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REVIEW AUTHORITY: Oscar Olson, Senior
Reviewer

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USCINCSO ALSO FOR POLAD YOULE

E.O. 12356: DECL: OADR
TAGS: PHUM, PGOV, PINS, PTER, ES
SUBJECT: ROMERO CASE BECOMES CAMPAIGN ISSUE

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1. CONFIDENTIAL - ENTIRE TEXT

2. SUMMARY

THE PDC IS USING INFORMATION DEVELOPED BY THE SPECIAL
INVESTIGATIVE UNIT IN ITS ARCHBISHOP ROMERO
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ASSASSINATION INVESTIGATION TO LAUNCH AN ATTACK
AGAINST ARENA'S ACHILLES HEEL, THE INVOLVEMENT OF
ARENA FOUNDER ROBERTO D'AUBUISSON IN THE
ASSASSINATION AND OTHER "DEATH SQUAD" ACTIVITIES.
THE FIRST VOLLEY WAS FIRED ON FEBRUARY 5, WHEN
GOES-CONTROLLED TV CHANNELS 8 AND 10 AIRED A TAPED
SUMMARY OF THE SIU INVESTIGATION CLAIMING THAT
D'AUBUISSON'S ONE-TIME CHIEF OF LEGISLATIVE ASSEMBLY
SECURITY DR. HECTOR REGALADO WAS THE TRIGGERMAN IN
THE MURDER.

3. D'AUBUISSON FIRED BACK WITH PROGRAMS ON FEBRUARY 10 AND 12 DURING WHICH HE CLAIMED THERE WERE ERRORS IN THE GOES' EVIDENCE AND SUGGESTED THAT THE FMLN, THE U.S. EMBASSY, OR THE "DEATH SQUADS" LINKED TO THE JUNTA MAY HAVE COMMITTED THE CRIME. IN AN APPARENT EFFORT TO INTIMIDATE THE PDC INTO SILENCE WITH LIBEL CHARGES, ARENA-APPOINTED ATTORNEY GENERAL ROBERTO GARCIA REQUESTED THAT SEVERAL PDC OFFICIALS BE ORDERED TO PRESENT THE EVIDENCE IN COURT. THE FLOW OF PDC OFFICIALS TO THE COURT HAS HAD THE OPPOSITE EFFECT OF KEEPING THE MATTER ON THE FRONT PAGE. THE GOES IS ALSO KEEPING UP THE FIRE WITH A THREE-PART SERIES ON CHANNELS 8 AND 10 FEATURING THE TWO FORMER "DEATH SQUAD" MEMBERS WHO WERE THE SOURCES FOR SEVERAL 1988 WASHINGTON POST AND MIAMI HERALD ARTICLES ALLEGING D'AUBUISSON LEADERSHIP OF THE DEATH SQUADS. END SUMMARY

4. POLITICIZATION OF THE ROMERO CASE

THE PDC CAMPAIGN AGAINST D'AUBUISSON KICKED OFF IN
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JANUARY, WHEN JUSTICE MINISTER AND COMMISSION FOR INVESTIGATIONS CHAIRMAN JULIO SAMAYOA MADE SEVERAL APPEARANCES ON TV CLAIMING TO HAVE PROOF OF D'AUBUISSON'S INVOLVEMENT IN THE MARCH 1980 ROMERO ASSASSINATION. VICE MINISTER OF COMMUNICATION GERARDO LECHEVALIER REPEATED THE CLAIM TO A LOCAL NEWSPAPER. FORMER ATTORNEY GENERAL ROBERTO GIRON FLORES AND LECHEVALIER, APPEARING OPPOSITE D'AUBUISSON AND GIRON'S PREDECESSOR AND ARENA STALWART JOSE "PATO" GUERRERO ON THE JANUARY 22 TV TALK SHOW "DEBATE SEMANA" (DEBATE OF THE WEEK), AGAIN RAISED THE ISSUE. D'AUBUISSON WAS APPARENTLY ANGERED BY GIRON'S DRY SARCASM ABOUT POSSIBLE D'AUBUISSON INTERFERENCE IN THE GOES ATTEMPT TO EXTRADITE FROM THE U.S. EX-CAPTAIN ALVARO SARAVIA, A D'AUBUISSON ASSOCIATE, TO THE POINT THAT D'AUBUISSON WALKED OUT ON THE FILMING OF A SECOND "DEBATE SEMANA" SESSION THAT WAS TO BE SHOWN THE FOLLOWING WEEK. D'AUBUISSON'S UNWILLINGNESS TO CONTINUE THE SESSION DREW COMMENTS IN MOST OF THE LOCAL PRESS. INCUMBENT ATTORNEY GENERAL GARCIA ENTERED THE FRAY ON JANUARY 29 BY REQUESTING THAT FOURTH CRIMINAL COURT JUDGE RICARDO ZAMORA ISSUE WARRANTS FOR SAMAYOA AND LECHEVALIER TO APPEAR IN COURT WITH THE EVIDENCE AGAINST D'AUBUISSON.

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5. GOES DOCUMENTARY REVIEWS CASE

WITH MEDIA ATTENTION NOW FOCUSED ON THE ROMERO CASE,
THE GOES ON FEBRUARY 5 BROADCAST A COMMISSION FOR
INVESTIGATIONS DOCUMENTARY ON THE HISTORY OF THE
GOES' ATTEMPTS AT INVESTIGATION AND PROSECUTION. THE

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PROGRAM BEGAN WITH A REPLAYING OF THE AUDIO TAPE OF
THE ARCHBISHOP'S FINAL WORDS AND THE SINGLE GUNSHOT
THAT CAUSED HIS DEATH. THIS WAS FOLLOWED BY A REVIEW
OF THE MANNERS IN WHICH THE INVESTIGATION WAS
HINDERED, INCLUDING THE MURDER OR "DISAPPEARING" OF

WITNESSES, TERRORIST ATTACKS THAT CAUSED THE ORIGINAL TRIAL JUDGE TO FLEE THE COUNTRY, A LAPSE IN INVESTIGATION UNDER FORMER ATTORNEY GENERAL GUERRERO, AND THE APPEARANCE OF FALSE WITNESSES (REFS A AND B). D'AUBUISSON WAS SHOWN IN 1984 INTRODUCING "PEDRO LOBO," AN ALLEGED FMLN COMMANDER WHO CLAIMED THE FMLN KILLED ROMERO, BUT LATER REVEALED HE WAS OFFERED

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MONEY BY D'AUBUISSON TO TAPE THE FALSE CONFESSION.

6. "THE TRIGGERMAN WAS DR. REGALADO"

THE DOCUMENTARY CONTINUED WITH A REVIEW OF THE EVIDENCE IN THE MURDER PRIOR TO THE ENTRY OF THE SIU INTO THE CASE. IT THEN RECOUNTED HOW THE SIU USED THE SARAVIA DIARY FOUND DURING A 1980 RAID ON A GATHERING OF D'AUBUISSON CRONIES TO LOCATE AMADO GARAY, THE MAN WHO CLAIMS TO HAVE DRIVEN THE CAR CARRYING THE TRIGGERMAN. THE VIEWER WAS THEN TAKEN THROUGH A STEP-BY-STEP REENACTMENT OF GARAY'S STORY TO SHOW THAT THERE WERE NO INCONSISTENCIES BETWEEN THE KNOWN FACTS AND GARAY'S TESTIMONY AND TO REVEAL THE ROLE PLAYED BY SARAVIA AND D'AUBUISSON. THE STORY CONCLUDED WITH THE REVELATION OF THE NEWEST INFORMATION IN THE CASE: GARAY ALLEGEDLY IDENTIFIED DR. (OF DENTISTRY) HECTOR REGALADO AS THE TRIGGERMAN. THE NARRATOR LAMENTED THE SALVADORAN SUPREME COURT DECISION OVERTURNING THE GOES' PETITION TO EXTRADITE SARAVIA FROM THE U.S., BUT PROMISED THAT THE GOES WOULD SOON TRY TO EXTRADITE SARAVIA FOR HIS PART IN THE AUGUST 1985 KIDNAP-MURDER OF BUSINESSMAN CARLOS HUMBERTO GUERRA CAMPOS.

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7. D'AUBUISSON REACTS

ON FEBRUARY 10 AND 12, D'AUBUISSON MADE TWO APPEARANCES ON TV TO REFUTE THE CLAIMS IN THE COMMISSION FOR INVESTIGATIONS DOCUMENTARY. HE NOTED THAT THE DOCUMENTARY FAILED TO MENTION EARLY EVIDENCE

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WHICH DID NOT SUPPORT GARAY'S STORY. HE CLAIMED THE GOES SAID THE WEAPON USED WAS A "ROBERT 326," WHICH DOES NOT EXIST. (IN FACT, THE DOCUMENTARY MENTIONED A ROBERTS .257, A CALIBER WEAPON THAT DOES EXIST AND

WHICH WAS MENTIONED ON THE "OPERATION PINA" PAGE OF THE SARAVIA DIARY.) HE NOTED THAT THE HANDWRITING IN THE SARAVIA DIARY WAS NOT THAT OF SARAVIA AND THAT THE WORD "PINA" ITSELF WAS WRITTEN WITHOUT THE CORRECT SPANISH DIACRITICAL MARK, AS THOUGH AN ENGLISH-SPEAKER HAD WRITTEN IT. HE THEN SUGGESTED THE BLAME FOR THE ASSASSINATION COULD LIE WITH:

- THE FMLN, AS FATHER FREDDY DELGADO ALLEGES IN HIS BOOK, "THE POPULAR CHURCH WAS BORN IN EL SALVADOR;"
- THE EMBASSY, AS MARIONA PRISONER GRACIANO DE JESUS ROMERO ALLEGES IN HIS 1988 DECLARATION TO THE PRESS. ROMERO CLAIMS THEN AMERICAN EMBASSY CHIEF SALVADORAN INVESTIGATOR ZAPATA WAS THE TRIGGERMAN AND HE, ROMERO, WAS THE DRIVER;
- THE JUNTA'S "DEATH SQUADS," ABOUT WHICH COLONELS MAJANO, ABDUL GUTIERREZ, GUILLERMO GARCIA, REYNALDO LOPEZ NUILA, DENIS MORAN, AND (NOW GENERAL) CARLOS VIDES CASANOVA SHOULD HAVE INFORMATION. D'AUBUISSON SUGGESTED THAT AMBASSADOR WHITE COULD ALSO HAVE BEEN INVOLVED.

8. ATTORNEY GENERAL DEMANDS EVIDENCE

SHORTLY AFTER THE BROADCAST, ATTORNEY GENERAL GARCIA REPEATED HIS CALL FOR THE DUARTE ADMINISTRATION TO PRESENT ITS EVIDENCE, ADDING A THREAT THAT THE GOES

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WOULD BE OPENING ITSELF TO LIBEL CHARGES IF THE EVIDENCE WAS FOUND TO BE UNTRUE. GIRON WAS THE FIRST TO APPEAR IN COURT, TELLING THE JUDGE ON FEBRUARY 10 THAT HE HAD NO MORE EVIDENCE THAN WHAT THE COMMISSION FOR INVESTIGATIONS GAVE HIM. ON FEBRUARY 21, SAMAYOA SPOKE FOR FOUR HOURS WITH THE JUDGE AND LEFT A COPY OF THE DOCUMENTARY, EXPLAINING THAT IT CONTAINED ALL THE INFORMATION THE SIU HAD DEVELOPED. SAMAYOA REPORTEDLY TOLD THE JUDGE THE SIU WOULD DELIVER FURTHER INFORMATION WITHIN A WEEK. SAMAYOA ALSO SAID THAT THE GOES DID NOT HAVE THE ORIGINAL OF THE SARAVIA DIARY BECAUSE IT HAD BEEN GIVEN TO THE U.S.
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CONGRESS BY AMBASSADOR WHITE. HE CLAIMED THE SIU IS SEARCHING FOR REGALADO AND FIVE SARAVIA BODYGUARDS: NELSON ENRIQUE MORALES REYES, HERBERT ROMERO ESCOBAR, NELSON GARCIA, ANDRES ANTONIO CORDOVA LOPEZ, AND FREDY SALOMON GUEVARA. IN RESPONSE TO CHARGES BY D'AUBUISSON THAT THE GOES HAD WITHHELD THE EVIDENCE UNTIL JUST BEFORE THE ELECTIONS, BOTH GIRON AND SAMAYOA NOTED THAT NO EVIDENCE COULD BE SUBMITTED TO THE JUDGE FROM DECEMBER 1987 TO DECEMBER 1988 BECAUSE THE CASE WAS IN THE SUPREME COURT FOR RULINGS ON SEVERAL HABEAS CORPUS PETITIONS. LECHEVALIER SUBMITTED A WRITTEN DECLARATION TO THE COURT ON FEBRUARY 25 SAYING THAT HE HAD GOTTEN ALL OF HIS INFORMATION FROM STORIES THAT ARE ALREADY IN THE PUBLIC DOMAIN.

9. JUSTICE MINISTER SAMAYOA FIRED ANOTHER SHOT IN THE BATTLE ON FEBRUARY 24 BY SUBMITTING A REQUEST TO THE LEGISLATIVE ASSEMBLY THAT D'AUBUISSON'S IMMUNITY AS AN ASSEMBLY DEPUTY BE REMOVED SO HE CAN BE BROUGHT

BEFORE THE COURT TO TESTIFY IN THE ROMERO CASE. ARENA ASSEMBLY DEPUTY SIGIFREDO OCHOA PEREZ COUNTERED SAMAYOA'S PETITION BY ATTACKING THE VALIDITY OF THE SIU'S INVESTIGATION INTO THE CASE. HE CLAIMED THAT THE CHARTER CREATING THE COMMISSION FOR INVESTIGATIONS (AND ITS SIU) EXPIRED IN 1987. (THE COMMISSION FOR INVESTIGATION'S CHARTER CALLS FOR THE REVISORY COMMISSION (CORELESAL) TO DECIDE THE COMMISSION'S FATE BY 1987, BUT DOES NOT ADDRESS WHETHER THE COMMISSION CEASES TO EXIST IF CORELESAL FAILS TO ACT.)

10. INTERVIEWS WITH "JORGE" AND HERNAN CORTES
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IN THE MIDST OF THE ROMERO CASE SHOOTOUT, THE GOES BEGAN TELEVISIONING A THREE-PART SERIES FEATURING THE TWO FORMER DEATH-SQUAD MEMBERS WHO PROVIDED DOUG FARAH AND TOM GIBB WITH THE INFORMATION FOR THEIR WASHINGTON POST/MIAMI HERALD ARTICLES ON THE DEATH SQUADS THAT OPERATED OUT OF THE LEGISLATIVE ASSEMBLY WHILE D'AUBUISSON WAS CONSTITUENT ASSEMBLY PRESIDENT. THE JOURNALISTS TOLD POLOFF IN MID-1988 THAT THEY WERE AWARE SAMAYOA HAD TAPED INTERVIEWS WITH THE INFORMANTS BEFORE THE INFORMANTS LEFT EL SALVADOR. THE TAPES WERE GENERALLY A REHASH OF THE FARAH/GIBB ARTICLES. HERNAN CORTES CLEARLY ADMITS HAVING MURDERED SEVERAL PEOPLE. THE FIRST SESSION ENDS WITH A DECLARATION THAT BOTH INFORMANTS HAD AGREED TO GO TO THE U.S. UNDER THE WITNESS PROTECTION PROGRAM TO TESTIFY BEFORE THE SENATE ABOUT D'AUBUISSON'S ROLE IN THE DEATH SQUADS. ON FEBRUARY 15, ATTORNEY GENERAL GARCIA COMPLAINED TO POLOFF THAT SAMAYOA AND GIRON HAD VIOLATED SALVADORAN LAW BY NOT HAVING CORTES ARRESTED. HE ADDED THAT HE WOULD CONSIDER IT HIGHLY IMPROPER IF THE U.S. HELPED AN ADMITTED KILLER ESCAPE JUSTICE BY HIDING HIM IN THE WITNESS PROTECTION PROGRAM.

11. COMMENT

THIS CAMPAIGN IS A CLEAR ATTEMPT BY THE PDC TO STRIKE AT ARENA'S WEAKEST POINT, D'AUBUISSON'S ALLEGED TIES TO THE DEATH SQUADS, IN THE LAST FEW WEEKS BEFORE THE MARCH 19 ELECTIONS. THE PDC'S INTENT IS TO REAWAKEN DOUBT AS TO WHETHER ARENA PRESIDENTIAL CANDIDATE

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FREDY CRISTIANI WILL BE ABLE TO CONTROL D'AUBUISSON SHOULD HE BE ELECTED. THE KEY TO SUCCESS IN THE CAMPAIGN IS TO GET D'AUBUISSON SO EMOTIONALLY INVOLVED THAT HE COMES OUT SWINGING IN PUBLIC. THE PDC DID NOT ACHIEVE THIS DURING THE 1988 LEGISLATIVE ELECTION CAMPAIGN, BUT D'AUBUISSON APPEARS TO HAVE RISEN TO THE BAIT THIS TIME. EACH PDC MOVE AND ARENA COUNTERMOVE WORKS TO THE PDC'S ADVANTAGE BY KEEPING THE ISSUE ON THE FRONT PAGE.

12. THE OBVIOUS POLITICAL ORIENTATION OF THE PDC'S CAMPAIGN DOES NOT MEAN THE ISSUE WAS INVENTED FOR
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POLITICAL PURPOSES. THE DUARTE ADMINISTRATION MADE EVERY EFFORT TO BRING ROMERO'S MURDERERS TO JUSTICE AND WAS RIGHTFULLY OUTRAGED WHEN THE SALVADORAN SUPREME COURT OVERTURNED GARAY'S TESTIMONY AND THE SARAVIA EXTRADITION PETITION AND THE ARENA LEGISLATIVE ASSEMBLY MAJORITY FIRED ATTORNEY GENERAL GIRON IN DECEMBER 1988 (REF C). SHOULD CRISTIANI WIN THE PRESIDENCY IN MARCH, IT IS UNLIKELY HIS ADMINISTRATION WOULD CONTINUE THE INVESTIGATION WITH THE SAME VIGOR. IN EFFECT, THIS MAY BE THE LAST OPPORTUNITY THE PDC WILL HAVE TO ENSURE THAT THE EVIDENCE IS PLACED BEFORE THE PUBLIC, AND IT IS PROBABLY HOPING THE VOTERS WILL MAKE UP FOR THE JUSTICE NOT RENDERED BY THE JUDICIAL SYSTEM.

13. THE COMMISSION FOR INVESTIGATIONS' NEED FOR A HARD-HITTING DOCUMENTARY PRIOR TO THE ELECTIONS, HOWEVER, APPEARS TO HAVE CAUSED IT TO DISTORT SOME OF THE EVIDENCE IT PRESENTED. THE DOCUMENTARY LEFT THE IMPRESSION THAT GARAY'S IDENTIFICATION OF REGALADO AS THE TRIGGERMAN WAS UNEQUIVOCAL, WHILE THE EMBASSY IS AWARE THAT THE SIU IS STILL TRYING TO ASCERTAIN THE TRIGGERMAN'S IDENTITY. SAMAYOA PROBABLY REASONED THAT D'AUBUISSON WILL NOT BE ABLE TO FIND GARAY TO QUESTION HIM ABOUT REGALADO. THE CERTAINTY OF THE DOCUMENTARY'S ACCUSATION AGAINST REGALADO MAY REFLECT DUARTE'S CERTAINTY, EXPRESSED IN EMBOFFS' PRESENCE IN DECEMBER 1987, THAT REGALADO WAS THE TRIGGERMAN. WE KNOW THAT SEVERAL CATHOLIC CHURCH OFFICIALS ALSO HOLD THE SAME BELIEF, THOUGH WE ARE NOT AWARE OF HOW DUARTE OR THEY ARRIVED AT THIS CONCLUSION. IN ANY CASE, THE DOCUMENTARY APPEARS TO HAVE GONE BEYOND THE BOUNDS OF JUDICIALLY ACCEPTABLE EVIDENCE IN ACCUSING CONFIDENTIAL

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REGALADO. (REGALADO IS, HOWEVER, A KNOWN DEATH SQUAD LEADER.)

14. THE DOCUMENTARY WAS GENERALLY ACCURATE IN OTHER DETAILS, BUT DID NOT REVEAL ANYTHING THAT WE DID NOT KNOW ALREADY. IT FELL FAR SHORT OF DETAILING OTHER INFORMATION AVAILABLE TO THE GOES, SUCH AS NAMING CPT EDUARDO AVILA, SARAVIA, LTC VICTOR HUGO VEGA VALENCIA, FERNANDO "NEGRO" SAGRERA, LTC JOAQUIN ZACAPA, AND LT RODOLFO LOPEZ SIBRIAN AS PARTICIPANTS IN THE MEETING WITH D'AUBUISSON DURING WHICH THE DECISION WAS ALLEGEDLY MADE TO KILL ROMERO (REFS D TO G). THIS INFORMATION MIGHT STILL SURFACE IN THE UNLIKELY EVENT THAT ONE OF THE PARTICIPANTS COMES

FORWARD WHILE A PDC PRESIDENT IS IN OFFICE, BUT FOR THE MOMENT THE PDC CANNOT USE IT WITHOUT HAVING A WITNESS WILLING TO TESTIFY IN COURT. ON DUARTE'S ORDERS, THE ESAF KEPT VEGA VALENCIA IN MILITARY ATTACHE ASSIGNMENTS OUTSIDE EL SALVADOR FOR SEVERAL YEARS, BUT HE WAS RECENTLY POSTED TO THE DEPUTY C-5 POSITION AT ESAF HEADQUARTERS.

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