revolutionaries -- it meant that there is no other
7 possibility other than the security forces or groups, or
8 people that the security forces were working with, there is
9 no other possibility that any other group could be
10 responsible.

11 Q. Turning your attention to the third page of this
12 exhibit, Ambassador White, on the middle of the page it
13 states that -- you stated, "By killing the leaders of the
14 FDR, the military have explicitly rejected dialogue and
15 heralded a policy of extermination."

16 Politically speaking, what was the importance of the
17 murder of the FDR leaders?

18 A. Politically speaking, it meant that a group that was
19 trusted both by the revolutionaries and by large numbers of
20 the people, the church leaders, labor union leaders, that
21 this, by taking these people out and killing, they removed
22 the crucial bridge, the crucial group that could have
23 bridged the gap between the revolutionaries on the left and
24 the governing coalition, and this in effect was the day
25 that any hope of a near term political solution received

1 its severest blow.

2 Q. Ambassador White, I have handed you a copy of
3 Plaintiffs' Exhibit 190. What is exhibit 190?

4 A. This telegram is a telegram from the military attach,
5 of the United States Embassy, military attach, I would see
6 as Ambassador, I would see the telegrams. They would send
7 these telegrams through their own channels, and normally I
8 would not insert anything. I might add a comment, but in
9 this case I did not. This is simply the reporting of the
10 American Embassy's military attach, on the reaction of the
11 armed forces to the killings of the FDR leaders.

12 Q. Can you identify the author of Exhibit 190 for us?

13 A. I can. His name was Colonel Brian Bosh, a colonel in
14 the United States Army.

15 Q. And during the time you were Ambassador, did you find
16 Colonel Bosh to be a reliable source of information about
17 events in El Salvador?

18 A. I regard him as totally trustworthy, a very skilled
19 observer. He was of Spanish origin and he was perfectly
20 bilingual.

21 MR. STERN: Could I have slide number 67, please?

22 BY MR. STERN:

23 Q. The last sentence of the cable states -- of the
24 passage that we have on the screen states, "While the
25 revolutionary governing Junta, JRG has publicly promised

1 that an investigation into these killings will be carried
2 out, it is not expected that this investigation will be a
3 serious one or that anyone would be apprehended."

4 Ambassador, was an investigation carried out?

5 A. No serious investigation carried out.

6 Q. Was anyone apprehended for the killings?

7 A. No. Any investigation had to be with the cooperation
8 of the armed forces, and that cooperation was not
9 forthcoming.

10 MR. STERN: Could I have slide 68, please?

11 BY MR. STERN:

12 Q. This is a passage from the same cable, would you read
13 this, please?

14 A. "Most military officers were highly pleased with the
15 assassination of the six FDR leaders. These officers
16 believe that other leaders and members of the FDR should be
17 eliminated in a similar fashion whenever possible. These
18 feelings were expressed by several middle level Army
19 officers on the 28 November, 1980 in the presence of
20 Colonel Jos, Garcia Merino, Minister of Defense, and
21 Nicholas Carranza, sub-Minister of Defense, and both Garcia
22 and Carranza indicated that they supported this line of
23 thinking. From the comments of all those present during
24 this conversation, it was clear that Garcia, Carranza, and
25 the other officers present accepted as a fact that the

1 military services were responsible for the assassination of
2 the six FDR leaders."

3 Q. Ambassador White, is Colonel Jos, Garcia Merino
4 Minister of Defense the same General Garcia in our
5 courtroom today?

6 A. It is.

7 Q. Does it surprise you to read in the cable that it is
8 reported that Colonel Garcia supported this line of
9 thinking?

10 A. No, it does not surprise me.

11 Q. Why is that?

12 A. It doesn't surprise me because I spent a considerable
13 amount of time trying to persuade Colonel Garcia that this
14 was not an acceptable way for the armed forces to act. Not
15 in this particular cable, but overall in a variety of
16 instances, and he was basically non-responsive, and not
17 cooperative.

18 Q. Ambassador White, I handed you a copy of Exhibit 192.
19 Can you identify this document for us?

20 A. Yes. This is a memorandum to the Secretary of State
21 from the Human Rights Assistant Secretary. Assistant
22 Secretary For Human Rights of the Department of State,
23 Patricia Darian, and she is reporting to the secretary
24 about United States' response to the assassination of the
25 FDR leaders.

1 Q. Just to be clear, Ambassador White, who is the
2 secretary?

3 A. The secretary in this case was Cyrus Vance.

4 Q. And what is the date of this briefing memorandum?

5 A. December 4, 1980.

6 Q. Does this document reflect the reporting that you and
7 your Embassy was doing from El Salvador? Let me rephrase
8 that.

9 A. Yes.

10 Q. Is it based on the report of your Embassy?

11 A. It is largely based on this report, yes.

12 MR. STERN: Could I have slide 46, please?

13 BY MR. STERN:

14 Q. I want to focus your attention, Ambassador White, on
15 the first sentence of the second paragraph in the slide.
16 Could you read that for us, please?

17 A. The one with security forces?

18 Q. No. The killings.

19 A. "The killings last week of the FDR leadership were not
20 an aberration, nor were they the work of simply a handful
21 of middle level officers. Since March, the security forces
22 have embarked upon a campaign of quickening repression of
23 which the assassination of the FDR leadership is but the
24 latest and most spectacular incident."

25 Q. Did you share the view that the killings of the FDR

1 leadership were not an aberration nor simply the work of a
2 handful of officers?

3 A. Unfortunately it was a pattern of gross violations of
4 human rights by the Salvador military and security forces
5 throughout this period.

6 Q. Ambassador White, I hand you an exhibit of 191, a U.S.
7 State Department cable.

8 MR. STERN: Could I have slide 59, please?

9 BY MR. STERN:

10 Q. Is this a cable that you drafted for the Secretary of
11 State, Ambassador White?

12 A. Yes, sir.

13 Q. And in this cable are you reporting on a meeting that
14 you had with Salvadoran military leaders?

15 A. Yes, that is true.

16 Q. The cable states from the passage that is up on the
17 screen, "I told the group we regretted having to state
18 these hard truths, but that it was essential that they
19 control security forces and not allow subordinates to take
20 the law into their own hands. These lawless elements were
21 a cancer that had to be cut out or it would eventually
22 destroy the military."

23 In this instance were you addressing the military in
24 their role as commanders?

25 A. Yes, but it was not only the leaders, but there were

1 many representatives of the armed forces present. There
2 was a rather larger meeting than normal. I would suppose
3 there were 30 people in the room.

4 Q. I want to shift the focus to another topic, Ambassador
5 White.

6 Earlier you testified, and throughout your testimony
7 you have spoken of pattern and practice of human rights
8 abuses carried out by the military and security forces.
9 Was it your view that the leadership of the military and
10 security forces was aware of this practice?

11 A. Yes.

12 Q. Was it your view that Minister of Defense Garcia was
13 aware of these abuses?

14 A. Yes. The Salvadoran military is a hierarchal
15 organization. It runs with the top man, gives the orders,
16 and they follow them out. Salvadoran military operated
17 more or less as a normal military establishment would
18 operate with responsibility at the top descending down to
19 subsidiary officers.

20 Q. Is it your opinion that Colonel Vides Casanova was
21 aware of abuses, human rights abuses carried out by his
22 troops in the National Guard?

23 A. There is no way he could not have been aware. We are
24 talking in the National Guard, I can't recall exactly, but
25 I don't think there were more than 40 or so officers in the

1 entire National Guard. So it is impossible for the
2 commander who knows personally each one of these men, it is
3 impossible for him not to know what each one is doing.

4 Q. You testified previously you had numerous meetings
5 with General Garcia and General Vides Casanova. At those
6 meetings did you discuss human rights abuses with them?

7 A. Yes.

8 Q. And did you make them aware of the abuses that were
9 taking place?

10 A. I certainly did make them aware of them, yes.

11 MR. STERN: If I could ask Mr. Green help set up
12 the easel.

13 THE WITNESS: I was under explicit instructions
14 from the Department of State to make them aware of our
15 profound concerns.

16 MR. STERN: If I could have the lights up,
17 please.

18 BY MR. STERN:

19 Q. Ambassador White, I am going to ask you to look at a
20 passage from the deposition taken in this case under oath
21 of General Vides Casanova. Are you able to read that,
22 Ambassador?

23 A. Yes, more or less. Go ahead.

24 MR. KLAUS: Your Honor, perhaps if they pull it
25 all the way back.

1 THE WITNESS: Yes, that would be better. Yes,
2 now I can read it.

3 BY MR. STERN:

4 Q. The passage from the deposition I would like to focus
5 your attention on, lines three through 90, page 144 from
6 the deposition of General Vides Casanova taken
7 February 1st, 2001. It reads --

8 THE COURT: Let me stop you, Mr. Stern. There is
9 a handheld microphone. I am concerned that Mrs. Stipes be
10 able to hear you. It is important you try -- you use the
11 microphone.

12 BY MR. STERN:

13 Q. The deposition passage states, "As director general of
14 the Salvadoran National Guard during 1979 to 1983, you were
15 made aware of incidents of torture and/or extra judicial
16 killing committed by members of the Salvadoran National
17 Guard as reported to you by Ambassador Robert White or
18 other United States officials?

19 "Answer. No."

20 A. You want me to respond to that?

21 Q. What is your reaction to that, Ambassador White?

22 A. I find it incredible that he would say that. I could
23 only believe he wishes he had that answer back, because
24 there is a record in the Department of State of numerous
25 conversations on this topic.

1 Q. I would like you to look at another exhibit,
2 Ambassador White.

3 MR. STERN: If I could have slide 54, please.

4 And the lights down low again. Thank you.

5 BY MR. STERN:

6 Q. I hand you a copy of Plaintiffs' Exhibit 158,
7 Ambassador White.

8 MR. STERN: I apologize, that should be slide 54.

9 Thank you.

10 BY MR. STERN:

11 Q. We put on the screen a portion of the cable which is
12 dated March 19, 1980 from you, Ambassador White, to the
13 U.S. Secretary of State.

14 Does this cable record a meeting that you had with
15 General Garcia sitting here in our courtroom today?

16 A. Yes, it does.

17 Q. And what did General Garcia state to you on that
18 occasion?

19 A. Well, I was explaining to him a view of the United
20 States Government that too many military personnel who were
21 involved in killing and were involved in death squads, and
22 he responded that, as I have reported, that while it was
23 possible that one percent of the military might conceivably
24 be involved in some way, that is an extreme right acts of
25 terrorism, but he was certain the military was 99 percent

1 pure.

2 Q. Let me stop you for a moment, Ambassador White. Did
3 you regard that as an accurate estimation on general
4 Garcia's part?

5 A. No. It was -- he and I both knew that this was not
6 the case, that a large number, a high percentage of the
7 military were involved in extra judicial killings and death
8 squads.

9 Q. In response to General Garcia's statements, what did
10 you suggest that he do?

11 A. I pointed out to Garcia that one percent of 16,000 is
12 160 men, and that 160 men or even half that number could,
13 in collaboration with the well financed right, give the
14 impression that the armed forces was working to kill off
15 moderates of the center and nonviolent left in order to
16 return the Government to the hands of the oligarchy, I
17 urged him to identify and root out that one percent.

18 Q. I want to take a step back for a moment, Ambassador
19 White. When you wanted to discuss human rights abuses with
20 Salvadoran officials, was General Garcia one of the prime
21 representatives that you went to speak to?

22 A. He was the prime one that I went to see. I also
23 discussed this with Napoleon Duarte and civilian members of
24 the Junta, but that was more in the what can we do together
25 to influence the military to stop this, because as

1 witnessed by the letter from the Christian Democrats, they
2 were as concerned as we were about this wave of, unceasing
3 wave of killings.

4 Q. Why was it you sought out General Garcia to discuss
5 these issues?

6 A. I sought out General Garcia, he is the Minister of
7 Defense, he is the man in charge.

8 Q. Based on the evidence you had available to you, was
9 there any one with greater power in the military than
10 Minister of Defense General Garcia?

11 A. No. He was the chief of the armed forces.

12 Q. In your work as Ambassador, did you have an
13 opportunity to observe civilian government officials and
14 military officers together?

15 A. Oh, yes. Yes, but they were mostly ceremonial
16 occasions.

17 Q. Did you receive intelligence reports and other
18 information that addressed relationship between civilian
19 and military personnel, specifically the officers.

20 A. Did I review them with whom?

21 Q. Did you in the course of your work, was that an area
22 that you got information?

23 A. Oh, yes, absolutely.

24 Q. What was the general attitude of the military officer
25 core, particularly the Minister of Defense to civilian

1 authority?

2 A. The military paid very little attention to the views
3 of the civilians in the government on military matters.
4 There was a certain -- certain areas of cooperation, but on
5 the issue of a repression, the civilian members of the
6 government were as frustrated by there inability to stop
7 the killing as was I.

8 Q. Did the members of the military -- well, specifically
9 regarding human rights abuses carried out by members of the
10 military, did the military take orders from civilians on
11 that issue?

12 A. No, sir.

13 Q. Did General Garcia take orders from civilians on that
14 issue?

15 A. No. General Garcia is sort of the one constant in the
16 government of El Salvador from before the October 15 revolt
17 of 1979 right straight through and to 1983, or '4. For at
18 least five, six years, he was the place where power
19 resided.

20 Q. And with respect to the operations of the National
21 Guard, did the director general of the National Guard Vides
22 Casanova take orders from civilian officials?

23 A. That is the way the organizational chart reads, yes.

24 Q. Yes, he did, or did not?

25 A. He did. According to the hierarchy of the command

1 chart, if you will, of the Salvadoran armed forces, the
2 Minister of Defense is superior to the director general of
3 the National Guard. Director general of the National Guard
4 takes orders from the Minister of Defense.

5 Q. I may have misspoken. Did either of those figures
6 take orders from civilians regarding human rights issues?

7 A. No, sir.

8 Q. I have handed you a copy of Plaintiffs' Exhibit 159
9 which is a cable dated May 21, 1980.

10 MR. STERN: Slide 51, please.

11 BY MR. STERN:

12 Q. Ambassador White, does this cable record a meeting
13 that you had with General Garcia to discuss human rights
14 issues?

15 A. Yes, it does.

16 Q. And what did you say to General Garcia on this
17 occasion?

18 A. I -- I reported to Washington that my purpose at this
19 meeting was to make two points. First, that the torturing
20 and killing of unarmed civilians by the security forces had
21 gone way beyond any conceivable justification and could
22 affect our support for this Government.

23 Colonel Garcia admitted that the excesses were grave
24 and said he had a good idea who was responsible.

25 Then after some more discussion, at the end I say,

1 "This is the most discouraging and disappointing
2 conversation I have had since my arrival in El Salvador.
3 Colonel Garcia made no promise, implicit or explicit, to
4 put an end to the official violence."

5 Q. Paragraph five of this cable states, "Garcia went into
6 a long rehash of the D'Abuisson case? What is D'Abuisson?"

7 A. Major D'Abuisson was a man who was infamous in the
8 Salvadoran military for his excesses, for his violations of
9 human rights, for his torture and murder of civilians. He
10 was known as, Blow Torch Bob was his nickname. He was
11 expelled from the Salvadoran military by the young officers
12 that took over on October 15, 1979. He then proceeded to
13 go into a clandestine role.

14 Roberto D'Abuisson was at the center of the revolt, of
15 the attempt to try to overthrow the Government and throw
16 out the Christian Democrats, and return the country to
17 absolute military rule. Roberto D'Abuisson was named by
18 the Attorney General of El Salvadoran, by the Truth
19 Commission, United Nations Truth Commission as the
20 intellectual author of the assassination of Monsignor
21 Romero, Archbishop of El Salvador.

22 Q. What is the D'Abuisson case that is referred to in the
23 cable?

24 A. The D'Abuisson case as I have explained, the reformist
25 officers were all concentrated in the first Battalion which

1 was stationed in San Salvador. The young officers received
2 word that there was a clandestine meeting taking place in a
3 farm right on the outskirts of San Salvador. That was a
4 plotting, a coup. These young officers went to this farm
5 house, broke in the door, surprised these coup plotters,
6 arrested them and seized incriminating documents that
7 proved their complicity in plots to overthrow the
8 Government.

9 Q. Was Roberto D'Abuissou one of the people seized in
10 this raid?

11 A. Yes, he was.

12 Q. Did the individuals or evidence seized in the raid
13 relate in any way -- well, let me back up for a moment.
14 You spoke of Archbishop Romero. Who is Archbishop Romero?

15 A. Archbishop Romero was the Catholic Archbishop of El
16 Salvador, he was the primate of El Salvador. He was the
17 most prominent churchman in the country, and he was the
18 voice of the voiceless, as they called them. He was the --
19 he was known for his leadership against military abuses,
20 and in favor of a return to democracy.

21 Q. Was he a politically significant figure?

22 A. Yes, he was a politically significant figure, very
23 much. Not that he was engaged in partisan politics, not at
24 all. But he bore witness from his position of great
25 prestige. He bore witness every week to the abuses that

1 were being committed by the military.

2 Q. And what was the connection, if any, between Roberto
3 D'Abuisson, and Archbishop Romero as that you spoke of?

4 A. Archbishop Romero was assassinated in March, 1980. We
5 got reports immediately at the Embassy that Roberto
6 D'Abuisson was involved as well as other military officers,
7 and that in this terrible crime, and later the Attorney
8 General indicted -- no, later the Attorney General
9 announced that Roberto D'Abuisson was the intellectual
10 author of the assassination of Romero as the United States
11 Truth Commission made that official statement finding
12 Roberto D'Abuisson as the culprit.

13 Q. So Roberto D'Abuisson was seized by the members of the
14 First Battalion as you testified? What was the posture of
15 the case then? Why was that a significant issue?

16 A. This is important because Roberto D'Abuisson was the
17 leader of the movement that included both civilians and
18 active duty military officers to overthrow the Government.
19 We call -- in the Embassy we call it a rolling coup because
20 he was constantly pushing for overthrow for -- he was
21 constantly appearing at various military installations,
22 holding meetings, and we have -- we had a tape in the
23 Embassy of him addressing the meetings, and there is no
24 question but the D'Abuisson's actions had the sympathy of a
25 great number of active duty officers.

1 So when the First Battalion took him into custody,
2 this was a great gift. This was the time as well as to try
3 Roberto D'Abuisson and put him in prison for his crimes
4 against the state. This was a very important juncture.

5 Q. Were you in favor of trying and prosecuting Roberto
6 D'Abuisson at that moment?

7 A. Yes, sir, I certainly was.

8 Q. Did you have discussions with General Garcia about
9 what to do about Mr. D'Abuisson at that moment when he was
10 in the custody of the military?

11 A. Yes. I went to see the Minister of Defense and urged
12 him to take appropriate action to put an end to this man's
13 activities.

14 Q. I would like to show you one additional deposition
15 passage, if I could.

16 MR. STERN: Mr. Green, could I ask for the lights
17 to be turned up?

18 BY MR. STERN:

19 Q. Ambassador White, I am going to show you sworn
20 testimony of General Garcia in our case.

21 January 31, 2001, deposition of Jos, Guillermo Garcia.
22 General Garcia testified, page 140, lines three through six
23 of the deposition. "Did you ever suggest to Ambassador
24 White that D'Abuisson not be put on trial but be
25 reintegrated into the military and appointed as a military

1 attache?

2 "Answer. Absolutely absurd."

3 MR. STERN: If I could ask Mr. Green to take down
4 the board and have the lights back on. I would like the
5 technician to call up Exhibit 159.

6 BY MR. STERN:

7 Q. Ambassador White, you testified that you recalled
8 meeting with General Garcia about what to do with Roberto
9 D'Abuisson at this moment. Do you recall what General
10 Garcia told you he was considering doing?

11 A. Yes, when I observing diplomatic protocol, when I did
12 the best I could to insist that Roberto D'Abuisson should
13 be tried for high crime against the state, the Minister of
14 Defense's reaction was, well, I was thinking of sending him
15 as military attache to Taiwan.

16 This was a real body blow to me and to our policy
17 because if a traitor, a man who is consciously, repeatedly,
18 publicly trying to subvert the Government is in effect
19 rewarded by a diplomatic post overseas, what kind of
20 example does this give to the other officers with whom we
21 are trying to persuade to stop this unbridled killing.

22 MR. STERN: Could I have paragraph seven expanded
23 on the screen, please?

24 BY MR. STERN:

25 Q. Ambassador White, is this what you wrote to the U.S.

1 State Department in -- following on your meeting with
2 General Garcia to discuss what would happen to Roberto
3 D'Aubuisson?

4 A. Yes, it is. It is difficult to read. I can read it,
5 I guess.

6 "Garcia talked around this for a long time and then
7 came up with the suggestion that perhaps the best thing to
8 do would be to reintegrate D'Abuisson into the military
9 ranks and send him to Taiwan as attach,."

10 I guess that is the crucial report. Recall I am
11 reporting this at the time, and as Ambassador my primary
12 obligation is to report the facts to the proper state. I
13 have no reason whatsoever to say anything but the facts.
14 We are allies of the Salvadoran military.

15 Q. What happened to Roberto D'Aubuisson at this time?

16 A. He was released by the armed forces -- when I -- I did
17 return and -- when they released him and Colonel Garcia
18 said it wasn't he who had released him, it was the -- in
19 effect the judge advocate of the armed forces who had taken
20 this decision.

21 Well, this is, simply argues for a general -- the man
22 would not have been released unless Colonel Garcia gave the
23 word that he was to be released.

24 Q. You testified earlier, Ambassador White, that the U.S.
25 Embassy monitored human rights abuses carried out by the

1 military and security forces in El Salvador; is that
2 correct?

3 A. Yes.

4 Q. And did you also track the names of individuals in the
5 military security forces who were connected with those
6 abuses?

7 A. We did.

8 Q. Did you in fact maintain a list of those names?

9 A. Yes.

10 Q. Did you ever bring up those names to General Garcia or
11 General Vides Casanova in your discussions with them?

12 A. I brought them up several times. I remember
13 specifically one occasion when we were -- when the three of
14 us were together and I specifically brought up the names of
15 some of the officers who were guilty of flagrant abuses of
16 human rights. And I remember that Colonel Vides
17 Casanova -- and I admired this -- he got very excited, and
18 he jumped up and said to the Minister of Defense, he said,
19 if I told you once, Guillermo, I told you 100 times to get
20 rid of some of these crazy people. That was his response,
21 and I admired that response.

22 Unfortunately, the Minister of Defense did not do
23 anything, and did not expel any of these flagrant abusers
24 from the military or security forces.

25 Q. The person who made the statement you just quoted is

1 General Vides Casanova here in court?

2 A. Yes.

3 Q. And the person he made the statement to was General
4 Garcia, also here?

5 A. That is correct.

6 Q. Did you ever discuss with General Garcia sending
7 alleged human rights abusers in the military to the courts?

8 A. Oh, yes.

9 Q. And what response did you get from General Garcia?

10 A. Well, he said you don't understand our -- the
11 particular nature of our institution. Several times, not
12 once, but several times I was treated to lectures about the
13 idiosyncratic nature of the armed forces of El Salvador,
14 which is -- what this meant was they don't wash their dirty
15 linen in public, that they take care of their own quietly.

16 What this, of course, meant was that nobody was ever
17 punished for any crime. There is no example, no example
18 from 1979 to at least 1983, not until much later that a
19 single officer was ever punished.

20 I remember another case where I was complaining to
21 Colonel Garcia, and he said, I have good news for you, we
22 have just expelled five soldiers from the military. And I
23 said, that's fine, but what was that crime? Well, the
24 crime, he said, was cattle rustling. I said, fine, what
25 this means to me, if you violate the rights of animals, you

1 get thrown out of the military, but if you kill people,
2 nothing happens.

3 Q. Ambassador White, I handed you a copy of Plaintiffs'
4 Exhibit 161.

5 MR. STERN: Could I have slide 52, please?

6 BY MR. STERN:

7 Q. Exhibit 161 is a cable from you to the Secretary of
8 State dated August 23, 1980, states, "Defense Minister
9 Garcia had a different reaction. He claimed that while the
10 human rights goals in the U.S. document were good ones,
11 Salvadoran idiosyncrasies were not being taken into
12 account. By idiosyncrasies, Garcia means that all abuses
13 of authority by the military are handled quietly and
14 in-house. He agreed there have been abuses but didn't
15 think it a good idea to proclaim the fact. He seemed to
16 think that there was no point in it."

17 Does this cable report the type of discussion you just
18 testified about?

19 A. Yes, it does.

20 MR. STERN: Could I have slide 53, please?

21 BY MR. STERN:

22 Q. At the meeting summarized in the cable, do you recall
23 whether General Vides Casanova was also present, Ambassador
24 White?

25 A. Yes.

1 Q. That cable states that, "Colonel Vides Casanova asked
2 why the U.S. was so insistent on dealing toughly with the
3 right extremists, and not with those of the left."

4 Ambassador White, did you agree the U.S. was dealing
5 more toughly with the right than the left?

6 A. No. Absolutely not. The left in a sense of the
7 extreme left was the violent left, extreme left was the
8 enemy and, of course, the United States Government and good
9 name of the United States Government was not identified
10 with the extreme left, because they were, as I said, an
11 enemy.

12 The name of the United States was identified with the
13 Salvadoran Government and Salvadoran military. We were
14 allies, and my constant refrain was you have to conduct
15 yourself in such a way so as not to bring shame on the
16 United States. We are under big attack at home, and being
17 at home for our support for this Government and penchant
18 for killing people.

19 You want me to continue.

20 Q. I think that is sufficient, thank you.

21 I have handed you a copy of Plaintiffs' Exhibit 162,
22 which is a U.S. Government cable dated November 14, 1980
23 that went out over your name. Ambassador White, are you
24 familiar with an individual at the Embassy when you were
25 Ambassador named James Bell?

1 A. Yes.

2 Q. Who is James Bell?

3 A. Special officer, an excellent officer, foreign service
4 officer. He was in my Embassy at the time.

5 Q. Did he provide you with reporting and investigations
6 in his area of expertise?

7 A. Yes, he did.

8 Q. Did you rely on the information he gave you?

9 A. He was an excellent officer.

10 MR. STERN: Could I have slide 60, please.

11 BY MR. STERN:

12 Q. Could I ask you to read the first paragraph,
13 Ambassador White?

14 A. "In a recent conversation with economic officer James
15 P. Bell, Colonel Mauricio Vides Casanova, head of the
16 telephone company and brother of National Guard Commander
17 Colonel Eugenio Vides Casanova, admitted that the security
18 forces and the Army, too, were guilty of the large number
19 of abuses attributed to them. But he said that up to now
20 the military high command felt the benefits outweighed the
21 disadvantages."

22 Q. Ambassador White, did you agree with the assessment of
23 Colonel Mauricio Vides Casanova?

24 A. It squared with everything we knew, yes, sir.

25 Q. Could you read the second paragraph?

1 A. "Rightist violence condoned or organized by the
2 military could be stopped quickly, he said, that is
3 Mauricio Vides Casanova, by making examples of three of our
4 officers who are guilty of much of the death squad
5 activity. No one has been charged, demoted or even
6 reprimanded, and until some step against this violence is
7 taken, he, Casanova, predicted it would go on and on."

8 Q. Ambassador White, did you agree with the portion of
9 the statement attributed to Mauricio Vides Casanova that
10 you just read?

11 A. Yes, I do. It is common sense.

12 Q. Was in fact any officer ever charged with the crimes
13 that are noted in the cable?

14 A. No, sir.

15 Q. Was any officer ever demoted?

16 A. No, sir.

17 Q. Was any officer ever reprimanded?

18 A. Not that I know of.

19 Q. Did the violence continue?

20 A. The violence continued and increased.

21 Q. I want to turn to a slightly different topic,
22 Ambassador White.

23 Is it your opinion that during the period you were
24 Ambassador, Minister of Defense Garcia had control over the
25 operations of the military under his command?

1 A. Yes, sir, that was the assumption on which all
2 conversations were based.

3 Q. Is it your opinion with regard to the activities of
4 the National Guard that Director General Vides Casanova was
5 in command of his troops?

6 A. Yes, I think he was a remarkably effective officer.

7 Q. Was it your opinion that --

8 THE COURT: Mr. Stern, could I stop you for a
9 second, because this is direct examination. Can you limit
10 yourself to non-leading questions?

11 MR. STERN: Certainly, Your Honor.

12 BY MR. STERN:

13 Q. I would like to show you an additional exhibit.

14 I've handed you a copy of Plaintiffs' 459.

15 A. Yes, sir.

16 Q. Can you identify Exhibit 459 for us, Ambassador White?

17 A. I am not sure that I can. Oh, yes, now I can. Okay.

18 This, if I am not mistaken -- no, this is a CIA report
19 on military attitudes. That means that this is an
20 independent assessment by the CIA of the situation.

21 MR. STERN: Could I have slide 145, please? And
22 perhaps if I could ask for the lights to be turned back
23 down. Thank you.

24 BY MR. STERN:

25 Q. The cable states, Ambassador White, the military is

1 more unified and its chain of command more consolidated
2 than at any time since the coup in October 1979. Defense
3 Ministry retains complete control of all military affairs
4 and has significant veto power over other Government
5 policy. "

6 Is this portion of the cable, Ambassador White,
7 consistent with your analysis of the military command in
8 that period?

9 A. Yes, sir.

10 Q. The cable goes on to state: "The armed forces are set
11 on eliminating the revolutionaries through indiscriminate
12 warfare and probably would reject moves viewed as hampering
13 that effort. Some military officers still consider
14 replacement of the Juntas with a single military chief of
15 state as the only viable alternative."

16 Ambassador White, is that statement reflected in the
17 CIA cable consistent of your analysis of the situation?

18 A. Yes, it is.

19 Q. Ambassador White, I hand up to you a copy of Exhibit
20 144, which is in evidence. Exhibit 144 is a U.S.
21 Government cable dated April 11, 1981. Ambassador White,
22 are you familiar with something called the Soyapango
23 massacre?

24 A. Yes.

25 Q. What was that?

1 A. This is a massacre that took place during 1980, and if
2 I recall correctly, the Treasury Police were the ones
3 identified as responsible.

4 Q. And at the time who was the head of the Treasury
5 Police?

6 A. The head of the Treasury Police was Lieutenant Colonel
7 Francisco Moran.

8 Q. And was the Treasury Police one of the security forces
9 within the Salvadoran military?

10 A. Yes.

11 MR. STERN: Could I have slide 55, please?

12 BY MR. STERN:

13 Q. Ambassador White, the passage from this cable that we
14 put on the screen has a number of blank brackets. Can you
15 explain for the jury why those brackets appear there?

16 A. Well, this is a cable where after each -- those
17 brackets were, there is either a source, a number,
18 designated source or designating whether it is
19 confidential, secret or unclassified.

20 Q. I would like to direct your attention to the sentence
21 that begins, "He said one word from the defense minister".
22 Who is the he identified in the sentence?

23 A. Political officer asked, who is he asking, I don't
24 know who he is asking in this cable.

25 Q. Is that the source?

1 A. Yes, that is the source.

2 Q. Unidentified?

3 A. Unidentified. We know from context that it is a
4 military officer.

5 Q. What did it mean for the source to state that one word
6 from the defense minister and Moran would go?

7 A. Put it in context. The key point here is, as I have
8 testified, the defense minister was in charge. The
9 importance of this was that Francisco Moran, Lieutenant
10 Colonel Francisco Moran had a particularly bad reputation
11 and was one of the officers always mentioned when you
12 identified, say the eight or ten worst offenders against
13 human rights. Francisco Moran, head of the Treasury
14 Police, his name would always been in that number.

15 This military officer is saying he can't understand
16 why the Minister of Defense doesn't get rid of this man who
17 is damaging the reputation of the armed forces because one
18 word from Minister Garcia, and he would be gone.

19 Q. Did you have any view as to whether with one word from
20 Defense Minister Garcia, Moran would go?

21 A. I certainly believe that to be the case.

22 Q. Ambassador White, I handed you a copy of Plaintiffs'
23 Exhibit 180, which is a State Department cable dated
24 May 2nd, 1980. Did the Embassy have an individual in
25 charge of labor matters --

1 A. Yes.

2 Q. -- when you were Ambassador?

3 And did that person have meetings and discussions with
4 Salvadoran labor leaders?

5 A. Yes.

6 Q. Ambassador White, looking at the cable, first page of
7 the cable, what is the Salvadoran communal union?

8 A. That is an organization of agricultural workers.

9 Q. Was that a significant political force in the country
10 at the time?

11 A. Yes, yes.

12 Q. And in the course of his duties, would it have been
13 natural for the labor officer to have meetings with these
14 individuals?

15 A. Yes.

16 Q. I believe you testified earlier that labor leaders,
17 and members of labor unions were the target of violence
18 from security forces?

19 A. Yes.

20 MR. STERN: Could I have slide 57, please?

21 BY MR. STERN:

22 Q. Ambassador White, what is the labor attach, in the
23 Embassy reporting on in the passage in the cable we put up
24 on the screen?

25 A. The labor attach, is reporting on a meeting that he

1 had with labor union officials and the labor attach,
2 commented that the killing in the countryside seemed to be
3 coming from all directions and he heard that the local
4 National Guard commanders bore much of the responsibility
5 for the repression. These directors of the union agreed
6 with that, and named three officials who they said could
7 stop the repression if they wished. And they named
8 Minister of Defense Garcia, Sub-secretary of Defense
9 Carranza, and director of the National Guard Vides
10 Casanova.

11 Q. Is that Minister of the Defense Garcia and General
12 Vides Casanova with us today?

13 A. Yes.

14 Q. Do you share the view they could have stopped the
15 repression if they wished?

16 A. Our whole policy was based on that they had command
17 responsibility and could exercise it, yes.

18 Q. In that connection, Ambassador White, did you believe
19 that the actions of General Garcia and General Vides
20 Casanova reflected or shared the ideals of the young
21 officers movement that you testified about earlier?

22 A. They would occasionally give lip service to those
23 ideals, but I have to say that their actions contradicted
24 the ideals of the 15th of October movement because chief
25 among those objectives of the 15th -- of the revolution was

1 the end to the repression.

2 Q. Ambassador White, in your discussions about human
3 rights matters with General Garcia and General Vides
4 Casanova, did either of them ever state to you that they
5 were unable to eliminate human rights abuses in their
6 forces?

7 A. Never, never in any -- ever say anything that would
8 imply that they did not have the capacity to carry out --
9 to carry out orders, to give orders and have them carried
10 out.

11 Q. Did you discuss generally issues of military manpower
12 and strategy with them?

13 A. On occasion, yes.

14 Q. Did they indicate to you there were manpower problems
15 in addressing human rights issues in their forces?

16 A. Manpower problems --

17 Q. Did they ever say to you that they lacked the manpower
18 to eliminate human rights abuses?

19 A. Not to me. They basically talked about lack of
20 equipment, but that didn't make a whole lot of sense to me
21 because we had given them more equipment in the short time
22 that I had been there than we had in the previous decade,
23 so we were winning lots of communications equipment, night
24 scopes to increase their capacity.

25 Remember that El Salvador is very small place, and

1 communication problems, while they can be real, are not
2 insuperable.

3 Q. During the time you were Ambassador, did General
4 Garcia or General Vides Casanova ever request your
5 assistance in helping to eliminate human rights abuses
6 within the military and security forces?

7 A. No.

8 Q. Had they done so, how would you have responded?

9 A. Joyfully, and I would have done everything I could to
10 get whatever resources they required, because that was what
11 I was waiting to hear, and I never did hear it.

12 MR. STERN: No further questions.

13 THE COURT: Given the time, why don't we stop now
14 for the luncheon recess, and when we come back at quarter
15 of two, I will turn to Mr. Klaus for the cross
16 examination.

17 Let me allow the jury to step out.

18 (Thereupon, the jury retired from the courtroom.)

19 THE COURT: Is there anything we need to discuss
20 before the luncheon break?

21 MR. KLAUS: I think I am going to need the Elmo.

22 THE COURT: All right. Would you talk to
23 Mr. Caldwell, and he will set that up for you.

24 All right. We will be in recess until quarter of
25 two.

1 The Court is in recess.

2 (Thereupon, a recess was taken at 12:30.)

3 (Trial reconvened after recess at 1:45.)

4 THE COURT: Mr. Marshal, would you bring in the
5 jury, please?

6 (Thereupon, the jury returned to the courtroom.)

7 THE COURT: Ladies and gentlemen, please be
8 seated. When we broke for lunch, we had completed the
9 direct examination. Let me turn, if I might. To
10 Mr. Klaus for the cross examination. And I understand
11 that arrangements have been made so whatever needs to be
12 displayed can be displayed.

13 MR. KLAUS: Yes, Your Honor.

14 THE COURT: Good.

15 CROSS EXAMINATION

16 BY MR. KLAUS:

17 Q. Good afternoon, Ambassador.

18 A. Good afternoon.

19 Q. We talked about the early history of El Salvador. I
20 would like to go over that. When did El Salvador become an
21 independent country?

22 A. In the early years of the 19th century, 1815, 1820.

23 Q. At that time was it part of the Confederation of
24 Central America States?

25 A. It started out that way, yes.

1 Q. When did it become a sovereign nation?

2 A. It was a sovereign nation for most of its history.
3 The experiment of the Central America Union only lasted a
4 few years.

5 Q. So from the mid 1800's?

6 A. Okay.

7 Q. What kind of economy did it have at that time?

8 A. Mostly agricultural economy as it still is today.

9 Q. And what is the chief crop; coffee?

10 A. Yes.

11 Q. And the political system was --

12 A. The political system, it was called the Republic of El
13 Salvador, but except for very rare intervals, the military
14 was in charge of El Salvador. Military dominated the
15 political system of El Salvador throughout the 20th
16 century.

17 Q. And we talked about an oligarchy. During those early
18 years, up until the mid 20th century, who made up the
19 oligarchy?

20 A. The agricultural land -- the agricultural -- owners of
21 large plantations.

22 Q. And how -- had they gotten their land from grants from
23 Spain originally? Is that how these people evolved?

24 A. Well, most of El Salvador -- I think you can trace it
25 back, certainly -- the way that El Salvador was populated

1 was basically this: The Captainsy General was located in
2 Guatemala City, Captainsy General was responsible for the
3 countries of Guatemala, El Salvador, Nicaragua and Costa
4 Rica.

5 Q. We are talking about colonial times?

6 A. Colonial, that is what we are talking about. Yes.

7 But the writ of the government in those early days
8 only really extended to Guatemala. But what would happen
9 is when an enlistment was up, a non commissioned officer,
10 or someone who had been an indentured servant would put
11 some tools on a mule and strike out for land that was
12 simply up for grabs. It was -- no one claimed.

13 So in the early days, Central America, relationship of
14 land, the people, there was more land than people to farm.
15 That changed during the 20th century as the population
16 increased.

17 Q. Now, up until 1979, it had been ruled by military
18 dictatorships?

19 A. Yes, with very few exceptions.

20 Q. Although they had general elections, correct?

21 A. They had elections -- there was very little suspense
22 attached to the elections.

23 Q. In other words, if the --

24 A. The official candidate of the military was the usual
25 victim.

1 Q. And the military at that time was commanded by the
2 oligarchy, correct? That is who financed it?

3 A. I would say that the military were the enforcers of
4 the oligarchic system, yes.

5 Q. Have you heard reference to the 14 families, and can
6 you explain your understanding of them?

7 A. 14 families is a symbolic term for the small group of
8 privileged families that had controlled the resources of El
9 Salvador.

10 Q. So, basically -- to put it in a Marxist vision, they
11 would be the people who controlled the means of production?

12 A. Yes.

13 Q. And they were largely in the early part of the 20th
14 century coffee plantations?

15 A. Yes.

16 Q. By 1979 those families had diversified, correct?

17 A. That is correct. Thanks in part to the program of the
18 Alliance For Progress, a certain amount the United States
19 made huge grants and loans throughout Latin America, there
20 arose a group of entrepreneurs that established light
21 industry in these countries.

22 Q. Alliance For Progress, who instituted that?

23 A. John F. Kennedy instituted the Alliance for Progress.

24 Q. Now, I saw from your resume you had been director of
25 the Peace Corps. Was that in Colombia?

1 A. No. I was director in Washington responsible for the
2 administration of the Peace Corps all throughout Latin
3 America.

4 Q. Okay. And what time period was that?

5 A. That was 1968 to 1970.

6 Q. And the Peace Corps was founded by John F. Kennedy,
7 correct?

8 A. Yes, a few years previously.

9 Q. And did the Peace Corps work with the Alliance For
10 Progress to help drag Central America into the 20th
11 century?

12 A. Well, I think that would be an over estimation of the
13 Peace Corps' impact, but the Peace Corps was in effect a --
14 it was an institution designed to demonstrate the idealism
15 of the youth of the United States and their commitment to
16 democracy and to the raising the level of poor people
17 throughout the developing world.

18 And it was also -- brought great benefits to the
19 United States because the people who served overseas later
20 became much more knowledgeable as they went into the State
21 Department or whether they became executives in
22 international business.

23 Q. So people who may have been involved in those programs
24 later may have become investors in those countries?

25 A. Yes, they may well have.

1 Q. And help develop factories or assembly plants?

2 A. Highly possible.

3 Q. It was common?

4 A. I wouldn't say it was common, I just don't know. I
5 don't know that any records have ever been kept of the
6 former Peace Corps volunteers that have actually entered
7 into, into business in these countries where they served.

8 Q. Focusing on El Salvador, had a middle class started to
9 immerge during that time, during the '60's and '70's?

10 A. Yes, small middle class begun to immerge.

11 Q. Is that made up of people who were educated abroad?

12 A. No, not necessarily. I would say that it was the sons
13 particularly of the 14 families, of the rich that were
14 educated abroad. There were some middle class people who
15 certainly were educated abroad, but most of the middle
16 class were educated in El Salvador.

17 Q. And part of the goals of the Alliance For Progress was
18 to develop entrepreneurs and economic development in those
19 countries, correct?

20 A. Correct.

21 Q. In El Salvador, too?

22 A. Yes.

23 Q. Had that had some success in El Salvador?

24 A. I think it did have some success in El Salvador, yes.

25 Q. But the oligarchy was still basically in control of

1 the country?

2 A. Yes. They were -- you know, the middle class,
3 entrepreneurial class, if you will, they were people who
4 identified with the upper class, and people who identified
5 with the need for change. For example, the founding -- one
6 of the founding members of the Christian Democratic party,
7 Abra Rodriguez was a man in El Salvador but stood strongly
8 for change.

9 Q. When Guiterrez ran for presidency in '71 --

10 A. Yes.

11 Q. -- he won the election --

12 A. Everyone but --

13 Q. -- and there was -- what happened, exactly, how did he
14 come to be -- did he actually take office and was thrown
15 out, or did he --

16 A. In 1972 the election gave -- was won by Napoleon
17 Duarte. As in almost all countries there was an interim
18 period between the time of the election and time of taking
19 the office. During that interim period, the military
20 recounted the votes and declared that a military man was
21 the real victor.

22 Q. And who was that?

23 A. I am trying to remember his name.

24 Q. Was that Romero?

25 A. No. I don't -- at least it is not the Romero who was

1 in office --

2 Q. In '79?

3 A. In '79 as far as I know.

4 Q. It was his predecessor?

5 A. There was a follow-up to that, because shortly when,
6 when the military man was put in as president, there was a
7 revolt by the young military called the good coup, a
8 pro-constitutionalist coup, and that was crushed by the
9 regular military. And 1972 is a very important date in El
10 Salvador because almost every person who is involved in
11 various revolutionary movements working for profound change
12 will tell you that 1972 was the date that they lost hope
13 that effective change could take place through elections.

14 Q. And, so, that was the start -- you describe it as a
15 revolution?

16 A. I think if you had to pick a date when the idealistic
17 young people in particular and people who set store by
18 justice and some constitutional Government, the date that
19 most people would give is the date they lost hope that they
20 could do this peacefully was 1972.

21 Q. So that was a catalytic date in the development of the
22 country as we know it?

23 A. Yes.

24 Q. And Napoleon Duarte at that time, did the Christian
25 Democratic party exist at that time?

1 A. Yes, it did.

2 Q. And he ended up being exiled to Venezuela?

3 A. The military captured him, beat him up and threw him
4 over the border to Guatemala asking them to kill him and do
5 them a favor. And Guatemala sent a message back that they
6 should do their own dirty work.

7 Q. Did he try to enter the United States?

8 A. He did enter the United States. He had gone to Notre
9 Dame and he was saved from death by father Theodore
10 Hesberg, the president of Notre Dame. He did go to the
11 United States for brief period and went to Venezuela which
12 had a very powerful Christian democratic party, and they
13 basically adopted Napoleon Duarte as their ward.

14 Q. And between '72 and '79 there were several --

15 A. Successful military dominated Governments.

16 Q. Ending with --

17 A. Romero.

18 Q. Romero. And so coming to October 5, 1979 --

19 A. 15.

20 Q. October 15, yes, I am sorry.

21 Can you describe the state of economy in El Salvador
22 at that time?

23 A. Well, the economy was -- business hates uncertainty.
24 Business hates when there are no rules. Business cannot
25 function properly unless they know what tomorrow will

1 bring. And there was a certain downturn in the business
2 cycle bin because, primarily because there was this surge
3 of anger against the military dictatorship, and people
4 demanding change, and so nobody knew exactly what the
5 outcome would be.

6 Q. Was part of that the fear that what had happened next
7 door in Nicaragua would happen in El Salvador?

8 A. I think there was some of that, yes.

9 Q. And what had happened in '79 in Nicaragua?

10 A. In Nicaragua, after 43 years of dictatorship by three
11 successive members of the same family, family name of
12 Somoza, a very corrupt brutal Government, a revolution took
13 place and the Sandinistas, a group of revolutionary young
14 people known as the Sandinistas took over and became known
15 as the revolutionary government of Nicaragua.

16 Q. And the Sandinistas were Communist, correct?

17 A. There were some Communists in the Sandinistas. No, I
18 think it would be a wild overstatement to say the
19 Sandinistas were Communists.

20 Q. They were supported by Fidel Castro and Cuba at that
21 time, right?

22 A. Yes, that is true.

23 Q. And that gave rise to the whole contra -- Iran contra
24 affair in this country, that involved Nicaragua?

25 A. Right. Yes. Yes, that is true.

1 Q. Now, from the United States' point of view, you were a
2 member of the Carter administration, correct?

3 A. Correct. I want to make it clear, I was first
4 nominated to be Ambassador when Richard Nixon was
5 President. I was a career officer, and who was President
6 didn't mean a whole lot. It was my turn to be named
7 Ambassador.

8 Q. Okay, is that a hierarchy --

9 A. Sure, yes.

10 Q. And it is a senior system?

11 A. No. A small percentage of foreign service officers
12 become Ambassador. My point is, there is a natural
13 progress up the professional ladder, and usually you are
14 nominated to be Ambassador regardless of what the President
15 is, or what his philosophy is.

16 Q. One of the duties as Ambassador is to implement the
17 executive policies in the country you are Ambassador to?

18 A. Yes.

19 Q. You serve under his pleasure and you serve under him?

20 A. Yes.

21 Q. Now, you talked about our -- I know that back at that
22 time there was a concern of President Carter's
23 administration, human rights was a major focal point of his
24 foreign policy; is that correct?

25 A. Correct.

1 Q. Our foreign policy, us, as United States?

2 A. Yes.

3 Q. No matter what country we are talking about?

4 A. Yes.

5 Q. In your opinion, was too much emphasis put on human
6 rights at that time versus our economic or political or
7 military interest?

8 A. It's always a -- it's always a challenge to put in
9 perspective and in balance these different considerations.

10 Q. You don't have an opinion one way or the other, just
11 that it was --

12 A. You can't generalize. In other words, depends on the
13 country, how serious the violation is. No, I firmly
14 believe the human rights policy in Latin America gave the
15 United States an organizing principle for its policy that
16 enabled it to reject dictatorship and advance democracy on
17 the basis of democracies do not violate the human rights of
18 its citizens as a rule because the citizens have a remedy,
19 they control the outcome. In a dictatorship when the
20 military dominates, the citizen has no recourse.

21 Q. Exactly. The only way to make a lasting change in
22 Latin America or any country is to include the people in
23 the process? In other words democratize a country?

24 A. Yes.

25 Q. Otherwise you are continuing to grow the seeds that

1 had been planted back when Spain ruled them as colonies?

2 A. Yes.

3 Q. So, it was visionary, so to speak, that to bring a
4 democracy to El Salvador versus to support whichever
5 dictator happened to be there who would promote our
6 immediate interest, what was better for a long term result,
7 long-term result akin to our values?

8 A. I think it was clear to any objective observer looking
9 at Latin America, the days of dictatorship were over, and
10 the challenge came to make the transition from dictatorship
11 to democracy as smooth and nonviolent as possible. And El
12 Salvador was one of the primary challenges.

13 Q. Even though we had, at that time there was still
14 monolithic perceived threat of communism in the Soviet
15 Union in '79?

16 A. Yes, there was certainly a threat from the Soviet
17 Union. How that played out in Latin America, we could go
18 into that if you wish.

19 Q. I will ask you about that. Okay.

20 When you took office down there, and prior to that,
21 when you were nominated in '79.

22 A. Yes.

23 Q. Was one of the concerns expressed to you by our
24 government or by the Secretary of State and the President
25 to stop the flow of communism in Central America?

1 A. Yes. Certainly that was a concern, yes.

2 Q. You mentioned primary concern was promotion and
3 preservation of human rights?

4 A. That was another priority. They are connected in the
5 sense that you cannot beat something with nothing. You
6 cannot beat back communism by sporting dictatorship,
7 Communism is one form of dictatorship, military rule is
8 another form of dictatorship, and people don't understand
9 the subtle difference there. What you have to do is move
10 toward democracy.

11 Q. Okay. Now, I would like to ask you something about
12 the -- about some of your exhibits.

13 MR. KLAUS: Could I have Exhibit 157 or 905?

14 BY MR. KLAUS:

15 Q. I think you have -- I am going in the same order that
16 counsel for the Plaintiff went in. This is page one of
17 that exhibit, and this is -- this was prepared by you just
18 as you took your post in El Salvador, correct?

19 A. Yes.

20 Q. And I want to go to paragraph three. I guess you are
21 going to have to read it -- I don't know if you can read it
22 from there.

23 A. I cannot. If someone can read it, that would be
24 helpful.

25 THE COURT: If I might, counsel, there may be a

1 way to focus on paragraph three. Perhaps our technician
2 can help us out.

3 THE WITNESS: I have that telegram in front of
4 me. I can see it, sure.

5 BY MR. KLAUS:

6 Q. And this is your overall view in summary, even though
7 you say it didn't intend to be final or definitive, but
8 this is your description of El Salvador at the time, the
9 rich and powerful have systematically defrauded the poor
10 and denied 80 percent of the people any voice of the
11 affairs in their country. A revolution is now underway --

12 A. And try to guide it through appropriate channels,
13 something like that.

14 Q. Okay. I want to move on to the next page.

15 A. Yes.

16 Q. If you can highlight the first paragraph.

17 You talked about providing an alternative to the
18 Nicaragua model for Guatemala and Honduras, and safeguard
19 the security interest in Central America and Caribbean?

20 A. Yes.

21 Q. And you are describing the revolution, the main
22 players in this revolution are -- if you could highlight
23 the next paragraph. Number one, extreme or ultra-right
24 made up largely of the rich landowners, their private
25 armies, and certain high military officers.

1 Who were you referring to as private armies and
2 certain high military officers?

3 A. The very rich families in El Salvador kept private
4 armies, armies, private security forces that numbered 20,
5 30, 40 persons. Their houses were high fences and barbed
6 wire, and they were concerned with their own security and
7 paid for their own protection.

8 Q. Would some of these -- you say certain -- would some
9 of the members of their private armies, or certain high
10 military officers also receive payment from the private
11 landowners?

12 A. I do not -- I did not mean to assert, and do not now,
13 that the high military officers received any payment, no.

14 Q. Okay.

15 A. Other -- from the rich people, that was true, out in
16 the countryside. The landowners would pay the security
17 forces for protection in effect. I am not talking here
18 about the high command.

19 Q. Okay. But what I am saying, there were members of the
20 military and security forces that also received payment
21 from private sources other than the government pay checks;
22 is that correct? During that time period.

23 A. Would you say that again?

24 Q. There were members of the military and security forces
25 who received payments from landowners, or from members of

1 the oligarchy in addition to the government paychecks?

2 A. Well, that may be so, but it certainly wasn't an issue
3 as far as I was concerned. We were concerned, obviously
4 about divided loyalty among people, lower ranking officers
5 and enlisted men in the field who are basically acting on
6 behalf of one small group against other citizens, yes.
7 But, no, this is just simply -- this is simply a listing of
8 the principal players.

9 Q. In the revolution?

10 A. Yes.

11 MR. KLAUS: Can you move to the next one?

12 BY MR. KLAUS:

13 Q. And you have the regular Army and the security forces,
14 National Guard, National Police and Treasury Police?

15 A. Yes.

16 Q. Next Christian Democratic party, the only party
17 represented in the Government. And we are talking about a
18 time post 19 -- October 15 coup?

19 A. Yes, and January, 1980, probably.

20 Q. The United States Government and its visible symbol,
21 the American Embassy.

22 The church with Archbishop Romero, and the Jesuits,
23 conservative forces in the church exist but wield no
24 measurable influence.

25 The popular organizations, the three action oriented

1 pressure groups ranging from the leftist but responsible

2 FAPU. What was FAPU?

3 A. That was one of the smaller revolutionary

4 organizations that was in effect, rejected Marxism and was

5 more moderate in its aims than some of the others.

6 Q. What was that an acronym for.

7 A. Forces -- I think the Armed Forces of Popular Unity,

8 if I remember correctly.

9 Q. Was that the group that the young officers who did the

10 coup were a member of?

11 A. No. No. This is a revolutionary organization. This

12 is an organization against the established core.

13 Q. The wild-eyed, wild-eyed --

14 A. LP-28 -- where am I?

15 LP-28 which occupies Embassies and public buildings.

16 There was a large group of young people that would

17 bring periodically, every so often would occupy an Embassy

18 or a business and demand, make certain demands and would

19 halt any activity until they were talked out of it. They

20 lasted, you know 24 hours.

21 Q. Was that kind of sitting groups in college campuses in

22 the '60's?

23 A. A little more serious than that.

24 Q. More serious. Were they armed?

25 A. There may have been some people that were armed, but

1 that was not the dominant feature of the sit-ins.

2 Q. Were they mostly college kids?

3 A. Yes, a lot were college kids. You understand in Latin
4 America, students can stay on for ten and 12 years
5 sometimes.

6 Q. If you can -- the last one there is the three far left
7 guerilla groups, underground mirrors of the popular fronts,
8 ranging from the relatively disciplined FARN, to the
9 murderous ERP. What does FARN stand for?

10 A. Armed Forces of the National Revolution, and ERP is
11 the Army of the -- Popular Army of the Poor, I believe is
12 the translation.

13 Q. Number five. "There are two potential players which
14 are not now --" go to the next page. If you can highlight
15 the first part "-- not now taking an active role.

16 "Other parties of the center left without much popular
17 support but with some competent leaders."

18 Who were they?

19 A. For example, the FDR.

20 Q. Okay. And the next one is businessmen's organizations
21 such as ANEP.

22 A. Yes.

23 Q. And --

24 A. That was the National Manufacturer's Association of El
25 Salvador.

1 Q. And -- "To cooperate with the Government especially by
2 encouraging investment, reopening factories, et cetera."
3 Okay.

4 Now, I want to go back --

5 MR. KLAUS: You can turn it off, thanks.

6 BY MR. KLAUS:

7 Q. I want to go back to you are talking about the
8 murderous ERP, and this is in -- this memo was written in
9 March of 1980?

10 A. Yes.

11 Q. What were the tactics of ERP at the time?

12 A. They would go in and assassinate people, they would
13 make a selective assassination.

14 Q. Mostly mayors and symbols of the Government?

15 A. Mostly, if I recall, mostly they would kidnap and kill
16 rich people. And some of the -- some figures on the right,
17 for example, early they killed a man named -- yes,
18 basically, they were selective assassinations of important
19 rich people.

20 Q. And was that a common tactic of revolutionary groups
21 at the time, to try to destabilize a country by destroying
22 its local leaders?

23 A. Well, I don't -- at that point, as far as I recall,
24 there was little assassination -- there was not very much
25 assassination of mayors in the countryside. Assassination

1 of mayors came mostly from the security forces. It was
2 the -- now, the -- the people who were in jeopardy from the
3 left who were the people -- the visible leaders of the
4 status quo.

5 Q. And was targeted by the ERP?

6 A. Yes.

7 Q. Later on, I know this goes beyond your area, but you
8 stayed -- you've stayed informed about El Salvador, and
9 followed the history of El Salvador since you left office?

10 A. Yes.

11 Q. Later on wasn't it shown that it is a group you don't
12 have named up here, FMLN -- did that come into existence
13 after you left El Salvador?

14 A. No. No, the left -- the revolutionary organizations
15 first came together in a coalition called the Drew, united
16 Revolutionary something or other. And then about six or
17 eight months later they formed the FMLN. Farabundo Marti
18 Revolution. That happened while I was there.

19 Q. Okay. And did they have a meeting with Fidel Castro,
20 and did he agree to give them aid? Did that occur while
21 you were there?

22 A. Well, Castro urged -- they went seeking help from
23 Castro, Castro urged them to unite, and he did -- the Cuban
24 government did some training of the left in revolution, and
25 also provided them with some material.

1 Q. And later wasn't it shown that it was the FMLN that
2 was murdering the mayors in the countryside?

3 A. That did take place later on, yes.

4 MR. KLAUS: Could you bring up that same exhibit
5 and go to R907?

6 Paragraph seven, if you can highlight that.

7 BY MR. KLAUS:

8 Q. This is what -- where you talk about, "The major
9 immediate threat to the existence of this Government is the
10 right-wing violence. In the City of San Salvador, the
11 wired thugs -- hired thugs of the extreme right, some of
12 them well-trained Cuban and Nicaraguan and terrorists, kill
13 moderate left leaders and blow up Government buildings. In
14 the countryside, elements of the security forces torture
15 and kill --" we had seen some of this before.

16 What concerns me is extreme right well-trained Cuban
17 and Nicaraguan terrorists. Would they be trained in Cuba
18 or Nicaragua, right-wing?

19 A. No. These were the former members of the National
20 Guard of the Somoza family in Nicaragua, the people who
21 were ousted, for example. They would also be some of the
22 right-wing Cuban terrorists that have caused so much
23 trouble around. For example, they blew up a Cuban
24 airliner, so there was not only -- not only was their
25 training by Castro of revolutionary forces, there was also

1 the infiltration with the consent of the Salvadoran
2 military of elements of the Nicaragua National Guard and
3 Cuban terrorist organizations.

4 Q. They would be like exiled Cubans?

5 A. Yes.

6 Q. When you say hired, they would be hired by members of
7 the oligarchy to destroy perceived threats?

8 A. They were mercenaries.

9 Q. Now, when you took office in March of '80, who were
10 the members of the ruling Junta?

11 A. The members of the ruling Junta, they were Jos,
12 Napoleon Duarte, Jos, Morales Erlich, and there was a
13 doctor, who is not a real player, whose name I have
14 forgotten for a moment, and then two military officers,
15 Colonel Jaime Abdul Gutierrez, and Colonel Adolfo Majano.

16 Q. And who made up the high command at that time in March
17 of '80?

18 A. The high command was made up of the Minister of
19 Defense and the chiefs of the security forces that have
20 been mentioned before.

21 Q. And they took -- they were directed by the Junta,
22 correct?

23 A. No, I wouldn't say that was correct. The Junta
24 basically tried its best to administer the country, to give
25 some sense of political and civic cohesion, but it would be

1 an overstatement, extreme overstatement to say the Junta in
2 any sense controlled the military. The military controlled
3 itself. And I think in one of the telegrams, Napoleon
4 Duarte points out he had no success in influencing the
5 military.

6 Q. So the military was, in your opinion, almost
7 autonomous?

8 A. Yes.

9 Q. Even though there are two members of the military
10 sitting on the Junta?

11 A. Jaime -- Colonel Jaime Abdul Gutierrez was a
12 relatively junior colonel who had never commanded troops,
13 who was an engineer. He was widely regarded as Colonel
14 Garcia's representative on the Junta. Colonel Majano had
15 been head of the military academy, and it was the younger
16 officers who insisted that he be on the Junta because they
17 were very worried about the direction in which El Salvador
18 was going, and they wanted to make sure that the reform
19 movement of October 15 had a representative on the Junta,
20 and that was Colonel Adolfo Majano.

21 Q. So, after the coup of October 15, the Junta was
22 appointed by the leaders of that coup, correct?

23 A. Yes.

24 Q. And did the Junta appoint General Garcia as head -- as
25 Minister of Defense?

1 A. No. Colonel Garcia was in place before the Junta and
2 he was the one consistent feature of the top echelon of the
3 government. He was in office when the Junta came in, and
4 the Junta left him there. They had no choice.

5 Q. He wasn't Minister of the Defense when the Junta came
6 in October 15, '79, was he?

7 A. Yes.

8 Q. I think -- wasn't he head of the National Guard at
9 that time?

10 A. Well, as I recall, this happened --

11 Q. Prior to your --

12 A. But, my distinct impression is that Colonel Garcia was
13 the Minister of Defense prior to this time -- prior to
14 October 15.

15 Q. And is it your opinion that he would have stayed as
16 Minister of Defense if the leaders of the successful coup
17 didn't want him there?

18 A. That is a hypothetical question. I'm not sure of the
19 answer. I think that they do not believe they had the
20 power to remove him.

21 Q. It is not your opinion that they appointed him, or as
22 you would have it, left him in office because he was
23 essentially apolitical?

24 A. Well, it would be hard to say that a man who had
25 presided over -- had been in the top ranks of the military

1 for many years as Colonel Garcia has been, they would be
2 hard to describe him as apolitical only in the sense,
3 because the military was involved up to its neck in
4 politics, so the idea that there is anybody in the military
5 that is not involved in politics when you are at the high
6 level I think would be an elusion.

7 Q. Let me get straight what our priorities or United
8 States priorities were, and what you were implementing and
9 executing, the policies that you were implementing and
10 executing in El Salvador as Ambassador. You wanted to
11 improve the human rights?

12 A. We wanted to improve human rights because that was the
13 key to effective performance on the military and could
14 translate into popular support for the government.

15 Q. Okay. Basically, I think what you said is what United
16 States feared most was instability?

17 A. We always fear instability, yes.

18 Q. That is -- that is one of the reasons we supported
19 dictators in the past, because if they were stable, that
20 was better than having an unstable chaotic situation?

21 A. Yes. That has been proved to be a bad error.

22 Q. A big mistake?

23 A. But, yes, you are correct.

24 Q. If there is a big blemish on the history of our
25 foreign policy, that is the biggest one?

1 A. In Latin America, it certainly is.

2 Q. So you were active in seeing our foreign policy apply
3 Clerisol to that blemish, basically, this is the change to
4 our foreign policy with Latin America?

5 A. Certainly it was put into effect with great vigor in
6 El Salvador, yes, because the situation was in crisis.

7 Q. Because we had other policies blow up in our face in
8 Nicaragua, correct?

9 A. Yes.

10 Q. And that was -- would you say that was a catalyst in
11 shaping our future foreign policy for Latin America?

12 A. I think that indeed, particularly in Central America,
13 the example of Nicaragua was not one we wished to see
14 repeated.

15 Q. And you talk about that in your initial analysis?

16 A. Yes.

17 Q. Okay. Now, given that El Salvador was a country in
18 crisis, when you say a country in crisis, what did you
19 mean?

20 A. What I mean is that the military dictatorship is in
21 power and the people will no longer tolerate the arbitrary
22 and cruel rule of the military. The break comes when --
23 October 15, when the young officers rise up. At that point
24 we can see a road ahead where the military reforms itself,
25 human rights are respected, and transmission to democracy

1 with the cooperation of the military is -- we can see that
2 that is a possibility, and we work towards that objective.

3 Q. But on the other hand, it is on the verge -- could
4 have gone either way, on the verge of instability or chaos?

5 A. No. Look, at the time that we are talking about, El
6 Salvador has elements of disorder, but it also has a
7 surprising normality. People go to the movies, people go
8 shopping, you know, I've -- I remember at least two
9 occasions when I went out to dinner with my wife and ran
10 into Colonel Garcia and his wife, and some of those, also
11 having dinner, and, you know so it -- there were
12 restaurants that are populated. There is tension, there
13 are problems, but we are not in any situation where -- that
14 can't be put into the proper channels with intelligence and
15 moderation and common sense.

16 Q. And that is for the first few months of your office?

17 A. For all the time that I am there.

18 Q. So things got worse after you left?

19 A. Well, things -- actually things got worse in the sense
20 of excesses by the military in November, December, January
21 of 1980 and '81. This is when some terrible killings by
22 the military took place.

23 Q. In your opinion, the instability that arose after the
24 winter -- the winter of '80, '81, were the result of
25 excesses by the military, or were there other contributing

1 factors?

2 A. There were always other contributing factors, but that
3 was the dominant.

4 Q. Okay. Did us, meaning United States, we gave mass
5 infusions of economic aid to El Salvador at that time in an
6 attempt to stabilize it?

7 A. I wouldn't say -- yes, yes, important amounts of
8 money.

9 Q. I heard you describe earlier that we gave more
10 military aid than we had ever given to El Salvador during
11 the time you were there?

12 A. Right.

13 Q. Did we have a policy in place, we tied military aid to
14 their human rights performance?

15 A. Yes. While I was there, there was no lethal military
16 aid given because of the terrible performance on human
17 rights, so what we sent them were things like trucks,
18 communications equipment, night scopes, training, but we
19 did not give them lethal military equipment.

20 Q. Okay. They didn't receive any helicopters while you
21 were there?

22 A. No. They did later, but not then.

23 Q. Okay. Not until after January of '81?

24 A. Correct.

25 Q. Now, in January, '81 there was a big offensive by

1 FMLN?

2 A. Correct.

3 Q. Can you describe what happened during that time?

4 A. The FMLN decided that this was the time to launch an
5 all out attack on the government and they -- this is really
6 the beginning of the war, if you will. Prior to that, you
7 did not have in my view a war. You had a lot of terrible
8 problems, but the war really began with this final
9 offensive.

10 Now, fortunately the military conducted itself well,
11 and the people did -- the people did not rise up and the
12 final offensive basically failed, although it certainly was
13 a wake up call that the FMLN had serious, you know, it was
14 a serious threat.

15 Q. And in between -- that was the first major military --
16 organized military offensive by the Communists or by FMLN.
17 Was FMLN a Communist organization?

18 A. No. It was -- there were -- the leaders were --
19 Marxism was a dominant philosophy, I would say, of most of
20 the leaders, but there were -- I don't think that very many
21 of them were serious Marxists. I doubt there was any
22 serious study of Marx. They basically identified with
23 Marxism because they knew that was the opposite of what
24 United States stood for, and that was a track to the young
25 people. Marxism had pretty heavily infiltrated the

1 university -- the national university of El Salvador.

2 Q. And didn't the FMLN receive aid from the Soviet Union,
3 Fidel Castro's Cuba, Nicaragua, Vietnam at that time?

4 A. They received aid from -- they received some aid from
5 Cuba. They received -- Nicaragua was mostly a staging area
6 for weapons and other things that they needed, they
7 transported them through Nicaragua. There was no aid from
8 the Soviet Union, and Vietnam. I have not heard that there
9 was every assistance from Vietnam. There was a -- well,
10 let's leave it at that.

11 Q. And they were viewed as the enemy as you said earlier,
12 our enemy, United States enemy?

13 A. Yes.

14 Q. As well as the enemy of the government of the state of
15 El Salvador?

16 A. Enemy in the sense that we did not want to see an
17 armed leftist movement come to power by force and violence,
18 and we thought we opposed that and we would do everything
19 we legitimately could to frustrate that.

20 Q. As an overview, you summarize it here, and you say the
21 players -- there are various players, would you say the
22 government was in the center -- if you had to make a line
23 of the right and left, would you say the government was in
24 the center?

25 A. Well, certainly the civilians in the government were

1 center and center -- yes. The military tended to be in the
2 right.

3 Q. And then you had the death squads on the far right
4 like Orden?

5 A. Most of the death squads were military death squads,
6 Orden was an official auxiliary of the military.

7 Q. Orden had been officially disbanded?

8 A. Officially banned, but still existed on a de facto
9 basis.

10 Q. Were a lot of the members of Orden uniformed officers
11 in the military by day, and Orden members by night?

12 A. No, not that I am aware of. Ordens were really just
13 campesinos, the men who had been armed and received a
14 certain amount of training, a certain amount of money from
15 the military and who operated out of the military
16 headquarters of that particular area.

17 Q. Now, regarding that, there were -- there is mention in
18 some of the documents, and even in the letter from the
19 Christian Democrats about department commanders.
20 Departments refer to geographical regions?

21 A. Like states in the United States, departments.

22 Q. And each department had a National Guard, especially
23 the rural ones or countryside?

24 A. All of them -- El Salvador was divided up into
25 military districts, and each military district had an

1 officer in charge.

2 Q. And then within that district, there were departments
3 that had local military leaders?

4 A. The department is a political division.

5 Q. Okay.

6 A. Like states. Most often, if I recall correctly, the
7 military district coincided with the political district,
8 and heavily populated they could be more than one. But
9 basically the military commander of the -- was the power in
10 that particular department.

11 Q. Were they autonomous?

12 A. No. No. They weren't autonomous, they were in the
13 hierarchy of command.

14 Q. Wasn't one -- during that time, wasn't one of the
15 tactics of FMLN to disrupt communications and disrupt the
16 infra structure of the country, meaning roads, electric?

17 A. Yes.

18 Q. So did you have periodic blackouts in San Salvador
19 because of actions --

20 A. Yes, but those weren't so much armed actions as they
21 were -- that happened, but a lot of times they were simply
22 sympathizers with the revolution who were working in these
23 places who pulled the switch kind of thing. It varied, but
24 there was all different kinds of -- there were blackouts,
25 occasionally.

1 Q. And they would blow up bridges?

2 A. Yes, they would blow up bridges. They blew up the
3 bridge over the Rio Lempa and cut San Salvador in half.
4 There was a lot of economic sabotage.

5 Q. And that is the tactic we in the United States wanted
6 to avoid to destabilize the country?

7 A. Correct.

8 Q. Where was that bridge, in between what departments?

9 A. I can't tell you offhand. Cuts right across the
10 middle of the country.

11 Q. And when was that bridge blown up?

12 A. If I remember correctly, it was probably in May or
13 June of 1980.

14 Q. And would they disrupt the phone lines, cut the phone
15 lines?

16 A. Well, I am sure they did. That doesn't -- the
17 Salvadoran military had communications that -- of various
18 kinds, but yes, they did.

19 Q. Okay. Was it --

20 MR. KLAUS: I want to go to Plaintiffs' Exhibit
21 158 and R335. This is -- R935, sorry. The last paragraph
22 under number one.

23 BY MR. KLAUS:

24 Q. This is from a memo or cable from you, I think it
25 is -- I can't tell the date.

1 A. I think that is March.

2 Q. March of '81?

3 A. No, '80.

4 Q. Okay. I see March 15, '80. Is this after your first
5 meeting with Colonel Garcia?

6 A. Yes.

7 Q. And I want to look at your -- where it says your
8 comment there?

9 A. Yes.

10 Q. These are your words, correct?

11 A. Yes.

12 Q. "My initial impressions with Colonel Garcia are
13 favorable, although unfortunately he or his PR man tinkered
14 with my words to make it look in the press as though I was
15 only against leftist terrorism. This is the kind of
16 military man that the Christian Democrats and others of the
17 moderate left must learn to work with if we and they are to
18 put together a coalition of forces that will bring dramatic
19 but peaceful change to this country. I recognize that
20 Garcia is far more adept with words than most military
21 officers and that he may have tendency to talk rather than
22 act. But even allowing for his understandable tendency to
23 highlight and probably slightly distort his record, I am
24 persuaded he intends to keep the armed forces behind the
25 government and actively resist any attempt to return to the

1 past alliance between the oligarchy and the armed forces."

2 Did you maintain that opinion of him throughout your
3 office?

4 A. No, sir, I was disappointed. I think that my original
5 impression as here reported was far too optimistic.

6 Q. But, nevertheless, didn't the Government stay in
7 power, and wasn't it eventually -- that same Government
8 that was started back then, isn't that the same Government
9 that is still -- I mean, it is traveling -- it made a
10 progress from then to now?

11 A. Well, that is one way of putting it. Another way of
12 putting it is that a small badly armed group of untrained
13 young people fought the military of El Salvador to a
14 standstill over an 11 year period, and when the military of
15 El Salvador had the unstinting support of the United
16 States, so I can't think this is a proud record.

17 Q. Is that your last -- is that your history in a
18 nutshell there of what is happening in El Salvador?

19 A. I didn't intend it to be that, but I was answering
20 your question.

21 Q. Okay. When you left, they had elections, correct?
22 After you had left?

23 A. They had elections in 1982 for a legislature.

24 Q. And the legislature appointed a president, correct,
25 for one year, an interim president, that was President

1 Magana?

2 A. Correct.

3 Q. And he agreed to only serve one year. He wasn't a
4 politician, right?

5 A. Not in the ordinary sense, no.

6 Q. He was a businessman?

7 A. He was a businessman. He was very close to the armed
8 forces, yes.

9 Q. And Colonel Garcia, at that time he had been promoted
10 to general, correct?

11 A. Correct.

12 Q. He stayed on as Minister of Defense when President
13 Magana --

14 A. Yes.

15 Q. And after one year they had a general election for
16 president, correct?

17 A. Correct.

18 Q. And that is when Napoleon Duarte was elected?

19 A. Correct.

20 Q. And he appointed General Vides to be Minister of
21 Defense, correct?

22 A. Yes.

23 Q. Ever since Napoleon Duarte, they had three elections?

24 A. Yes.

25 Q. And now they still operate under the same Constitution

1 that was drafted in '82 or '83, when Magana -- before

2 Magana --

3 A. Yes.

4 MR. KLAUS: If I could have a minute.

5 THE COURT: Surely.

6 BY MR. KLAUS:

7 Q. Colonel Bosh that was the military attach, at the

8 time. He is not related to the Orlando Bosh in Miami?

9 A. No. Bosh is a very common name in the Catalan region
10 of Spain.

11 Q. Was Colonel Magana, was he the leader of the '79 coup,
12 October 15 coup?

13 A. No. He didn't participate in the '79 coup -- you are
14 talking about October 15?

15 Q. Yes.

16 A. Yes. It wasn't a coup. He didn't take an active role
17 in that. He was, as I recall, head of the military academy
18 at that point, and he was placed there because the younger
19 officers believed that he was a fair minded intelligent man
20 who was sympathetic with the ideals, but it would be wrong
21 to think of him as a protagonist in the October 15 revolt.

22 Q. But he was someone the young officers admired and
23 appointed him to the Junta?

24 A. Correct.

25 MR. KLAUS: Nothing further. Thank you, Your

1 Honor.

2 THE COURT: All right. Ladies and gentlemen,
3 given where we are, why don't we stop for the
4 mid-afternoon recess. Why don't we take a 15 minute
5 break, and when we come back, we will turn back to the
6 Plaintiffs to see if there is any redirect examination.
7 Okay. We will take a break for 15 minutes.

8 (Thereupon, the jury retired from the courtroom.)

9 (Thereupon, a short recess was taken.)

10 (Thereupon, trial reconvened after recess.)

11 THE COURT: Mr. Marshal, would you bring in the
12 jury, please? Mr. Caldwell.

13 (Thereupon, the jury returned to the courtroom.)

14 THE COURT: Ladies and gentlemen, please be
15 seated.

16 Let me turn back, if I might, to Mr. Stern for
17 redirect examination.

18 MR. STERN: Thank you.

19 REDIRECT EXAMINATION

20 BY MR. STERN:

21 Q. Ambassador White, I have a few questions for you.

22 MR. STERN: I would like Exhibit 157, R912. If
23 you would highlight number 14 paragraph.

24 BY MR. STERN:

25 Q. Ambassador White, would you read the paragraph we have

1 highlighted on the screen?

2 A. "Above all we must rid ourselves of the notion that
3 the Cubans are playing an important role here. I do not
4 know the reality of Cuban training for guerillas, plus
5 weapons and other material via Honduras and Costa Rica. It
6 exists but it is marginal. El Salvador will be won or lost
7 by interplay of forces and actors previously described."

8 Q. Ambassador, in 1980 when you served, was it your view
9 forces demanding change in that country were born inside
10 the country, or outside the country?

11 A. It is my contention this was a home grown authentic
12 revolution that came about as a result of the heaped up
13 injustices of decades. And I am convinced that we would
14 have been facing just about the same situation in El
15 Salvador whether the Soviet Union and Cuba existed or not.

16 Q. You testified on cross examination that from the
17 viewpoint of U.S. policy in Latin America, the days of
18 dictatorship were over. In your opinion were the
19 Defendants here today, General Garcia and General Vides
20 Casanova, advancing the end of military dictatorship?

21 A. When I spoke -- this was an assessment, continent wide
22 assessment basically saying that dictatorship had no
23 future. In respect to El Salvador, the whole point of my
24 time in there was that the military of El Salvador were
25 retarding the advance of democracy, hindering the march of

1 democracy and forcing it into the agents of change, into
2 extremist channels, and they retarded democracy by not
3 playing by the rules of civilized society.

4 Q. Thank you, Ambassador White.

5 MR. STERN: I have no further questions.

6 THE COURT: May the Ambassador be excused from
7 his subpoena?

8 Ambassador, you may step down and be excused.

9 (Witness excused.)

10 THE COURT: The Plaintiffs may call your next
11 witness.

12 MR. GREEN: Your Honor, we plan to play a
13 deposition of General Garcia taken in this case back, I
14 believe January 31, 2001 or February 1st, 2001, and the
15 video machine is in the closet back there.

16 THE COURT: Well, then, why don't we move on to
17 another witness, and you can work with Mr. Caldwell and
18 make those arrangements.

19 MR. GREEN: We had made those arrangements, that
20 is what we announced to the Defendant we were going to do,
21 is play that. We had the video machine set up.

22 THE COURT: If you need special equipment, you
23 need to deal with Mr. Caldwell and so we could move on.
24 Let me ask the Marshal if he can to bring that equipment
25 out.

1 MR. GREEN: I apologize, but we did arrange for
2 Mr. Caldwell --

3 THE COURT: I think there was a misunderstanding.
4 I didn't think he realized you needed it for presentation
5 of testimony.

6 Ladies and gentlemen, let me explain to you in
7 all cases there are rules regarding preparation of the
8 case. Some of those rules allow the parties to send
9 questions to each other. They call those Interrogatories.

10 Another process allows for someone's deposition
11 to be taken, and that simply means the parties get
12 together before the trial, and a court reporter is
13 present, in this instance obviously a videographer was
14 present, an oath administered and a deposition taken. You
15 must receive this as though the person were on the stand
16 testifying in person.

17 Give us a minute now and we will hook this up and
18 be ready to proceed.

19 I need to tell the jury there was another
20 courtroom we were thinking about using, but we felt the
21 acoustics are better here and so on. The problem is, we
22 are a little cramped.

23 Now, is this at a point where everybody could see
24 it? Could I ask you to stop that.

25 Just for the record now, how are we going to

1 handle this? Do you intend to put the tape into the
2 record? Do you want Mrs. Stipes to take it? Are we
3 playing the entire tape?

4 MR. GREEN: No. We made designations, and these
5 are the designations. They are excerpts from the
6 deposition.

7 THE COURT: We probably need, then, to take the
8 testimony as we go along. I think that probably is the
9 safer approach to take. Do you have it keyed so we are
10 starting at the right point?

11 Why don't you do that. And can you indicate when
12 General Garcia's deposition was taken, and so on?

13 MR. GREEN: General Garcia's deposition was taken
14 January 31 of the year 2001.

15 MR. KLAUS: Your Honor, I don't have an objection
16 if you want to put in the whole transcript of the
17 deposition so Mrs. Stipes doesn't have to take down the
18 excerpts. If they want to just show the excerpts.

19 THE COURT: Put the transcript into the record
20 and allow either side to play whatever excerpts you wish
21 to play?

22 MR. KLAUS: Exactly.

23 THE COURT: I think the better way is to record
24 what is shown to the jury so we have an accurate appellate
25 record of what was considered, and understand that either

1 side can play whatever you like of the tape.

2 MR. KLAUS: I intend to put the whole deposition
3 in as an exhibit. If they are going to play this, I am
4 going to put the whole deposition in because it is the sum
5 of the parts -- I don't know the rule offhand. Under the
6 rule that they are going to take an excerpt.

7 THE COURT: Let me go back to what I said before,
8 just the general ground rules.

9 Either side can present whatever portion you want
10 of a particular document, or in this instance a
11 deposition, and certainly the other side is free to put in
12 whatever you would like. The only limitation, if you
13 will, is that the Rule of Completeness applies. If one
14 side chooses a particular excerpt, and you feel more is
15 necessary to put the excerpt in context, the Rule of
16 Completeness requires that the other side play that part.

17 Let's go forward and allow each side to play
18 whatever you want, and if we have a problem, let me know
19 and we will go back and handle this under the Rule of
20 Completeness.

21 MR. GREEN: Thank you, Your Honor.

22 THE COURT: Can we turn off the projector here?
23 You may proceed.

24 (Portions of the deposition of Jos, Garcia were
25 read as follows.)

1 BY MR. GREEN:

2 Q. Please state your name for the record.

3 A. My name is Jos, Guillermo Garcia.

4 Q. Do you hold any title or rank?

5 A. General.

6 Q. For the purposes of this deposition, would you like to
7 be referred to as general or mister?

8 A. General.

9 Q. General, I'm James Green. I'm a lawyer here in West
10 Palm Beach and I represent the four named Plaintiffs in
11 this case. I'm going to be asking you a series of
12 questions concerning your involvement with the government
13 of El Salvador back in 1970's and 1980's. If you don't
14 understand any of my questions, please tell me, and I will
15 be glad to rephrase it.

16 A. Okay.

17 Q. Where do you currently reside?

18 A. I reside in the City of Plantation. My address is
19 7761 Northwest 13th Court, Plantation 33322.

20 Q. Could you tell me how the Salvadoran military was
21 organized in 1979.

22 Is this what you've been looking for?

23 A. Yes.

24 Q. I am going to show you what is marked as Plaintiffs'
25 Exhibit 196.

1 A. This was the organization, general command of the
2 armed force, comprised at that time by the revolutionary
3 government Junta. Then comes the ministry of defense, and
4 then the general chiefs of staff of the armed forces. Then
5 the Army, Air Force, Navy, National Guard, National Police,
6 and the Treasury Police.

7 Q. What were your subordinates responsibilities to you?

8 A. The classic ones that you would find in any Army.

9 Q. For example?

10 A. To receive the adequate instruction in order for the
11 unit to have its best performance, for example.

12 Q. How were orders communicated from the highest levels
13 of the military to subordinates in the field?

14 A. There were different ways of establishing that. It
15 could be writing, it could be by way of messengers, it
16 could be by way of any communication means. It would
17 depend on the importance of the order.

18 Q. In 1979 what sort of communications did you have with
19 inferior officers?

20 A. In 1979, as a commander, or as the Minister of
21 Defense?

22 Q. Let's start with commander and then go to Minister of
23 Defense.

24 A. Okay. As a commander, there were different means of
25 communication. At the time there was the telephone, well,

1 mainly there was the telephone. And at that time the
2 Salvadoran armed forces did not have means of communication
3 so advanced that they were able to provide ease of
4 communication. And there were order, normal orders that
5 were set forth in writing and that were made known to the
6 personnel, all of the personnel. And then there's the
7 order that was known as the order of the day within which,
8 within which -- and how should I say this -- within which
9 were established the missions of the day, the services, the
10 performance, for example, internal missions, and these were
11 all given in writing every day to all of the members of the
12 corps.

13 Q. Is there a duty on the part of each subordinate and
14 commander to report a particular event to his superior?

15 A. Yes.

16 Q. And is there that duty when, say, there's a fire?

17 A. Yes.

18 Q. Is there that duty to report when soldiers have
19 discharged their firearms?

20 A. Yes.

21 Q. Is there a duty to report to one's superiors when a
22 soldier detains a civilian?

23 A. To whomsoever it may correspond, yes.

24 Q. And by whomever it may correspond, you're referring to
25 the superior officer, next in the chain of command?

1 A. To the commander. The commander of that corps, of
2 that military zone must know of that.

3 Q. My question to you is: Isn't it true that there are
4 many different sources of information that a commander
5 could and should act upon, for instance newspaper reports?

6 A. Yes.

7 Q. Let's talk about the different sources of information
8 that would trigger a duty on the part of a commander,
9 including yourself when you were colonel and later as
10 Minister of Defense to investigate.

11 You indicated that information from a newspaper could
12 be credible?

13 A. Yes, yes.

14 Q. From radio?

15 A. Yes.

16 Q. From --

17 A. It depends on which radio. Because if it, during the
18 war, it were information coming from Radio Marti, which was
19 the subversive radio station, for me that was not credible.
20 Or from any other radio station qualified as having a
21 certain tendency, then it was logical to suppose that there
22 would be a certain degree of doubt as pertains to the
23 credibility of the source.

24 Q. Who is YSAX?

25 A. It was a radio station from the Catholic Church.

1 Q. And did that broadcast Archbishop Romero's homilies?

2 A. I think so. I don't know, I'm not sure.

3 Q. How would you categorize information that was
4 broadcast by the Catholic Church radio station; as credible
5 or doubtful?

6 A. As a radio station of the Catholic Church, if it
7 transmits religious information, for me it is credible.

8 Q. What other sources of information would trigger a duty
9 on your part or other military officers in the Salvadoran
10 military between 1979 and 1983 to investigate further
11 complaints about civilian deaths, torture or abductions
12 besides, say, the newspaper reports?

13 A. In my case, and specifically talking of torture, I
14 never had any knowledge that torture was performed within
15 the armed forces, because if it had been that way, the
16 necessary measures would have been taken in order to be
17 able to control it.

18 Q. Would there have been a duty on the part of
19 subordinates to report acts of torture to you?

20 A. Yes.

21 Q. Were any acts of torture by members of the Salvadoran
22 armed forces reported to you between 1979 and 1983?

23 A. No.

24 Q. All right. Were there any Catholic Church radio
25 reports of torture between 1979 and 1983?

1 A. I don't know. I never heard it.

2 Q. Did you receive between the years 1979 and 1983 any
3 complaints about alleged torture from any member of the
4 United States Government?

5 A. I don't recall.

6 Q. So, is your answer that you -- that, number one, that
7 it would be important for you to remember and act upon a
8 complaint of alleged torture from a representative of the
9 United States Government?

10 A. I do not recall having received a specific complaint
11 of that type.

12 Q. But if you had received a specific complaint of that
13 type, would that have been important for you to, number
14 one, remember, and number two, act upon?

15 A. I would have to know what kind of knowledge it is,
16 what kind of information it is. I cannot answer to things
17 that I don't know, that I don't recall, that I have no
18 knowledge of.

19 Q. So if you don't have any knowledge of torture that was
20 or was not occurring on the part of Salvadoran military
21 officials towards other Salvadorans, would it be fair to
22 say that you could neither confirm nor deny that acts of
23 torture were being committed?

24 A. In accordance with what I know -- with what I knew, I
25 cannot affirm or state at no time, because from the moment

1 I had affirmed or stated that I had knowledge, my attitude
2 would have been different.

3 Q. So would it be fair to say you cannot affirm that
4 there were any acts of torture between 1979 and 1983?

5 A. I don't know that for sure.

6 Q. Isn't it true that in 1980 you categorically denied
7 that there were any acts of torture being committed by
8 Salvadoran military forces against fellow Salvadorans?

9 A. Repeat the question, please.

10 THE REPORTER: Isn't it true in 1980 you
11 categorically denied that there were any acts of torture
12 being committed by Salvadoran military forces against
13 fellow Salvadorans.

14 THE WITNESS: If it can be proven and it is in
15 writing, I cannot deny it at any time. But that does not
16 mean that I was accepting it. If I said it, it is because
17 I had no knowledge of any acts of torture committed within
18 these institutions.

19 BY MR. GREEN:

20 Q. So you would receive and transmit information up and
21 down the chain of command like you just explained?

22 A. Oh, yes. And I would also receive communication from
23 the presidency or the Junta, and all the way down. And I
24 would also report or inform the Junta.

25 Q. Did you ever receive any intelligence reports from

1 anyone in the Salvadoran Government?

2 A. I don't recall.

3 Q. As Minister of Defense, what kinds, what classes of
4 intelligence reports were available?

5 A. The general ones that were known concerning guerilla
6 movement, how the guerilla was arming itself, what military
7 assistance the guerilla had, the persons that were abducted
8 by the guerilla, the abuses committed by the guerillas, the
9 taking over of churches by the guerillas, the destruction
10 of bridges by the guerilla, et cetera.

11 Q. Okay. Were there any other kind of abuses that were
12 reported in these intelligence reports, other than the ones
13 you just mentioned?

14 A. Not that I can recall, no.

15 Q. Okay. And those intelligence reports helped you focus
16 on the objectives and the policies you needed to develop to
17 advance the objectives that you were responsible for as
18 Minister of Defense, correct?

19 A. Correct, yes.

20 Q. Do you recall hearing Defendant Vides Casanova
21 speaking at a meeting in December, 1979 at which civilian
22 members met with the officials of the high command?

23 A. It is possible. At that meeting many spoke.

24 Q. Do you recall Vides Casanova saying words to the
25 effect that the military follows Garcia's orders only?

1 A. I don't recall.

2 Q. It's possible?

3 A. It is possible.

4 Q. In fact, you were, as a colonel at the time and later
5 general, you were a well respected member of the Salvadoran
6 military, correct?

7 A. Yes, yes, yes. But that doesn't mean, that -- well,
8 what happens is that those meetings were -- how could I
9 say -- these were meetings of a strong political tendency.

10 Q. But let me ask you, General Garcia, about your role in
11 the military. As a colonel in October, 1979, and later as
12 general, you were well respected in the military?

13 A. I believe so.

14 Q. When you walk into a barracks, would everyone stand up
15 and salute you like in North America?

16 A. Yes, yes.

17 Q. You're like a general everywhere?

18 A. Yes.

19 Q. And people would say yes, sir and no, sir?

20 A. Yes.

21 Q. Did you ever personally inspect the troops?

22 A. Yes.

23 Q. And you would inspect their uniforms?

24 A. Yes.

25 Q. Their weapons?

1 A. Yes, everything that military people do anywhere.

2 Q. And when you were general, the colonels had to obey
3 your command?

4 A. Yes.

5 Q. And the majors had to obey the colonel's command?

6 A. That is something that is universal.

7 Q. And that is how you were trained in military school?

8 A. Yes.

9 Q. And that is how the soldiers were trained --

10 A. Yes.

11 Q. -- to go up and down the chain of command?

12 A. Yes.

13 Q. A military cannot function without an effective chain
14 of command?

15 A. That is that way throughout the world.

16 Q. And in El Salvador at that time, correct?

17 A. Yes, always, and I insist on this, orders of a legal
18 character, because that is what is established in the law.

19 Q. General Garcia, I have shown you what has been marked
20 as Plaintiffs' Exhibit Number 12. Are you familiar with
21 that exhibit or any of its contents?

22 A. No, I do not recall it, but it is possible that, that,
23 that I may have seen it, but I don't recall. Looking at it
24 just like this, grosso modo, I don't recall very well.
25 There are these hypotheses here similar to what was

1 actually going on. For example, the infiltration within
2 the armed force.

3 Q. Well, excuse me a second.

4 This is a letter from various members of the Christian
5 Democrats in the second Junta, correct?

6 A. It is possible. The Christian Democrats were also
7 infiltrated as were the church and military.

8 Q. I move to strike it as unresponsive.

9 Please listen carefully to my question and answer my
10 question.

11 A. Okay. Ask your question.

12 Q. Please look on the last page of the Spanish
13 translation, the Spanish version, page 11. It's got Jos,
14 Napoleon Duarte's name and signature there, correct?

15 A. Yes.

16 Q. Dr. Mario Zamora?

17 A. Yes.

18 Q. Senor Francisco Diaz?

19 A. Yes.

20 Q. And a number of other people, correct?

21 A. Yes.

22 Q. And they were all affiliated with the Christian
23 Democratic party, correct?

24 A. Yes.

25 Q. And the letter is dated January 31st, 1980?

1 A. Uh-huh.

2 Q. You have to answer yes or no.

3 A. I apologize. Yes or no? Yes, yes, yes. I'm sorry.

4 Q. And it's addressed to members of the revolutionary
5 government Junta, high command of the armed forces, and
6 members of the leadership of the COPEFA. And on the first
7 page it talks about the case of Chinamequita?

8 A. What page?

9 Q. One.

10 A. Yes.

11 Q. And you were familiar at the time with the allegations
12 of Chinamequita?

13 A. I don't recall that exactly.

14 Q. But generally?

15 A. Where is it? I apologize, what paragraph?

16 Q. It's on page two, the top of page two.

17 A. Yes, more or less I do recall this, yes, yes.

18 Q. And the allegation was that the local Commandante had
19 participated in the acts complained of?

20 A. Uh-huh.

21 Q. Yes?

22 A. Yes.

23 Q. Now, as a member of the high command of the armed
24 forces, and also which, at the time, was meeting regularly
25 on a daily basis with the revolutionary government Junta,

1 did you individually or collectively discuss the 19 cases
2 mentioned on pages two through six of this letter?

3 A. Yes, I believe that it was remarked upon in a
4 collective manner.

5 Q. And it also identified a number of specific
6 individuals involved on page ten of the letter, correct?

7 A. Yes.

8 Q. And at the very end there were a list of proposals
9 beginning on page, I believe it is nine of the letter --
10 excuse me -- eight of the letter?

11 A. Number three or what?

12 Oh, yes, okay.

13 Q. And it proposed that a written directive be issued to
14 all officers and non commissioned officers with command
15 responsibilities, and that you, as the Minister of Defense
16 will make sure every officer knows the contents of the
17 directive.

18 In response to the letter from the members of the
19 Christian Democratic party who signed this letter dated
20 January 31, 1980, did you issue a written directive as
21 proposed by the signatories of that letter?

22 A. Truth is I don't remember. What I do remember is
23 there was a meeting of all the -- all of those who had
24 military authority and they were advised of the contents of
25 this letter and they all had knowledge of it.

1 Q. Between 1979 and 1983, were there visits to El
2 Salvador by delegations from the United States Congress?

3 A. Yes, and many.

4 Q. And did those delegations either, some of them or all
5 of them, inquire about human rights violations?

6 A. Yes.

7 Q. Were there also visits and reports by United Nations
8 and the Organization of American States?

9 A. I don't recall them very well, but maybe there were,
10 but I'm not very sure.

11 Q. The United Nations and Organization of American States
12 issued reports that were transmitted to the El Salvadoran
13 government concerning violations of human rights
14 violations?

15 A. Yes.

16 Q. And there were also reports by human rights
17 organizations such as Amnesty International, Human Rights
18 Watch and the ACLU?

19 A. Yes.

20 Q. And isn't it well-known to you and other people in the
21 Salvadoran government at the time, from 1979 to 1983, that
22 whatever the United States may have said about winning the
23 war, the United States Government also made it clear to the
24 military to stop human rights abuses?

25 A. They always insisted upon that.

1 Q. Isn't it true that in December, 1980, you
2 categorically denied that there was any torture going on in
3 military or security force facilities?

4 A. It is possible that I may have said that because I
5 have never had proof that there has been any torture in any
6 military establishment.

7 Q. Was there any torture going on in military or security
8 force facilities in 1981?

9 A. I have no proof of that.

10 Q. Okay. Was there any torture going on in any military
11 or security force facilities in 1982?

12 A. I have no proof of that.

13 Q. Okay. Did you have any proof during those years that
14 there was no torture going on in military or security force
15 facilities?

16 A. At least for me, I never had any proof. I never had
17 any proof that that was happening.

18 Q. I want to show you, and it's called General Jos,
19 Guillermo Garcia, it says recommendations to be considered
20 by a lawyer.

21 A. Yes.

22 Q. And I want to ask you some questions. Take a look
23 under where it says at the end, where it says Romagoza
24 case.

25 A. Yes.

1 Q. What does paragraph 16 say?

2 A. There are people that helped or were part of the
3 guerilla groups that drop bombs, fire bombs, mines, mines
4 that are still killing children, women and elders. And now
5 they would appear as victims, please don't try to present
6 yourselves as martyrs in any way.

7 Q. Was this your response to the lawsuit that the
8 Plaintiffs filed against you in this case?

9 A. No. No. It's a suggestion.

10 Q. Were you directing those comments to the named
11 Plaintiffs in this case?

12 A. No. I'm speaking in general terms. And it is true
13 there are lots of people who offended the United States,
14 who made fun of the United States. And they are here.

15 Q. Why did you say this if you were not directing it to
16 the Plaintiffs in this case?

17 A. Because the circumstances may arise that it may be so.

18 Q. So you're just making a suggestion as opposed to a
19 statement of absolute truth?

20 A. Absolute truth is only what one sees. If I had seen
21 it, I would have put it in there, this, this and that and
22 the others because I have proof.

23 MR. GREEN: Mr. Interpreter, I'm not sure we
24 actually read paragraph 19. Could you read that in
25 English into the record?

1 THE INTERPRETER: The interpreter would read
2 English into the record paragraph 19.

3 "It is ironic that some that insulted and
4 offended this country, that burn this country's flag, and
5 that pointed to the U.S.A. as responsible for all of our
6 country's problems, that advocated for Cuba and the Soviet
7 Union, it is ironic that they would have chosen this
8 country as a refuge, taking advantage of this country's
9 hospitality, and now introducing themselves as heroes or
10 martyrs when they didn't have the courage to say anything
11 in our country when it is known who they are and what they
12 did to destroy and see our country succumb."

13 BY MR. GREEN:

14 Q. Did you believe that when you wrote it to your lawyer?

15 A. In general, yes. There are many here who did that and
16 they live here.

17 Q. And do you still believe that?

18 A. That there are people who came here to seek refuge
19 here instead of going to Cuba, yes, lots of people.

20 Q. What was the Socorro Juridico?

21 A. Well, I couldn't detail that.

22 Q. What is your understanding of what the function of the
23 Socorro Juridico was?

24 A. It was an office where complaints were filed
25 concerning violations of human rights.

1 Q. Was that operated by the Catholic Church?

2 A. A branch of the Catholic Church.

3 Q. Was it a subversive organization?

4 A. I don't think so.

5 Q. Did the forces of the military and/or security forces
6 raid the offices of Socorro Juridico on or about July 4,
7 1980?

8 A. No.

9 Q. Did Archbishop Romero complain about the raid on the
10 offices of the Socorro Juridico on or about July 4, 1980?

11 A. It is possible.

12 Q. Do you know who was responsible for the murders of the
13 leaders of the Frente Democratico Revolutionario, FDR in
14 November, 1980?

15 A. No.

16 Q. Did you issue an official denial of any security force
17 involvement in the FDR kidnapping, killings within two or
18 three days of the incident?

19 A. Yes, I believe so.

20 Q. Had you conducted an investigation before issuing that
21 denial?

22 A. No, because it did not correspond to me. It was not
23 mine to carry out the investigation.

24 Q. Did you at any time in 1980 state that the FDR was a
25 subversive organization that was leading the country to

1 violence and bloodshed?

2 A. At some time maybe I said that.

3 Q. Did Ambassador Hinton speak to you in or about June,
4 1982 regarding the torture of Salvadoran citizens being
5 carried out in the National Police headquarters?

6 A. I don't recall.

7 Q. Were any military personnel disciplined as a result of
8 human rights violations during your four year tenure as
9 Minister of Defense?

10 A. I don't recall.

11 MR. GREEN: Your Honor, that will conclude the
12 Plaintiffs' presentation.

13 THE COURT: Thank you. Let me turn to Mr. Klaus.

14 MR. KLAUS: Nothing, Your Honor. I don't have
15 anything.

16 THE COURT: You don't want to play any further
17 part?

18 MR. KLAUS: No.

19 THE COURT: All right. Fine.

20 Let me ask the Marshal, if you would, if we can
21 maybe move the television set out of the way. And the
22 Plaintiffs may call your next witness.

23 MR. GREEN: Our next witness -- we made a lot of
24 progress, and the next witness will be General Vides
25 Casanova videotape as well.

1 THE COURT: All right. You may proceed.

2 MR. GREEN: We can play this in two parts.

3 THE COURT: Are you playing selected portions, or
4 the entire deposition?

5 MR. GREEN: These are the Plaintiffs'
6 designations.

7 THE COURT: Okay. Shall we follow the same
8 format as we did earlier, we will ask Mrs. Stipes to take
9 down whatever is played?

10 MR. GREEN: Yes, Your Honor.

11 THE COURT: Good.

12 (Portions of the deposition of Vides Casanova
13 were read as follows.)

14 BY MR. GREEN:

15 Q. Could you please identify yourself by stating your
16 name, address, age, date of birth and rank?

17 A. My name is Carlos Eugenio Vides Casanova. I live at
18 44 Colonial Court, Palm Cost, Florida. I am 63 years of
19 age, and I was born on December 3, 1937.

20 Q. Did you serve in the armed forces of El Salvador?

21 A. Yes. And my rank is that of general.

22 Q. Did you attend a military school as a child or an
23 early teen-ager?

24 A. No, as an adolescent, 17 years of age.

25 Q. What kind of military training did you receive at the

1 military school?

2 A. Well, the military training at the military school,
3 what they do first is they first try to form your moral
4 values, your ethical values. Another aspect is also the
5 aspect of patriotism. On the other hand, there is also the
6 aspect of your sense of discipline. They do this by way of
7 exercise, work, et cetera. And there is also the practical
8 part, which is the exercises in the field, such as the
9 handling of a rifle, et cetera.

10 During the first years we would do work that was
11 equivalent to that of high school. but at the same time we
12 would also have a series of military subjects, such as
13 tactics, weapons --

14 THE INTERPRETER: The interpreter requests
15 permission to consult with the witness on the use of a
16 word.

17 THE WITNESS: Also military laws, codes, military
18 subjects, but we were also involved in receiving high
19 school education. And during the last two years, which is
20 the third and fourth year, all of the emphasis was on
21 purely military subjects, and other subjects that may be
22 of use in order to enter the university, such as
23 analytics, calculus, statistics, et cetera. After four
24 years anyone who passed all the examinations was allowed
25 to graduate with the rank of second lieutenant of the

1 armed forces.

2 Q. In your opinion what is the role of discipline in the
3 military training?

4 A. I think the most important part of discipline is to
5 understand the pre established rules so that a person not
6 make mistakes that could be of a mean or matter of
7 punishment. And that is also compatible with
8 subordination, which is the respect and obedience that is
9 owed to superiors. And our law is very clear on that, that
10 it is necessary to follow the steps, the chain of command.
11 For example, ten soldiers would have -- their first
12 commander would be the corporal, and maybe three groups of
13 ten under the command of one subsergeant, and a lieutenant
14 or a second lieutenant.

15 Q. Then going up the chain of command from a sergeant or
16 a lieutenant or second lieutenant, can you please describe
17 the command structure?

18 A. Well, it all depends on the units. For example, an
19 infantry unit beyond the second lieutenant level, there is
20 a more senior lieutenant with the rank of captain, and he
21 would be the commander of a company.

22 Q. How many people would comprise a company?

23 A. Approximately 150 men.

24 Q. And would there be companies in the National Guard as
25 well as, say, the other, you know, police units, the

1 Treasury Police?

2 A. Yes, with different functions and different members.

3 But, yes, as pertains to the chain of command, it would
4 function the same way.

5 Q. So if we can keep going up the chain of command from
6 captain to --

7 A. And then you would have a major who would be the
8 third in command. The lieutenant colonel would be the
9 second in command of the unit. And then you would have a
10 lieutenant colonel or a colonel who would be the commander
11 of the unit. All of these units, which are known as
12 operational units or tactical units are commanded by the
13 joint chiefs of staff. The commander in chief of the joint
14 chiefs receives instructions from the Minister of Defense.
15 And the Minister of Defense receives his from the president
16 of the republic.

17 Q. Or if there is no president of the republic, the
18 Junta?

19 A. Yes, yes.

20 Q. Directing your attention back to October, 1979, what
21 is the significance of that date?

22 A. The coup that takes place, and one in which I did not
23 participate, and the attempt by the armed forces to change
24 its attitude, trying to favor the poorer classes more, for
25 example with the introduction of the agrarian reform, bank

1 reform, foreign trade reform.

2 Q. Was there a perception that the military in El
3 Salvador, prior to October 15, 1979, was acting to protect
4 the oligarchy?

5 A. In a certain sense that has been said.

6 Q. What is the oligarchy?

7 A. It depends on the interpretation of the oligarchy. In
8 El Salvador we could say the oligarchy is a higher class,
9 richer, higher in the sense of riches. What is known over
10 here as the 14 families. I don't know why they use that
11 number, but more or less. And logically these people
12 possibly had some influence.

13 Q. Why was it important to improve the image of the
14 National Guard?

15 A. When the National Guard -- well, when all of the
16 subversive movement started throughout the country, it also
17 had to participate, I believe -- yes, it participated in
18 supplying security to the urban area. They were better
19 prepared for the rural area. And it is possible that they
20 committed certain abuses. I have no proof of that, but it
21 was rumored, it was said. So it is possible. And then
22 there was the need to find in which way they could better
23 interact with the population, start segregating the people,
24 separating the people within who were not prepared for this
25 kind of change. Change the study plan at the National

1 Guard school -- they had a school. There was more or less
2 150 men. After that it greatly increased.

3 Q. You indicated when you became head of the National
4 Guard in 1979, that you had heard rumors about abuses?

5 A. Yes, yes.

6 Q. And who did you hear those rumors from?

7 A. Sometimes from the press. I think that happened the
8 majority of times. I really wasn't one to be listening to,
9 how should I say homilies, things like that. But there was
10 a very large group of people, some that were right, some
11 that were not, who were always trying to create criticism.
12 But just, just to make sure what I would do is, I would go
13 and try to fix whatever may have been wrong.

14 Q. What did you do to learn what may have been wrong in
15 the National Guard?

16 A. Well, there's different stages.

17 Q. Let's talk about 1979, October 15, 1979.

18 A. The first thing I asked from the members of the Junta
19 and from General Garcia as well, was that they a company me
20 when the National Guard was being turned over to me
21 officially. And that's when I gave them my first
22 instruction of how I was going to conduct that National
23 Guard.

24 Q. And who is them?

25 A. To all of the personnel that was present, all of the

1 personnel that they called in. Not everyone, because some
2 were out on security duty, but the officers, the chiefs,
3 and some of the troops, some couldn't be there. And then
4 in the presence of two or three members of the government
5 Junta, I can't recall right now who, but General Garcia was
6 there. And for example, when I spoke to the personnel, I
7 told them that the Constitution established obligations
8 that correspond to each and every one, as well as the
9 regular orders or the military laws, that no one is obliged
10 to comply with a order that isn't strictly legal.

11 Q. Well, let me ask you this: Other than giving a
12 speech, what did you do to determine whether there was any
13 truth to the rumors about abuses caused by members of the
14 National Guard?

15 A. I gave instruction to the lieutenant director of the
16 National Guard.

17 Q. What did you tell him to do?

18 A. He had to insure that there were no facilities that
19 were not run correctly. For example, for the holding of
20 the prisoners.

21 Q. What about the facilities for holding of prisoners,
22 why did you ask him to look into that?

23 A. Because of the accusations that had been heard
24 earlier.

25 Q. Well, those accusations were the ones that came from

1 the press?

2 A. No.

3 Q. What were the accusations in particular did you hear
4 about holding prisoners?

5 A. I don't know, but what was talked about was a book
6 that was written, it was written by Guadalupe Martinez,
7 from the guerilla. She was a commander of the guerilla.
8 She fought and everything.

9 Q. So this woman wrote about abuses in holding prisoners?

10 A. Possibly when she was detained at the National Guard,
11 but it was a long time before I arrived. I don't know when
12 it was.

13 Q. Did you hear about reports of abuse of prisoners by
14 the National Guard that came from the Organization of
15 American States?

16 A. Those reports would not get to the director of the
17 National Guard.

18 Q. Well, weren't there press reports about the United
19 Nations or the Organization of American States?

20 A. Possibly.

21 Q. What about reports from Socorro Juridico?

22 A. Yes, I wouldn't read those.

23 Q. What was the Socorro Juridico?

24 A. The Socorro Juridico was an organization that depended
25 on the archbishop. At the beginning it was known as the

1 legal assistance of the archbishop.

2 Q. Did you ever listen to Archbishop Romero's homilies?

3 A. No.

4 Q. You testified earlier about the role of discipline in
5 military training and you talked about the importance of
6 respect and subordination. Why is it important to have
7 respect and obedience or subordination in a military
8 structure?

9 A. Everything is established within the laws.

10 Q. I understand. But why as a lieutenant and eventually
11 a general, was it important to have a command structure
12 where discipline and subordination and respect and
13 obedience were important values?

14 A. Yes.

15 Q. And as a lieutenant, why was it important for you to
16 obey your captain or colonel?

17 A. Because all the orders came from above would go
18 through the chain of command to get all the way down to the
19 last person. And then reversely each chief or commander is
20 responsible for the compliance of the obligation
21 successfully all the way to the top.

22 Q. And is it important for a superior to give a clear
23 command to a subordinate?

24 A. Yes, yes.

25 Q. And is it important that a subordinate obey a clear

1 command?

2 A. Yes, but it also has to be legal.

3 Q. In your 25 or 30 years as a military commander --

4 A. As a military commander?

5 Q. Or a military officer.

6 A. 35 tell him, because they didn't let me go during the
7 last five years when it was my turn to retire.

8 Q. Well, let's say in your 35 years as a military officer
9 and a military commander, did any subordinate fail to obey
10 your command?

11 A. No, not that I recall.

12 Q. In fact, there is a provision in Salvadoran law that
13 allows for military personnel to be tried by military
14 tribunals?

15 A. Yes, yes, but it is my understanding that it is
16 exclusively for offenses and crimes that are purely
17 military. I think it is Article One.

18 Q. However, during time of the state of siege, the
19 jurisdiction of a military tribunal is expanded to include
20 crimes of treason, sedition, and crimes against the peace
21 and independence of the state, and crimes against human
22 rights. That is Article 177, correct?

23 A. Yes, I believe that the majority of those aspects are
24 included.

25 Q. Now, sir, you taught at the military school, correct?

1 A. Yes.

2 Q. And you indicated that at the military school in El
3 Salvador the cadets were taught about Salvadoran law,
4 correct?

5 A. Yes.

6 Q. And one of the things that you taught is Article 177
7 among other provisions of the Salvadoran Constitution?

8 A. Yes, yes, the whole code. And the law itself states
9 that ignorance of the law does not exempt a person from its
10 compliance, so it is -- everyone has to know it.

11 Q. Including generals, colonels, all the way down to
12 corporals and privates. In other words, everyone in the
13 Salvadoran military had a duty to know the law?

14 A. Yes. Supposedly, yes, and every citizen as well.

15 Q. You were Minister of Defense in El Salvador, weren't
16 you?

17 A. Yes.

18 Q. And that was after General Garcia stepped down as
19 Minister of Defense?

20 A. Yes.

21 Q. In 1983, correct?

22 A. Yes.

23 Q. What month of 1983?

24 A. April, April.

25 Q. And you were Minister of Defense after April of 1983?

1 A. Yes.

2 Q. When you were Minister of Defense, did you name any
3 members of a military tribunal?

4 A. It seems to me that one had to make appointments in
5 that general order. You had to appoint the members. But I
6 can't recall enough to tell you whether it was done or
7 whether it wasn't done.

8 Q. And isn't it true -- strike that.

9 Did you ever, when you were Minister of Defense,
10 expand the number of military tribunals?

11 A. No. Not that I recall.

12 Q. Isn't it true that there was a substantial amount of
13 criticism, both internal within El Salvador, and external
14 from the United Nations, the Organization of American
15 States, Amnesty International and United States itself
16 about the human rights records of the National Guards?

17 A. Of the entire armed force in general. And I believe
18 the majority of these reports were directed to precisely
19 what is taking place now.

20 MR. GREEN: Your Honor?

21 THE COURT: Yes.

22 MR. GREEN: There is one matter I need to confer
23 with Ms. Nugent about to make sure we are not in an area
24 that we have discussed.

25 THE COURT: Yes, feel free.

1 BY MR. GREEN:

2 Q. Between 1979 and 1983, did you ask any of your
3 superiors for assistance in developing a centralized
4 process for receiving, cataloging and processing
5 administrative complaints about abuse of authority or
6 excessive force by military personnel within the National
7 Guard?

8 A. Not that I recall.

9 Q. You earlier testified that occasionally you heard
10 reports in the press about abuses of human rights by
11 military personnel, or in particular, National Guard
12 personnel?

13 A. Yes.

14 Q. Did you -- and there were those reports on a daily or
15 at least a weekly basis, correct?

16 A. It is possible.

17 Q. Well, you were reading them constantly?

18 A. No. No. I didn't read them.

19 Q. Were you stationed in the city?

20 A. Yes. Yes, but an organization would give us the
21 information but it would be summarized. We never had any
22 time to read all of that.

23 Q. Was part of the war trying to insure that it was being
24 fought according to the rules of war and the various
25 treaties recognizing human rights during times of war?

1 A. Yes. Yes.

2 Q. If you had seen that ad that I just showed you about
3 Chitamequita from the Christian Democrats newspaper, would
4 that have been a credible source?

5 A. The members of the Christian Democratic party were in
6 the Junta after that date. They themselves should have
7 investigated that, their own party should have. I didn't
8 read it.

9 Q. If you had seen or received a letter from Jos,
10 Napoleon Duarte and 11 other Christian Democratic leaders
11 complaining about 19 incidents of human rights violations
12 or other abuses, would you have considered such a written
13 complaint to have come from a credible source?

14 A. The source credible, yes. The information I wouldn't
15 know whether it was true or not.

16 Q. If you had received that complaint directly from Jos,
17 Napoleon Duarte and the other 11 Christian Democrat leaders
18 in the form of a written letter, what would you have done
19 about the incidents of National Guard abuse that were
20 described?

21 A. All of those incidents would have to have been
22 investigated. The problem is one cannot remember 20 years
23 later what incidents were investigated, what notes were
24 received.

25 Q. Would a complaint of this nature about 19 separate

1 incidents from the Christian Democratic party have been
2 important?

3 A. Yes.

4 Q. Would this have bothered you or concerned you greatly
5 as commander of the National Guard?

6 A. Yes. I would have been worried.

7 Q. Isn't it true that a complaint of 19 separate
8 incidents from the Christian Democratic party would have
9 been treated very seriously by you?

10 A. Yes.

11 Q. So it is important for a functioning chain of command
12 to transmit information up and down concerning serious
13 violations of human rights?

14 A. Yes.

15 Q. Do you remember being called together with other
16 members of this level of command right here, and being
17 briefed on the 19 incidents that were described here?

18 A. Specifically that incident, I do not recall. And not
19 even the list. It is the first time I have even seen that
20 report.

21 Q. I am going to show you what has been marked as
22 Plaintiffs' Exhibit 12. Is that a letter to the high
23 command and the chiefs of staff and the Junta dated
24 January 30, 1980?

25 A. The COPEFA was an organization of young officers as

1 well after the coup, yes.

2 THE COURT: Would you be good enough to stop the
3 video?

4 Q. Did the Minister of Defense at the time, General
5 Garcia ever hand you a copy of that letter --

6 THE COURT: Let's do this, when the jury leaves,
7 we will rewind it a question or so, so when we come back
8 in the morning, we can pick up on that. Okay.

9 Ladies and gentlemen, we are at a spot where we
10 ought to stop for the evening recess.

11 Now, I want to take a minute if I can.

12 When we were talking about how careful we all
13 want to be so whatever information you are getting is only
14 information that is developed here in the courtroom, I
15 mentioned to you about avoiding the local sections of the
16 papers, local sections of the local papers, and then
17 avoiding any story you might see in any other section
18 regarding the case.

19 I think perhaps, and I know you understand the
20 importance of the case to all sides, and what all sides
21 have done to get ready to come to court. This is simply a
22 precautionary measure so whatever your decision is going
23 to be will only be based on information that is presented
24 here in front of everybody.

25 So let me broaden that instruction to you if I

1 might.

2 I would like to include all newspapers and all
3 sections of all newspapers and if there is any radio or
4 T.V. broadcast dealing with news, I am going to ask you to
5 step away from those broadcasts, if you would.

6 Now, I surely don't mean to put you in isolation,
7 that is not possible, and I wouldn't want to do that
8 anyway.

9 Let me make this suggestion, though. Would you
10 bring the newspapers in in the morning and just run them
11 by Mr. Caldwell? We will get them right back to you. I
12 think it is clear to you that this is a case of interest,
13 certainly to the participants, and it deals with
14 newsworthy matters, and inevitably there is going to be
15 some reporting of it. I am not suggesting that there is
16 anything that would be improper in that reporting, it is
17 just that we need to make sure whatever information you
18 see has really come here in the courtroom.

19 So, can I ask you really to be on guard about
20 that? If you are at home and T.V. is on to news, whether
21 it be local or what have you, if by chance you hear
22 anything dealing with any subject matter of the case, just
23 step away. In terms of the newspapers, let me ask you to
24 avoid reading, whether it be local or national and if you
25 would like to read them, just bring them in, and we will

1 run them by Mr. Caldwell, get them right back to you. And
2 if by chance there is a story, we will clip it out and
3 give you the rest of the newspaper.

4 By the way, if that should be missed, if by
5 chance something ends up, again, I rely on you to be on
6 guard just so you don't read anything about the case,
7 okay.

8 Have a nice night, and we will meet tomorrow
9 morning at 9:30, and we will continue on.

10 (Thereupon, the jury retired from the courtroom.)

11 THE COURT: Ladies and gentlemen, would you be
12 seated for just a moment. Let me, as we did last night,
13 take a minute and turn to the parties to see if you have
14 any matters that we need to put on the evening agenda, and
15 if you do, if you would just give me the description, I
16 will put it down and we will go back and talk about them
17 afterwards.

18 How about from the Plaintiffs' point of view, are
19 there any matters we need to discuss this evening?

20 MR. GREEN: No, Your Honor.

21 THE COURT: How about from the Defendants' point
22 of view?

23 MR. KLAUS: I would like to know what witnesses
24 they are calling tomorrow, and if you want to discuss the
25 notebook, I can discuss that with them.

1 THE COURT: Have you had a chance to talk with
2 counsel about that?

3 MR. KLAUS: Yes, I think we can resolve it.

4 THE COURT: Could I ask you to continue on those
5 discussions and I would hope that you could do that. If
6 there is a problem, why don't we plan to talk about it
7 tomorrow evening, if not, why don't you feel free to move
8 forward with developing the exhibits that you both feel
9 ought to be in that notebook.

10 MR. KLAUS: I have an exhibit from -- a couple
11 exhibits from the prior trial that I would like to include
12 in the notebook.

13 THE COURT: Okay.

14 MR. KLAUS: Can I pass them to opposing counsel?

15 THE COURT: Sure. Absolutely. In terms of the
16 witnesses tomorrow, do we know who the witnesses are going
17 to be?

18 MR. GREEN: Yes, Your Honor. Mr. Alvarez, and
19 then the afternoon, Father Schindler.

20 THE COURT: Mr. Alvarez is the gentleman from
21 Argentina, or is he somebody else?

22 MR. GREEN: He was the lawyer, investigator for
23 the American States.

24 THE COURT: Mr. Alvarez, and Father Schindler?

25 MR. GREEN: Yes, Your Honor. We are trying to

1 keep this as abbreviated as we can. There is a chance
2 tomorrow afternoon we may conclude at four o'clock. We
3 could play -- we would like to use the rest of the tape as
4 filler.

5 THE COURT: I wanted to ask you about this. Do
6 you intend to continue with the playing of the tape in the
7 morning?

8 MR. GREEN: No, Your Honor.

9 THE COURT: In other words, what we say for
10 scheduling purposes we will take live witnesses, and the
11 two are the people we talked about, and if we need to, we
12 will come back we need to conclude the tape at some point
13 and we will just use it in the afternoon?

14 MR. GREEN: Yes, Your Honor, I must say, Judge,
15 we are proceeding a lot quicker than we anticipated.

16 THE COURT: Well, I sensed that, too. And I know
17 you worked hard to organize the presentation, and
18 sometimes it does go more quickly than people anticipate,
19 and sometimes it doesn't. I want to ask you, in terms of
20 the way things have been going, and where we are today,
21 what is your sense of where we are in the presentation of
22 the Plaintiffs' case? And what I am really asking you is,
23 if you had to give a ballpark estimate as to how many more
24 days remain for the Plaintiffs' case, what would you say?

25 MR. GREEN: Five to six.

1 THE COURT: Five to six days, including tomorrow?

2 MR. GREEN: Yes, Your Honor.

3 THE COURT: That is progress. That is an
4 estimate, nobody is counting or holding anybody to that.

5 Okay. Anything else we need to discuss?

6 MR. GREEN: No.

7 MR. KLAUS: No.

8 THE COURT: All right. We will be in recess and
9 meet tomorrow morning at 9:30, and see you all then.
10 Thank you.

11 (Thereupon, trial was recessed at 5:10 p.m.)

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