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U.S. Army School of the Americas: Background and Congressional Concerns

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Richard F. Grimmett
Specialist in National Defense
Foreign Affairs, Defense, and Trade Division

Mark P. Sullivan
Specialist in Latin American Affairs
Foreign Affairs, Defense, and Trade Division

U.S. Army School of the Americas: Background and Congressional Concerns

Summary

The School of the Americas is a U.S. Army training facility founded in 1946 largely for Spanish-speaking cadets and officers from Latin American nations. The School is currently located at Fort Benning, Georgia. Controversies have developed in recent years concerning human rights abuses committed by School graduates, and there have been several legislative attempts since 1993 to cut funding for the School. The School is charged by P.L. 100-180 (10 USC 4415) with the mission of developing and conducting instruction for the armed forces of Latin America. The law stipulates that the School will promote military professionalism, foster cooperation among the multinational military forces in Latin America, and expand Latin American armed forces' knowledge of U.S. customs and traditions.

According to critics, the School has abusive graduates who violate human rights. They maintain that soldiers who are chosen to attend are not properly screened, with the result that some students and instructors have attended the School after being implicated in human rights violations. In September 1996, concerns over the School intensified when DOD made available excerpts from seven Spanish-language training manuals used at the School from 1982 until 1991. The manuals discussed forms of coercion against insurgents, including execution and torture.

Supporters of the School contend that it has the potential to help bring about greater respect for human rights in Latin America by now providing human rights training to thousands of Latin American military officials. Supporters maintain that those graduates who have committed human rights violations did not commit the violence because of their training at Fort Benning, but rather in spite of it. They argue that only a small number out of a total of over 60,000 School graduates have been accused of human rights violations. Supporters also argue that most Latin American militaries now support civilian democratic rule.

Congressional oversight of the School of the Americas has increased since 1993, essentially focusing on human rights issues. Four House attempts to cut funding for the School were rejected in 1993, 1994, 1997, and 1998. In 1999, the House voted to cut funding for the School during consideration of the FY2000 foreign aid appropriations bill, H.R. 2606. Ultimately, however, the conferees on the bill rejected the House position and continued funding for the School. In November 1999, Secretary of the Army Louis Caldera proposed a plan to restructure and rename the school, making it more academic and recruiting civilians from Latin American governments as well as military students from the region. Both the House- and Senate-passed versions of the FY2001 defense authorization bill, H.R. 4205, include provisions that would repeal the legislative authority for the School and replace it with new authority for an Institute along the lines of Secretary Caldera's proposal. On May 18, 2000, the House, during floor consideration of H.R. 4205, the FY2001 defense authorization bill, defeated by a vote of 204-214 an attempt to close the School and establish a task force to assess what type of education and training would be appropriate for DOD to provide to Latin American military personnel.

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U.S. Army School of the Americas: Background and Congressional Concerns

Background

The School of the Americas was originally established in 1946 in the U.S.-controlled Panama Canal Zone as the Latin American Center—Ground Division. In July 1963, the School acquired its current name, and Spanish became its official language. On September 21, 1984, the School suspended operations in compliance with the terms of the 1977 Panama Canal Treaty. In December 1984, the School reopened at Fort Benning, Georgia, as part of the U.S. Army Training and Doctrine Command. All elements of the School of the Americas are located at Fort Benning with the exception of the Helicopter School Battalion which is located at Fort Rucker, Alabama.¹

Since 1946, over 60,000 officers, cadets, and non-commissioned officers from Latin America and the United States have been trained at the School of the Americas. The School's staff and faculty—comprised of 202 civilian and multi-service military personnel—prepare, support, and present various courses in Spanish to an average of 1,000 students annually.

The School of the Americas teaches a variety of courses from 1 to 47 weeks relating to U.S. Army doctrine, from basic patrolling techniques to the Command and General Staff Course (CGSOC). The School of the Americas is charged by P.L. 100-180 (10 USC 4415) with the mission of developing and conducting instruction for the armed forces of Latin America, using the most doctrinally sound, relevant, and cost-effective training programs possible. The law stipulates that the School will promote military professionalism, foster cooperation among the multinational military forces in Latin America, and expand Latin American armed forces' knowledge of United States customs and traditions.

¹ (Note: Background facts and data were taken from materials provided by the Department of the Army, Public Affairs, and the United States Army School of the Americas. The staff and faculty figure represents the total as of January 1997, but has not fluctuated greatly over time. For further information, the School of the Americas maintains the following website: [<http://www.benning.army.mil/usarsa/main.htm>]. Also see the following General Accounting Office report: *School of the Americas, U.S. Military Training for Latin American Countries*. GAO/NSIAD-96-178. August 1996. 24 p. An advocacy group calling for the closing of the School maintains a website with a variety of reports and news on the School at [<http://www.soaw.org/>]. For an extensive listing of the School's graduates who have been implicated, or alleged to have been involved in, human rights abuses, see "School of the Americas Graduates" located at the following website: [<http://www.soaw.org/soag.html>].

The School is organized to provide principal training elements—joint and combined operations, special operations and civil military operations, noncommissioned officer professional development, and resource management. Two academic departments present all instruction, except the Instructor Training Course. The Helicopter School Battalion (HSB) at Fort Rucker, Alabama provides initial and advanced helicopter flight instruction in Spanish. Additional helicopter maintenance instruction is provided at Fort Eustis, Virginia. The Department of Joint and Combined Operations teaches the Command and General Staff Course to students from Latin American countries. Since 1955, over 1,100 students have graduated from the CGSOC. Training programs to deal with insurgency threats were developed for students in the 1960s. In the 1980s programs aimed at contending with narco-terrorism were developed. In the 1990s, new courses were developed focusing on Democratic Sustainment of emerging democracies, Peacekeeping Operations, and Border Operations.

Human rights training is part of the program of the School of the Americas, although critics have questioned the extent and effectiveness of such instruction (see “Human Rights Training” below). Prior to 1989, the School notes that it provided human rights training both formally—in classroom instruction on the Laws of Land Warfare—and informally—through exposure to American institutions. Since 1989, the School has established a policy on human rights training and revised its curriculum to integrate human rights training into every course taught. According to the School, the basic block of human rights instruction is 8 hours long, but almost all students receive substantially more than 8 hours, with additional training woven into the classroom instruction and into field training exercises.

According to the Department of the Army, the School of the Americas budget for FY2000 is estimated to total \$4.455 million from two principal sources. The School’s fixed budget comes principally from Operations and Maintenance, Army (OMA) which is provided through the Defense Department’s authorization and appropriations legislation. For FY2000, the School’s OMA funding level is estimated to be \$3.117 million. The OMA funding pays for all of the School’s overhead costs, including civilian pay, guest instructor program costs, supplies and equipment, certain travel expenses, and contracts. About 90% of OMA funds are spent on civilian pay and the guest instructor program. Additional DoD funding for FY2000 is estimated to total \$88,000. The other major funding source for the School is reimbursable funds granted to Latin American countries under the United States Foreign Military Sales (FMS), International Military Education and Training (IMET), and International Narcotics and Law Enforcement (INL) programs. These funds pay for the actual costs of student training. In FY2000 the total funds the School is estimated to use from these sources is \$1.250 million. In FY1999, the total final budget for the School was \$4.115 million.

Congressional Concerns Regarding Human Rights

As reflected in congressional legislative and oversight debates, most concerns about the School have centered on graduates who have been implicated in—or are alleged to be responsible for—human rights violations in their countries. In recent years, congressional oversight has focused on the adequacy of the selection and

screening process for the School's students and on the adequacy of human rights training at the School.

Human Rights Violations. According to critics, the School has a history and tradition of abusive graduates who violate human rights. Observers point out that School alumni include: 48 out of 69 Salvadoran military members cited in the U.N. Truth Commission's report on El Salvador for involvement in human rights violations (including 19 of 27 military members implicated in the 1989 murder of six Jesuit priests),² and more than 100 Colombian military officers alleged to be responsible for human rights violations by a 1992 report issued by several human rights organizations.³ School graduates have also included several Peruvian military officers linked to the July 1992 killings of nine students and a professor from La Cantuta University, and included several Honduran officers linked to a clandestine military force known as Battalion 316 responsible for disappearances in the early 1980s.⁴ Critics maintain that soldiers who are chosen to attend are not properly screened, with the result that some students and instructors have attended the School after being implicated in human rights violations.

For example, in 1995, concerns over the School were heightened when it was reported that Guatemalan Army Colonel Julio Roberto Alpirez, implicated in human rights violations, had been trained at the School in 1989. Colonel Alpirez was implicated in March 1995 press allegations for involvement in the 1990 murder of U.S. citizen Michael Devine and the 1992 killing of Guatemalan guerilla leader Efrain Bamarca Velasquez, married to U.S. citizen Jennifer Harbury.⁵

In September 1996, concerns over the School intensified when DOD made available excerpts from seven Spanish-language training manuals used periodically at the School of the Americas from 1982 until 1991. The manuals discussed forms of coercion against insurgents, including execution, torture, and blackmail.⁶ Subsequently, in February 1997, a DOD Inspector General concluded that repeated mistakes were made that resulted in objectionable material being included in the manuals, but that there was no deliberate attempt to violate DOD or U.S. Army policies and that no further investigation was necessary to assess individual responsibility.

² The U.N. Truth Commission Report on El Salvador and the U.S. Army School of the Americas. Washington Office on Latin America. August 27, 1993.

³ See: Waller, Douglas. Running a "School for Dictators." *Newsweek*. August 9, 1993, p. 36; The 1992 human rights report referred to was *El Terrorismo de Estado en Colombia*. Brussels, Ediciones NCOS, 1992. The report cited 247 military personnel alleged to have some involvement in human rights violations in Colombia.

⁴ Waller, p.36.

⁵ Allegations also surfaced that the CIA, State Department, and DOD had engaged in improper activities relating to Guatemala. See: *Guatemala and Allegations of Improper CIA, State, and Defense Department Activities*, by K. Larry Storrs, CRS Report 95-690 F. June 7, 1995.

⁶ Priest, Dana. "U.S. Instructed Latins on Executions, Torture; Manuals Use 1982-91, Pentagon Reveals," *Washington Post*. Sept. 21, 1996. p. A1.

Concerns about the School's graduates were again raised in January 2000 when retired Guatemala Col. Byron Disrael Lima Estrada, who attended the School of the Americas in the 1960s, was arrested for involvement in the death of Guatemalan Bishop Juan Jose Gerardi in 1998. Bishop Gerardi was murdered in April 1998 just two days after he released a report accusing the Guatemalan military for most of the human rights abuses committed during the country's civil conflict.⁷

Some critics have labeled the School of the Americas a "school for dictators" because of the high number of former Latin American dictators who attended the school. Among the ten former Latin American heads of state who attended the School of the Americas, two were Panamanian military rulers: General Manuel Antonio Noriega, *de facto* ruler from 1983 until his ouster from power by U.S. forces in December 1989; and General Omar Torrijos who emerged as Panama's political leader after the National Guard overthrew the elected civilian government in 1968. Torrijos ruled either as official head of government or *de facto* political leader until his death in a plane crash in 1981. Two additional School alumni who were military rulers are Ecuadorian Major General Guillermo Rodriguez (1972-76) and Peruvian Major General Juan Velasco Alvarado (1968-1975), both of whom overthrew elected governments. Breaking with the pattern of previous military leaders in these two countries, Rodriguez and Alvarado initiated extensive periods of direct military rule, seven years in Ecuador and twelve years in Peru.

The six remaining Latin American military rulers who attended the School of the Americas consist of two each from Argentina, Bolivia, and Honduras, all of whom succeeded military rulers. In Argentina, Lieutenant General Roberto Viola led a short-lived military government from March to December 1981. After Argentina's return to democracy, Viola was convicted and sentenced to 17 years in prison for criminal responsibility for human rights violations during Argentina's so-called "dirty-war against subversion" in the 1970s.⁸ Viola was succeeded by Lieutenant General Leopoldo Galtieri, another School graduate, who ruled from December 1981 until June 1982. Galtieri led Argentina during the unsuccessful war with Britain over the Falkland Islands. In Bolivia, General Hugo Banzer Suarez led a bloody coup in 1971. According to many observers, Banzer's rule until 1978 was repressive, with labor leaders and leftist politicians exiled, jailed, and killed.⁹ In contrast, another School graduate from Bolivia, Major General Guido Vildoso Calderon who ruled from July to October 1982, was chosen by the military to return the country to civilian rule. In Honduras, Brigadier General Juan Melgar Castro became president in 1975 when the military command ousted another military leader from power. Melgar Castro in turn was ousted in 1978 and was replaced by School of the Americas alum Policarpo Paz Garcia who returned Honduras to civilian democratic rule.

⁷ Mohan, Geoffrey. "Murder Suspect U.S.-Trained Guatemala Officer Linked to Atrocities," *Newsday* (New York). February 29, 2000, p. A17.

⁸ Sentences Handed Down in Trial of Former Leaders. Foreign Broadcast Information Service. Daily Report — Latin America. December 10, 1985. p. B1.

⁹ Gamarra, Eduardo A. and James M. Malloy. "Bolivia: Revolution and Reaction," in *Latin American Politics and Development*, Howard J. Wiarda and Harvey F. Kline eds. Boulder, CO: Westview Press, 1990. p. 369; Banzer became President once again in 1997 when he won in free and fair elections.

Supporters of the School point out that in many Latin American countries, military service is traditionally an avenue to political and economic leadership. They contend that the opportunity to train thousands of Latin American military officials at the School on U.S. human rights processes and international human rights has a significant potential for bringing about greater respect for human rights in Latin America. Supporters of the School maintain that only a small number out of a total of over 60,000 School graduates have been accused of human rights violations. They argue that those graduates who have committed human rights violations did not commit the violence because of their training at Fort Benning, but rather in spite of it. Acknowledging the past abuses of some graduates, some School supporters have recommended a stricter set of criteria for student selection along with restrictions for countries with a high percentage of students later convicted of human rights violations. The Department of the Army maintains that the United States—through the Department of State—actively and continuously screens potential candidates for training for any record of human rights abuse, criminal activity, or corruption. According to DOD, the State Department sent a cable to U.S. embassies in 1994 reminding them of the requirement to screen prospective students.

Supporters of the School contend that democracy is being respected throughout the region and that the School of the Americas has played a key role in the resurgence and defense of democracy in Latin America. They point out that Latin America is now more democratic and less militaristic than at any time since the Second World War; they contend that most of the cited military leaders were in power more than a decade ago and that the current record demonstrates that most militaries throughout Latin America now support civilian democratic rule and defend civilian governments from coup attempts. They argue that two of the military leaders discussed above, Honduran General Policarpo Paz Garcia and Bolivian General Guido Vildoso Calderon, were responsible for transferring power back to civilian democratic rule. As examples of School success stories, supporters of the School point to: a former Ecuadorian Minister of Defense who began a comprehensive human rights training program for the military in 1993; and three high-ranking Venezuelan military officers, all School alumni, who played key roles either in putting down or preventing the success of two coup attempts in 1992.

Human Rights Training. Critics of the School maintain that it only pays lip service to human rights training for its students. They assert that a few hours of human rights training will not make a difference, and that there is a hostile attitude among the students regarding the mandatory human rights training. A former School logistics instructor, retired Army Major Joseph Blair, maintains that the human rights message is not taken seriously by the Latin American students and contends that the soldiers associate human rights with subversives.¹⁰ A guest human rights lecturer at the School believes that the School's changes in its human rights curriculum is nothing more than a facelift, and says that "much of the training at the School is done by officers from Latin American militaries, which have strongly resisted increased civilian

¹⁰ McCarthy, Tim. School Aims at Military Control. *National Catholic Reporter*. April 8, 1994. p. 11.

control and accountability.”¹¹ Critics of the School maintain that although some courses for civilian participation are offered at the School, actually most students are from Latin American militaries and police. According to a 1996 General Accounting Office report, less than 1% of the School’s students are civilians.¹²

Supporters of the School point out that since 1989 it has begun to emphasize human rights training *throughout* its curriculum making it unique among U.S. Army schools. They indicate that the School has also begun to meet “expanded IMET” objectives by including courses for civilian officials on the creation and maintenance of effective military judicial systems and military codes of conduct. School supporters maintain that, for many Latin American soldiers, the School is the only training they will receive in human rights, and that the School provides a unique setting to influence Latin American militaries on the importance of respecting human rights. According to Major Michael Travaglione, a former chaplain for the School who took part in many of the “practical exercises” involving human rights training, the human rights message is getting across to the students.¹³ Supporters also point to efforts by the School to improve its promotion of human rights, including: the addition of a class in December 1994 to show students how to develop a human rights training program in their own country; the formation of an internal Human Rights Advisory Committee to oversee the human rights content of coursework at the School; and the formation of a Board of Visitors in 1996, which includes noted human rights advocates.¹⁴

Proposed Restructuring of the School

In November 1999, Secretary of the Army Louis Caldera discussed with reporters a concept that envisioned restructuring of the School, making it more academic and recruiting civilians from Latin American governments as well as military students from the region. As outlined in the press at the time, the proposal would rewrite the School’s charter with the objective of making it a regional training institute that would focus on fighting post-Cold War security problems.¹⁵ More courses on democracy and international law would reportedly be added to the curricula, although combat training would be provided.

Any such plan to rewrite the School’s charter and mission (P.L. 100-180, 10 USC 4415) would require legislative action. As a result, the Secretary’s proposal was

¹¹ Call, Charles T. Academy of Torture. *Miami Herald*. August 9, 1993.

¹² U.S. General Accounting Office. *School of the Americas, U.S. Military Training for Latin American Countries*. GAO/NSIAD-96-178. August 1996. p. 8.

¹³ McCarthy, p. 11.

¹⁴ U.S. Army School of the Americas report to the Committee on Appropriations pursuant to P.L. 103-306; U.S. Army School of the Americas report to the Committee on Appropriations pursuant to H.Rept. 104-600 to H.R. 3540.

¹⁵ Myers, Steven Lee. “Army Changing Mission of a Training Academy,” *New York Times*, November 18, 1999, p. A22; Jelinek, Pauline. “School of the Americas Plans Changes,” Associated Press wire story, November 19, 1999; and Taylor, Michael. “U.S. to Seek New Image for Much-Criticized School of the Americas,” *San Francisco Chronicle*, November 20, 1999, p. A3.

incorporated into both the House and Senate versions of the FY2001 defense authorization bill, H.R. 4205. Although there are some differences in the provisions of the two versions, both would repeal the current legislative authority for the School and replace it with a new Institute that would provide professional education and training to military, law enforcement, and civilian personnel from nations in the Western Hemisphere. In the House version, the new facility would be called the “Defense Institute for Hemispheric Security Cooperation” while in the Senate version it would be called the “Western Hemisphere Institute for Professional Education and Training.” Both versions would provide for a Board of Visitors to review the Institute’s curriculum. (For more details on the two bills, see Legislative Action below.)

Some critics of the School expressed skepticism that such a proposal would go far enough in repairing its reputation and believe that as long as the School still exists, even with a new name, problems will remain.¹⁶ Other critics maintained that the proposal contained no substantive reforms that would change current practices and argue the new Institute called for by the Secretary of the Army is a clone of the current School. They argue that before a new Institute is created there should be a thorough investigation of the current School and a critical evaluation of the training model upon which it is based. On the other hand, supporters of the proposal to reconstitute the School as a new Institute argue that the new facility will emphasize such topics as human rights, the rule of law, due process, the appropriate role of a military in a democratic society, and missions such as disaster assistance and counter-drug operations. They believe that, just as the School, the new Institute will serve a vital role in its ability to have an impact of the thought and actions of Latin American militaries.

Legislative Action

Congressional oversight of the School of the Americas has increased since 1993, essentially focusing on concerns over human rights issues. In 1993-1994, the House voted twice on measures to cut funding for the School, but these were rejected. However, legislative action in 1994 did require a report on the School’s promotion of respect for human rights and civilian authority. In 1995 and 1996, there were no congressional votes to restrict funding for the School in Defense or Foreign Operations measures, although the House Appropriations Committee did include language on the School regarding human rights training in its reports accompanying foreign operations bills for those two years. In 1996, the Committee requested a report on the School’s selection process and monitoring of the human rights practices of its graduates. In 1997, the House rejected an amendment to eliminate funding for the School during September consideration of the FY1998 Foreign Operations Appropriations bill, H.R. 2159. But that same bill contained a House provision, prohibiting IMET funding for the School unless specific actions were taken related to human rights and the selection and screening process for the School’s students. This provision was enacted into law with the FY1998 Foreign Operations Appropriations bill, P.L. 105-118. In 1998, the House voted on, but failed to pass,

¹⁶ Bowman, Tom. “U.S. Army School for Latin Officers May be Reformed,” *Baltimore Sun*, May 2, 2000, p. 1A.

an amendment eliminating or restricting funding for the School, during September 17, 1998 debate on H.R. 4569, the Foreign Operations Appropriations bill for FY1999. However, language was subsequently included in the foreign aid provisions of the FY1999 omnibus appropriations measure, H.R. 4328, P.L. 105-277, signed into law October 21, 1998, requiring the Secretary of Defense to certify that the instruction and training provided at the School was fully consistent with that provided by DOD to U.S. military students. In 1999, the House, for the first time, voted on June 29 to eliminate funding for the School of the Americas, passing an amendment to the Foreign Operations Appropriations bill for FY2000, H.R. 2606, by a vote of 230-197. Ultimately, however, this provision was deleted in conference.

In 2000, both the House and Senate versions of the FY2001 defense authorization bill, H.R. 4205, include provisions that would repeal the legislative authority for the School and replace it with authority for a new Institute to provide education and training to Latin American military and civilian personnel. On May 18, 2000, a House attempt to repeal the School's authority and establish a task force to assess the kind of education and training that is appropriate for DOD to provide to military personnel of Latin American nations was defeated by a vote of 204-214. Details on these congressional actions are provided below on a year by year basis since 1993.

1993. On September 30, 1993, the House rejected, by a vote of 174-256, an amendment to the FY1994 Defense Appropriations measure (P.L. 103-139, H.R. 3116) offered by Representative Joseph P. Kennedy II that would have cut \$2.9 million from the Army's operation and maintenance account. The amount reduced would have been equal to the amount dedicated to running the School, and the intent of the amendment, according to the sponsor, was to close the School.

1994. On May 20, 1994, the House rejected, by a vote of 175-217, a Kennedy amendment to an FY1995 Defense Authorization measure (H.R. 4301) that would have prohibited the use of funds for the U.S. Army School of the Americas. However, legislative action in 1994 did require a report to Congress on the activities of the School regarding its promotion of respect for human rights and civilian authority. Congress included this provision in the FY1995 Foreign Operations Appropriations measure (P.L. 103-306, H.R. 4426) which called for a report to the "Committees on Appropriations addressing how the proposed School of the Americas IMET program for fiscal year 1995 will contribute to the promotion of human rights, respect for civilian authority and the rule of law, the establishment of legitimate judicial mechanisms for the military, and achieving the goal of right sizing military forces."

1995. In its report to the FY1996 Foreign Operations Appropriations bill (H.Rept. 104-143 to H.R. 1868), the House Appropriations Committee strongly urged the Department of Defense (DOD) to continue its ongoing efforts to incorporate human rights training into the School of the Americas regular training curriculum. The Committee also urged DOD "to rigorously screen potential students to make certain they have not take part in past human rights abuses." It also noted that it "intends to carefully review the action of the School of the Americas and urges the Department of Defense to place increased emphasis on the human rights performance of its students."

In November 1995, Representative Kennedy introduced a bill, H.R. 2652, to close the School of the Americas and establish a United States Academy for Democracy and Civil-Military Relations. No action was taken on the measure in the 104th Congress.

1996. The House Appropriations Committee — in its report to the FY1997 Foreign Operations Appropriations bill (H.Rept. 104-600 to H.R. 3540) — again urged DOD to continue its ongoing efforts to incorporate human rights training into the regular training curriculum. The Committee stated that it believed that the human rights component of the curriculum should be increased. It urged the Department of State and the Department of Defense to rigorously screen potential students to ensure they have not taken part in past human rights abuses. The Committee pledged to continue to carefully review the activities of the School, and urged both the Department of State and the Department of Defense to place increased emphasis on monitoring the human rights performance of the School's graduates. Most significantly, the Committee instructed the Secretary of Defense, in consultation with the Secretary of State, to prepare a report on the School no later than January 15, 1997. The report was to provide information in three areas: (1) details on the overall selection process for potential students; (2) a description of the process used to screen potential students to determine if they have participated in past human rights abuses; and (3) a description of the long-term monitoring of the School's graduates in the area of human rights, including cases of abuses as well as cases where graduates made significant contributions to democracy-building and improved human rights practices. (See discussion of the report below.)

1997. On February 5, 1997, Representative Kennedy introduced a bill, H.R. 611, to close the School of the Americas. Different than H.R. 2652 introduced in the 104th Congress, the initiative did not call for the establishment of a U.S. Academy for Democracy and Civil-Military Relations, but instead pointed to a DOD initiative to create an Inter-American Center for Defense Studies. According to the bill, the Center would “provide professional training and education relevant to defense management in a democratic constitutional context.” A similar bill, S. 980, was introduced in the Senate by Senator Richard Durbin on June 27, 1997. No action was taken on either measure in the 105th Congress.

As reported out of the House Appropriations Committee July 14, 1997, the House version of the FY1998 Foreign Operations Appropriations bill, H.R. 2159 (H.Rept. 105-176), provided that no IMET funds may be made available to the School of the Americas unless: 1) the Secretary of Defense certified that the School's instruction and training is fully consistent, particularly with respect to the observance of human rights, with training and doctrine provided by DOD to U.S. military students; 2) the Secretary of Defense certified that the Secretary of State, in consultation with the Secretary of Defense, has developed and issued specific guidelines governing the selection and screening of candidates for instruction at the School; and 3) the Secretary of Defense submitted to the Appropriations Committees a report detailing the training activities of the School and a general assessment regarding the performance of its graduates during 1996.

The House Appropriations Committee report accompanying H.R. 2159 (H.Rept. 105-176) noted its dissatisfaction with the DOD report to Congress on the School

that was required by the Committee's report to FY1997 legislation (H.Rept. 104-600 to H.R. 3540). The DOD report, which was to detail the selection and screening process for students and long-term monitoring of the School's graduates, was due to Congress by January 15, 1997, but was not received until June 25, 1997. The Committee asserted that the report was "woefully inadequate" and did not respond to the Committee's specific request. The report provided brief general information on the selection and screening process of School candidates, indicating that it differs from country to country and that the host country is responsible for selection and initial screening. According to the DOD report, after a candidate is selected by the host country, the name is forwarded to the U.S. embassy and "all appropriate [U.S.] mission offices and agencies.....are expected to conduct a thorough background check against their own records." With regard to long-term monitoring of the School's graduates, the report stated that neither DOD nor the Department of State have formal monitoring programs, but noted that some U.S. embassies maintain records of host country military personnel who have received training in the United States. The DOD report further stated that "neither the U.S. country teams, nor the School of the Americas have the resources necessary to monitor the conduct of the nearly 60,000 former students of the School of the Americas."

On July 16, 1997, the Senate, during consideration of S. 955, its version of the Foreign Operations Appropriations bill for FY1998, adopted an amendment of Senator Dodd, by voice vote, that provided for the reform and annual review of U.S. sponsored training programs of Latin American military personnel at the School of the Americas and elsewhere to ensure that training is consistent with respect for human rights and civil control over the military. On July 17, 1997, the Senate passed S. 955 by a vote of 91-8, clearing the bill for a conference with the House.

On September 4, 1997, the House during consideration of H.R. 2159, the Foreign Operations Appropriations bill for FY 1998, rejected by a vote of 210-217, an amendment by Rep. Torres. This amendment would have prohibited the expenditure of any funds appropriated or otherwise made available by H.R. 2159 for programs at the School of the Americas at Fort Benning, Georgia.

On November 12, 1997, the conference report on H.R. 2159, the Foreign Operations Appropriations bill for FY1998, passed the House by a vote of 333-76, and passed the Senate by a voice vote the same day. The President signed this legislation as P.L. 105-118 on November 26, 1997. This legislation provided that no IMET funding could be provided for the School of the Americas unless the Secretary of Defense certified specific things: (1) that the instruction and training provided by the School of the Americas was "fully consistent with training and doctrine, particularly with respect to the observance of human rights," provided by the Defense Department to U.S. military students at DoD training institutions. (2) the Secretary of Defense had to certify that the Secretary of State, in consultation with him, had "developed and issued specific guidelines governing the selection and screening of candidates for instruction at the School of the Americas." Finally, the Secretary of Defense had to submit to the House and Senate Appropriations Committees a report that detailed the training activities of the School of the Americas, and give a general assessment of its graduates' performance during 1996. On January 21, 1998, in a letter to the Appropriations Committees, Secretary of Defense William Cohen provided the certifications required in P.L. 105-118.

1998. On September 17, 1998, the House of Representatives rejected by a vote of 201-212, a substitute amendment by Rep. Joseph P. Kennedy to H.R. 4569, the Foreign Operations Appropriations bill for FY1999, that would have decreased the funding in Title III of the bill for International Military Education and Training by \$756,000. The Kennedy substitute became a vehicle for debate on the School of the Americas after an amendment of Rep. Esteban Torres, that would have barred any funds in H.R. 4569 from being made available for programs at the School of the Americas, was initially ruled out of order. After the debate on the School was concluded, and the Kennedy substitute defeated, the Torres amendment was in order under House procedure. The House defeated the Torres amendment by a voice vote on September 17, 1998. Nevertheless, H.R. 4569 as introduced, and as passed by the House, still included language requiring a certification by the Secretary of Defense that education and training at the School were consistent with training and doctrine provided by the DOD to U.S. military students at DOD institutions.

Final congressional action on the FY1999 foreign operations appropriations measure was ultimately included in the Omnibus Consolidated and Emergency Appropriations Act for FY1999, Section 101 (d) of Division A of P.L. 105-277 (H.R. 4328) signed into law October 21, 1998. The measure included language on the School of the Americas similar to that in H.R. 4569, and stated that no funds could be provided “to support grant financed military education and training at the School of the Americas unless the Secretary of Defense certifies that the instruction and training provided by the School of the Americas is fully consistent with training and doctrine, particularly with respect to the observance of human rights, provided by the Department of Defense to United States military students at the Department of Defense institutions whose primary purpose is to train United States personnel.” On December 10, 1998, the Secretary of Defense made this required certification.

1999. Identical bills to close the School of the Americas were introduced in 1999. On February 11, 1999, Representative Joseph Moakley introduced H.R. 732; Senator Richard Durbin introduced S. 873 on April 22, 1999. The bills would also express the sense of Congress that, in each training activity undertaken by the United States with foreign security forces, the Secretary of Defense should: substantially increase emphasis upon respect for human rights, the proper role of a military within a democratic society, and accountable and transparent management of defense and security policy; and vigorously implement Department of Defense regulations regarding the screening of foreign candidates for inclusion in the training activity to ensure that the United States does not train individuals implicated in human rights abuses, illegal drug trafficking, or corruption. No action was taken on either of these measures in 1999. Instead, debate on the School took place during consideration of the annual foreign aid appropriations measure.

On July 29, 1999, the House passed, by a vote of 230-197, an amendment of Representative Moakley to H. R. 2606, the Foreign Operations Appropriations bill for FY2000, that would prohibit the expenditure of funds appropriated or otherwise made available by H.R. 2606 for programs at the United States Army School of the Americas at Fort Benning, Georgia. This action was the first time that the House had voted to eliminate funding for the School of the Americas. The Senate version of H.R. 2606, however, did not include a provision prohibiting funding for the School of the Americas, so the issue was to be resolved in conference.

On September 27, 1999, the conferees on H.R. 2606 rejected the House position on ending funding for the School of the Americas (see H.Rept. 106-339). The conferees allowed funding to continue on the condition that the Secretary of Defense certify that the instruction and training provided by the School of the Americas was “fully consistent with training and doctrine, particularly with respect to the observance of human rights, provided by the Department of Defense to United States military students” at Defense Department institutions whose “primary purpose is to train United States military personnel.” In addition, the conferees on H.R. 2606 required that the Secretary of Defense submit to the Appropriations Committees of the Congress, not later than January 15, 2000, “a report detailing the training activities of the School of the Americas and a general assessment regarding the performance of its graduates during 1997 and 1998.” Since H.R. 2606 was ultimately vetoed by the President, this provision was enacted as part of the Consolidated Appropriations Act for FY2000, P.L. 106-113 (H.R. 3194), signed into law on November 29, 1999, which enacted by reference the new version of the FY2000 Foreign Operations Appropriations bill, H.R. 3422. On January 4, 2000, the Secretary of Defense made the certification required by P.L. 106-113. The report required by P.L. 106-113 was also submitted to the Appropriations Committee subsequently, thereby fulfilling the conditions set out in this statute.

2000. Both the House and Senate versions of the FY2001 defense authorization measure, H.R. 4205, include provisions that would rewrite the charter and mission of the School. Both versions of H.R. 4205, approved by the House on May 18 (by a vote of 353-63) and by the Senate on July 13, 2000 (by a vote of 97-3),¹⁷ would repeal the legislative authority for the School of the Americas and replace it with new authority for an Institute to provide professional education and training to military, law enforcement, and civilian personnel from Western Hemisphere nations. The House version of H.R. 4205 would call the new facility the “Defense Institute for Hemispheric Security Cooperation;” the Senate version would call it the “Western Hemisphere Institute for Professional Education and Training.”

On May 18, 2000, during House floor consideration of H.R. 4205, an amendment offered by Representative Moakley that would repeal the School’s legislative authority, but not establish a new Institute to replace it, was defeated by a vote of 204-214. The amendment would have established a task force to conduct an assessment of the kind of education and training appropriate for DOD to provide to military personnel of Latin America. The task force, which was to be composed of eight Members of Congress, was to have submitted a report to Congress within six months. The report was to have included a critical assessment of courses, curriculum, and procedures appropriate for such education and training, and would also have included an evaluation of the effect of such education and training on the performance of Latin American military personnel in the areas of human rights and adherence to democratic principles and the rule of law. The amendment also would have prohibited the establishment of any new education and training facility within DOD to train Latin

¹⁷ The Senate first considered its version of the FY2001 defense authorization bill, S. 2549, which was introduced on May 12, 2000 and reported by the Senate Armed Services Committee (S.Rept. 106-292). After floor consideration of S. 2549, the Senate incorporated the bill into its version of H.R. 4205 as an amendment on July 13, 2000.

American military personnel for ten months after the enactment of the defense authorization measure.

Both the House- and Senate-passed versions of H.R. 4205 provide the Secretary of Defense with the authority to operate a new education and training Institute. However, the Senate version provides that the Secretary of Defense may designate the Secretary of a Department of Defense military department to run the Institute, while the House version specifically provides that the Secretary of the Army may be designated to run the Institute.

In defining the purpose of the Institute, the House version of H.R. 4205 sets forth specific types of education and training; the Senate version provides the broad parameters of such training. The House version states that the facility shall provide education and training in defense and security matters, which are defined to include professional military education, leadership development, counter-drug operations, peace support operations, and disaster relief. In contrast, the Senate version states that the Institute shall provide professional education and training “within the context of the democratic principles set forth in the Charter of the Organization of American States and supporting agreements, while fostering mutual knowledge, transparency, confidence, and cooperation among the participating nations and promoting democratic values, respect for human rights, and knowledge and understanding of United States customs and traditions.” However, the Senate version does set forth specific education and training subjects in its provisions on the Institute’s curriculum.

With regard to the curriculum, both the House and Senate versions of H.R. 4205 provide that instruction would include not less than 8 hours covering human rights, the rule of law, due process, civilian control of the military, and the role of the military in a civilian society. However, the House Armed Services Committee’s report to H.R. 4205 (H.Rept. 106-616) goes further and recommends that the Secretary of Defense consider initiatives to increase such instruction beyond 8 hours where practicable, according to the following guidelines: a minimum of 12 hours of such instruction for students attending the Institute’s courses for up to eight weeks, 24 hours of instruction for students attending courses between eight and fifteen weeks, and 40 hours of instruction for those attending courses over fifteen weeks duration. Also pertaining to the curriculum, the Senate version notes that it may include instruction and other educational and training activities on leadership development, counter-drug operations, peace support operations, disaster relief, and any other matters that the Secretary determines appropriate. In the House version, as noted above, these activities were set forth in the purpose of the Institute as part of its education and training in defense and security matters.

Both the House and Senate versions mandate a Board of Visitors to review the Institute’s curriculum in order to ensure that it complies with appropriate U.S. laws and regulations, is consistent with U.S. policy goals toward Latin America and the Caribbean, and adheres to current United States doctrine. The Senate version further mandates that the Board of Visitors review the curriculum to determine that it appropriately emphasizes human rights, the rule of law, due process, civilian control of the military, and the role of the military in a democratic society.

With regard to the composition of the Board of Visitors, the House version of H.R. 4205 provides that the Secretary of Defense or the Secretary of the Army will appoint the members, although no fixed number is set. Consideration will be given to recommendations by the House Speaker and minority leader, the Senate majority and minority leaders, the commander of the U.S. Southern Command, and representatives from academic institutions, religious institutions, and human rights organizations. In contrast, the Senate version provides for 17 board members, composed of two Senators designated by the President pro tempore of the Senate; two House Members designated by the Speaker; six members designated by the Secretary of Defense with at least one from academia, one from the religious community, and one from the human rights community; one person designated by the Secretary of State; one from each of the armed forces (the senior military officer for training or doctrine or the officer's designee); and the commander of the U.S. Southern Command or his designee.

In both the House and Senate versions of H.R. 4205, the Board of Visitors is required to submit a report to the Secretary of Defense of its action and its views and recommendations pertaining to the Institute. The House version goes further by requiring the Secretary of Defense, within 30 days of receipt of the Board's report, to transmit the report to Congress with the Secretary's comments.

Finally, the Senate version of H.R. 4205 requires that the Secretary of Defense submit a report to Congress not later than March 15 of each year on the activities of the Institute during the preceding year. The House version does not require such a report.