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## TRENDS

## Teaching Torture and Oppression with U.S. Tax Dollars: A Battle to Close The School of the Americas

by: Nicole Grimm and Mair McCafferty

The School of the Americas (SOA) is a U.S.-operated military training school that instructs military personnel from throughout Latin America and the Spanish-speaking Caribbean. Founded in 1946, it was located at the U.S. Army's Southern Command in Panama until 1984, when it relocated to Fort Benning in Columbus, Georgia. The school offers approximately fifty classes which address a variety of topics, including command structure, reconnaissance, weapons handling, counterinsurgency methods, military intelligence, and cadet combined arms. All training is funded by tax dollars, about \$4 million per year, and all classes are taught in Spanish by instructors who are primarily from Latin America. According to the SOA, more than 58,000 members of Latin American militaries have attended the SOA since its inception.

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During the Cold War, U.S. support for the SOA was driven by the belief that Latin American military forces were the U.S. government's strongest allies in its fight against Communism. The SOA served as a vehicle through which the United States could instruct the militaries of its Latin American allies in tactics for defeating Communist opposition movements. SOA also provided opportunities for U.S. and Latin American military forces to meet each other and learn to work together.

The Pentagon characterizes the SOA's mission today as teaching Latin American military forces how to professionally serve under civilian democratic governments. Proponents claim that SOA training programs are still necessary even though the Cold War is over. These supporters point to the new challenges that Latin American mili-



Photo courtesy of Rick Reinhard

At a protest in Washington, D.C., women hold crosses representing people killed by graduates of The School of the Americas.

ties face, most notably in narcotraficking and narcoterrorism, and charge that the SOA plays a vital role in helping militaries learn how to effectively defend the democratic governments that they now serve.

Despite this positive-sounding mission statement, the SOA troubles human rights activists for several reasons, most notably because of the human rights violations perpetrated by many of its graduates. The most notorious SOA graduates include ten Latin American heads of state who came to power through nondemocratic methods, including Manuel Noriega of Panama and Juan Melgar Castro of Honduras. Leopoldo Galtieri, former President of Argentina, accused of the disappearance of 30,000 during the "dirty war" of 1976-1979 and for whom an international arrest warrant was issued in April 1997, is also a SOA graduate. Other alumni include General Hugo Banzer the Bolivian Dictator who developed the "Banzer plan," a well-developed strategy to repress Latin America.

SOA graduates have participated in the commission of atrocities such as the murder of college students and a professor at La Cantuta University, Peru in July 1992. SOA graduates have been

linked with the rape and murder of the Maryknoll nuns, and the massacre of six Jesuit priests, a housekeeper, and her daughter at the Jose Simeon Canas University of Central America in San Salvador, El Salvador on November 16, 1989. Nineteen of the twenty-six people implicated in the Jesuit massacre were SOA graduates. A 1993 UN Truth Commission report on human rights abuses during the civil war in El Salvador found that graduates of SOA were connected

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Another concern of human rights advocates is the SOA's course material. In September 1996, during an investigation into the rape and torture of Sister Dianna Ortiz by members of the Guatemalan military, the U.S. Department of Defense (DOD) confirmed that the SOA had taught students how to commit human rights violations. In 1997, the DOD released seven SOA instructional manuals that detailed techniques, including kidnapping, assassination, and torture, for use in countering domestic opposition groups. The

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DOD claimed that these manuals were no longer in use at the SOA and that current teaching techniques were "completely consistent with U.S. law and human rights policy." However, a review of current instructional literature by the Latin American Working Group, a project of the National Council of Churches which provides information regarding U.S. policies towards Latin America to Congressional Offices, non-governmental organizations and the media, revealed that the manuals now in use continue to advocate many questionable techniques. These include interrogating children and using medical and church files to gain information about opposition forces, prioritizing military missions over civilian populations' well-being, "neutralizing" opposition political leaders and student activists, infiltrating legitimate civil groups like political parties, unions, and community groups, and illegally detaining suspected "insurgents."

The DOD also maintains that the SOA curriculum includes a mandatory four hours of human rights training for every student and offers a variety of

classes that emphasize human rights. Only five classes, however, focus specifically on human rights, and these five are among the lowest-subscribed classes at SOA. Additionally, four hours of required human rights training loses its impact in the context of typical SOA instructional programs that heavily emphasize military techniques, lasting from eight days to forty-seven weeks.

Compounding concerns about the substantive materials taught at the SOA is the fact that courses are not subject to an effective civilian evaluation process. Instructors often review their own classes, and the SOA official with principle responsibility for curriculum content is a Latin American military officer. This lack of outside review is extremely problematic as the SOA has always claimed that it did not teach its students how to torture or how to commit human rights abuses. Only after an independent investigation by the UN Truth Commission did the SOA claims change. Continued scrutiny by outside sources, therefore, appears to be a necessity considering the track record of the SOA and the lack of monitoring by the U.S. government.

SOA graduates' record of human rights violations and the school's ongoing indifference to human rights, has led several human rights groups to employ civil disobedience actions in an effort to close the SOA.

Organizations which support closing the SOA have continued to gain momentum as information regarding the school becomes more readily available. SOA graduates' record of human rights violations and the school's ongoing indifference to human rights, has led several human rights groups to employ civil disobedience actions in an effort to close the SOA. These activists have faced legal consequences as a result of their protests. On September 29, 1997, five anti-SOA activists entered the main gate of the Fort Benning Military Reservation with stencils, crowbars, and red paint mixed with blood. After placing signs in trees and removing metal letters from the sign with the crowbars, they painted "SOA = torture" and "Home of School of Americas School of Shame" on the main sign of the entrance gate. They also placed

"bloody" handprints on the white concrete sign after dipping their hands in the paint mixture.

The five involved in the protest were arrested on felony charges of allegedly destroying government property and went to trial on March 2, 1998, in the courtroom of the Honorable J. Robert Elliott in the United States District Court of the Middle District of Georgia in Columbus. Judge Elliott, age 89, is best known for his rulings against civil rights defendants in the 1960s. Ninety percent of Judge Elliot's decisions were reversed by higher courts.

In their defense, the five activists stated that they had not had any malicious intent to destroy property and simply had wished to express their outrage against the SOA's continued operation. The protesters contested the basis of the felony charges which were based on the Army's \$4,200 valuation of the damages. The protesters introduced testimony from a witness who said he could have fixed the sign for less than \$1,000, which would have made the damage merit only a misdemeanor charge. After deliberating for one hour, the jury of four women and eight men found all five guilty of one felony count and found four of the defendants guilty of a misdemeanor count. The defendant who was found not guilty of the misdemeanor, a Jesuit priest, had placed a red handprint on the sign but had been assisting another protestor elsewhere when his four colleagues had pried off the metal letters and painted their message on the sign. As of this writing, the five are still awaiting sentencing. The maximum sentence for both the felony and misdemeanor counts is six years in federal prison and a \$250,000 fine.

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Another civil disobedience action took place on November 16, 1997. In remembrance of the eighth anniversary of the 1989 Jesuit massacre in El Salvador, about two thousand people from across the nation and throughout



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Latin America attended a "Close the SOA" vigil just outside of Fort Benning. As part of the nonviolent protest, organized by the human rights group School of the Americas Watch (SOAW), 601 people "crossed the line" and marched, two by two, onto the fort grounds. Eight protestors carried cardboard coffins filled with petitions containing hundreds of thousands of signatures calling for the closing of the SOA.

Military police apprehended 597 of the 601 marchers. All but thirty-one of the detainees were first-time offenders, whom police charged with criminal trespass and released. Each of the first-time offenders was also issued an exclusion order, or "ban and bar letter," that prohibited re-entry onto the base for one year and was signed by the commanding general of Fort Benning. The thirty-one repeat offenders, who included four of the

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defendants from the September 29 sign-painting action, were veteran SOA protesters who had previously entered the base without authorization, receiving exclusion orders that were in effect during the November protest. Among these thirty-one people were clergy, teachers, healthcare workers, and students. Because their entry on November 16 allegedly violated their pre-existing exclusion orders, they were arrested pursuant to 18 U.S.C. 1382, a misdemeanor. This section prohibits "illegal reentry" onto a military base after having previously been ordered not to re-enter.

Three of the thirty-one pled no contest to the charges on November 19, 1997, in front of U.S. Federal Magistrate William L. Slaughter in the U.S. Federal Magistrate Court in Columbus, GA. Slaughter sentenced each of the three defendants to the maximum term of six months in federal prison and a \$3,000 fine.

On January 20, 1998, the remaining twenty-eight repeat offenders appeared



A dramatic demonstration during a protest in Washington, D.C.

for trial in Judge Elliott's courtroom. Before commencing the trial, the federal prosecutor dismissed charges against six of the defendants. This was because she could not prove that the six had actually received a "ban and bar" letter prior to the November 1997 protest, and therefore, could not prove that they had violated 18 U.S.C. § 1382 by re-entering the base while under the jurisdiction of such an order. For example, one defendant whose case was dismissed had been working in a Catholic Worker House when his exclusion order was mailed to him. Although his exclusion order arrived at the house via certified mail,

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another staff member signed for the letter and there was no proof that the defendant had ever become aware of the order's existence. Two other defendants were released because their orders had been returned as "undeliverable."

As a result of the six dismissals, only twenty-two defendants proceeded to trial. The primary argument that the defendants utilized was that military commanders at Fort Benning had violated the protestors' First Amendment rights by restricting speech in a biased manner. Base leaders contended that the military reservation is "open" for public use but is "closed" for purposes

of partisan speech because military leaders do not want the base to become a "forum." The defense showed, however, that partisan speech is, in fact, permitted on the base because Fort Benning commanders routinely allow members of the public to speak at the base when their message is in favor of the military, or the SOA and its continued operation. When opponents of the SOA try to exercise the same right of partisan speech on base property, they are not permitted to do so.

The defense also argued necessity. They argued that their actions had been necessary, because of the numerous human rights violations in which SOA graduates have already been implicated and because the school's ongoing instruction in illegal techniques was likely to facilitate future violations. The activists pointed out that they had pursued legal means for achieving their goal of closing the school, including repeated appeals to Congress for legislation that would end SOA funding. None of these legal avenues had offered them relief, and therefore, civil disobedience had been their only remaining option when they entered the base during the November 1997 protest.

The prosecution relied on evidence that all twenty-two defendants had, in fact, received their exclusion orders via certified mail, which made them subject to penalties under 18 U.S.C. § 1382. They proved receipt of the "ban and bar" letters by producing the signed certified mail return slips that the defendants had sent back when they received and signed for the orders.

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that the ravages of war have not eliminated hope for some, especially the younger generation, which is benefiting from improved infrastructure and greater freedoms. The problem, however, as Holst sees it, is the imbalance in support given to each entity. The Federation has benefitted greatly, as approximately 95% of all aid has been given to them, whereas Republika Srpska has received only 5%. This has created huge disparities in the standards of living, salaries, education, etc. between the two entities, which, if it continues, will fuel further conflict and could ultimately threaten stability in the region. In the same sense, Holst reports, the U.S.-led "Train and Equip" program, which has provided supplies, weapons, and military expertise to The Federation only, has exacerbated feelings of resentment and unfair treatment toward Bosnian Serbs.



Major Holst and Mrs. Elisabeth Rehn, UN Secretary General's Special Representative

Holst fears this unequal allocation of wealth and services could eventually lead to further conflict.

In March of this year, Fredrik returned to WCL to attend the War Crimes Tribunals Conference. During his visit he also gave a presentation

entitled "Bosnia Update: An Inside View of Civil-Military Cooperation." He is currently continuing his work in Bosnia-Herzegovina, and will remain there until July. 🌐



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Without taking time to deliberate, Judge Elliott concluded the two-day non-jury trial by finding that each defendant was guilty as charged of illegal re-entry and sentenced all of them to the maximum penalty of 6 months in federal prison and a \$3,000 fine. He offered each defendant the opportunity to have the fine waived if they promised never to re-enter Fort Benning, but none of the defendants accepted the offer. The defendants were ordered to return home until space became available in federal prison, at which time they would be required to report to begin serving their sentences. One of the defendants, Father Roy Bourgeois, the founder of SOAW, has already spent three years in prison as a result of sentences imposed against him by Judge Elliott.

In March, 1998, Major General Carl F. Ernst, the Commanding General of Fort Benning, sent letters to the hundreds of people who "crossed the line" at the November 16, 1997 protest and were charged with criminal trespass. In the letter, he informed the recipients that they had failed to appeal their exclusion orders within seven days of issuance and, as a result, they had waived their rights to present evidence on their

behalf and disprove the allegations against them at a hearing. The letters further stated that the recipients were banned from Fort Benning for a period of five years from the date of issuance. These terms were different than those

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imposed by the original exclusion orders that the protestors received on November 16. The original orders excluded the recipients for a period of only one year, not five. SOAW lawyers recommended that letter recipients respond immediately by writing back to the Fort Benning commander in order to question the legality of the change of terms and to allege a violation of the recipient's due process rights.

Closing the SOA, despite cited violations of human rights involvement and increased public disapproval of the school's track record, has proven a formidable task. Several U.S. legislators,

including Representative Joseph Kennedy of Massachusetts and Senator Richard Durbin of Illinois, have called for its closing and have introduced bills in both houses that would cut its funding. No vote has been scheduled yet on either HR 611 or S138. In March 1998, the Annual General Meeting of Amnesty International voted on a resolution that called for the SOA's closing. On April 26, 1998, 1300 protestors marched in Washington, D.C. as part of a lobby for the proposed legislation to close the SOA. While Americans were participating in the D.C. vigil, there were simultaneous vigils at U.S. embassies in 12 Latin American Countries.

The message about the SOA, therefore, appears to be spreading worldwide. Considering the increasingly stringent military policy regarding SOA protestors in the U.S., such global support is of growing significance. The question remains, however, whether the closing of the SOA would be nothing more than a symbolic gesture. The U.S. military has the ability to continue teaching torture and human rights violations if it so chooses. Therefore, the right of Americans to protest and demand information about U.S. military training techniques may be a more effective weapon against the SOA than the mere closing of a compound. 🌐