

The Case for Closing the School of the Americas - WHINSEC
by Bill Quigley¹

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Introduction

On the morning of November 16, 1989, Salvadoran soldiers made their way into the Pastoral Center at the Central American University in San Salvador. They ordered five Jesuit priests to go outside and lie face down on the ground, where they were subsequently shot and killed. A sixth priest, the housekeeper and her 16-year-old daughter were then murdered inside the residence. The Jesuits had been labeled “subversives” by the Salvadoran government for speaking out against the socioeconomic structure of Salvadoran society.

Of the twenty-six soldiers subsequently implicated in the murders of the Jesuit priests and women in El Salvador, nineteen had received training at the School of the Americas. Three officers had received some human rights training while at the school. Additionally, one soldier had attended the Special Forces Officer Course at Ft. Bragg in

¹ Janet Mary Riley Professor of Law and Director of the Law Clinic, Loyola University New Orleans School of Law. I dedicate this the victims of the SOA-WHINSEC school and to all those in the School of Americas Watch movement who have worked so hard to close it. It will be closed and history will record that you helped close it. I also thank Lisa Kane-Arnolds and Rob Framer for their research help in the sections documenting crimes of SOA grads and the law of torture.

late 1998 and early 1989.

The battalion to which these soldiers belonged was being trained by US Army Special Forces in El Salvador in the days before and after the murders.

“Unmatched Power, Unmet Principles: The Human Rights Dimensions of US Training of Foreign Military and Police Forces,”2002 Report of Amnesty International USA.²

On the grounds of Fort Benning, in Columbus, Georgia, lies an institution profoundly at odds with the democratic principles of this nation, the U.S. Army School of the Americas (SOA), renamed in 2001 the Western Hemisphere Institute for Security Cooperation (WHINSEC).³

In 2002, Amnesty International USA directly condemned the School of Americas - WHINSEC and its documented history of human rights abuses.⁴ Amnesty featured the school as a prominent example of troubling human rights problems in the US in its report, “Unmatched Power, Unmet Principles: The Human Rights Dimensions of US Training of Foreign Military and Police Forces.”⁵ The report pointed out:

² “Unmatched Power, Unmet Principles: The Human Rights Dimensions of US Training of Foreign Military and Police Forces,”2002 Report of Amnesty International USA, 4 (internal citations omitted) full report available online at <http://www.amnestyusa.org/stoptorture/msp.pdf>

³ For additional information, readers will benefit, as I have, by reviewing the following helpful sources: Mark Danner, *THE MASSACRE AT EL MOZOTE* (Vintage Books, 1993); Lesley Gill, *THE SCHOOL OF THE AMERICAS: Military Training and Political Violence in the Americas* (Duke University Press, 2004); James Hodge and Linda Cooper, *DISTURBING THE PEACE: The Story of Father Roy Bourgeois and the Movement to Close the School of the Americas* (Orbis Books, 2004); Timothy J. Kepner, “Torture 101: The Case Against the United States for Atrocities Committed by School of Americas Alumni,” 19 *Dickinson Journal of International Law* 475, 480-486 (2001); Jack Nelson-Pallmeyer. *SCHOOL OF ASSASSINS* (Orbis Books, 1997); Jack Nelson-Pallmeyer. *SCHOOL OF ASSASSINS: Guns, Greed, and Globalization* (Orbis Books, 2001); *UNMATCHED POWER UNMET PRINCIPLES: The Human Rights Dimensions of US Training of Foreign Military and Police Forces* (Amnesty International 2002); Mike Wilson, *THE WARRIOR PRIEST: The Story of Father Roy Bourgeois and the School of the Americas* (John Gordon Burke Publisher, 2002); Timothy J. Kepner, “Torture 101: The Case Against the United States for Atrocities Committed by School of Americas Alumni,” 19 *Dickinson Journal of International Law* 475, 480-486 (2001).

⁴Unmatched Power, Unmet Principles: The Human Rights Dimensions of US Training of Foreign Military and Police Forces. Amnesty International USA, Fall 2002. <http://www.amnestyusa.org/stoptorture/msp.pdf>

⁵ Unmatched Power, Unmet Principles: The Human Rights Dimensions of US

Training of Foreign Military and Police Forces. Amnesty International USA, Fall 2002.
<http://www.amnestyusa.org/stoptorture/msp.pdf>

“Throughout the decade of the 1990s, the record of one US military training institution, in particular, attracted public scrutiny in the United States. The US Army’s School of the Americas offered training and education to Latin American soldiers, some of whom went on to commit human rights violations, including the 1989 murder in El Salvador of six Jesuit priests, their housekeeper and her daughter. Then, in 1996, it came to light that, in the 1980s and early 1990s, the School of the Americas had used manuals that advocated practices such as torture, extortion, kidnaping and execution.”⁶

Amnesty went on to describe many of the human rights abuses committed by the graduates of the School of Americas - WHINSEC, abuses which will be detailed later in this article, and pointed out that no one had ever accepted responsibility nor been held accountable for the widespread illegal actions of the school and its graduates.⁷

Amnesty concluded their report with several strong recommendations to the US government to remedy the human rights violations occurring at SOA/WHINSEC.⁸ Included are recommendations that:

- * The US government should take immediate steps to establish an independent commission to investigate the past activities of the SOA and its graduates, particularly the use of these [torture] manuals in SOA training and the impact of such training.
- * Pending the publication of the findings of the above-mentioned independent commission of inquiry, training at the WHINSEC-SOA should be suspended.
- * The independent commission of inquiry should recommend appropriate reparations for any violations of human rights to which training at SOA contributed, including criminal prosecutions, redress for victims and their

⁶ “Unmatched Power, Unmet Principles,” 2002 AI USA Report at iii.

⁷ See later section detailing abuses, put section name here.

⁸ Unmatched Power, Unmet Principles, 2002 AI USA report, full set of recommendations are set out at pp 52-56, the six ones specific to SOA/WHINSEC are set out at pp 55-56.

families, and a public apology.⁹

⁹ “Unmatched Power, Unmet Principles,” 2002 Amnesty International USA Report at v and pp 55-56.

This article outlines the reasons, factual and legal, why the continued operation of this school is fundamentally at odds with the principles of United States law, international law, and the basic demands of justice. This article supports the call of Amnesty International USA for the suspension of the School of Americas - WHINSEC and the establishment of an independent investigation to lift the veils of secrecy and discover the true facts of the School of Americas - WHINSEC and the true lessons for this hemisphere and for this nation.¹⁰

¹⁰ The role of the U.S. towards our sisters and brothers in Latin America is much larger and more damaging than just the SOA-WHINSEC connection. For those who seek to learn more about this relationship, read William Blum, *KILLING HOPE: U.S. Military and C.I.A. Interventions Since World War II* (Common Courage Press 2004); Walter LaFeber *INEVITABLE REVOLUTIONS: The United States in Central America* (W.W. Norton 1993); Lars Schoultz, *BENEATH THE UNITED STATES: A History of U.S. Policy Toward Latin America* (Harvard 1998).

The History of the School of the Americas - WHINSEC

Originally established in Panama in 1946 to train Latin American military forces and named the U. S. Army School of Americas in 1963, the school has trained over 60,000 members of the militaries from Central and South America.¹¹

¹¹ School of the Americas: U. S. Military Training for Latin American Countries, Letter Report from General Accounting Office to U.S. Congress, August 8, 1996. GAO/NSIAD-96-178. Available on-line at <http://www.fas.org/irp/gao/nsi96178.htm> (Hereafter 1996 GAO Report).

The U.S. Army website for WHINSEC says that over 61,000 soldiers were trained by the School of the Americas. <http://www.benning.army.mil/whinsec/about.asp?id=37> (Last visited

Because of a conflict between U.S. and Panamanian officials regarding the operation and command of the school, the School of the Americas was moved to Fort Benning in 1984.¹² Once in the U.S., the School of the Americas became part a statutory part of the operation of the U.S. Army.¹³

May 17, 2004).

¹² The GAO describes the move in its chronology as follows:

“1984. The School relocated to its current location at Fort Benning, Georgia, due to a conflict between U.S. and Panamanian officials regarding the operation and command of the School. The Army reassigned operational control of the School from the U.S. Southern Command to the U.S. Army Training and Doctrine Command.” See 1996 GAO report, *supra*.

Some describe the move as an outgrowth of disputes arising from the 1977 Panama Canal Treaties. Bruce Zagaris, “US Closes Hemispheric Military Academy with Plans to Reopen for Training of Law Enforcement Officials,” *International Enforcement Law Reporter* (February 2001). See also Nelson-Pallmeyer, *Guns & Greed*, *supra*, at 144, note 3.

¹³ The original legislation, which took effect October 1, 1987, called it both the School of the Americas and the School for the Americas. See Public Law 100-180, Title III,

Section 319 (a)(1), December 4, 1987, 101 Stat. 1077:

See 10 USC 4415, United States Army School of the Americas.

(a) The Secretary of the Army may operate the military education and training facility known as the United States Army School of the Americas.

(b) The School for the Americas shall be operated for the purpose of providing military education and training to military personnel of Central and South American countries and Caribbean countries.

This law was amended the next year to call it the School of the Americas consistently. Public Law 100-526, Title I, Section 106(c), October 24, 1988, 102 Stat. 2625.

Congress appropriated \$1,000,000 for the construction of the U.S. Army School of the Americas at Fort Benning. Public Law 99-591, October 30, 1986, 100 Stat 3341.

The School of the Americas has trained military and police forces from 22 Latin American countries since it began.¹⁴ In any given year, the countries sending students to the school are generally the same countries receiving high levels of U.S. military assistance. For example, during the 1980s, when the U.S. was providing large amounts of foreign assistance to El Salvador's military, about one-third of the students at SOA came from El Salvador. In the 1990s, half of the students came from just five countries: Colombia, El Salvador, Nicaragua, Peru, and Panama.¹⁵ In 2003, Colombia, Chile and El Salvador had the most students at the school.¹⁶

The school has been condemned for decades as a training ground for military leaders from Central and South America, many of whom have gone on to become notorious human rights abusers.¹⁷

¹⁴ 1996 GAO Report, Sections 1, 4.2, and 4.3.

¹⁵ 1996 GAO Report, section 4.3.

¹⁶ Latin American Group Educational Fund Report on WHINSEC, 10-28-03. On the web at <http://www.ciponline.org/facts/soa.htm> (Last viewed May 19, 2004)

¹⁷ John Donnelly, "Army's Tainted School of the Americas to Close, Reopen with

Graduates of the School of Americas have been implicated in many of the worst human rights atrocities in the Western Hemisphere, including the assassination of bishops, labor leaders, women and children, priests, nuns, community workers, and in the massacres of entire communities.¹⁸ Numerous murders and human rights violations have been documented by SOA graduates in Bolivia, Chile, Colombia, El Salvador, Guatemala, Honduras, and Paraguay among others.¹⁹

New Name,” The Boston Globe, December 15, 2000, reported: “The school has trained dozens of Latin America’s most famous criminals, including former Panamanian leader General Manuel Noreiga and 19 Salvadoran soldiers linked to the assassinations of six Jesuit priests in November 1989. In 1996, the Pentagon released training manuals used in the 1980s that advocated torture, kidnapping and blackmail as a way of fighting insurgents.”

¹⁸ Timothy J. Kepner, “Torture 101: The Case Against the United States for Atrocities Committed by School of Americas Alumni,” 19 Dickinson Journal of International Law 475, 480-486 (2001).

See also 2002 Amnesty International report on SOA discussed below; and Jack Nelson-Pallmeyer, SCHOOL OF ASSASSINS: Guns, Greed, and Globalization (Orbis 2001).

¹⁹ See examples later in this article and in Jack Nelson-Pallmeyer, SCHOOL OF ASSASSINS: Guns, Greed, and Globalization (Orbis 2001). For details of what appears to be the most murders in one incident, over 700, in which 10 of the 12 officers in charge were graduates of the School of the Americas, see Mark Danner, THE MASSACRE AT EL MOZOTE (Vintage 1993).

The school taught the systematic use of torture and executions to neutralize dissidents. Amnesty International confirms that, after years of refusals to acknowledge that torture was being taught, the Pentagon finally admitted in 1996 that seven training manuals used at the School of the Americas for nearly ten years advocated execution, torture and blackmail.²⁰ The U.S. Army intelligence manuals, which were used in courses at the School of the Americas, and were distributed to thousands of military officers from eleven South and Central American countries, included instructions on how to use “fear, payment of bounties for enemy dead, beatings, false imprisonment, executions and the use of truth serum.”²¹

Who were the targets of this torture? The manuals identified as insurgents “religious workers, labor organizers, student groups and others in sympathy with the poor.”²² The manuals also included instructions for neutralizing, which the Pentagon admitted was a euphemism for execution, “governmental officials, political leaders, and members of the infrastructure.”²³

The school and its graduates have violated United States law and every major international human rights law from the Universal Declaration of Human Rights to the Convention Against Torture.²⁴

²⁰ Unmatched Power, Unmet Principles, 2002 AI USA Report, pp 36-37.

²¹ Dana Priest, “US instructed Latins on Executions, Torture; Manuals used 1982-1991, Pentagon Reveals,” Washington Post, September 21, 1996.

²² Gail Lumet Buckley, “Left, Right, Center,” AMERICA, May 9, 1998. See also Kepner, *supra*, at 486-487.

²³ Dana Priest, “US instructed Latins on Executions, Torture; Manuals used 1982-1991, Pentagon Reveals,” Washington Post, September 21, 1996.

²⁴ See later section on violations of US and international human rights law.

Despite all of this, not a single person has ever been held accountable for a single one of these abuses.

Because of the history of human rights abuses in its teaching and by its graduates, several legislative attempts have been made to close the School of Americas. In 1999, the U.S. House of Representatives voted 230-197 for an amendment that would have eliminated funds for training officers at SOA.²⁵

Torture was called up again in 1999, but this time by the Secretary of the U.S. Army Louis Caldera, who, clearly tired of trying to defend the SOA, stated, in an unfortunate use of words:

²⁵ Mary McGrory, "Hallelujah Time for Human Rights," Washington Post, August 8, 1999.

“We’re not going to let the Army’s reputation to be dragged through the mud every year. I don’t want to go through another fiscal year with this torture.”²⁶

In 2000, a vote to close the SOA lost in the House by 214 to 204.²⁷ As a result there has been a cosmetic renaming of the School of Americas as WHINSEC and a revised legal charter.²⁸

Since 2001, the School of the Americas has technically ceased to be and the U.S. government would like the school to be known as a new institution, the Western Hemisphere Institute for Security Cooperation (WHINSEC).²⁹

As this article will detail, this is not at all a new institution. WHINSEC now operates in

²⁶ James Hodge & Linda Cooper, “School of the Americas reforms merely cosmetic, critics say,” National Catholic Reporter, June 2, 2000.

²⁷ Unmatched Power, Unmet Principles. 2002 AI USA Report 37

²⁸ The legislation creating the Western Hemisphere Institute on Security Cooperation can be found at 10 USC 2166.

John Donnelly, “Army’s Tainted School of the Americas to Close, Reopen with New Name,” The Boston Globe, December 15, 2000.

²⁹ The legislation creating the Western Hemisphere Institute on Security Cooperation can be found at 10 USC 2166.

John Donnelly, “Army’s Tainted School of the Americas to Close, Reopen with New Name,” The Boston Globe, December 15, 2000.

the same building as the SOA, training the same soldiers, with the same goal. There is only an artificial distinction between the old School of Americas and the new Western Hemisphere Institute for Security Cooperation. Though the U.S. government and the Army have tried mightily to suggest that the Congressional transformation of the School of Americas into WHINSEC means the SOA has been closed, few outside the Army apologists are persuaded.³⁰

As Amnesty International noted:

³⁰ John Donnelly, "Army's Tainted School of the Americas to Close, Reopen with New Name," *The Boston Globe*, December 15, 2000.

“Although the United States Army claims that it has closed the School of the Americas (SOA) and established the Western Hemisphere Institute for Security Cooperation (WHINSEC) as an entirely new institution that happens to be located in the same physical place, WHINSEC is essentially the same school as SOA, with the same primary mission - conveying military skills to members of Latin American armed forces.”³¹

This article will proceed to analyze the facts and law of the school and consider the situation as it is, one school with two names.

³¹ Unmatched Power, Unmet Principles, 2002 AIUSA Report 55.

The Case for Closing the SOA-WHINSEC

There are five main reasons for closing the SOA-WHINSEC

The first reason to close the school is the hemispheric harm that the graduates of SOA-WHINSEC have caused. The second is the appalling fact of the teaching of torture at the school. The third is the absolute avoidance of accountability at the school. The fourth is the violation of international law. The fifth is the violation of United States law.

Each reason alone should be sufficient reason to close the school. Taken together they demonstrate that there is no alternative but closure.

Hemispheric Harm

SOA graduates have played key roles in nearly every coup and major human rights violation in Latin America in the past fifty years. In fact, Latin American nations with the worst human rights records have consistently sent the most soldiers to the SOA. Martin Meehand, a Congressman from Massachusetts, has noted '[i]f the SOA held an alumni meeting, it would bring together some of the most unsavory thugs in the hemisphere."³²

Amnesty International USA highlighted some, but by no means all, of the most horrifying human rights abuses in their 2002 report: "Unmatched Power, Unmet Principles."³³ This section will outline some of the more severe cases of human rights violations by graduates of the School of the Americas-WHINSEC by presenting a brief catalogue of the work of some of the graduates in other parts of this hemisphere.³⁴

³² Kepner, supra, at 476-477.

³³ 2002 Amnesty International USA report, pp 35-36 (internal citations to authority omitted).

³⁴ This is truly a brief summary of a very large body of information. Those who would like more on these issues should consult, in addition to the sources cited: SOA Country Sheets, published by School of Americas Watch, which give an overview of the actions of SOA grads by country - this is on the web at <http://www.soaw.org/new/article.php?id=343#Colombia>

(Last visited 4.12.05); Mark Danner, *THE MASSACRE AT EL MOZOTE* (Vintage Books, 1993); Lesley Gill, *THE SCHOOL OF THE AMERICAS: Military Training and Political Violence in the Americas* (Duke University Press, 2004); James Hodge and Linda Cooper, *DISTURBING THE PEACE: The Story of Father Roy Bourgeois and the Movement to Close the School of the Americas* (Orbis Books, 2004); Timothy J. Kepner, "Torture 101: The Case Against the United States for Atrocities Committed by School of Americas Alumni," 19 *Dickinson Journal of International Law* 475, 480-486 (2001); Jack Nelson-Pallmeyer. *SCHOOL OF ASSASSINS* (Orbis Books, 1997); Jack Nelson-Pallmeyer. *SCHOOL OF ASSASSINS: Guns, Greed, and Globalization* (Orbis Books, 2001); and *UNMATCHED POWER UNMET PRINCIPLES: The Human Rights Dimensions of US Training of Foreign Military and Police Forces* (Amnesty International 2002).

Before pointing out some of the worst abuses by graduates of the school, it is worth asking the questions about whether the school was, and is, training the wrong people for the wrong tasks. These are not questions directed at the U.S. Army. Rather they are questions for the citizens of this country. If this hemisphere needs more stable and vibrant democracy, is it reasonable to think that the challenge facing this hemisphere is the need to train more militaries?³⁵ As Professor Gill points out, this is not a hypothetical question:

This is important because, according to numerous truth commission reports from the 1980s and 1990s, state security forces were responsible for the vast majority of massacres, murders, disappearances, and extra-judicial executions that characterized the twentieth-century Latin American “dirty wars,” when many countries suffered under the boot of military dictatorships and that continue to plague Andean countries like Colombia....Militaries retain an enormous amount of political and economic power, and civilian governments have only rarely held military perpetrators accountable for human rights crimes, past and present. When they do, it is usually only after years of struggle by human rights organizations and the relatives of the victims.³⁶

Even if training militaries is part of the answer, is it possible that the School of the Americas-WHINSEC is training the wrong people? Recently, the nation with the most soldiers training at the School of the Americas-WHINSEC has been Colombia - a nation described by Human Rights Watch as the worst offenders against human rights in the hemisphere.³⁷ There have also been reports that known human rights abusers have resumed training at the School of the Americas-WHINSEC.³⁸ The training and funding of such militaries violates the regulations of the SOA-WHINSEC and the Leahy law - a Congressional provision that prohibits U.S. funds to be used to assist militaries with histories of human rights violations.³⁹

³⁵ Some suggest the real reason for the School of the Americas - WHINSEC is to establish close ties between military leaders in the US and other countries. See Clyde Prestowitz, *ROGUE NATION: American Unilateralism and the Failure of Good Intentions* 167 (2003, Basic Books).

³⁶ Gill, *supra*, at 11.

³⁷ “Colombia leads the Western hemisphere in reported human rights and international humanitarian law violations.” Human Rights Watch, *Human Rights Overview for 2003, Colombia*, January 2004. Report can be found at <http://hrw.org/english/docs/2004/01/21/colomb6978.htm> (Last viewed 7-5-04).

³⁸ The report indicates that despite assurances from the “new” school that human rights abusers will not receive training there, individuals with known human rights violations from Bolivia, Colombia and El Salvador have received instruction since 2000. See May 6, 2004 Report prepared by School of Americas Watch. Full report available at: <http://www.soaw.org/new/article.php?id=762>

³⁹ The “Leahy Law,” a human rights rider to recent appropriations legislation, is

designed to prohibit U.S. military assistance to foreign military units that have “committed gross violations of human rights.” The law is known by the name of its principal sponsor, Vermont Senator Patrick Leahy.

The Leahy Law first appeared as part of the 1997 Foreign Operations Appropriations Act, and was originally applicable only to the State Department's International Narcotics Control (INC) program, PL 104-208 (1996), under the heading of International Narcotics Control:

“...none of the funds made available under this heading may be provided to any unit of the security forces of a foreign country if the Secretary of State has credible evidence to believe such unit has committed gross violations of human rights unless the Secretary determines and reports to the Committees on Appropriations that the government of such country is taking steps to bring the responsible members of the security forces unit to justice.”

Some consider the law to be the most important legal tool used to promote respect for human rights through U.S. security assistance programs. See Prohibitions on Security Assistance: The Center For International Policy, “Limitation on Assistance to Security Forces.”(The "Leahy Law").”<http://www.ciponline.org/facts/leahy.htm>:

The Leahy Law in the 2001 Foreign Operations Appropriations Act (Sec. 563 of P.L. 106-429) states:

None of the funds made available by this Act may be provided to any unit of the security forces of a foreign country if the Secretary of State has credible evidence that such unit has committed gross violations of human rights, unless the Secretary determines and reports to the Committees on Appropriations that the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice.

While the Foreign Operations law covers both training and assistance (such as weapons grants), the Leahy Law in the 2001 Defense Appropriations Act (Sec. 8092 of P.L. 106-259) covers only training, and states:

None of the funds made available by this Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that a member of such unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

Nearly 700 Argentinean students have graduated from the SOA since 1946.⁴⁰ Leopoldo Galtieri, a graduate of the School of the Americas, headed the military junta in Argentina during the time of the “dirty war” when thirty thousand people were killed or disappeared.⁴¹ General Roberto Viola, another SOA graduate, was convicted of murder, kidnapping and torture during the war.⁴² At least two military dictators were trained at the School of the Americas, one in 1949 and the other in 1971; both were convicted of human rights abuses, including murder, kidnapping and torture. COL. Mario Davico, an Argentinean trained at the SOA in 1949, was an advisor to the Honduran forces trained in Honduras during the 1980’s. There the Honduran armed forces were taught the “Argentinean Method” of extreme repression. This repression included arbitrary detention, torture, extrajudicial executions, and a variety of methods of disposing of the bodies of victims.⁴³

Nearly 4000 Bolivian students have graduated from the SOA since 1946.⁴⁴ The list of human rights abuses in Bolivia perpetrated by graduates of the SOA is significant. CPT Tito Montañó Belzu trained at the SOA in 1970 in Small Unit Warfare, was convicted of murder and genocide in connection with the bloody 1980 coup. At least seven graduates have been implicated or convicted of some form of drug trafficking. More have been convicted of armed insurrection and murder, and a number have been convicted of mistreating prisoners. Still others have been convicted of issuing unconstitutional decrees, including ordering the dismissal of the Bolivian Supreme Court.⁴⁵ The dictator Hugo Banzer Suarez was a graduate of the SOA.⁴⁶

⁴⁰ USARSA Graduates by Country, January 1, 2000. Published on the U.S. Army website of the School of the Americas. <http://carlisle-www.army.mil/usamhi/usarsa/main.htm>

⁴¹ Nelson-Pallmeyer, *SOA: Guns, Greed and Globalization* 3 (2001). See also HR 732 of the 106th Congress, 1st session, Section 1.5 (G). “Unmatched Power, Unmet Principles,” 2002 Amnesty International USA report, pp 35-36 and 44.

⁴² Gill, *supra*, at 6.

⁴³ Vicky Imerman, *Notorious Argentine School of the Americas Graduates*, at <http://www.derechos.org/soa/arg-not.html> (Last visited 4.12.05).

⁴⁴ USARSA Graduates by Country, January 1, 2000. Published on the U.S. Army website of the School of the Americas. <http://carlisle-www.army.mil/usamhi/usarsa/main.htm>

⁴⁵ Vicky Imerman & Heather Dean, *Notorious Bolivian School of the Americas Graduates*, at <http://www.derechos.org/soa/bol-not.html>

⁴⁶ Gill, *supra*, at 78: “Bolivian General Hugo Banzer, who took power through a violent coup in 1971 and ruled until his downfall in 1978, was a SOA graduate. His penchant for brutality and his anti-democratic inclinations were probably not acquired when, as a young

In 2002, Bolivian Captain Filiman Rodriguez studied at WHINSEC even though in 1999, he was found responsible for the kidnapping and torture of Waldo Albarracin, then director of the Popular Assembly for Human Rights, by a commission of the Bolivian Chamber of Deputies.⁴⁷

captain, he took a short course in 1956 to prepare him for duty as a driver. Banzer was, however, a long-time friend of the United States and so impressed the Army in his later career that it inducted him into the School's Hall of Fame in 1988."

⁴⁷ Doug Ireland, "Teaching Torture in the USA," HUMAN QUEST, September 1, 2004. 2004WNLR11633740.

Over 330 Brazilians have graduated from SOA since 1946.⁴⁸ Brazilian graduates of the SOA, have been accused and convicted of torture including: the use of electric shock, suffocation, and injection of Pentothal. These are only a few of the methods used by Brazilian forces. The Brazilian human rights group Tortura Nunca Mais lists numerous graduates who they accuse of being linked to the repressive forces that existed in Brazil in the 1960's and 1970's.⁴⁹

Chile has graduated over 3300 military and paramilitary troops and leaders from the SOA since 1946.⁵⁰ Augusto Pinochet did not graduate from the SOA though his repressive reign was honored there. A ceremonial sword that he had donated to the school, along with a note he had written, was hanging in the office of the Commandant to be viewed by the visitors of the school in 1991. One out of every seven of the commanding staff of the DINA, the Chilean intelligence agency responsible for many of the worst human rights atrocities during the Pinochet years, was a graduate of the SOA. Graduates have been implicated and convicted in abuses including: the torture and murder of a United Nations Official in 1979 and the running of Villa Grimaldi, a concentration camp where more than 4,500 prisoners were held. There are also innumerable accusations of summary executions, assassinations, torture, murder,

⁴⁸ USARSA Graduates by Country, January 1, 2000. Published on the U.S. Army website of the School of the Americas. <http://carlisle-www.army.mil/usamhi/usarsa/main.htm>

⁴⁹ Heather Dean, *Notorious Brazilian School of the Americas Graduates*, at <http://www.derechos.org/soa/br-not.html>

⁵⁰ USARSA Graduates by Country, January 1, 2000. Published on the U.S. Army website of the School of the Americas. <http://carlisle-www.army.mil/usamhi/usarsa/main.htm>

kidnapping and disappearances.⁵¹ Ten of thirty Chilean officers against whom a Spanish judge sought indictments for crimes of terror, torture and disappearance were graduates of the SOA.⁵² Most of the Chilean military who overthrew the democratically elected government of Salvador Allende on September 11, 1973 had attended the School of the Americas.⁵³

⁵¹ . Vicky Imerman & Heather Dean, *Notorious Chilean School of the Americas Graduates*, at <http://www.derechos.org/soa/chile-not.html>

⁵² “Unmatched Power, Unmet Principles,” 2002 Amnesty International USA report, pp 35-36.

⁵³ Gill, *Supra*, at 2.

Over 9500 graduates of the SOA have come from Colombia since 1946.⁵⁴ Graduates of the SOA have been accused of: forcing children to walk in front of the military to detonate landmines and spring ambushes - two of the three children were killed, the third was seriously wounded; murdering 11 campesinos, dressing them as guerrilla forces and later publicly dismissing the killings as a confrontation between the Army and the guerrillas; disappearances, massacres, paramilitary death squad activity, assassinations, corruption, mistreatment of prisoners, as well as, extrajudicial executions.⁵⁵ Human Rights Watch has documented clear links between the Colombian military and the paramilitary groups who are responsible for numerous human rights violations - including SOA graduates.⁵⁶ Other SOA grads have been convicted of torturing and killing thirty peasants.⁵⁷ One hundred twenty-three of the 247 Colombian army officers cited in "El Terrorismo de Estado en Colombia," a 1992 study of human rights abuses in Colombia, were SOA graduates.⁵⁸ In June 2002, Colombian police arrested SOA graduate John Fredy Jimenez for the murder of Archbishop Isaias Duarte in March of that year.⁵⁹

Costa Rica has graduated over 2400 graduates from the SOA since 1946.⁶⁰ One graduate is Minor Masis, the former leader of "Comando Cobra", an anti-drug squad. Masis is now serving a 42 year prison sentence for rape and murder committed during a 1992 drug raid in the South Atlantic Talamanca Mountains.⁶¹

⁵⁴ USARSA Graduates by Country, January 1, 2000. Published on the U.S. Army website of the School of the Americas. <http://carlisle-www.army.mil/usamhi/usarsa/main.htm>

⁵⁵ Vicky Imerman, *Notorious Colombian School of the Americas Graduates*, at <http://derechos.org/soa/colom-not.html>.

See also details about Colombia human rights violations by SOA grads in Kepner, supra, at 482-483.

⁵⁶ Human Rights Watch, "The Ties That Bind: Colombia and Military Paramilitary Links," September 20, 2000. Online at <http://hrw.org/reports/2000/colombia/> (Last visited 4.15.05)

⁵⁷ George Monbiot, *Backyard Terrorism*, *Guardian of London*, Oct. 3, 2001, available at <http://www.commondreams.org/views01/1030-02.htm> (last visited June 18 2004).

⁵⁸ "Unmatched Power, Unmet Principles," 2002 Amnesty International USA report, pp 35-36.

⁵⁹ Doug Ireland, "Teaching Torture in the USA," HUMAN QUEST, September 1, 2004. 2004WLNR11633740.

⁶⁰ USARSA Graduates by Country, January 1, 2000. Published on the U.S. Army website of the School of the Americas. <http://carlisle-www.army.mil/usamhi/usarsa/main.htm>

⁶¹ . *SOAW Notorious Graduates from Costa Rica*, at

<http://www.soaw.org/new/article.php?id=236>, (last visited June 17, 2004)

Over 3300 students graduated from the SOA to return to Ecuador since 1946.⁶² Graduates of the SOA are accused of an attempted coup where at least twenty people were killed and many more injured. General Guillermo Rodríguez achieved dictatorial power by overthrowing an elected government. Others are also charged with insubordination and mutiny.⁶³

⁶² USARSA Graduates by Country, January 1, 2000. Published on the U.S. Army website of the School of the Americas. <http://carlisle-www.army.mil/usamhi/usarsa/main.htm>

⁶³ Vicky Imerman & Michael Katz-Lacabe, *Notorious Ecuadorian School of the Americas Graduates*, at <http://derechos.org/soa/ecuad-not.html>.

El Salvador has graduated over 6600 people from the SOA since 1946.⁶⁴ The human rights atrocities committed by either their hand or their planning, are too numerous to list.⁶⁵ Besides the murder of Archbishop Oscar Romero and the killing of Jesuit priests and their housekeeper and her daughter, graduates have planned and executed numerous massacres, rapes and murders, including the multiple rapes and murder of a French nurse.⁶⁶ Other accusations include torture and denial of medical aid

⁶⁴ USARSA Graduates by Country, January 1, 2000. Published on the U.S. Army website of the School of the Americas. <http://carlisle-www.army.mil/usamhi/usarsa/main.htm>

⁶⁵ See overview of some of these violations by SOA grads in Kepner, supra, at 481-482.

⁶⁶ On March 24, 1980, Monsignor Oscar Romero was shot dead by a sniper as he celebrated mass in the Chapel of the Hospital de la Divina Providencia. During his funeral, a bomb went off outside San Salvador Cathedral. The panic-stricken crowd, estimated at 50,000 people, was machine-gunned, leaving an estimated 27 to 40 people dead and more than 200 wounded. UN Truth Commission Report on El Salvador, page 28. The full report is available in English at <http://www.derechos.org/nizkor/salvador/informes/truth.html> (Last viewed May 20, 2004).

Two of the three officers cited in the assassination of Archbishop Romero are graduates of the School of the Americas, including the founder of the El Salvador death squads, Roberto D'Aubuisson. Nelson-Pallmeyer, *Guns and Greed*, 33.

On December 2, 1980, four U.S. church women were arrested by the El Salvador National Guard after they left the airport in El Salvador. The four women, Ita Ford, Maura Clarke, Dorothy Kazel and Jean Donovan, were raped and murdered by members of the National Guard.

UN Truth Commission Report on El Salvador, pages 62-67. The full report is available in English at <http://www.derechos.org/nizkor/salvador/informes/truth.html> (Last viewed May 20, 2004).

Three of the five officers cited in the murders of these churchwomen were graduates of the School of the Americas. Nelson-Pallmeyer, *Guns and Greed*, 32.

"US Army Special Forces were training members of the Atlacatl battalion in El Salvador in the days before and after members of the battalion killed a woman, her daughter and six Jesuit priests in November 1989. Three of the four Atlacatl officers implicated had received training while attending the Salvadoran cadet course at the School of the Americas - two officers in 1982 and one in 1988. *Overall, 19 of the 26 soldiers linked to the murder had taken some training at the SOA.* One of them had also attended the Special Forces Officer Course at Ft. Bragg during late 1988 and early 1989. "Unmatched Power, Unmet Principles," 2002 Amnesty International USA report, pp 35-36, 43.

The massacre of El Mozote, in December of 1981, took the lives of over 750 civilians, including 382 children under the age of 18. Mark Danner, *THE MASSACRE AT EL MOZOTE* (Vintage Books, 1993). List of the victims and their ages, as compiled by the Human Rights Office of the Archbishop of El Salvador can be found at pages 280-304. The massacre was

to prisoners, and organizing El Salvador's death squad network. COL Francisco Elena Fuentes trained and supervised the death squad brigade that was dubbed the "the worst in terms of human rights" by the U.S. Ambassador William Walker. COL José Mario Godínez Castillo is accused of 1,051 summary executions, 318 tortures, and 610 illegal detentions, according to the Non-Governmental Human Rights Commission in El Salvador (CISPES), as well as kidnapping for profits.⁶⁷ In all, the UN Truth Commission Report on El Salvador listed the names of more than 60 Salvadoran officers most responsible for the worst atrocities.⁶⁸ More than two-thirds of those officers are alumni of the School of the Americas.⁶⁹ One of the worst graduates of the SOA, General Jose Guillermo Garcia, was found guilty of torture against three Salvadorans and ordered to pay fifty-five million dollars in damages in federal district court in Florida.⁷⁰ In 2003, Salvadoran Colonel Francisco del Cid Diaz was a student at WHINSEC despite the fact that he commanded a unit that shot 16 residents from the Los Hojas cooperative of the Asociacion Nacional de Indigenas and threw their bodies into a river in 1983.⁷¹

carried out by members of the Atlacatl Battalion of the Salvadoran Army. UN Truth Commission Report on El Salvador, page 114-121. The full report is available in English at <http://www.derechos.org/nizkor/salvador/informes/truth.html> (Last viewed May 20, 2004).

The UN Truth Commission noted that:

"two hundred forty-five cartridge cases recovered from the El Mozote site were studied. Of these, 184 had discernible headstamps, identifying the ammunition as having been manufactured for the United States Government at Lake City, Missouri. Thirty-four cartridges were sufficiently well preserved to analyze for individual as well as class characteristics. All of the projectiles except one appear to have been fired from United States-manufactured M-16 rifles". UN Truth Commission Report on El Salvador, page 119. The full report is available in English at <http://www.derechos.org/nizkor/salvador/informes/truth.html> (Last viewed May 20, 2004).

Ten of the twelve officers cited as responsible for the massacre at El Mozote were graduates of the School of the Americas. Nelson-Pallmeyer, *Guns and Greed*, 32.

⁶⁷ Vicky Imerman, *Notorious Salvadoran School of the Americas Graduates*, at <http://derechos.org/soa/elsal-not.html> (last visited June 17, 2004).

⁶⁸ Report of the UN Truth Commission on El Salvador to the UN Security Council, released April 1, 1993. The entire document in English can be found on the web at: <http://www.derechos.org/nizkor/salvador/informes/truth.html> (Last viewed May 20, 2004).

⁶⁹ Nelson-Pallmeyer, *Guns and Greed*, supra, at 27.

⁷⁰ See information on that case at the website of the Center for Justice and Accountability. <http://www.cja.org/cases/romagoza.shtml> (Last visited 4.12.05)

⁷¹ Doug Ireland, "Teaching Torture in the USA," HUMAN QUEST, September 1, 2004. 2004WLN11633740. In 1992, the OAS Inter-American Commission on Human Rights

recommended prosecution of Col. Cid Diaz for murder.

Over 1500 of the SOA graduates since 1946 have come from Guatemala.⁷² Human Rights Watch estimates that as many as 200,000 people were killed during a thirty-six year war that ended in 1996 - the vast majority by government forces.⁷³ One SOA grad, General Romeo Lucas Garcia, was the dictator of Guatemala from 1978 to 1982, a period when there were 5,000 political murders and up to 25,000 additional civilian deaths.⁷⁴ Another SOA grad, Col. Julio Roberto Alpírez, while he was on the payroll of the CIA tortured and executed Efrain Bámaca Velásquez, husband of U.S. attorney Jennifer Harbury.⁷⁵ Still being paid by the CIA Alpírez ordered the murder of U.S. citizen Michael Devine. Other offenses include: assassinations, corruption, disavowing the Geneva Convention and attempted coups.⁷⁶ General Héctor Gramajo, a SOA grad, was found personally responsible for “acts of gruesome violence inflicted by military personnel under his direct command” by a federal court in Massachusetts in 1995 and ordered to pay \$42 million dollars in damages.⁷⁷ In 1993 Guatemalan Colonel Julio Roberto Alpírez, a graduate of the School of Americas, ordered the assassination of Efrain Bamaca Velasquez, who had been tortured for more than a year.⁷⁸ More than 300 Mayan victims have filed suit against SOA graduate General Efrain Rios Montt for genocidal actions taken to wipe out their villages.⁷⁹ SOA grads also include two of the three officers cited by the Guatemalan archbishops’ office as suspected directors of the killing of anthropologist Myrna Mack in 1992, as well as three high-ranking leaders of the Guatemalan military intelligence unit D-2.⁸⁰ According to the Boston

⁷² USARSA Graduates by Country, January 1, 2000. Published on the U.S. Army website of the School of the Americas. <http://carlisle-www.army.mil/usamhi/usarsa/main.htm>

⁷³ Human Rights Watch, WORLD REPORT 2005, “Guatemala,” 213.

⁷⁴ Kepner, *supra*, at 483.

⁷⁵ *Christopher v. Harbury*, 122 S.Ct. 2179, at 2180 (U.S. 2002), reversed and remanded, 153 L.Ed.2d 413.

⁷⁶ Vicky Imerman, *Notorious Guatemalan School of the Americas Graduates*, at <http://derechos.org/soa/guat-not.html> (last visited June 17, 2004).

⁷⁷ *Xuncax v. Gramajo*, 886 F. Supp. 162 (D. Mass. 1995).

See also, Dianna Ortiz, *THE BLINDFOLD’S EYES: My Journey from Torture to Truth* (Orbis 2002).

⁷⁸ Meglan Hagler, Francisco Rivera, “Bamaca Velasquez v Guatemala,” *An Expansion of the Inter-American System’s Jurisprudence on Reparations*, 3 Human Rights Brief 2 (2002).

⁷⁹ T. Christian Miller, “The Americas,” *NEWSDAY*, June 9, 2001 - 2001WNLR593147.

⁸⁰ “Unmatched Power, Unmet Principles,” 2002 Amnesty International USA report,

Globe, SOA grad “Colonel Byron Lima Estrada was convicted in connection with the 1998 bludgeoning death of Roman Catholic Bishop Juan Gerardi Conedera, who was killed two days after the truth commission he headed released its report blaming the army for 97 percent of the war crimes.”⁸¹

While the U.S. Army counts only 49 graduates from Haiti of the SOA,⁸² graduates Colonel Gambetta Hyppolite ordered his soldiers to fire on an electoral bureau in 1987,⁸³ and Col. Franck Romain shot and killed 12 parishioners and wounded at least 77 others, then set the church on fire and later publicly justified the massacre as legitimate.⁸⁴

pp 35-36, 43.

⁸¹ Marion Lloyd, “Guatemala sees fears of terror revive,” June 16, 2002.

⁸² USARSA Graduates by Country, January 1, 2000. Published on the U.S. Army website of the School of the Americas. <http://carlisle-www.army.mil/usamhi/usarsa/main.htm>

⁸³ “Unmatched Power, Unmet Principles,” 2002 Amnesty International USA report, pp 35-36 .

⁸⁴ Heather Dean, *Notorious Haitian School of the Americas Graduates*, at <http://derechos.org/soa/ha-not.html> (last visited June 17, 2004).

Over 3700 Hondurans have graduated from the SOA since 1946.⁸⁵ SOA grad Aquilino Sorto González was accused of torturing 12 children ages 10 to 17. The children were punched, beaten, and hung by handcuffs.⁸⁶ Some of the more revolting abuses by these graduates include, rape, murder, assuming power as military dictators, threats, drug trafficking, torture, massacres, links to death squads, plotting to take over the armed forces, and fleeing from justice.⁸⁷ One graduate, Juan Lopez Grijalba, is accused of heading up a special military unit responsible for the the disappearances of over 150 persons.⁸⁸ Honduran Generals Luis Alonso Discua, Gustavo Alvarez Martinez, Bali Castillo, all SOA grads, founded and commanded the deadly Battalion 3-16, the army death squad.⁸⁹

“Battalion 3-16 employed a modus operandi that resembled the tactics of the Argentinian death squads. Small groups followed victims for days or even weeks before agents driving vehicles with stolen license plates kidnapped them and took them to clandestine jails, where the disappeared were tortured, interrogated, and usually executed.⁹⁰

Mexico has graduated nearly 1500 graduates of the SOA.⁹¹ Most of the human rights violations committed by SOA graduates occur in the Mexican states of Chiapas, Guerrero, and Oaxaca. Mexican graduates specialize in “low-intensity conflicts”. At least 13 of the top military officials involved in the continuing conflict are SOA graduates. They have been accused and convicted of drug-trafficking, murder, massacres, intimidation of human rights activists and torture. The massacres included the shooting of victims, execution style, in a public market with their hands tied behind their backs.⁹² Recent news has indicated that SOA grads who left the Mexixan military have

⁸⁵ USARSA Graduates by Country, January 1, 2000. Published on the U.S. Army website of the School of the Americas. <http://carlisle-www.army.mil/usamhi/usarsa/main.htm>

⁸⁶ Vicky Imerman & Heather Dean, *Notorious Honduran School of the Americas Graduates*, at <http://derechos.org/soa/hond-not.html> (last visited June 17, 2004).

⁸⁷ Vicky Imerman & Heather Dean, *Notorious Honduran School of the Americas Graduates*, at <http://derechos.org/soa/hond-not.html> (last visited June 17, 2004).

⁸⁸ A federal civil lawsuit has been filed in the US against Lopez Grijalba by the Center for Justice and Accountability on behalf of six former Honduran citizens who were victimized by these actions. <http://www.cja.org/cases/grijalba.shtml> (Last visited 4.12.05).

⁸⁹ Gill, *supra*, at 6, 85-89.

⁹⁰ Gill, *supra*, at 86.

⁹¹ USARSA Graduates by Country, January 1, 2000. Published on the U.S. Army website of the School of the Americas. <http://carlisle-www.army.mil/usamhi/usarsa/main.htm>

signed up to protect drug gangs.⁹³

⁹² Heather Dean, *Notorious Mexican School of the Americas Graduates*, at <http://derechos.org/soa/mx-not.html> (last visited June 17, 2004).

⁹³ “An October 22, 2003 article in The Brownsville Herald (TX) reported that the notorious Gulf Drug Cartel has hired 31 ex-Mexican soldiers to be part of its hired assassin force, The Zetas. According to the Mexican secretary of defense, at least 1/3 of these deserters were trained at the SOA as part of the elite Special Air Mobile Force Group. Their highly specialized and dangerous weapons, training, and intelligence capabilities are now being used to increase the availability of the drugs and terrorize the region. The Mexican attorney general’s office implicates them in dozens of shootouts, kidnappings and executions of police officers.” <http://www.soaw.org/new/article.php?id=205>

Over 4300 Nicaraguans have graduated from the SOA since 1946.⁹⁴ The SOA trained the Somoza National Guard which terrorized Nicaraguan peasants in the 1970's.⁹⁵

Panama has graduated over 3600 students from the SOA since 1946.⁹⁶ The most infamous is Manuel Noreiga, Panama's former dictator, who was arrested and forcibly extradited by US military forces on drug trafficking charges in 1989.⁹⁷ Other graduates of SOA have included the military dictator, General Omar Torrijos, members of attempted coups, drug traffickers and racketeers.⁹⁸

⁹⁴ USARSA Graduates by Country, January 1, 2000. Published on the U.S. Army website of the School of the Americas. <http://carlisle-www.army.mil/usamhi/usarsa/main.htm>

⁹⁵ As Richard Millet wrote in 1976 in his book *Guardians of the Dynasty*, "General Somoza likes to boast that a higher percentage of his officers and men have been trained abroad, by the United States, than those of any other Latin American army. Most of this training has been in the School of the Americas." <http://www.soaw.org/new/article.php?id=325> (Last visited 4.12.05)

⁹⁶ USARSA Graduates by Country, January 1, 2000. Published on the U.S. Army website of the School of the Americas. <http://carlisle-www.army.mil/usamhi/usarsa/main.htm>

⁹⁷ "Unmatched Power, Unmet Principles," 2002 Amnesty International USA report, pp 35-36.

⁹⁸ Vicky Imerman, *Notorious Panamanian School of the Americas Graduates*, at <http://derechos.org/soa/panam-not.html>.

Over 1000 students who have graduated from the SOA since 1946 came from Paraguay.⁹⁹ Gen Roberto Knofelmacher is charged with the moral authorship of the assassination of peasant leaders and the forcible removal of peasant families from their homes and land. Other graduates are charged with corruption, illegal searches and seizures, harassment and illegal detentions. Ruby Diaz was an Instructor at the SOA and is also charged with commanding over 300 troops who illegally searched and seized property of peasants.¹⁰⁰

Peru has sent more than 4400 students to graduate from the SOA since 1946.¹⁰¹ Included are: General Ismael Araujo, accused of being involved with a prison massacre in which 120 people were killed, most of whom had already surrendered; Lieutenant Colonel Carlos Delgado Medina, charged with planning the operation that killed over 69 civilians in Accomarcho; General Juan Velasco Alvarado who overthrew a civilly elected government to take dictatorial power; and other graduates who are accused of massacring university students, drug trafficking, summary executions, leading death squads and torturing students and professors.¹⁰² The three highest ranking Peruvian officers convicted in 1994 of murdering nine university students and a professor were SOA graduates.¹⁰³ SOA grad, General Nicolas Hermoza Rios, is in prison in Peru after pleading guilty to taking more than \$14 million in illegal arms deals.¹⁰⁴

Uruguay graduated just over 1000 students from the SOA since 1946.¹⁰⁵ Graduates

⁹⁹ USARSA Graduates by Country, January 1, 2000. Published on the U.S. Army website of the School of the Americas. <http://carlisle-www.army.mil/usamhi/usarsa/main.htm>

¹⁰⁰ Heather Dean, *Notorious Paraguayan School of the Americas Graduates*, at <http://derechos.org/soa/py-not.html> (last visited June 17, 2004).

¹⁰¹ USARSA Graduates by Country, January 1, 2000. Published on the U.S. Army website of the School of the Americas. <http://carlisle-www.army.mil/usamhi/usarsa/main.htm>

¹⁰² Vicky Imerman & Heather Dean, *Notorious Peruvian School of the Americas Graduates*, at <http://derechos.org/soa/peru-not.html> (last visited June 17, 2004).

¹⁰³ Kepner, *supra*, at 485.

¹⁰⁴ Anthony Faiola, "Many Allies in Peru Apparently Were Corrupt," *Seattle Times*, May 20, 2001, 2001 WLNR 1338794.

¹⁰⁵ USARSA Graduates by Country, January 1, 2000. Published on the U.S. Army website of the School of the Americas. <http://carlisle-www.army.mil/usamhi/usarsa/main.htm>

are charged with torture, kidnapping and transportation of victims.¹⁰⁶

¹⁰⁶ . Heather Dean, *Notorious Uruguayan School of the Americas Gradates*, at <http://derechos.org/soa/uy-not.html> (last visited June 17, 2004).

In 2004, Venezuela announced it would send no more troops to the SOA-WHINSEC.¹⁰⁷ But prior to that time, over 3000 Venezuelan students graduated from the SOA.¹⁰⁸ SOA grad General Ramon Davila Guillen was indicted in November of 1996 for shipping one ton of cocaine into Miami. The General claims the shipment was authorized by the CIA. In 1993 the CIA called the shipment “a regrettable incident” and dismissed the CIA agent involved.¹⁰⁹ “In April 2002, two SOA graduates (Army Commander in Chief Efrain Vasquez and General Ramirez Poveda) helped lead a failed coup in Venezuela. Otto Reich, a Bush-administration appointee who sat on the renamed school's Board of Visitors, met with the generals in the months preceding the coup.”¹¹⁰

¹⁰⁷ “The Unreported Year 2004,” New Internationalist, January 1, 2005. 2005WLNR2128083. See also, “Venezuela Fires the School of the Americas,” Catholic New Times, 6/6/04, 2004 WLNR 17760292. James Hodge and Linda Cooper, “SOA Watch scores victory in Venezuela,” National Catholic Reporter, April 9, 2004.

¹⁰⁸ USARSA Graduates by Country, January 1, 2000. Published on the U.S. Army website of the School of the Americas. <http://carlisle-www.army.mil/usamhi/usarsa/main.htm>

¹⁰⁹ Heather Dean, *Notorious Venezuelan School of the Americas Graduates*, at <http://derechos.org/soa/ve-not.html> (last visited June 17, 2004).

¹¹⁰ “Teaching Torture in the USA,” HUMAN QUEST, September 1, 2004. 2004WLNR11633740.

Teaching Torture

The international horror at the revelation of the practice of torture at Abu Ghraib prison by U.S. military was matched by proclamations in this country that such actions are unacceptable in all circumstances.¹¹¹ The President said the practices were “abhorrent” and do “not represent America.”¹¹² The United States Senate passed a resolution, 92-0, calling the actions “despicable,” condemning the actions “in the strongest possible terms,” apologizing for the acts of torture, and called for a complete investigation.¹¹³

¹¹¹ For details on the abuses at Abu Ghraib see the June 2004 Report of Human Rights Watch, “The Road to Abu Ghraib.” The report is available online at <http://www.hrw.org/reports/2004/usa0604/>

¹¹² “Abu Ghraib Abuse ‘Abhorrent,’ Bush Tells Arab TV,” Department of Defense Documents, May 5, 2004. 2004 WL 65722541.

¹¹³ Senate Resolution 356, May 10, 2004, passed 92-0. That resolution contained the following language:

“The Senate... condemns in the strongest possible terms the despicable acts at Abu Ghraib prison and joins with the President in expressing apology for the humiliation suffered by the prisoners in Iraq and their families; ... urges the Government of the United States to take appropriate measures to ensure that such acts do not occur in the future; ... believes that it is in the interests of the United States and of the people of the United States that the appropriate committees of the Senate, exercising the oversight responsibilities of such committees, and the

Yet, it is widely documented that the School of the Americas taught militaries the systematic use of torture and executions to neutralize dissidents for years, in later years even preparing written manuals to instruct soldiers how to torture. This section will review the facts about the teaching of torture at the school.

In 1996, the Pentagon admitted, after years of denials, that seven U. S. Army intelligence training manuals advocating executions, torture, blackmail and other forms of coercion were used for years in courses at the School of the Americas.¹¹⁴ The Washington Post summed up the information:

President, through the appropriate departments or agencies of the executive branch, conduct a full investigation of the abuses alleged to have occurred at Abu Ghraib; and urges that all individuals responsible for such despicable acts be held accountable.”

¹¹⁴ Dana Priest, “US instructed Latins on Executions, Torture; Manuals used 1982-1991, Pentagon Reveals,” Washington Post, September 21, 1996.

“Used in courses at the U.S. Army’s School of the Americas, the manual says that to recruit and control informants, counterintelligence agents could use ‘fear, payment of bounties for enemy dead, beatings, false imprisonment, executions, and the use of truth serum,’ according to a secret Defense Department summary of the manuals compiled during a 1992 investigation of the instructional material...”¹¹⁵

The Washington Post article refers to a memo dated March 10, 1992, stamped “secret,” to Secretary of Defense Richard Cheney which details an investigation by Werner E. Michel, Assistant to the U.S. Secretary, into “Improper Material in Spanish-Language Intelligence Training Materials.”¹¹⁶ The memo is now available for public review on the website of the

¹¹⁵ Dana Priest, “US instructed Latins on Executions, Torture; Manuals used 1982-1991, Pentagon Reveals,” Washington Post, September 21, 1996.

¹¹⁶ Memo dated March 10, 1992 to Secretary of Defense Cheney from Werner E. Michel, Assistant to the Secretary of Defense (Intelligence Oversight), regarding “Improper Material in Spanish-Language Intelligence Training Manuals.” (Hereafter referred to as Torture Memo).

The National Security Archive of George Washington University has posted this memo as part of their report “Prisoner Abuse: Patterns from the Past,” National Security Archive

National Security Archive of George Washington University.¹¹⁷ Copies of some the actual manuals are also available on the web.¹¹⁸

The Department of Defense acknowledged that

Electronic Briefing Book Number 122.” At www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB122/ (Last visited 7-4-04)

A copy of this memo is available on the website of the National Security Archive of George Washington University at <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB122/920310%20Imporper%20Material%20in%20Spanish-Language%20Intelligence%20Training%20Manuals.pdf> (last reviewed May 19, 2004). The memo was declassified in 1996 once nine attachments were removed. (Copy also available on file with author).

¹¹⁷ A copy of this five page memo is available on the website of the National Security Archive of George Washington University at <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB122/920310%20Imporper%20Material%20in%20Spanish-Language%20Intelligence%20Training%20Manuals.pdf> (last reviewed May 19, 2004). The memo was declassified in 1996 once nine attachments were removed.

¹¹⁸ <http://www.soaw.org/new/article.php?id=98> (Last reviewed May 19, 2004).

“five of the seven manuals contained language and statements in violation of legal, regulatory or policy prohibitions. These manuals are: Handling of Sources, Revolutionary War and Communist Ideology, Terrorism and the Urban Guerilla, Interrogation, and Combat Intelligence. To illustrate, the manual Handling of Sources, in depicting the recruitment and control of HUMINT [human] sources, refers to motivation by fear, payment of bounties for enemy dead, beatings, false imprisonment, executions, and the use of truth serum.”¹¹⁹

But actual torture manuals, as bad as they are, are only part of the story. It is very important to note that the torture manuals were compiled from materials already in use as lesson plans for years at the School of the Americas.¹²⁰ The Department of Defense memo says the manuals were compiled from lesson plans used at the School of the Americas since 1982.¹²¹ The memo states that lesson plans at the SOA that were later used to create the manuals were based on materials used in the Vietnam war in “the 1960s from the Army’s Foreign Intelligence Assistance Programs, entitled “Project X.”¹²² So existence of the actual manuals are evidence of only a part of the teaching of torture by the school.

As many as a thousand of the manuals were used in the training at the School of the Americas of students from the militaries of Bolivia, Colombia, Costa Rica, Dominican Republic, Ecuador, Guatemala, Honduras, Mexico, Peru, and Venezuela.¹²³

¹¹⁹ Torture Memo, supra, pages 2-3, “Analysis of the Manuals.”

¹²⁰ Torture Memo, supra, page 1, subsection “Evolution of the Manuals.”

The National Security Archive of George Washington University describes Project X as “a military effort to create training guides drawn from counterinsurgency experience in Vietnam.” See “Prisoner Abuse: Patterns from the Past,” National Security Archive Electronic Briefing Book Number 122.” At www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB122/ (Last visited 7-4-04).

¹²¹ Torture Memo, supra, page 2, subsection “Evolution of the Manuals.” “In 1987, Army military intelligence (MI) officers in Panama had compiled the manuals from lesson plans used an MI course at USASOA since 1982.”

¹²² Torture Memo, supra, page 1, subsection “Evolution of the Manuals.”

According to a 1999 article in HUMANIST by Bob Harris, “Guatemala: Clinton’s latest damn-near apology,” (May 1, 1999): “Project X was a 1965 army program to train military, police, and paramilitary forces throughout Southeast Asia and Latin America. Project X was a direct precursor to Operation Phoenix in Vietnam and Operation Condor in South America—notorious programs that resulted in the deaths of tens of thousands of civilians. Project X was halted under the Carter administration, but its essentials were reinstated in 1982 under President Ronald Reagan.”

¹²³ Torture Memo, supra, page 2, subsection “USASOA.”

Torture Memo, supra, page 2, subsection “Evolution of the Manuals.” “We found that as

many as a thousand copies of these manuals may have been distributed by USSOUTHCOM area from 1987 to 1989 and at the USASOA from 1989 to 1991.”

Who were the targets of this torture? The manuals identified as insurgents “religious workers, labor organizers, student groups and others in sympathy with the poor.”¹²⁴ The manuals also included instructions for neutralizing, which the Pentagon admitted was a euphemism for execution, “governmental officials, political leaders, and members of the infrastructure.”¹²⁵

U.S. Army Major Joseph Blair, an instructor at the School of the Americas and a recipient of five meritorious service medals and a Bronze Star, started speaking out against the SOA in 1993, when the U.S. Army and officials of the school still denied knowing anything about the atrocities and murders that the graduates were committing in Latin America. “When I was at the school, we routinely had Latin American students who were known human rights abusers, and it didn’t make any difference to us.”¹²⁶

Major Blair pointed out, when the U.S. government was trying to downplay the manuals:

I sat next to Major Victor Theiss who created and taught the entire course, which included seven torture manuals and 382 hours of instruction. He taught primarily using manuals which we used during the Vietnam war in our intelligence-gathering techniques. The techniques included murder, assassination, torture, extortion, false imprisonment.... Literally thousands of those manuals were passed out. The officers who ran the intelligence courses used lesson plans that included the worse material contained in the seven manuals. Now they say that there were only eighteen to twenty passages in those manuals in clear violation of U.S. law. In fact, those same passages were at the heart of the intelligence instruction.”¹²⁷

¹²⁴ Gail Lumet Buckley, “Left, Right, Center,” AMERICA, May 9, 1998. See also Kepner, *supra*, at 486-487.

¹²⁵ Dana Priest, “US instructed Latins on Executions, Torture; Manuals used 1982-1991, Pentagon Reveals,” Washington Post, September 21, 1996.

¹²⁶ Linda Cooper & James Hodge, “Former Instructor says SOA should close,” National Catholic Reporter, May 8, 1998.

¹²⁷ Barbara Jentsch, “School of the Americas critic,” The Progressive, July 1, 1997.

One of the graduates of the SOA said:

The school was always a front for other special operations, covert operations. They would bring people from the streets into the base and the experts would train us on how to obtain information using torture. We were trained to torture human beings. They had a medical physician, a U.S. medical physician which I remember very well, who was dressed in green fatigues, who would teach the students...[about] the nerve endings of the body. He would show them where to torture, where and where not, where you wouldn't kill the individual.¹²⁸

It is fair to conclude that it is proven beyond a reasonable doubt that the School of the Americas systematically taught torture for years and years to thousands and thousands of students.

¹²⁸ Jack Nelson-Pallmeyer, SCHOOL OF ASSASSINS 32 (Orbis 1997).

Avoiding Accountability

"We will investigate and prosecute all acts of torture and undertake to prevent other cruel and unusual punishment in all territory under our jurisdiction."

U.S. President George Bush¹²⁹

"I want to assure people in the Arab world that the president is determined to get to the bottom of it, to know who is responsible and to make sure that whoever is responsible is punished for it and held accountable."

U.S. National Security Advisor Condoleezza Rice¹³⁰

The reaction to the torture of prisoners in Iraq at Abu Ghraib was that there would be an investigation and those responsible would be held accountable. There have been Army investigations, military prosecutions, criminal charges, and Congressional investigations.

Given the much more dramatic record of human rights atrocities committed in this hemisphere by graduates of the School of the Americas and given the absolute proof that torture was taught to thousands at the School of the Americas, it is reasonable to ask, "Where is the investigation, where is the accountability?"

There has been no accountability for the teaching of torture at the School of the Americas. There has been no full public investigation into the school. There has been no apology. There have been no reparations for the victims. No one has been censured, no one has been sanctioned, no one has been demoted, no one has been fired, no one has been prosecuted.

¹²⁹ "Bush says Americans committed to upholding Geneva Convention, decries torture." June 26, 2004, Agence France Presse. 2004WL84617967

¹³⁰ "Rice talks to Al Arabyia about Abu Ghraib," May 4, 2004, United Press International, reported in Washington Times, <http://washingtontimes.com/upi-breaking/20040504-054156-9312r.htm>

No one.¹³¹

The 1992 Department of Defense memo documenting the teaching of torture and the publication of torture manuals at the School of the Americas, concluded:

¹³¹ There have been in-house studies and overview reports on the school, but never a full-ranging investigation. See for example, the 1996 GAO report on the School of the Americas, in which the authors of the report admit on page 16 “We did not independently verify the accuracy of the data reported to us.” Full report available at: <http://www.fas.org/asmp/resources/govern/gao96178.pdf> (Last visited 7-5-04).

“It is *incredible* that the use of the lesson plans since 1982, and the manuals since 1987, evaded the established system of doctrinal controls. Nevertheless, we could find no evidence that this was a deliberate and orchestrated attempt to violate DoD or Army policies.”¹³²

Yes, it is incredible. It is also unbelievable. But the Department of Defense chose to believe it anyway and no one was held responsible. No public investigation was held. No prosecutions were initiated. No apologies given. Case closed.

As Amnesty International says

“...the failure of the US Army to hold anyone accountable for the preparation, dissemination and use of training manuals advocating torture sends a signal to other militaries that impunity for violations [of the international laws on human rights, humanitarian law and civil military relations] is acceptable. It may also communicate that violations are only a problem when they receive public attention.”¹³³

¹³² Torture Memo, supra, page 3, “Approval and Delivery Process.” (Emphasis supplied).

¹³³ UPUP, supra, 37.

Violation of International Law

International treaty based agreements are considered the primary source for international law regarding torture. Torture is outlawed by the 1948 Universal Declaration of Human Rights, the 1949 Geneva Conventions, the International Covenant on Civil and Political Rights, and the Convention Against Torture - specific legal instruments ratified by members of the international community that include explicit prohibitions against torture.¹³⁴

Torture is explicitly prohibited by Article 5 of the Universal Declaration of Human Rights, which states: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."¹³⁵ The prohibitions on torture are based on the "inherent dignity and equal and inalienable rights of all the members of the human family" described in the preamble to the Universal Declaration of Human Rights, adopted by the General Assembly of the United Nations in 1948.¹³⁶

Since then, the ban on torture and other ill-treatment has since been incorporated into many other international human rights treaties.

Foremost among treaty based agreements are the four Geneva Conventions of 1949. Ratified by the United States in 1955, the Geneva Conventions address the treatment of prisoners

¹³⁴ See Katharine Shirey, "The Duty to Compensate Victims of Torture Under Customary International Law," 14 *International Legal Perspectives* 30 (2004); Winston P. Nagan, Lucie Atkins, "The International Law of Torture: From Universal Proscription to Effective Application and Enforcement," 14 *Harvard Human Rights Journal* 87 (2001).

¹³⁵ <http://www.un.org/Overview/rights.html>

¹³⁶ Universal Declaration of Human Rights, preamble, December 10, 1948, <http://www.un.org/Overview/rights.html>

of war and the protection of civilian persons in time of war.¹³⁷

The Third Geneva Convention provides protection for prisoners of war by prohibiting any form of physical or mental torture as a means for securing information: Article 17 states:

¹³⁷ Theodor Meron, "The Geneva Conventions as Customary Law," 81 Am. J. Intl. Law 348 (1987) .

No physical or mental torture, nor any other form of coercion, may be inflicted on prisoners of war to secure from them information of any kind whatever. Prisoners of war who refuse to answer may not be threatened, insulted, or exposed to unpleasant or disadvantageous treatment of any kind.¹³⁸

Article 87 of the Third Geneva Convention prohibits torture in the administration of collective punishment for individual acts

Collective punishment for individual acts, corporal punishment, imprisonment in premises without daylight and, in general, any form of torture or cruelty, are forbidden.¹³⁹

In the Fourth Geneva Convention similar protections are granted to civilians under military control who are called “protected persons” under Article 32:

The High Contracting Parties specifically agree that each of them is prohibited from taking any measure of such a character as to cause the physical suffering or extermination of protected persons in their hands. This prohibition applies not only to murder, torture, corporal punishments, mutilation and medical or scientific experiments not necessitated by the medical treatment of a protected person, but also to any other measures of brutality whether applied by civilian or military agents.¹⁴⁰

The International Covenant on Civil and Political Rights (ICCPR), which also prohibits torture, was ratified by the United States in 1992.¹⁴¹ Article 7 of the International Covenant on Civil and Political Rights states:

“No one shall be subjected to torture or to cruel, inhuman or degrading treatment or

¹³⁸ Convention III relative to the Treatment of Prisoners of War, art.17 (August 12, 1949). The full text of each of the Geneva convention are set out at <http://www.icrc.org/Web/Eng/siteeng0.nsf/html/genevaconventions>

¹³⁹ Convention III relative to the Treatment of Prisoners of War, art. 87 (August 12, 1949), supra.

¹⁴⁰ Convention IV relative to the Protection of Civilian Persons in time of War, art. 32 (August 12, 1949), supra.

¹⁴¹ John Quigley, “Criminal Law and Human Rights: Implications of the United States Ratification of the International Covenant on Civil and Political Rights,” 6 Harv. Human Rights Journal 59 (1993).

The full text of the ICCPR treaty can be found at http://www.unhchr.ch/html/menu3/b/a_ccpr.htm

punishment.”¹⁴²

¹⁴² ICCPR, Article 7, *supra*.

Torture is also explicitly prohibited in the Convention against Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment (the Convention against Torture), ratified by the United States in 1994.¹⁴³

¹⁴³ The full text of the Convention Against Torture can be found at http://www.unhchr.ch/html/menu3/b/h_cat39.htm

For some of the history of the ratification by the United States, see Dawn J. Miller, "Holding States to their Conventional Obligations: The United Nations Convention Against Torture and the Need for a Broad Interpretation of State," 17 *Georgetown Immigration Law Journal* 299 (2003).

The United States ratification was conditioned on reservations to the Convention against Torture. Senate Committee on Foreign Relations, Report on Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, senate Executive Report Number 101-30 (1990). See also Nagan and Atkins, *supra*, at 108-110.

The United States seeks to further define elements of the term torture as well as any responsibilities potentially incurred under article 16. United States Declarations and Reservations on Convention against Torture.

The United States defines mental pain and suffering as referring only to prolonged mental harm caused by (1) the intentional infliction or threatened infliction of severe physical pain or suffering (2) the use or threat of mind altering substances; (3) the threat of imminent death; or (4) the threat that another person will imminently be subjected to the above mistreatments. With regards to Article 16, the U.S. considers itself bound only insofar as the term cruel, inhuman or degrading treatment or punishment coincides with the meaning set forth by the Fifth, Eighth

and/or Fourteenth Amendments to the Constitution. United States Declarations and Reservations on Convention against Torture.

The Convention Against Torture builds on the ICCPR by mandating that states institute controls in the form of effective legislative, administrative, and judicial measures to prevent acts of torture in any territory under its jurisdiction.¹⁴⁴ Article 1 of the Convention against Torture defines torture as “any act by which pain or suffering, whether physical or mental, is intentionally inflicted on a person.”¹⁴⁵ The Convention directs each state party to prevent acts of cruel, inhuman or degrading treatment or punishment that do not constitute torture as defined in Article 1.¹⁴⁶ The Convention also provides that state parties shall ensure that education and information regarding the prohibition against torture are included in the training of all persons who may be involved in the custody, interrogation, or treatment of individuals subjected to any form of arrest, detention or imprisonment.¹⁴⁷

There is no doubt that the teaching of torture by the School of the Americas violates numerous international laws and treaties.

¹⁴⁴ Article 2, Convention against Torture, *supra*.

¹⁴⁵ Article 1, Convention against Torture, *supra*.

¹⁴⁶ Article 16, Convention against Torture, *supra*.

¹⁴⁷ Article 10, Convention against Torture, *supra*.

Violation of United States Law

As noted above, the training or funding of militaries with records of human rights abuses violates the U.S. Leahy law, a Congressional human rights provision on all foreign assistance.¹⁴⁸

Fair application of this law alone should close the School of the Americas-WHINSEC, which not only trains militaries with records of human rights abuses, but also has a documented history

¹⁴⁸ The "Leahy Law," a human rights rider to recent appropriations legislation, is designed to prohibit U.S. military assistance to foreign military units that have "committed gross violations of human rights." The law is known by the name of its principal sponsor, Vermont Senator Patrick Leahy.

The Leahy Law first appeared as part of the 1997 Foreign Operations Appropriations Act, and was originally applicable only to the State Department's International Narcotics Control (INC) program, PL 104-208 (1996), under the heading of International Narcotics Control:

"...none of the funds made available under this heading may be provided to any unit of the security forces of a foreign country if the Secretary of State has credible evidence to believe such unit has committed gross violations of human rights unless the Secretary determines and reports to the Committees on Appropriations that the government of such country is taking steps to bring the responsible members of the security forces unit to justice."

Some consider the law to be the most important legal tool used to promote respect for human rights through U.S. security assistance programs. See Prohibitions on Security Assistance: The Center For International Policy, "Limitation on Assistance to Security Forces." (The "Leahy Law"). <http://www.ciponline.org/facts/leahy.htm>:

"The Leahy Law in the 2001 Foreign Operations Appropriations Act (Sec. 563 of P.L. 106-429) states:

None of the funds made available by this Act may be provided to any unit of the security forces of a foreign country if the Secretary of State has credible evidence that such unit has committed gross violations of human rights, unless the Secretary determines and reports to the Committees on Appropriations that the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice.

While the Foreign Operations law covers both training and assistance (such as weapons grants), the Leahy Law in the 2001 Defense Appropriations Act (Sec. 8092 of P.L. 106-259) covers only training, and states:

None of the funds made available by this Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that a member of such unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken."

of helping train them in human rights abuses.¹⁴⁹

Torture is prohibited by US military under United States federal criminal law, the Uniform Code of Military Justice, and the US Army Field Manual.

Torture is a federal crime.¹⁵⁰ The statute defines torture as an “act committed by a person acting under the color of law that specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control.”¹⁵¹ Anyone who aids, abets, or counsels another to commit a crime is a principal to that crime.¹⁵²

No member of the military is allowed to engage in torture. Under Article 93 of the Uniform Code of Military Justice, military personnel who mistreat prisoners are subject to court

¹⁴⁹ See earlier section on teaching of torture at SOA-WHINSEC.

¹⁵⁰ 18 USC, Section 2340.

¹⁵¹ 18 U.S.C. § 2340(1)

It applies in the United States and to Any U.S. national or person present in the United States who while outside the U.S. “commits or attempts to commit torture” is subject to prosecution. Violation of the statute can result in incarceration for up to 20 years or death.18 U.S.C. § 2340A .

Author’s note: The irony that the travesty of torture would be remedied by imposing the travesty of the death penalty is not noted in the statute.

¹⁵² 18 USC Section 2 (a).

marshal:

“Any person subject to this chapter who is guilty of cruelty toward, or oppression or maltreatment of, any person subject to his orders shall be punished as a court-martial may direct.”¹⁵³

¹⁵³ Uniform Code of Military Justice, art. 93.
The full text of the UCMJ can be found at
http://www.military-network.com/main_ucmj/main_ucmj.htm

Likewise, the War Crimes Act of 1996 makes it a criminal offense for U.S. military personnel and U.S. nationals to commit war crimes as defined by the Geneva Conventions.¹⁵⁴ This includes common article 3 to the Geneva Conventions which prohibits “violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture.”¹⁵⁵

The U.S. Army Field Manual prohibits the use of force or torture by soldiers during interrogations:

The use of force, mental torture, threats, insults, or exposure to unpleasant and inhumane treatment of any kind is prohibited by law and is neither authorized nor condoned by the US Government.¹⁵⁶

It cannot be argued that torture or the teaching of torture is permitted by U.S. law. The teaching of torture by U.S. military instructors is patently illegal.

Thus, the clear prohibition of torture combined with the prohibition of providing funds to known human rights violators demonstrate that past and current practices of the SOA-WHINSEC are illegal.

¹⁵⁴ 18 U.S.C. § 2441

¹⁵⁵ Convention III relative to the Treatment of Prisoners of War, art. 3 August 12, 1949

¹⁵⁶ Chapter One. Interrogation and the Interrogator: Principles of Interrogation, Subsection Prohibition Against the Use of Force.

US Army Field Manual 34-52 is available online at:
<http://www.globalsecurity.org/intell/library/policy/army/fm/fm34-52/>

Responses to Arguments in Defense of WHINSEC

The U.S. government and the Army makes several arguments to support the continued existence of the Western Hemisphere Institute for Security Cooperation.¹⁵⁷ These arguments can be summarized around four main points.

First, WHINSEC is an entirely new institution unlike the School of the Americas.

Second, the School of the Americas is closed and WHINSEC is an entirely new and therefore unblemished institution which cannot be held responsible for problems of the prior school.

Third, the problems of graduates of the prior school are not unlike the problems of graduates of any school, problems for which it is unfair to blame the school.

Fourth, teaching human rights at WHINSEC is an integral part of the instruction.

Response to Defense Argument One: WHINSEC is an entirely new institution unlike the School of the Americas.

Though the government and Army now say that WHINSEC is an entirely new institution, unlike the School of the Americas, this was not always what they said and, more importantly, the facts indicate otherwise.

The school's supporters repeatedly acknowledged the similarity between the two schools. At the time that the new school was being created, one of the strongest legislative supporters of the School of the Americas, U.S. Senator Paul Coverdell from Georgia, told the media that the changes between WHINSEC and the SOA were "basically cosmetic" and "The School of the Americas will still be able to continue its purpose."¹⁵⁸ The school's Colonel Mark Morgan informed the Department of Defense just before the vote in Congress: "Some of your bosses have told us that they can't support anything with the name 'School of the Americas' on it. Our

¹⁵⁷ The Army states its case on its website for WHISC, which can be found at <http://www.benning.army.mil/whinsec/> (Last visited May 19, 2004).

¹⁵⁸ Richard Hyatt, "Coverdell Says SOA Changes Will Be Minor," Columbus Ledger-Enquirer, February 16, 2000.

proposal addresses this concern. It changes the name."¹⁵⁹ Major Thomas Collins, spokesman for U.S. Army, said on December 12, 2000 that "The new school is going to continue the same vital functions the School of the Americas did. We see a great need to continue the same military-to-military, country-to-country contact."¹⁶⁰

The facts indicate that the SOA and WHINSEC are actually not even cosmetically all that much different from each other. They are both run by the Army, funded by the Army, for mainly the same students, with mainly the same instruction. WHINSEC and SOA are housed in the exact same building and have similar operational control, funding, purpose, students, and instruction.

¹⁵⁹ George Monbiot, "Backyard Terrorism," London Guardian, October 30, 2001.

¹⁶⁰ John Donnelly, "Army's Tainted School of the Americas to Close, Reopen with New Name," The Boston Globe, December 15, 2000,

The Army does not dispute that SOA and WHINSEC are housed in the same building on the same grounds of the same U.S. Army Fort.¹⁶¹

The Army ran and funded the School of the Americas and the Army runs and funds WHINSEC. The SOA by statute was operated by the Secretary of the Army.¹⁶² The WHINSEC by statute is operated by the Secretary of Defense and by whatever Secretary of a military department as the Secretary of Defense appoints.¹⁶³ The Secretary of Defense has appointed the Secretary of the Army to run WHINSEC and the Army contributes its funds to the operation.¹⁶⁴

The schools have similar purposes. The SOA by statute was operated “for the purpose of providing military education and training to military personnel of Central and South American countries and Caribbean countries.”¹⁶⁵ The purpose of WHINSEC “is to provide professional education and training to eligible personnel of nations of the Western Hemisphere...”¹⁶⁶ The law goes on to state explicitly that eligible personnel are military personnel, law enforcement

¹⁶¹ WHISC is housed in the exact same Army building as the School of the Americas, a point the Army does not dispute.

See WHISC building at: <http://www.benning.army.mil/whinsec/about.asp?id=31>

See the School of Americas building at:
<http://carlisle-www.army.mil/usamhi/usarsa/main.htm> (Last viewed May 19, 2004).

¹⁶² 10 USC 4415, Section 319(a)(1)(a).

¹⁶³ 10 USC 2166 (a) and (b).

¹⁶⁴ See web site for WHISC <http://www.benning.army.mil/whinsec/faq.htm>

¹⁶⁵ 10 USC 4415, Section 319 (a)(1)(b).

¹⁶⁶ 10 USC 2166(b).

personnel, and civilian personnel.¹⁶⁷

¹⁶⁷ 10 USC 2166 (c)

And both schools publicly pledged themselves to be defenders of human rights. The operation of the SOA for over 20 years required 4 hours of instruction in human rights.¹⁶⁸ WHINSEC requires 8 hours of instruction in “human rights, the rule of law, due process, civilian control of the military, and the role of the military in a democratic society.”¹⁶⁹

Though they have different sources in the U.S. statutes, the WHINSEC, as the U.S. Army spokesman admitted, and as an analysis of their similarities makes clear, is a continuation of SOA.

¹⁶⁸ According to U.S. Army Major (ret) Joseph Blair, an instructor at the SOA. Linda Cooper, “Former Instructor says SOA should close,” NCR, May 8, 1998.

¹⁶⁹ 10 USC 2166(d)

Response to Defense Argument Two: The School of the Americas is already closed and WHINSEC is an entirely new and therefore unblemished institution which cannot be held responsible for problems of the prior school.

Part of this argument is accurate, part is not. As noted above, it is true that the School of the Americas has officially ceased and WHINSEC is a new legal entity. However, going out of business as one problematic entity and starting over as another has long been used as a tactic to try to avoid political, corporate, and international responsibility and there are several bodies of law that provide for continuing responsibility and accountability.

For example, the argument that the School of the Americas has been closed and replaced by a new and totally different school with no responsibilities for its predecessor has historical parallels to the “transparent artifice” employed by southern officials to try to avoid the consequences of desegregation.

In the years following *Brown v Board of Education*,¹⁷⁰ southern legislatures passed more than 450 laws designed to circumvent and delay desegregation.¹⁷¹ This occurred in many states. In Louisiana, after the legislature changed the laws governing public education numerous times, allowing local authorities to close one school and open another to avoid the consequences of the law, a three judge court found that closing schools and transferring the facilities to another entity was a “transparent artifice” designed to avoid the consequences of law.¹⁷² Closing schools, changing authority for supervision and control and responsibility for schools were tried over and over by states. The U.S. Supreme Court in *Griffin v County School Board of Prince Edward County* (1964) found it was unconstitutional for Virginia, when faced with desegregation, to close the public schools and fund alternative segregated schools.¹⁷³ In Arkansas, once desegregation was ordered, the legislature enacted 14 different pieces of legislation authorizing evasion of the orders by, among other devices, closing the schools.¹⁷⁴ The courts ultimately saw through these transparent artifices and made the institutions accept responsibility.

¹⁷⁰ 347 US 483 (1954).

¹⁷¹ Judith A. Hagley, *Massive Resistance - The Rhetoric and the Reality*, 27 *New Mexico L Rev* 167, 195 (1997).

¹⁷² In *Hall v St. Helena Parish School Board*, a three judge court found that closing schools and transferring the facilities to another entity was a “transparent artifice” designed to avoid the consequences of law, one of a number of evasive schemes of the Louisiana legislature. *Hall v St. Helena Parish School Board*, 197 F Supp 649 (D.C.E.D. La 1961). See also *Bush v Orleans Parish School Board*, 188 F. Supp. 916 (D.C. La. 1960).

¹⁷³ *Griffin v County School Board of Prince Edward County*, 377 US 218 (1964).

¹⁷⁴ Judith A. Hagley, *Massive Resistance - The Rhetoric and the Reality*, 27 *New Mexico L Rev* 167, 208 (1997). For other examples, see Molly O’Brien, “Discriminatory Effects: Desegregation Litigation in Higher Education in Georgia,” 8 *William and Mary Bill of Rights Journal* 1, fn 130 (1999).

Likewise, the United States Supreme Court and many lower federal and state courts have long recognized that there are many circumstances when civil and criminal responsibility can be imposed on totally new successor corporations for the crimes or actions of prior corporations. For example, where two corporations were indicted for crimes but then dissolved and became divisions of a new corporation under the same ultimate ownership, the Court found there was no reason to allow the new corporate organization to escape criminal or civil liability for the actions of its predecessors.¹⁷⁵ There are many, many other circumstances under which criminal proceedings can be brought against successor corporations, even years after the dissolution of the corporate perpetrator.¹⁷⁶

Finally, in addition to domestic law giving guidance on the responsibility of successor institutions for the crimes of predecessors, it is noteworthy that international law imposes responsibility for violations of human rights on successor governments, even when they had no control over the prior government or were even victimized by prior governments.¹⁷⁷ Consider the following summary of the responsibility under international law:

¹⁷⁵ *Melrose Distillers Inc. v US*, 79 US S Ct 763 (1959). See similar reasoning and similar results in *Sculptchair, Inc. v Century Arts, Ltd.* 94 F.3d 623 (11th Cir.1996), *US v Alamo Bank*, 880 F2d 828, 830 (5th Cir 1989), *Bud Antle, Inc. v Eastern Foods, Inc.* 758 F.2d 1451 (11th Cir 1985), and *US v Polizzi*, 500 F2d 856, 908 (9th Cir 1974).

¹⁷⁶ See discussion in H. Lowell Brown, *Successor Corporate Criminal Liability: The Emerging Federal Common Law*, 49 *Arkansas L. Rev.* 469, 472 (1996).

¹⁷⁷ Diane F. Orentlicher, "Settling Accounts: The Duty to Prosecute Human Rights Violations of a Prior Regime," 100 *Yale L.J.* 2537, 2546 n.32 (1991).

“Under international law, the successor government is responsible for the acts of the prior regime, even though it in fact had no control over them and was often the victim of the prior regime. The law does not provide for situations where, for example, the military is not under the actual control of the government. Additionally, international recognition that states have a duty to investigate, prosecute, and provide some form of redress for the victims of certain human rights violations such as widespread and systematic summary executions, disappearances, and torture has increased dramatically in the last decade. These crimes fall under a subset of crimes that must be prosecuted as they have been determined to fall outside the scope of political crime amnestiable [spelling in original] under international law.”¹⁷⁸

Thus, under political, corporate, and international law, re-constituting an institution in another legal form is no defense to responsibility by the new school for the prior school.

¹⁷⁸ Mark Valasso, Truth and Reconciliation Commissions, 33 U Miami Interamerican L Rev 153, fn 36 (2002). See also: Peter A. Schey et al., Addressing Human Rights Abuses: Truth Commissions and the Value of Amnesty, 19 Whittier L. Rev. 325, 331 (1997); Douglas Cassel, Lessons from the Americas: Guidelines for International Response to Amnesties for Atrocities, 59 Law & Contemp. Probs. 197, 229 (1996); Diane F. Orentlicher, Settling Accounts: The Duty to Prosecute Human Rights Violations of a Prior Regime, 100 Yale L J 2537 (1991); Naomi Roht-Arriaza, State Responsibility to Investigate and Prosecute Grave Human Rights Violations in International Law, 78 Cal. L. Rev. 449 (1990).

Defense Argument Three: Problems of graduates of the School of the Americas are not unlike the problems of graduates of any school, problems for which it is unfair to blame the school.

The U.S. Army, on the WHINSEC website states:

“Just as any college or university cannot guarantee that some of their students will not someday commit crimes, neither can we. We provide our students with the training to help them better understand their role in serving a democratic society. They learn what it means to “protect and serve.” They learn the moral and ethical reasons for doing what is right and just in their duties, and they learn the practical benefit—the support of their people.”¹⁷⁹

This is the traditional “bad apple” argument. This is the argument that one is forced to fall back on when indisputable proof has been revealed that there are serious problems. It argues that there is not an institutional problem or a systemic problem but only a few individuals gone wrong. A look at the evidence severely discounts this argument.

It is not as if history reveals but a few graduates of the School of the Americas - WHINSEC being involved in some isolated bad acts.

Graduates have been implicated in every single major human rights problem in every single country in this hemisphere for the past half century.

The UN Truth Commission implicated 60 officers in El Salvador in systematic human rights abuses - two thirds of them were graduates of the School of the Americas.

In the indictment of Chile’s vast human rights problems, 30 officers were named, ten were graduates of the School of the Americas.

In Guatemala, where well over 100,000 people were murdered, the two top ranking military officials responsible were graduates of the School of the Americas.

Recent academic graduate research based on a statistical analysis of nearly 12,000 SOA graduates from six countries (Argentina, Brazil, Guatemala, El Salvador, Panama, and Peru) over a 40 year period, found:

¹⁷⁹ <http://www.benning.army.mil/whinsec/about.asp?id=37> (Last visited May 19, 2004).

graduates who took two or more courses at the SOA were almost four times more likely to have committed human rights violations than soldiers who took only one course; and there is no indication that graduates of the 1990s were less likely to commit human rights violations than those who graduated in the 1960s.¹⁸⁰

Torture, massacres, disappearances, genocide, rape, mutilation, subversion of the democratic will of the people - these are not a few wormy apples that can be discarded, but symptoms of a seriously diseased tree. The apples must go, but it is time to uproot the tree as well.

¹⁸⁰ This is taken from the master's thesis in sociology of Kate McCoy. See KateMcCoy, "New findings analyze violations by SOA graduates," in NEWS NOTES, May/June 2004, Volume 29, Number 3, page 10 (published by Maryknoll Office for Global Concerns).

Research is summarized in May 6, 2004 report of School of Americas Watch. Full report is available at http://www.soaw.org/new/article.php?id=762#_ftn4 (Last visited July 5, 2004).

Defense Argument Four: Teaching human rights at WHINSEC is an integral part of the instruction.

Though the Army suggests teaching human rights teaching is an integral part of its instruction, that argument should be evaluated carefully considering not only what the Army says it does, but how it actually acts.

Three points are critical here. First, explicit human rights violations involving torture and executions were taught for years to thousands of people from over ten countries at the School of the Americas. Second, given the clear human rights violations of some military personnel in Iraq, the ability of the Army to teach its own soldiers about human rights needs to be dramatically improved, much less the instruction of militaries from other countries. Third, a review of the tactics used by top ranking U.S. Army officials in treating civilians conducting constitutionally protected protests in this country in November 2003 at the site of the School of the Americas raises questions about their own commitment to human rights and the message that their actions are sending to foreign militaries.

Torture is a blatant human rights abuse.¹⁸¹ Torture tactics were systematically taught at the School of Americas for years.¹⁸² Though officially denied for years, torture manuals circulating through the SOA were finally publicly revealed in 1996.¹⁸³ Formerly classified documents now reveal that, at the School of the Americas and other places, lesson plans and six different manuals described and taught intelligence gathering involving methods such as beatings, false imprisonment, use of truth serum, bounties for enemy dead, and executions.¹⁸⁴ The Defense Department now admits that as many as a thousand of these manuals were used and

¹⁸¹ Torture is prohibited by Article 5 of the Universal Declaration of Human Rights, which states: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." The ban on torture and other ill-treatment has since been incorporated into many other international human rights treaties. It is in Article 7 of the International Covenant on Civil and Political Rights (ICCPR), ratified by the United States in 1992, and in the Convention against Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment (the Convention against Torture), ratified by the United States in 1994.

¹⁸² Dana Priest, "US instructed Latins on Executions, Torture; Manuals used 1982-1991, Pentagon Reveals," Washington Post, September 21, 1996.

¹⁸³ Dana Priest, "US instructed Latins on Executions, Torture; Manuals used 1982-1991, Pentagon Reveals," Washington Post, September 21, 1996. Portions of these manuals are now available for public evaluation.

Copies of the manuals are available on the web and can be found at <http://www.soaw.org/new/article.php?id=98> (Last reviewed May 19, 2004).

¹⁸⁴ Memo dated March 10, 1992 to Secretary of Defense Cheney from Werner E. Michel, Assistant to the Secretary of Defense (Intelligence Oversight), regarding "Improper Material in Spanish-Language Intelligence Training Manuals, pages 2-3.

distributed over a ten year period by the U.S. military, including at the School of the Americas, to soldiers from Bolivia, Colombia, Costa Rica, Dominican Republic, Ecuador, Guatemala, Honduras, Mexico, Panama, Peru, and Venezuela.¹⁸⁵ Despite the fact that torture was undeniably and widely taught at the school and that torture is a clear violation of human rights law, not a single person has ever been called to account for these violations. This lack of

¹⁸⁵ Memo dated March 10, 1992 to Secretary of Defense Cheney from Werner E. Michel, Assistant to the Secretary of Defense (Intelligence Oversight), regarding "Improper Material in Spanish-Language Intelligence Training Manuals, page 2.

A copy of this five page memo is available on the website of the National Security Archive of George Washington University at <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB122/920310%20Improper%20Material%20in%20Spanish-Language%20Intelligence%20Training%20Manuals.pdf> (last reviewed May 19, 2004).

accountability calls into question the seriousness of the commitment of the school to human rights.

Then there is the issue of the wide ranging violations of human rights laws by U.S. military personnel in Iraq.¹⁸⁶ The chief investigator into the abuses at the Abu Ghraib prison, Army Maj. Gen. Antonio Taguba, told Congress that "the soldiers received "no training whatsoever" in proper prisoner screening and interrogation either before their deployment to Iraq or during their duty at the prison."¹⁸⁷ If the military does not invest the effort in training its own

¹⁸⁶ For details see the letter to President Bush signed by representatives of Amnesty International, Human Rights Watch, and other groups expressing deep concern about the human rights violations in Iraq.

On the web at <http://hrw.org/english/docs/2004/05/10/usint8566.htm> (Last viewed May 19, 2004).

¹⁸⁷ Paul Sperry, "Army training memo reveals neglect for human rights law," May 12, 2004. World Net Daily,

http://www.worldnetdaily.com/news/article.asp?ARTICLE_ID=38460

"Army Maj. Gen. Antonio Taguba testified yesterday before the Senate Armed Services Committee that the soldiers received "no training whatsoever" in proper prisoner screening and interrogation either before their deployment to Iraq or during their duty at the prison. In his report, filed in March, he found that commanders failed even to post provisions of the Geneva Conventions at prisons. The Geneva Conventions protect all enemy prisoners of war and civilian internees from inhumane treatment such as violence, intimidation, insults and public curiosity. Such legal human-rights training remains absent from the official list of "critical" tasks to be

personnel, its ability to train militaries from other countries has to be questioned.

covered in a new crash course in prisoner screening and interrogation that the U.S. Army is developing for reservists and National Guard members. "They don't think GENCON (Geneva Conventions) is a critical task, despite it being absolutely critical in doing our job," a senior military intelligence official said."

Finally, consider how the Army treats U.S. citizens. On Saturday November 22, 2003, nearly ten thousand people gathered at one of the closed gates to Fort Benning to hold the annual School of Americas Watch legally permitted protest against the atrocities committed by graduates of the School of the Americas and WHISC. There was folk singing and praying and talks by social justice people including people who are survivors of massacres directed by SOA graduates.¹⁸⁸

The Army in 2003 responded to the exercise of the constitutionally protected rights of the citizen protestors by setting up four large loudspeakers fifty yards away from the protest stage and hitting the protest with hour after hour of “a sonic barrage” of patriotic and military music.¹⁸⁹ Two commanding Army officers held a press conference on that day with the mayor, a former US Army lawyer, who said he found it “repulsive for a group to hold a demonstration outside Fort Benning at a time when people have died in the war in Iraq.”¹⁹⁰ The base general Benjamin Freakley told reporters that the music blasting was to “lift the morale of our troops” and the protestors should be required to put money in escrow before being allowed to get a permit to protest.¹⁹¹

¹⁸⁸ Elliott Minor, “Thousands Gather for Annual Protest at Fort Benning,” Associated Press, November 23, 2003.

¹⁸⁹ “Big Crowd at Military School Protest Gets Earful of Patriotic Music from Army,” Associated Press, November 22, 2003; S. Thorne Harper, “Sour Note: Music blaring from Fort Benning bothers protestors near post,” Columbus Ledger-Inquirer, November 23, 2003; “Army Hits Protestors With A Musical Blast,” Los Angeles Times, November 23, 2003; “Protestors at military school hit with patriotic music,” November 23, 2003 CNN.com <http://www.cnn.com/2003/US/South/11/23/school.protest.ap/> (Last viewed May 19, 2004).

¹⁹⁰ Elliott Minor, “Thousands Gather for Annual Protest at Fort Benning,” Associated Press, November 23, 2003.

¹⁹¹ Richard Hyatt, “Freakley wants costs to fall on SOA Watch,” Ledger-Inquirer,

One might question the commitment to human rights of a military attempt to drowning out the constitutionally protected and legally permitted voices of dissent with hour after hour of sonic barrage of patriotic military music. One might question the commitment to human rights of military people who find it “repulsive” for people to exercise their First Amendment rights to demonstrate for peace in a time of war. One should question what those military actions communicate to the students at the School of Americas - WHISC about the commitment of the military to teaching, and practicing, human rights.

By looking at history, by looking at current practices, and by looking at results, the U.S. Army operated School of Americas and the U.S. Army operated WHISC cannot be said to have a serious commitment to human rights.

November 24, 2003.

Suspend and Investigate

“Although each truth commission has its own unique mandate, they are generally constituted to establish a historical record of abuse and to investigate the causes and consequences of these abuses using a variety of methodologies, including holding public hearings, conducting fact-finding missions, and taking statements from victims, witnesses, and even perpetrators. Truth commissions have been praised for capturing values beyond criminal liability essential to long-term stability and prevention of further abuses.”¹⁹²

Amnesty International USA recommended that operations at the school be suspended and investigated.¹⁹³ If the investigations warrant such action, then criminal prosecutions should follow along with redress for victims and their families, and a public apology.¹⁹⁴

SOA-WHINSEC, in addition to being a serious problem, it is also a symptom of an even deeper problem - our inability to recognize the people in this hemisphere but outside this country

¹⁹² Elizabeth M. Evenson, “Truth and Justice in Sierra Leone: Coordination Between Commission and Court,” 104 *Columbia L. Rev.* 730, 731 (2004).

¹⁹³ Unmatched Power, Unmet Principles, 2002 AI USA report, full set of recommendations are set out at pp 52-56, the six ones specific to SOA/WHINSEC are set out at pp 55-56.

¹⁹⁴ Unmatched Power, Unmet Principles, 2002 AI USA report, full set of recommendations are set out at pp 52-56, the six ones specific to SOA/WHINSEC are set out at pp 55-56.

as deserving the basic human dignity we rightly demand for ourselves.

As with the disclosures about Abu Ghraib, most U.S. citizens would be appalled if they actually knew what their tax dollars were used for at the School of the Americas-WHINSEC. Torture, executions, violations of national and international law. Training of militaries who are used to go back and mistreat their own citizens - people would be justifiably outraged.¹⁹⁵

Because there has been so little accountability, too few people know what has occurred there and why.

Our nation needs to open the windows, let the fresh air in, allow the victims to speak, allow the instructors to speak, allow the facts to come out.

A full and independent investigation would be a very good way to allow the voices of all people to describe the many effects of the school and to analyze the many mistakes that have been made. Such an investigation can allow the victims of the school to raise up their stories for full documentation. A thorough independent unencumbered fact-finding investigation into the problems of the school and its impact can lead to individual justice, but also to addressing the deeper issues of national and international justice.

¹⁹⁵ “The SOA-WHINSEC is an instrument of an “any means necessary” foreign policy....During the Cold War, “any means necessary” meant repressing workers, peasants, progressive religious, students, and anyone else who challenged unjust economic systems or who called for structural changes to address the basic needs of poor majorities. Repression was carried out in the name of freedom and democracy and the fight against communism. It was a necessary part of an epic struggle against an evil empire. “

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Because merely closing the school is not enough. We must prevent it from happening other places. We, as a nation, must learn from our mistakes.¹⁹⁶

¹⁹⁶ Karl Jaspers teaches that there are at least four types of guilt: criminal guilty, political guilt, moral guilt, and metaphysical guilt. Criminal guilt applies to those who directly commit murder, torture and human rights violations. Political guilt is the social responsibility of the citizens in whose name wrongful acts were committed. Criminal and political guilt are the domain of the state - moral or individual complicity for war crimes and metaphysical guilt of all human beings in solidarity are not. Karl Jaspers, *THE QUESTION OF GERMAN GUILT* 25-26 (1947) (E.B. Ashton trans., Fordham Univ. Press 2000).

Conclusion

“Those who make peaceful revolution impossible will make violent revolution inevitable.”

President John F. Kennedy, Address to Latin American diplomats at the White House¹⁹⁷

The School of the Americas - WHINSEC is to U.S. international human rights policy as the death penalty is to the criminal justice system. Outdated and inhumane, it is an international embarrassment. It is past time to close it. The best next step is to follow the suggestions of Amnesty International USA to suspend all operations at SOA-WHINSEC and fully and independently investigate the past and present operations of the school. Where wrongdoing is found, criminal prosecutions are appropriate. Where appropriate, reparations to the victims of the school should be paid. Certainly an apology is long overdue. Only in this way can the cause of justice for all, in the U.S. and in this hemisphere, really advance.

¹⁹⁷ (March 12, 1962) http://en.wikiquote.org/wiki/John_F._Kennedy