

TRANSCRIPT

"BOOK LAUNCH: ASSASSINATION OF A SAINT"

A conversation with Carolyn Patty Blum, Raymond Bonner, and Matt Eisenbrandt

Moderator: Aryeh Neier

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ANNOUNCER:

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ARYEH NEIER:

We are holding-- this-- panel-- to mark the-- the publication-- of *Assassination Of A Saint: The Plot To Murder Oscar Romero And The Quest To Bring His Killers To Justice--* by Matt Eisenbrandt, who is-- sitting-- imme-- immediately-- to my left. Matt Eisenbrandt-- is a lawyer. He served as-- legal director for the-- the Center for Justice and Accountability-- an organization-- based in San Francisco that has played a leading role in efforts to-- to promote-- accountability for-- gross human rights abuses, and has particularly focused-- on the abuses that took place-- in-- El Salvador and-- and Guatemala. Matt-- today-- works for the-- Canadian Center for International--

MATT EISENBRANDT:

International justice.

ARYEH NEIER:

--justice. So he's still-- engaged in the-- the same-- struggle. And then-- to his left is

Patty Blum-- an attorney who has-- played a leading role, perhaps the leading role in the-- the litigation of the-- the Center for Justice and Accountability. And-- she is-- clinical professor of law emerita-- at the University of California at Berkeley. And she is also-- today the-- the director of the-- the Human Rights-- Institute-- at-- Cardozo-- Law School here in-- New York.

And to her left at the other end of the table, and I'm going to-- to begin with him-- is Ray Bonner. Ray is-- an investigative journalist who has-- reported from-- all over the world. But like it or not, he is-- permanently associated in-- the minds of-- many of us who-- recall that period-- with-- his-- work in El Salvador at the time of the-- the beginning-- of the-- the armed conflict-- in El Salvador.

And Ray-- I wonder if you would start us off by talking about what it was like-- to be-- a journalist-- in El Salvador-- at that time. And-- I'll ask a sorta follow-up question-- at the same time. We're at a moment-- where-- the-- the president of the United States-- is engaged in-- certain attacks-- on-- journalists. And I wonder if-- that calls to mind-- (LAUGH) any of your own experiences. Is that right?

RAYMOND BONNER:

Yeah. Thank you. And (NOISE) Matt, congratulations on a terrific book, and even more for your work with C.J.A. and-- pursuing accountability. And Patty, the same thing. I mean, we-- we forget these things. They're so easy-- easy to (UNINTEL) forget. I mean, it's what, 40 years ago at least. And it's good that you don't forget, and you hold some of these people accountable. And I-- I truly applaud both of you for-- for the work that you do.

What was it like? Well, I arrived in El Salvador, I was a lawyer (CLEARS THROAT) doing this kinda work. Dropped out, went to Central America. Got to El Salvador on Sunday. The nuns were killed on Tuesday. The rest is history. So I got there shortly after-- Romero had been killed. I mean, six, eight months later.

It's hard to believe now, some of you will remember this. But those of you who are younger, it's hard to believe Central America was the biggest foreign policy issue at the time. I mean, it was as big then as the Middle East, Syria, Iraq, you name it, is now. This was where (CLEARS THROAT) the Reagan administration was, quote-unquote, "gonna draw the line against the advance of Communism." So it was-- it was a big story.

Although it didn't become a big story until they killed the American church women. Ten that-- till that time, 10,000 Salvadorans had been killed in 1980. I think that was the number. Something like that. We didn't pay a lot of attention. And then when they killed the Americans, you can see a bit of cynicism in my voice. When they killed the Americans, then it became a big story.

Yes, the press-- I-- I-- I did come under attack-- by the *Wall Street Journal* and the Reagan administration. But I just read something before I came here about-- (CLEARS THROAT) by Jack Schafer-- about the attacks on the press. Now, and his

last line was, "Quit whining. Just go out and write another story." And that's kinda the way I felt at the time. And I felt kinda privileged. And I'm not saying this in some kind of a arrogant way. I mean, I felt, "All right, they'll say what they wanna say, and I'll go out and write another story."

I remember that movie, *Continental Divide*. I think it's based on Mike Royko. You know, he was the same way. You know, they come after you, go write another story. And I think that-- that was the attitude then. And it was easy also, being so far away. (CLEARS THROAT) If you weren't here, you didn't-- you didn't see it day after day. It wasn't in your face. I-- and we didn't have mobile phones. We weren't reading everything every minute. So I basically didn't know (LAUGH) what was goin' on back in the United States. And-- it made it easier-- easier to keep going.

And it was different for journalists. I'll just say one more thing. Journalism wasn't as dangerous then as it is now. (CLEARS THROAT) I mean, there were-- they-- I remember there was the death squad, the hit list of journalists that were supposed to be on it. We made tee shirts. You know, and the-- with a bullet on the back and then the list on the front. I would go running every morning, past soldiers with their rifles. After I'd writ--

ARYEH NEIER:

Some of us wondered about that.

RAYMOND BONNER:

Well-- (LAUGHTER) people have wondered about my sanity for a long-- longer than I've known you are. (LAUGH) And certainly ever since. But you know, and-- and aft-- but after I wrote-- went in with the guerillas and wrote about El Mozote, I still went back in through the airport. I-- we weren't targeted. You might be-- there were journalists who were killed in Central America, of course. But we-- journalists weren't targets the way they are now. And you know what I think it changed, Aryeh, and this is your field. I think it changed with s-- Chechnya when they killed the I.C.R.C. workers in Chechnya. And I think that changed-- I mean, this is a whole different subject. But--

ARYEH NEIER:

(UNINTEL PHRASE) were denunciations of how the-- the press. And-- some of that-- focused on you. Some of that focused on-- the El Mozote-- story, which was--

(OFF-MIC CONVERSATION)

ARYEH NEIER:

--the biggest-- story of-- of that period.

RAYMOND BONNER:

Yeah. There were. And I-- and I-- (SIGH) I remember saying at-- I mean, I don't want to light of it, but I remember saying at the time, "Look-- I give people a hard time. That's my job as a journalist. And so you-- you gotta take it. You gotta take some of this criticism."

But on the other hand, I remember saying that once at-- at the press club in-- in Washington. And Pat Tyler-- I mean, d-- didn't even know him then, but he was the *Washington Post*. Stood up and said, "Yeah, but you gotta remember, it has an effect on everybody. Because if they can go after a *New York Times* reporter like this." And-- and I did have people tell me when they went to Central America after me, "I'm not gonna let happen to me what happened to you." And there was--

ARYEH NEIER:

Well, it had an effect upon-- the way the *New York Times* dealt with you.

(OFF-MIC CONVERSATION)

ARYEH NEIER:

Do you wanna get into--

RAYMOND BONNER:

No, no. It's history. It's 50 years ago, 40 years ago. (MAKES NOISE) (LAUGH) It's not important.

ARYEH NEIER:

It-- it se-- it seemed very important-- at the time. Because-- it-- significantly affected-- the-- the *Times'* coverage of what was going on in El Salvador.

RAYMOND BONNER:

Well, it was a *Times* reporter who said it to me. "I'm not gonna let happen to you what happened-- what happened to you happen to me." So I think you're probably right. And I think-- I think, in fact, I was just reading it in-- in looking-- I'd found in

my book again that I believe it was the editor of-- and it's-- I think it was *Miami Herald* said, you know, "Don't-- don't let this happen to us."

So it does have an effect. Of course. They don't-- they-- they know what they're doing. And these attacks are gonna have an effect. Of course they are. But we just get on with our jobs. We-- and we're very privileged. We're very privileged. We can go out and write another story. And I used to think that way. I'd think, "All right," I'd go-- you know, I'd go out the next day and go out and find another massacre, or another village where there was killing. Anyway--

ARYEH NEIER:

You don't mind, I-- I'll give you my own take--

RAYMOND BONNER:

Okay. (LAUGH)

ARYEH NEIER:

--on this. And that is-- there is-- a certain amount of embarrassment-- in-- some of the major media in the way in which-- you were treated-- by the-- the *New York Times*-- at that time. And that in fact-- it has-- helped to stiffen the backbone-- of the-- the *New York Times*-- or other media today. That they have-- engaged in a level of resistance-- which is-- I think-- quite remarkable.

RAYMOND BONNER:

Well-- if that's the case, then obviously (LAUGH) that's good. We certainly gonna need it.

ARYEH NEIER:

Okay. Patty Blum, you've been engaged in-- the effort to-- to hold accountable-- those who were-- responsible for gross abuses-- in-- in El Salvador. Tell us what that has been like.

PATTY BLUM:

Thank you Aryeh. The first thing I wanted to say, of course, is I'm just completely ecstatic to be here. Because Matt, I don't-- how long was the journey, Matt, of this book--

MATT EISENBRANDT:

Ten years.

PATTY BLUM:

Okay. (LAUGH) It was ten years ago that-- you know-- Matt said he wanted to write a book-- about the work that we had done together-- with others on-- the assassination of Oscar Romero. And here's this incredible-- story in this book. And the story, I just wanna locate the story a little bit back a few years.

Which is that-- when Center for Justice and Accountability was founded in 1998-- and it was one of the few, kind of, human rights nongovernmental organizations in the San Francisco Bay area, I was teaching at Berkeley at the time and approached the new legal director of the-- center and said, "We have to work on El Salvador." And she had been somebody I knew prior to that time. We both had worked on Central American refugee issues in the 1980s. And you know, here was this opportunity to focus again on El Salvador.

And the-- I-- I sort of want to explain just for a minute, like, how that decision was made. I think it's really important to think about for anybody who does public interest, social justice type law to be very strategic about the choices you make about what-- what you're gonna focus on. Because there's always an un-- unbelievable need out there.

And the reason why we focused on El Salvador was, I would say, threefold. First of all, because of the Cold War. Because essentially the U.S. government had propped up a corrupt military elite-- in El Salvador for, you know-- many, many, many years. But during the most acute period of state terror and repression from 1979 to the end of the conflict when there was a peace agreement in 1992. And the-- you know, it sounds like-- like chump change or whatever now, to say that the U.S. was funding El Salvador to the tune of \$1 million a day.

But at that point, and as Ray was saying, it was the third largest recipient of U.S. military aid after-- Israel and Egypt. And-- it was an incredible-- incredibly important line in the sand was being drawn in El Salvador-- that was kind of-- you know, the most representative example of what the-- how the Cold War was playing out in a particular-- region.

And I think all of us who had lived through that period, had seen the devastation that had happened in El Salvador and knew a lot about it because we had been working with refugees from El Salvador, felt a kind of very compelling sort of moral obligation to the region. Since it had been our country that had single-handedly been responsible, essentially-- for propping up this regime which would never have been able to survive not just an armed conflict with a organized guerilla force, but you know-- just would never have had the wherewithal, basically-- to do-- to carry out-- to carry out what they carried out over the, you know, period of the conflict.

And the other thing was, of course, as I was referring to refugees, about a fifth of the population of El Salvador was displaced during that time, and many, many, many tons of hundreds of thousands of Salvadorans and Guatemalans came to the United States, and were not received w-- (SIGH) you know, with open arms by any means.

I was involved in one of the big-- class action lawsuit of that time, which was called the American Baptist Churches versus Thornburgh case. And in that case, which was defending sanctuary workers-- I mean, the-- this whole history of sanctuary and the way in which it's sort of now become-- you know, not starting to be understood as a concept-- because of what's happening with the current administration and its attempt to, you know, destroy the notion of sanctuary cities is that the sanctuary city movement came out of the sanctuary movement, which was a faith-based movement to protect Central American refugees from being forcibly returned to their country.

In the 1980s, only-- less than 3% of Salvadorans were granted asylum. Less than 1% of-- Guatemalans were granted asylum. Aryeh worked on, when he was, like, way back in ACLU days or whatever-- this amazing first-- I remember this report. I think it was in 1982, which was the first report to try to look at what happened to Salvadorans when they were returned to their home country.

And so all that history had happened. There was a, you know, huge community of people in the United States of people who had been forced to flee the conflict. And then amongst them were the to-- (SIGH) top commanders of the Salvadoran military.

So it wasn't simply that there were, you know, commingled perpetrators, horrible and tragic for those communities. But in fact, all the top commanders essentially had been given refuge in the United States at the same time. And-- and the third factor, of course, was what was going on in El Salvador. Which was that-- after there was a peace agreement, there was a U.N.-sponsored Truth Commission.

The U.N.-sponsored Truth Commission report came out on, I believe it was March 17th 1993. I only remember that 'cause it's my birthday. (LAUGHTER) And within five days, on March 22nd there was a v-- one of the broadest amnesties ever passed in any Latin American country or anywhere in the world. It was a blanket amnesty that basically protected anyone who had committed a human rights abuse during the conflict from criminal prosecution at home.

And it wasn't really just that there was an amnesty. But it was also the kind of silencing, and the end of any kind of discourse about the im-- the impact of this conflict and the abuses people had suffered, and the torture the people had suffered, and their continued disappeared relatives of which there were over 10,000 disappeared people.

But it was a direct reaction to the fact that the Truth Commission for El Salvador had named names. They had-- they had organized the Truth Commission report around 32 exemplar crimes, including the assassination of Archbishop Romero, the assassination of the six Jesuit priests, their housekeeper and her daughter-- the child-killing of the church women-- the El Mozote massacre, the Rio Sumpul massacre,

these kind of paradigmatic examples. And in the report, they had said who they thought they had sufficient evidence to-- find had been complicit, either directly or indirectly, as commanders in these crimes.

So you-- there-- here's-- like-- the perfect storm from a, like, public interest perspective, of here's a country where there is no opportunity, no opportunity for any kind of justice in-country. Here's a country where a huge of their population have been hemorrhaged out. Many of-- people had f-- had come to the United States and been protected by, you know, ch-- faith-based communities, et cetera. And you know, we have this role. We, the United States, have this role to play in it.

So that's sort of the origin-- that's, like-- Matt's origin story, (LAUGH) even though he wasn't actually at C.J.A. at the time this was all happening. And we really kind of did this thing which, you know, now, 20-- close to 20 years later, you know, it's-- it's-- there's sort of, like, a little cadre of people who, you know, go after some bad guy for, like, their whole life as human rights lawyer. You know, and I'm one of those people. (LAUGH) And Reed Brody has done that, you know, on the Habre case.

And there's a few of us who just, like, (TAPPING) keep after these certain bad guys year after year. And it's a little hard in the current political climate to, you, feel like, "Oh, why are you, like, mired in this past?" And, like, there's so much wretched stuff going on right now.

But there is a way in which this feeling, it sorta gets in your bones, you know. And you meet people along the way who are victims and survivors. And you just remember their stories. And they continue to motivate you. And of course, when I look at El Salvador today, you know, I see the-- all the roots of everything that exist there now in terms of violence, gangs, et cetera, as very much rooted in the, kind of, institutions that were created by the military and their paramilitary collaborators just sort of springing up in different forms.

So anyway, the-- the case that, you know, Matt will talk about was-- is-- was very much part of, like, a deep commitment that kind of kept snowballing and morphing into different things and trying to have a very holistic approach to the work. There were, you know, three different lawsuits that we were involved in, all of which we were successful. And we-- w-- after those cases, we then, you know, started lobbying the previously-- Immigration Naturalization Service, now Department of Homeland Security for many, many years to deport-- the, you know, subjects of our litigation.

We've succeeded in getting and working with Department of Homeland Security-- hard to imagine, but it did happen-- (LAUGH) to get the two top military commanders of El Salvador, the minister of defense from 1979 to '83 and the minister of defense from '83 to '89 deported back to El Salvador.

And-- and so it's-- you know, it's morphed in different directions. And using U.S. forums now, and using the Spanish-- Spanish national court as a forum for a case on the Jesuit massacre. I'm not gonna go into any of, like, the case details. But I'm happy to talk about it later. But anyway, that's sort of the broad context in which now-- you know, Matt's work-- on the Romero assassination sort of fits.

ARYEH NEIER:

And-- Matt, I'd-- I'd like you to talk about-- that, and about the book. But Patty, I wanna come back to you-- on the question, I'll give you notice-- now. Aside from-- sheer persistence-- you know, I'd like you to talk about what you see as the value of pursuing these cases so many years-- after the-- the crimes took place. Any rate, Matt--

PATTY BLUM:

Would you like me to talk about that now, or (UNINTEL)--

ARYEH NEIER:

Let-- let Matt--

MATT EISENBRANDT:

Whatever--

ARYEH NEIER:

--talk about-- a little bit--

PATTY BLUM:

Okay, great. Yes.

ARYEH NEIER:

--and then we'll come back to that--

PATTY BLUM:

Definitely be very happy to come back to it.

MATT EISENBRANDT:

(MIC NOISE) Yeah, so-- this is-- well, I'll start by s-- thanking everybody up here. Thank you Aryeh for-- for hosting us. And-- and Ray and-- and Patty for being here

with us. And there are many people in the audience to thank as well. Sandy Coliver for all your help, and many others who are here.

It's-- it's great to follow Patty-- in part because Patty was-- not only a trailblazer in the work that I later got to join-- but also in-- in helping me craft that story for the book as well, to-- to sort of put that-- put the Romero case in-- in the context of the other work that was going on at C.J.A. and-- and elsewhere.

The-- the Romero case is-- is-- is interesting in some ways because-- because the result of the case, and I-- we can get into all the details. But the-- the trials-- that C.J.A. did about El Salvador that book-ended the Romero case were, in some ways-- perhaps the-- the direct impact of those cases was perhaps stronger-- because you had-- you know, the defendant's-- you know, essentially in the dock, I guess you could say. And-- And we had jury verdicts against the top commanders-- in-- in the Salvadoran military. The Romero case was, in some ways, both more limited and-- and more expansive. And what I mean by more limited is that-- you know, the-- the story that I tell in the book-- is-- is partly about the case that we built against Alvaro Saravia for his role in murdering Archbishop Romero.

But in fact, the investigation that we were-- that we did and that we were trying to do was much broader than that. But that is not what came out-- at trial, for a number of reasons that-- I won't go into right now, but that we talk about-- that I talk about in the book.

And the r-- so the Romero trial itself had-- was perhaps-- a bit more limited compared to some of these other cases. But the investigation and the broader story of Romero-- is-- is so much wider. And that was actually part of why I did want to write the book. We-- there was a lot of evidence that-- that we came across. But there was so much evidence that predated any of the work that we ever did at C.J.A. And-- and I-- what I felt was important in the book was to be able to explain some of that-- either to people who had forgotten it or never knew it in the first place. And to talk about the work of so many people on-- on the assassination of Archbishop Romero, and on investigating that, and on reporting on that.

That-- and to put that all into one place and-- and lay all of it. That was something that I felt, particularly when we launched-- the investigation at C.J.A. or when-- when I guess, when my piece of it came around-- (LAUGH) was-- was something that was-- what quite impressive to behold.

Starting from-- the day of Romero's assassination and Judge Atilio Ramirez Amaya attempting to investigate that before three days later suffering his own assassination attempt and having to flee the country for the next ten years; all the way through-- the reporting of Salvadoran reporters, of U.S. reporters, of-- of many others-- through U.S. embassy officials-- through the Truth Commission, and on and on.

And the-- the body of evidence is-- was impressive-- and-- and-- and stunning before we even came to the case. So what we attempted to do with the case, I think, was try to being as-- as broad a picture as we could to the Romero assassination. And-- and bring all of that evidence together and build from there.

So the case-- you know, the-- the-- the way that I talk about it in-- in the book was that we saw-- our obligation as we had-- we had one person, Alvaro Saravia, who was present in the United States, who we knew was involved in Archbishop Romero's assassination. And that was in some ways the hook-- to then build the case from there. We had a lawsuit directly against Saravia. But Saravia was one of many people involved. And so it was the way to-- attempt to hold somebody accountable in a U.S. court for Romero's assassination. But we always saw our-- our-- our strategy as being who was-- looking at who was above Saravia, essentially.

And so when we filed the lawsuit, Saravia was named as a defendant. But we also named Does one through ten. And we intended those Does to be anybody who was above Saravia. Namely-- people who financed-- the death squad that Saravia was a member of. Roberto D'Aubuisson's death squad. And trying to get at those who were higher up who were involved-- either in the murder or at least in supporting D'Aubuisson's-- death squad in a way that might bring legal responsibility. And we saw that as-- as a focus for our investigation for the next year.

A big part of why I wrote the book was because at the end of the day, we didn't end up naming anybody else as a defendant in the case. And the trial was only against Alvaro Saravia. There are a number of reasons for that, which I can go into if people-- people want.

But I felt like there was-- there is a significant body of evidence out there, both evidence that existed before our case and then some witness information that we-- came across in doing our own investigation. And I wanted to put as much of that on the record as I was able to do. And there's still a lot that I was not able to include in the book.

But I wanted to try to lay out-- what's been publicly discussed, what-- is perhaps been confidentially-- out in the ether for a number of years, and what were some of the things that we came across in our own investigation? And-- and-- and tracking our attempt to investigate the financiers or-- or military higher-ups-- who might have been implicated in-- in Romero's assassination. So-- so that's a theme that runs through the book, is that part-- that investigation, which in fact never really ended up in court, and never ended up in the public realm.

Maybe just to say-- a few things that I think came out of the Romero case-- that-- that perhaps are important. And-- and Patty can certainly speak to-- to this (COUGH) as well. You know, I do think the trial itself-- with the limits that it had-- did have-- was important for a few reasons.

First of all, it is the only-- verdict in any court ever for the-- about the assassination of Archbishop Romero. And I do think that's important. The judge-- our judge who was-- a Reagan appointee and a former U.S. Marine-- and-- and treated the case-- very seriously but fairly-- you know, concluded that Roberto D'Aubuisson-- was the mastermind of-- of the assassination. And that's, I think, an important-- that was an important-- conclusion, particularly at the time, given the-- the political situation in El Salvador.

We have a court verdict against one of the central figures in Roberto D'Aubuisson's group. I think that's important. And particularly coming from-- a U.S. federal court. We-- we had the testimony of the getaway driver, Amato (PH) Garay (PH), under oath-- in open court, testifying about Saravia's role in the assassination. His links with-- or Garay's links with Roberto D'Aubuisson in the death squad. And that-- that's all under oath in open court.

The-- one of the things that I-- that I document-- toward the end of the book is the-- the chain of events from the-- the trial and our case through the next six years, essentially. Where-- Saravia, our defendant-- ended up making many important disclosures culminating-- eventually in 2010-- in Carlos Dada's-- fantastic-- article in *El Faro*-- which was-- the result of extensive interviews with-- with Saravia. And frankly, I think, gives us the best record we're probably going to get of the-- the basics of-- of the assassination. And I think that that's an important-- that's been an important-- product-- of all the work that came before it.

And-- and I do think, and-- and maybe Patty can-- can comment on this later. I do think that the time that the Romero case came through, it did help to continue building the credibility of-- of C.J.A. and of doing these cases-- in the United States. The-- the case against the two former ministers of defense had come before. And clearly was the critical-- piece in-- in helping us then continue with additional cases.

But I do think that the Romero case coming after that on an im-- such an important figure like Archbishop Romero, on such-- a difficult investigation-- I do think was-- was important then in-- in being able to continue that work on. I mean, Patty would have kept going with it regardless of whether we had-- (LAUGHTER) had that-- had that backing or not. But I-- I do think that that was-- an important-- affected the case as well. So I'll-- I'll stop talking there, and you can get into some other--

ARYEH NEIER:

Okay. And-- and if I could just-- add a word-- to what you had to say about the-- the importance of having-- a judicial finding with respect to-- to D'Aubuisson.

D'Aubuisson is-- aside from being a death squad leader-- was the founder of the ARENA political party. And this was the political party which-- adopted the-- the amnesty law five days after the-- the Truth Commission report. And the ARENA political party has continued to be-- a major-- factor-- forming governments-- in El Salvador.

So-- demonstrating that its-- founder-- was-- the assassin, and doing that in court, has-- extra significance. If I can come back to the-- the question I want to-- ask Patty, and I'd-- ask-- Ray and-- and Matt also to comment on this. What is the importance-- as far as you are concerned-- of-- holding-- accountable those who have been responsible for these kinds of crimes so many years-- after the crimes-- took place? Aside from-- sense of satisfaction-- for the-- the lawyers pursuing the cases, or even for the-- the families-- of the victims. What do you see as the-- the value of this?

MATT EISENBRANDT:

No, go.

PATTY BLUM:

You know, this is-- and Aryeh's written extensively about this in-- in all kinds of, you know, locations including the *New York Review of Books*, et cetera, are sort of how you think about these cases and what kind of claims are fair to make about their impact.

And you know, there's a lot of, sort of, basic ideas about justice, about p-- you know, a courtroom as a place for truth, et cetera. And I think that-- I don't want to over-claim what they're-- what they-- what they open up. But I think that-- El Salvador is a really good example, in some ways, especially now with the-- Salvadoran Supreme Court decision overturning the amnesty law-- of a place that, because there was so little possibility for real dialogue in the country, that these-- these lawsuit which took place with all the, like, formal imprimatur of U.S. justice, were very important to a process within El Salvador of constantly, sort of, pushing open the door.

And I know Matt certainly doesn't wanna claim that he's, like, personally responsible for Romero becoming a saint. (LAUGHTER) It is true, however, that the case and-- and-- and writing about the case afterwards and continuing to talk about it was a factor, among many, many factors, that were kind of part of a whole mix that was going on inside and outside El Salvador-- around, sort of, remembrance-- keeping the memory alive of the people who were victims. And really, also, having these very important figures like Romero and the Jesuit priests who were killed in the service of humanity.

And-- and so there-- there has been, I think, a real, you know, kind of snowball effect to some extent. And I just wanna go back with one little anecdote, which is that prior to doing the case-- against-- Generals Garcia and Vides Casanova, there had been another case on-- concerning the church women's assassination in which-- unfortunately Garcia and-- Vides Casanova had not been found liable for that assassination.

And there was a huge amount of skepticism and pessimism in El Salvador about, like, "Why are you people doing this in U.S. courts? And, like, this is just not going anywhere. And if anything, it's vindicating these guys. And it's more of the same." And after-- the lawsuit that I was involved in against these same two generals on behalf of three victims of torture, and we prevailed in that case, I went down to El Salvador.

And-- it was really unbelievable, my experience there. Literally everywhere I went, I was taken around by a priest named Jon Cortina, who-- was a friend of Romero's and a very important, sort of, part of the-- liberation theology group-- and-- of priests in El Salvador. And he was just, I don't know, took me under his wing or whatever-- and

was shepherding me around to various meetings with women's groups, with victims' groups, with a organization he had founded, Pro-Busqueda, which tries to reunite-- continues to try to reunite children who were-- kidnapped, essentially, in El Salvador and adopted out of El Salvador with their families in El Salvador.

And everywhere I went, all anybody wanted to do was tell me their stories. Every place. Like, if I was in a lobby of-- of-- you know-- somewhere at the p-- University of Central America, people would just come up to me and wanna tell me about what happened.

And I felt like this was just a thing that people felt like they couldn't really talk about before. And here was this lawyer from the United States coming down, talk-- to talk about the case and tell everybody what happened. And it just sort of, like, tapped into this vein-- that obviously had only been, you know, scabbed over, but was really there, which was, you know, how to get any kind of accountability for what happened.

And so I feel like the courtroom did become-- we could have probably used it-- done it better, you know, in terms of how we-- I mean, there were times and-- we'd be in a courtroom and there'd be, like, four people in the audience or whatever. And we'd be going like, "Nobody even knows what we're doing." You know. And there could-- could have been better ways, probably, for us to-- to try to bring more people into the process.

But I think that, you know, in terms of-- of, sort of, all the indices of what you look at for why this is important, you know, how it affects victims, how it-- redounds in the home country, the so-called Pinochet Effect. The-- you know, just opportunity for some court to make a recognition of the liability and responsibility of key actors.

Using the court as a place to get at-- at least some part of the full story. To elaborate the story. I mean, I think one of the things that's so impressive about Matt's book is the it really shows you (COUGH) the texture of these investigations that have to happen to do these cases. And there are very, very few vehicles that really show that in a way that you actually wanna read (COUGH) and are really interested in. But also to enlarge this fuller truth about what happened with Romero. And to, even though it couldn't necessarily be brought in the courtroom, we were f-- discovering it through the work that we did, and through the investigation that was carried out.

So I think there are the multipl-- plicity of vectors that are kind of the classic ones that people, you know-- who write about and think about this stuff, were-- have been fulfilled to some extent. I-- as I say, I don't want to over-claim, you know, no-- that well, no, there's one guy sittin' in jail. (LAUGHTER)

(MATT EISENBRANDT: UNINTEL)

PATTY BLUM:

V-- former Vice Minister Of Defense of El Salvador-- Montano is, you know, to-- to

some extent, through the work that-- or through a large extent, I wanna take credit for that-- (LAUGH) that C.J.A. has done on the Jesuit massacre case. This is a guy who's been incarcerated for close to four years now in a U.S. jail. It's a complicated story which I can explain if anybody wants to hear it. But-- so it's not really about criminal justice per se. But it is about having a court and having a judge and having a jury proclaim a finding that can reverberate. You know, most importantly back in the home country, but elsewhere.

ARYEH NEIER:

Ray, do you wanna-- come in on this?

RAYMOND BONNER:

I'm not sure I have a lot to add. I guess as I think about it, there is-- I think there's-- an effect on-- you'll never see it directly. But look, I think a lot of-- of thugs, dictators, call 'em what you will, human rights abusers around the world are probably aware of these cases. And they know that it-- you're not gonna get away with it, maybe, in the United States.

And I-- you know, I can-- I c-- I remember in-- when I was in Bosnia arguing-- (LAUGH) "You know, we need to set"-- that was before the court was set up. "You know, there needs to be a court to try some of these people." And-- and I think there's-- you know, Aryeh, which you, of course, dedicated your whole life to, and that's building up this concept of there's gonna be some kind of a legal system that-- that deals with these people.

And I think every case, probably, is an accretion, if you will. And kind of getting across this idea that there is, kind of, a larger system of justice, and the I.C.C. and-- and places like that. So I th-- I-- I-- I'm sure this resonates. I'm not sure how many African (COUGH) dictators and thugs have-- have read about this case. But I'm sure more than you realize. And they probably think, "You know, maybe it's not so safe to go to the United States."

ARYEH NEIER:

No. Although I would say (UNINTEL)-- that when-- a court composed a 50 year sentence on Charles Taylor, that resonated with quite a lot of-- African political leaders. Matt?

MATT EISENBRANDT:

Maybe I'll just-- add one-- one more point. Certainly Patty has said it very well. With

all the cases, but particularly, I think, with the Romero case-- of course-- you know, this was not being done in the United States in-- in isolation, right. This-- this was something that our Salvadoran colleagues-- wanted to see done, and wanted to see done seriously.

Obviously we have-- a panel of-- of people from the United States tonight. But-- but this was all being done in-- in-- absolute arm in arm-- with people in El Salvador who, of course-- face a lot more danger and uncertainty than-- than anything we-- we ever face. And-- there was-- you know, there-- and I-- I do include a few conversations in the book-- you know, about the interest in looking at the United States as a venue-- you know, to be able to push these kinds of cases forward. And particularly on Archbishop Romero's case.

You had the amnesty law in full effect at that time. And when there actually had been attempts in the-- in the '80s to-- to try and do something, those were scuttled-- by D'Aubuisson and others. So there-- you know, I think particularly in the Romero case, there-- there was a strong interest-- among-- you know, human rights experts in El Salvador to see a case like this-- proceed in-- in the United States. And-- and so I think that-- that maybe ties in a little bit with-- with what Patty was saying there. So I just wanted to add that point.

ARYEH NEIER:

Okay. And-- before we-- open it up for-- questions-- what do you anticipate-- as a result of the-- decision of the-- Salvadoran Supreme Court-- to invalidate the-- the amnesty law? Can we now-- expect that there might be-- some-- late-in-the-day prosecutions-- in El Salvador itself?

MATT EISENBRANDT:

Well--

PATTY BLUM:

But you're probably getting this question, so I'm curious to hear what your answer is to it.

MATT EISENBRANDT:

Yeah. I-- I mean, I think there are probably people in this room who can-- who-- may be able to answer that better than I can. I'll speak to-- well, I'll give you-- I'll give you the line that-- that I've been using. But I would be very interested to hear-- Patty and Ray's take, and also-- others to perhaps-- continue the conversation.

And in fact, I think Patty and I had-- had a conversation about this. My book was going into production. And I had, you know, written-- a bit of a conclusion talking about the amnesty law still being in effect. And then it was-- and then it was-- invalidated. And I had to figure out very quickly what I wanted to say about that. And-- and Patty and I talked. And I think Patty said, "I think you're a little too pessimistic. Let's not forget that there have been times when, you know, there's a crack in the ice and-- and things do proceed."

Certainly several years ago, many of us were talking about Guatemala, and that nothing was ever going to happen there. And lo and behold, imperfect as it's been, there have been-- you know, some cases in-- in Guatemala. So I do think-- you know, look, you've got the reopening of the El Mozote case. I think that there is-- there's optimism that some of these cases can start to-- start to slowly move along.

I'm-- I'm less optimistic-- with Archbishop Romero's case, first of all, because at least so far, I don't know of any particular movement on that. I think it's a case that requires-- even more political will than perhaps some of the other cases, because of the political-- issue with the ARENA party. But also because-- if you follow the Romero assassination to-- what I think is its logical end, you are implicating extremely powerful people in El Salvador.

And I know in military cases you might be doing the same. But here we are talking about-- you know, early members of the ARENA party, very wealthy families-- in El Salvador. And I think that it is-- it is gonna be difficult for anybody to have the political will-- or to generate enough-- support to push that forward.

So I'm-- I'm less optimistic on-- on Archbishop Romero's case. That being said, certainly it's helpful that he's soon gonna be named a saint. And-- perhaps that can be-- a bit of a groundswell. But I will say, you know, I-- I will-- I'm extremely cautiously optimistic. But I'm also on-- on the Romero case myself, not-- not holding my breath at this moment.

ARYEH NEIER:

Patty, do you wanna-- add to that?

PATTY BLUM:

Oh, I mean, I don't have too much to add, other than to say that-- you know, I think what-- what I'm trying to learn from this experience and what's going on in El Salvador now is that-- the civil society organizations were so completely decimated-- by state repression. And it's taken a long time for the civil society organizations to reconstitute themselves.

And what I'm seeing now is this younger generation of-- of young lawyers, I mean, you know, people in their early to mid 30s, who are taking up the gauntlet of what they refer to as the historic crimes. And there are people who are working every day

on prison conditions and police brutality and everything else that's going on in El Salvador. But they have this kind of really, you know, in-their-hearts place for what, you know, they heard about and know about through their own families.

And so they're picking up the gauntlet. But they're incredibly under-resourced. Incredibly understaffed. I mean, to think that l-- the lawyers would play the kind of role that civil societies organizations have been playing in Guatemala in really pushing-- forward cases the way that it is possible in a civil law system is a little inconceivable without more infusion of resources.

Because we know what it takes to do one of these cases. And for El Mozote, which is the biggest massacre that occurred during the conflict, and even the most-- forensically-- you know, there was-- exhumation of the mass grave sites and forensic evidence, et cetera, still is a gargantuan task. And so my feeling is that, you know, those of us who've sort of, like, walked alongside-- the people who were the victims in-- you know, during the conflict, it, like, behooves us to support these young lawyers who are trying to take up the gauntlet but with, like, you know, a arm tied behind their backs, basically, in terms of the resources and-- and access they have to be able to really press these cases-- properly.

So-- you know, in-- I do think it's something that's gonna have to come from people really making it happen. It is not-- the F.M.L.N. government is not gonna willingly just be like, "Oh, the law-- you know, the amnesty law was overturned, so let's forge ahead."

It's gonna have to be the civil society organizations and lawyers and, you know, inside-outside collaborations or whatever that are gonna just keep pressing, maybe, these exemplar cases that are-- you know-- El Mozote in particular, I think, because of the nature of the crime and the massiveness of the crime.

But also, t-- quite frankly, because the minister of defense of El Salvador at the time-- Guillermo Garcia, was one of the subjects of our litigation. Was deported back to El Salvador about a year ago. And he is the person who, you know, said that the whole crime was made up, then blamed it on the F.M.L.N. in a sort of classic pattern of deception and cover up.

And he's there now, you know. So the actual person in my mind who has to be held accountable for that crime is in El Salvador. So-- but you know, just trying to be a realist, you know, I think that people are gonna need a lot of support and a lot of help-- you know, from civil society and funders and whatever in the U.S. to-- to make this happen, so that they have the capacity to-- to really, you know, push these cases.

MATT EISENBRANDT:

I-- I just want to very quickly add to what Patty said about resources, which is such-- such an important point to make here. You know, in-- in-- in our case, in the Romero case, we had basically a one-year full court press-- on this case.

And-- you know, some of the things that have been written about the book called us a ragtag team of lawyers. Well, maybe inside C.J.A.'s offices we were a bit ragtag. But in fact, we had a powerful team. Aside from everybody in El Salvador we were working with, we were teamed up with one of the biggest law firms in the United States.

We were working with Jim Mintz and his wonderful investigation-- team who was working pro bono. We had an enormous, powerful team working on this case. And in the end, we still didn't end up naming any of the other defendants that we wanted to name in the case. And-- and so I-- I just wanted to add that, is d-- and thinking about the resources, I think, is such a crucial thing, in addition to all the other-- challenges that there are.

RAYMOND BONNER:

I would just say on El Mozote, Patty, I don't know if you're gonna get mars-- Gars-- on El Mozote, I don't know if you get Garcia, but I think there's probably a couple of colonels or majors out there you could probably get on your way up to the top that would have a very salutary effect. And I-- I w-- I don't think I'd go after Garcia. You-- you know who they are. We know who they are. They're there. And I think you could you get those with the kind of work you've done fairly easily.

ARYEH NEIER:

Okay. I'm going to open it up. But-- before I do-- I'm supposed to-- remind you that-- if you-- speak up-- you will be recorded. And we will-- do something with the-- the recording. So-- be aware that you're-- giving up your privacy to a degree if you-- take part in-- in the conversation. And-- if you-- want to ask a question, there's a microphone-- on my right-- in the-- the front of the room. And if you'd-- go to-- to that microphone and identify yourself-- and-- we c-- we can take comments, but not too lengthy-- comments-- as well as questions. Go ahead.

KATE DOYLE:

My name's Kate Doyle, and I'm with the National Security Archive. First of all, Matt, terrific book. You managed to sort of get this tease of a thriller as well as the anatomy of-- government-supported death squad operations. And that's a very, very hard thing to depict. And it's wonderfully told in your book.

MATT EISENBRANDT:

Thank you.

KATE DOYLE:

So congratulations.

MATT EISENBRANDT:

Thank you.

KATE DOYLE:

I wanna challenge you guys a tiny bit on the sort of limited answers you gave to Aryeh's question about what do you think, why does this matter-- to-- to chase after dictators and human rights abusers and find them accountable even ten, 20 or 30 years later?

I mean-- this is-- this is a comment, but open for your reactions. One thing you didn't mention is you're-- you're-- you're both training and-- animando. How do you say that? Giving enthusiasm to-- exciting, encouraging young lawyers who work in human rights. Yes, in El Salvador. But in the United States, I know young lawyers from C.J.A. have gone on to illustrious careers in Canada. (LAUGHTER) Matt is someone sitting at the table.

MATT EISENBRANDT:

The illustrious Canadian.

KATE DOYLE:

You know, and not just focusing on Latin America cases, but-- but cases of all kinds. Almudena Bernabeu, who's-- who's working through a new organization in Spain. I mean, I think one of the things that these cases do over time is build up this incredible kind of infrastructure of knowledge and experience that is passed down through human rights law clinics and law schools and-- and law interns and-- and all kinds of people-- who then go on and-- and-- and spread the word, and spread the good deeds. And-- that, I think, is why it's worth continuing these kinds of cases, you know, until we drop. (LAUGHTER) I don't know if you guys have a comment or reaction, but I just wanted to say that--

ARYEH NEIER:

Le-- (MIC CUTS)-- reaction-- to that. I-- I derive-- my own thinking on-- on this-- to a significant extent, from a book that a German philosopher-- Karl Jaspers-- wrote in

the-- the aftermath of-- World War II. The book in-- in German is *Die Schuldfrage*. *The Guilt Question*.

And it's translated into-- to English as *The Question Of-- Of German Guilt*. And-- Jaspers-- argues that-- but criminal guilt-- is-- individual, and-- you can only-- deal with it on an individual basis. And you have to-- hold accountable those-- who are criminally-- guilty.

But he also talks about-- various other forms of guilt. And one of those forms of guilt is-- political guilt. And he says, "That's collective." He says-- that-- a society as a whole-- allows-- certain things to-- to take place. And no one-- in-- contemporary society is a hermit-- living in the mountains. All of us h-- take some part-- in the political process.

And that we have to come-- to grips-- with-- our-- participation to the degree that we have allowed-- these kinds of-- of crimes to take place. And in order to do that-- we have to g-- engage in an-- an acknowledgment-- of-- the-- the crimes. And it's important that the-- the whole society should take part-- in-- the acknowledgment of that-- of the crimes. And if one wants to build-- a society with-- democratic responsibility-- in the aftermath-- of-- these-- terrible things-- that-- process-- of acknowledgment-- needs to-- to take place.

In fact, I think-- Jaspers-- had a big effect eventually-- in Germany. And perhaps-- more than in-- any other country. There has been a k-- a kind of collective-- acceptance-- of responsibility-- in Germany for the-- the crimes-- of the-- the Nazi-- era. And-- I-- I believe that the-- the democratic process-- in Germany-- perhaps as exemplified by-- Angela Merkel-- and-- her policies-- with-- respect to-- to refugees and her international policies-- generally reflects-- that kind of German-- acknowledgment-- of the-- the political responsibility-- for the-- the crimes of the Nazi era.

It was-- Angela Merkel wasn't alive-- at the time the-- the Nazi-- crimes were committed. But she still feels-- a kind of political responsibility as-- a German-- to-- to acknowledge those crimes and behave in-- a democratic-- fashion. And so-- for my standpoint-- if a society-- which has-- had as much-- criminality-- as took place-- in-- El Salvador-- in-- the-- the 1980s-- is to-- to develop-- as a decent society-- there has to be-- that-- collective acknowledgment. And to have-- wealthy families-- still today-- as the-- the elite of El Salvador who had a role in-- making it possible for the-- the actual killers-- to engage in these kinds of crimes, that that kind of a society-- is to be-- transformed. There needs to be-- the-- the process-- of facing up to-- the-- the terrible things that-- that did happen-- in that country.

And for my standpoint, pursuing-- these kinds of things very long afterwards-- is justified-- first and foremost-- by the need to try to-- to transform-- a society of-- of that sort. Any rate. If anybody wants to challenge that, I'm happy to-- (LAUGH) to hear it. Go ahead.

JIM MINTZ:

Jim Mintz. My-- investigative firm played-- a microscopic role in the story that-- Matt's book tells so well. And-- I wanted to focus on the investigative aspects of-- of the story-- you tell. I think the investigation was-- fascinating and-- and excellent. And I-- and I think you tell it in a fascinating and excellent way.

So I guess it is-- it stands for-- a point-- that's important to me-- that-- that human rights work is-- is largely investigative work. And I've always viewed-- C.J.A.-- and Human Rights Watch and others as basically investigative organizations. And to the extent you guys are also lawyers, you're investigative lawyers. And to the extent Ray is a reporter, he's an investigative reporter. And-- and so I guess my question is what-- do you feel you've learned, or what should we learn as investigative human rights activists-- that we can take to other-- human rights situations about the investigative aspects?

(OFF-MIC CONVERSATION)

RAYMOND BONNER:

I-- (CLEARS THROAT) just full disclosure, I-- I work for Jim or with Jim-- (CLEARS THROAT) teaching a course, an investigative course at Columbia. The j-- the journalism school. But as you're asking a question, I mean, I'm thinking about El Mozote, of course, which everybody brings up. (CLEARS THROAT) And when I reported about that.

ARYEH NEIER:

Could you tell us a little bit about how you got to El Mozote?

RAYMOND BONNER:

Sure. Because I guess it relates to the answer. I mean, (CLEARS THROAT) I'm-- I'm assuming you all know what El Mozote is. No?

FEMALE VOICE (OFF-MIC):

(UNINTEL PHRASE) something. So go ahead.

RAYMOND BONNER:

Well, it was a massa-- it was a massacre in El Salvador. And it-- the full circle. It's what brought the attacks on me that-- that Aryeh referred to awhile ago. I was a

reporter in-- in El Salvador, as-- (CLEARS THROAT) had been a lawyer, like these guys, and had dropped out. Didn't know what I was gonna do with my life.

And went down to Central America. And as I say, I got to El Salvador on-- on Sunday. And the nuns were killed on Tuesday. And the rest is history. And the *New York Times* started letting me write for them, mu-- much to their later regret. (CLEARS THROAT) And I don't know when-- w-- December, whatever it was, I was down there. And I wanted to go in with the guerillas. Naturally, you would. I mean, it's--

ARYEH NEIER:

(UNINTEL)-- Morazan Province-- in the northern part of El Salvador was controlled by the guerillas. And the massacre took place-- in a region that, let's say, American diplomats-- didn't go to because it was-- a guerilla-- controlled territory. But there were also villages in that area which were trying to keep away from the-- the conflict. And that was an important part of it.

RAYMOND BONNER:

But the important thing is, as-- as a journalist, I wanted to go in with the guerillas. Now, you know, that-- later that brought accusations that you're a guerilla sympathizer. Come on, it was the biggest story around. We were expending, as Patty pointed out, more money there than in-- any other country, with the exception of Israel and Egypt. Naturally as a reporter, you wanna go in and find out what's-- who are we fighting? What it's-- what's it about? Who are th-- who are these Marxist guerillas? Have they been to Cuba?

And so I went-- you know, I tried-- every journalist wanted to go in. And-- because I had the imprimatur of the *New York Times*, obviously-- the guerillas arranged for me to go in, along with Susan Meiselas-- who was a terrific photojournalist, of course. All of you know her work.

And we went. And then I, 'cause I was a young naive journalist at the time, I called a c-- a friend of mine, Alma Guillermoprieto, who was at the *Washington Post*. People have said to me, "You called a competitor to tell her you were going in?" I did, and I'm glad I did for obvious reasons, that will become obvious later. Anyhow we went in. We went in with the guerillas. We did not know about the massacre.

ARYEH NEIER:

H-- how did you get into Morazan Province?

RAYMOND BONNER:

Well, I s-- I had dinner with Susan the other night. We were talkin' about it. And we were trying to remember. We went to a hotel. It was at Christmastime, and we were here, and I got the call, and "you can go." And we went to Honduras, and then we took a car out of Honduras. And the first night that, you know, we were supposed to meet somebody on the road and they didn't show up. And so we had to do it again.

And then we went across. And I remember this, going across the river with my backpack over my head in a full moon, and I thought, "This is either romantic--" part of me thought it was pretty romantic, like backpacking in the Sierras, which I'd done. The other part of me brought back memories of Vietnam where I had been a Marine, thinking, "My god, am I setting up for-- a sniper attack with that full moon."

And we went in. And we were, you know, eventually, and I still don't remember, Susan remembers better, how many days we were in there, traveling around in guerilla-held territory interviewing all kinds of people. I mean, this was a real-- journalistically this was a scoop. This was an incredible opportunity. And remember, there were no sat-- there were no-- not even satphones. So I had to-- was well after I had been in and gotten out before I could write the story.

And we were taken to this village where-- where, you know, we saw this-- the horrors. And it was really, really horrible. I mean, I still-- I can still see it. I can see the-- the-- the spilled coffee beans, and a peasant lying there, and children's toys under the huts, and the-- the houses that had been collapsed, and the bodies, and the bones. It was horrific. It was pretty horrible. It was pretty clear something had happened.

So when I got out, because again-- you couldn't-- you couldn't write about it from inside. When I got out, I wrote about it. And it was on the front page of the *New York Times*. And that's when the Reagan administration, as well as Salvadoran s-- said it had never happened. There hadn't been a massacre. And besides that, n-- not this number of people had been killed. And besides that-- and this was-- and then the *Wall Street Journal* said this was a propaganda exercise. And I was a reporter out on a limb.

ARYEH NEIER:

A few days after-- (LAUGH) the story appeared-- there was--
(OFF-MIC CONVERSATION)

ARYEH NEIER:

--congressional hearing. There-- there was c-- congressional hearing a few days after. And I was-- one of the witnesses scheduled to testify at the-- hearing. And-- the-- the people who preceded me were the administration spokespersons.

Tom Enders was the-- the assistant secretary of state-- for inter-American affairs, and Elliott Abrams was the-- the assistant secretary of state-- for human rights. And they preceded me-- on the-- the witness stand. And essentially said-- it never happened. That this had talked about-- so many people-- being killed. There weren't so many people who lived in this village-- in the first instance. They ignored the fact that it in- it involved several different-- hamlets. And not just the-- the one hamlet-- known as El Mozote.

And in a variety of ways-- they conveyed the impression-- that it never took place. And at that stage-- I had the-- the stories-- that Ray had written for the *New York Times*, and that Alma had written-- for-- the-- the *Washington Post*. But we had not ourselves-- been to the place, didn't have-- independent-- information-- on-- the case at that time.

And so-- I feel I was rather weaker-- than I should have been in rebutting-- the-- the testimony of-- of Enders and Abrams at that time. I-- I will-- tell one story, which may-- maybe I shouldn't tell. But I will tell it-- anyway. And that is-- I ha-- I had started with a friendly relationship with-- with Elliott Abrams, which-- deteriorated over a period of time. And one day, he called me-- to yell at me about one of-- Ray Bonner's-- stories. And then he signed off the phone conversation-- in a way-- that was-- quite unexpected. He said, "I wish I could say the same about El Mozote." Any rate.

RAYMOND BONNER:

But you know, but Jim, back-- it wasn't really investigative reporting as, you know, I've heard you teaching it to these kids. (LAUGH) And very, very effectively. I mean, I just went-- I was just doing basic reporting. And you-- you know, I didn't have a lotta time to go interview the military or-- et cetera. Obviously I asked the government for a comment, et cetera.

But-- it's these-- these are the guys that really do the deep, deep, deep digging into these stories. And-- but at that time, I think Aryeh Neier was-- I didn't know Aryeh. At that time, I'd met him-- I think it was shortly after that he was-- Human Rights Watch was Aryeh Neier, one of the-- Cynthia Brown, was it--

ARYEH NEIER:

Yeah.

RAYMOND BONNER:

--as secretary. Three-- that was what th-- Human Rights Watch was then. Three people in an office. And now look at it today.

PATTY BLUM:

I just wanted to add a little bit on the investigation end, because I think it's a really, really important. And I think-- I-- I don't know how many times, you know, we sat around a table going, like, "We need an investigator. We need an investigator." You know, you guys and-- and then otherwise, it was us. And we were sort of, like, "Oh my god, we're the investigators. (LAUGH) But we're also the lawyers. You know, investigator, lawyer. Investigator, lawyer."

And-- you know, one of the things I feel like, you know, I've been privileged to sort of reflect on all this stuff so much over the years is that it's really important to think about this stuff forensically. And you know, how it is going to be used in a case is different from other ways in which you might treat evidence.

Be it actual forensic evidence from a, you know, crime scene, or it be other forms of forensic evidence. And also just trying to think creatively about what is evidence? So we-- we have been in a situation throughout all the work that we have done where we have no cache of documents from El Salvador. We have very, very few Salvadorans who have, you know, broken the code of silence-- and-- that every military person was trained in. You know, you scratch each other's back, and all the way up the chain of command.

And-- so we haven't been in that situation. And one of the things, just to pick back up on, you know, Kate's question, and thank you very much, because of course, as a, you know, professor-- and a lawyer, you know, that's-- a huge part of it for me, is educating the next generation, or generations now, I guess-- is that-- we ended up using U.S. government declassified documents.

Thank you National Security Archive. We worked with amazing people including Kate at National Security Archives throughout the process. And-- and-- and to-- actually, though, the problem is you're sort of retrofitting this amazing cache of information from the U.S. government, but you're having to do it in this way where you're not really indicting the U.S. government for its role because the U.S.'s role is "irrelevant," quote-unquote, to the evidence in your case.

So you're having to figure out how do I take what I've learned from literally tens of thousands of documents that, you know, Matt, me, Ken, other people, like, you know, scoured-- for purposes of litigation, and make it understandable to a judge and a jury? And that-- that whole process has been-- kind of an amazing thing. But also just to think about it as evidence for a trial. Evidence that you're gonna be able to bring into court. So I think that there's the whole-- all the questions embedded in, sort of, how you carry out investigations, what you're trying to find, but also how you have to think about it as an actual piece of evidence that's gonna be admitted into a court of law-- make-- you know, just complicated.

And-- and sometimes having both the hats at the same time, you know, is not such an easy, you know, thing to carry within yourself. There were many conversations I can remember where we, like, wanted to, especially around this issue

of the U.S.'s role, you know, where we would be like, "We can't do these cases and not be talking about the U.S.'s role. We c--" you know. And then it would be like, "But we're not gonna be able to talk about the U.S. role. And then what's that gonna do? And how's that gonna affect a jury in 2002, 2003, 2004, 2005?"

This is a time after 9/11. And we had to be very conscious of how a jury was gonna interpret a story, the narrative of which on the other side is, "We were fighting terrorism." And I was recently going back and looking at a transcript from one of our cases. And I was, like, baffled at how many times the defendant in his testimony had used the word terrorist.

And you know, that language was appropriate. And so we had to, you know, figure a way around that. So the investigation evidence paradigm, you know, and where they are on the ends of the spectrum, I think, is-- is something we still could learn a lot more about, and need to be talking more about and writing more about, so that, you know, we can be teaching future generations about how to think about it.

LEONOR ARTEAGA:

Oh, hi. I'm Leonor Arteaga (PH). I'm Salvadorian. And I work at the Due Process of Law Foundation, D.P.L.F., a human rights organization based in D.C. And before that, I work at Pro-Busqueda and Tele-Legal. And I've been-- dealing with all the impunity struggle in El Salvador for-- for a long time now.

And I really wanna thank you-- Mark (SIC), for your excellent book, and also for bringing light-- to this case and this-- figure. A leader for-- not only for Salvadorian people but from the world. And all-- all the-- the previous work that you have done, Patty. And of course-- Raymond Bonner. It's an honor to meet all of you. And I-- I completely agree with what you were saying about-- the challenges that civil society is facing now. And victims groups in El Salvador, because they have-- lost-- their capacity to have, like, a really big impact. They lack of resources, of human resources, financial resources. They don't have any fresh ideas anymore.

But at the same time, after the-- the-- decision on the amnesty law-- there's, like, a renew-- interest and the agenda has been moving. The El Mozote case-- the criminal investigation on El Mozote case was reopened. But also another case, another massacre, the El Calabozo massacre. And recently, the attorney general finally have created a special unit for investigator-- historic cases.

He doesn't really know how to do it. But at least (LAUGH) he has created this-- special-- unit. So-- definitely there's a new-- a new moment in El Salvador. There's also a discussion on how to search people that disappeared during the war. There's a commission that will be-- set up soon. But at the same time, El Salvador as a s-- probably everybody here knows, is facing-- with h-- really high-- rates of crime, and-- has, like, a really bad-- economy.

So the-- the-- the social space for discussing and debate is-- the issues that happened 30 years ago is really small. And I would like-- a comment from you on how to

engage-- society in general now-- taking into account this-- context-- that-- gives-- looks like it gives really small space-- for the s-- historical agenda.

(OFF-MIC CONVERSATION)

ARYEH NEIER:

It's a very difficult-- question. The one thing that I would-- say is that I don't think the-- the difficulties of-- El Salvador today are-- unconnected-- to the-- the history-- of-- El Salvador. But you know, one of the-- the consequences-- of the-- the conflict-- in El Salvador-- is-- a lotta people-- as were mentioned-- became-- refugees-- to the United States. And they-- included-- a lot of young men who didn't want to go into the-- the military and didn't want to-- to join-- the guerillas. And you know, some of them-- ended up in-- in jails in-- the United States.

And-- I think there's-- quite a lot of-- evidence that-- some of the-- the gangs that have been-- responsible for the-- the violence-- in El Salvador-- developed-- in-- the Los Angeles County-- jail-- and-- other-- institutions where-- they spent time-- in-- in the-- United States. So those people were deported back to El Salvador after they-- they got out of-- of jail. And-- the-- the gangs have had a kind of-- Salvadoran-- American-- connection. They-- they exist in-- in both places. And-- a lot of the-- the difficulties in El Salvador today-- relate to the-- the gang warfare and the very high murder rate-- is-- related to the-- the-- the gangs.

So the-- the armed conflict-- in El Salvador and the-- the human rights abuses-- in-- El Salvador-- disrupted the-- the whole society. And a lot of the-- the conflict was not limited to the-- the combatants. It focused-- on-- the civilians. There was a certain point, for example, when the-- the Salvador-- doran air force-- was bombing-- and strafing-- peasants-- in-- the Salvadoran countryside.

They called the peasants the masas. And they said that the-- the guerillas-- only could exist with the support-- of the-- the masas. They got their food-- they got their medical care-- from the-- the masas. Again, to tell stories-- about-- El Salvador, I can recall-- going to-- to El Salvador-- at a certain point, and one of my-- early stops on every visit-- that I made-- to El Salvador was to the-- Office of the International Committee of the Red Cross.

Because the-- the I.C.R.C. people-- knew a great deal about what was taking place. And-- they kept confidences. But-- if I was going off in the wrong direction, they would wave their finger at me, and I would know-- that's not-- a good thing to pursue. And then one time-- that I went, they were more willing to be-- forthcoming-- than any other time. And they told me that-- they had stopped the use of mobile clinics-- in-- territory-- where-- the guerillas-- operated.

Because they said when they had the mobile clinics-- people would gather from a large area to get-- medical care at these-- mobile clinics. And then when the-- the mobile clinic-- left, the Salvadoran air force would come and strafe-- the people who had gathered to go-- to those mobile clinics.

And they said they had to discontinue-- the-- the mobile clinics-- because they couldn't-- subject-- the-- the Salvadoran peasants to-- to that kind of-- risk of-- of death-- from-- from going to them. And-- I asked them, could I-- raise that question with-- the U.S. ambassador? And they said yes. And the I.C.R.C. didn't ordinarily allow me to-- to say anything-- about-- what I had learned-- from them. But on this occasion, they gave me perm-- permission.

And the U.S. ambassador at that particular moment was-- the best-- of the people who were sent-- as ambassador to-- to El Salvador. It was Tom Pickering. And-- I went to Pickering, and-- talked about it. And-- Pickering did get-- a stop to-- to that. But the idea that-- you would attack civilians g-- going to a medical clinic-- and that you would strafe-- people like that is, you know, unbelievable.

And yet, that was the kind of attack on civilians-- that was taking place-- during that people-- period. And you know, people fled-- the country. It disrupted the whole country. And I think the legacy of the gangs-- is-- to a significant extent-- a consequence-- of-- the kinds of things that was done-- w-- were done during-- the-- the-- the conflict. And I-- I think if El Salvador is to even overcome-- the kind of violence it suffers from today, it's got to recognize-- its past. It's got to come-- to grips-- with its past. And-- making those connections-- for people may have to be part of the way-- in which the society does come to grips with its past.

MATT EISENBRANDT:

I-- I was (TAP) basically going to-- to make that last point there-- that I-- that I agree wholeheartedly with. And that takes us, perhaps, full circle to the question of why is it important to pursue these cases decades later? It's because the linkages don't end. If we're talking about those connections between what's going on today versus 30 to 35 years ago-- in part, those things are still happening-- in part, we're in the situation-- that we are in El Salvador because there's never been accountability-- for-- for what happened previously.

And so I-- you know, that-- that perhaps connects those two points up, which I-- which I think is-- is fundamentally important. And is something that-- you know, documenting-- looking at a current situation-- is-- through a lens of what came before is-- is-- particularly important. And I think that's certain-- may-- and maybe that also ties in with the investigation piece, is understanding that history and being able to-- to understand how-- how the past has impacted the present-- I think is-- is-- is-- of-- of critical importance.

* * *END OF TRANSCRIPT* * *