

Eichmann in Memphis?

The Trial of Nicolás Carranza

By John Lamperti



"A report on the banality of evil." That was the subtitle of Hannah Arendt's memoir of the 1961 Jerusalem trial of former SS Lt. Colonel Adolf Eichmann.¹ It also fit the scene in a Memphis courtroom early in November 2005, when another ex-Colonel named Nicolás Carranza faced his accusers and his past. Carranza, then 47, had been Vice-Minister of Defense in El Salvador during the terrible year 1980 when some 12,000 people met violent deaths; the great majority of the victims were unarmed civilians murdered by the Salvadoran military and police. In 1983 Carranza was head of the notorious Treasury Police (Policía de Hacienda), probably the most brutal and feared of the so-called "security" forces. But in Memphis the iron-faced, hard-line colonel was nowhere in sight. Instead there was Señor Carranza, a white-haired grandfather and a respected citizen of the town where he has lived for almost 20 years.

Eichmann was accused of orchestrating the murder of millions of Jews during Nazi Germany's "final solution." In the dock he seemed reduced and harmless, a bureaucrat who insisted he "had never hated the Jews," rather than a sadistic mass murderer. A banal and mediocre person, in other words, who prided himself on loyally following orders. Arendt says the prosecution's case "was built on what the Jews had suffered, not on what Eichmann had done" – but the principle of "justice," to which the chief judge in particular was dedicated, demanded that Eichmann be tried for his own deeds and that larger questions such as "How could it happen?" and "Why the Jews?" had to be left aside.

In fact Eichmann *was* a bureaucrat, an administrator, and it was never proved that he had killed anyone with his own hands. Even so his role in the atrocities of the holocaust—themselves prominent in the trial and not at all in dispute – was an essential one, and his "technical" work was more than enough to justify the eventual guilty verdict. But there was more. Despite his protestations – he was, after all, on trial for his life – Eichmann was unquestionably deeply anti-Semitic. He had fully accepted the aims of the final solution, and in the last months of the war tried desperately to complete the murder of the Jews of Hungary *despite orders from Himmler* that the killings should stop and evidence of past atrocities be covered up.

The meaning of the phrase "banality of evil" has been widely debated, and its validity in the case of Eichmann cast into doubt. But a minimal interpretation is indisputable: the fearsome and powerful SS officer was not visible in the Jerusalem courtroom, only a rather slight and ineffectual 55-year old man, a prisoner no longer capable of committing great harm or inspiring fear.

Something like that was true of Nicolás Carranza.

The plaintiffs in the suit against him – this was a civil action under the Alien Tort Claims Act, not a criminal prosecution – were people who had suffered personally from the military's war on the Salvadoran people. One of them – Señora Erlinda Franco – was the personal connection that took me to Memphis to observe the trial. Her husband Manuel Franco had been among the directors of the Frente Democrático Revolucionario (FDR), a broad center-left coalition of civilian, political groups opposed to El Salvador's ruling junta. The president of the FDR was Enrique Alvarez Córdova, the son of one of the country's wealthiest families. Alvarez was a passionate advocate for agrarian reform who at 50 had evolved into an able and popular leader. In November 1980, while Nicolás Carranza was vice-minister of defense, Alvarez, Franco, three other FDR directors and a slum-dwellers organizer were kidnapped from a meeting at San Salvador's Jesuit high school, tortured, and murdered; their bodies were dumped on the outskirts of the capital. There was no doubt that units of the Salvadoran armed forces carried out the crime. Señora Franco, then in her mid 20s, was left a widow with four small children and few resources to support them. In addition to her personal tragedy the FDR murders were a disaster for the nation, since they ended any possibility of negotiations that might have prevented the coming eleven-year civil war. "Who am I going to talk to now?" asked U.S. Ambassador Robert White when he heard about the killings.

In one respect the proceeding in Memphis was a disappointment. I had devoted years to learning and writing the story of Enrique Alvarez, the millionaire gentleman and sportsman who became a leading revolutionary.² I had hoped that the evidence in Carranza's trial would fill in a missing page in Alvarez's biography, that it would reveal exactly who made the decision to kill the FDR leaders. It did not. I already knew from declassified U.S. Embassy cables that high Salvadoran military officers including Nicolás Carranza applauded the murders – but was it he who actually gave the order? Unfortunately, that particular smoking gun was not among the evidence. The case actually presented against Carranza was based on his general "command responsibility," not on direct personal involvement in specific crimes.

The other plaintiffs included Ana Patricia Chavez whose parents were active with the Salvadoran teachers' union. Her mother was beaten before her eyes, then shot in an adjacent room by plainclothes gunmen in July 1980; her father was also murdered about the same time. Francisco Calderon saw his father, a school principal and also a union member, shot in their home in September of that year. Cecilia Santos was a student when she was arrested in a shopping center that same month. She was held for eight days and severely tortured in the headquarters of the National Police, then imprisoned for three years. Finally, Daniel Alvarado was an engineering student in 1983, when he kidnapped by five men. He was then tortured repeatedly by the Treasury Police until he falsely confessed to the killing of a U.S military advisor. U.S. officials later concluded that Alvarado had nothing to do with the assassination and had "confessed" only to stop the torture. In none of these cases was any official punished, or even charged, for their misconduct.

The testimony of these plaintiffs/victims provided only a small sample of the horror; violence and terror were endemic in the land. One more example: in May 1980 some 600 peasants, mostly women and children, were slaughtered by the Salvadoran army and government-backed paramilitaries while trying to cross the Sumpul River to gain safety in Honduras. This atrocity was documented by the Honduran Catholic Church and reported in the Honduran media and later in the British (but not the U.S.) press. The top government and military authorities of both El Salvador and Honduras denied that any such event had occurred, but the Truth Commission established by the 1992 El Salvador peace accords found that the massacre was amply documented. It was Nicolás Carranza's responsibility to have prevented that sort of behavior by the armed forces, and, after the fact, to have investigated the events and punished those responsible. Nothing of the kind took place.

All the plaintiffs testified early in the trial, and their stories, repeated to the jury through two very capable interpreters, must have made an impression. The rest of the prosecution's case had a different character, and depended on three expert witnesses. Their role was to provide the necessary context for the crimes the jury had heard described, and to explain Salvadoran military law and the responsibility of the commanders. Robert White was the U.S. Ambassador to El Salvador during the year when Col. Carranza was vice-minister of defense. White explained the situation there at the time, describing the country's long sequence of military governments, the violent repression against the population, and the coup in October 1979 that installed a reform-minded civilian/military governing junta. That reform government failed after less than three months, precisely because it could not control the armed forces or prevent their attacks on civilians. It was replaced by another junta even less able to control the military. During this time, White said, Col. Carranza was the "operational commander" of the Salvadoran armed forces. His nominal chief, defense minister García, served as the "public relations man," and to a great extent the two formed an inseparable team. This picture was in sharp contrast to the defense claim that Carranza was only a subordinate giving advice and following orders. White also confirmed earlier press reports that Carranza had been on the CIA's payroll for many years.

The second expert witness, José Luíís García, is a retired colonel from the Argentine army who testified about Salvadoran military laws and structures. Col. García emphasized a commander's duty to maintain discipline and enforce compliance with national and international laws. These include El Salvador's obligations under several treaties and the Geneva Conventions to respect human rights in both internal and external conflicts. The final witness for the plaintiffs was Stanford University professor Terry Karl, who testified as an expert on Salvadoran history. She reinforced Ambassador White's description of the terror against the civilian population of the country as well as his assertions regarding Col. Carranza's knowledge and control over what his subordinates were doing. She described the Sumpul River massacre and other military atrocities to the jury, and was able to produce U.S. Embassy cables from 1980 and 1983 showing that Carranza was well aware of the abuses by forces under his control. During those years no Salvadoran military officer was disciplined for any of these crimes.

The case against Col. Carranza was organized and brought to trial by a San Francisco-based non-profit, non-government organization named the Center for Justice and Accountability (CJA). The Center was founded in 1998 with support from Amnesty International and the UN Fund for victims of torture. Its purpose is to combat the impunity that major abusers of human rights have enjoyed in their own countries and, all too often, in this nation too. The CJA has brought suit in U.S. courts

against other Salvadoran military officers as well as abusive officials from ten other nations including in this hemisphere Chile, Haiti, and Honduras. Pro bono support from outside attorneys and experts is a major asset in this work, and Tennessee attorney David Esquivel participated in the Carranza case along with Center staff. In particular Esquivel contributed incisive cross-examinations of defense witnesses, including Col. Carranza himself.

The defense followed a pattern analogous to parts of the Eichmann trial. It did not try to discredit the plaintiffs' testimony or to justify the suffering they had described; instead, it sought to deny or minimize Carranza's responsibility. First, his career was summarized and the defense stressed that he had spent much of his active service in one form of training or another, some of it in the United States. Second, the defense claimed that Carranza's 1980 role as vice-minister was mostly administrative and technical. According to the theoretical organization chart of the military, he *advised* the minister; he *recommended* measures to take; he *suggested* operations to be carried out by the various armed services, which included all the branches of the military plus the three militarized security forces. Third, Carranza just *followed orders*. As part of the chain of command, he passed on the decisions of higher authority and provided "technical" support to the operational units. Fourth, he pleaded ignorance. If there were "death squads" within the Salvadoran military, he knew nothing about them; most of those "rumors" were communist propaganda in any case, he said. Of course all that violence and killing which did happen was unfortunate, but it came from extreme elements of the right and left and had nothing to do with *him*.

Carranza acknowledged that as commander of the Treasury Police in 1983 he *did* have direct control of troops, but he insisted that he did nothing wrong. True, the TP had a bad reputation for human rights abuse, but that was his predecessor's fault and he tried to make improvements. If bad things continued to be done, as in the case of Daniel Alvarado, out-of-control subordinates were responsible and he didn't know about it. (No subordinates were disciplined for those acts, however.) Finally, Carranza and his lawyers argued, astoundingly, that if he had been such a bad man as he was portrayed, the U.S. government (the CIA) would not have continued to pay him!

El Salvador's president Tony Saca defended the former colonel in an interview. Saca, elected in 2004 with strong U.S. backing, belongs to ARENA, the political party founded by death-squad organizer Roberto D'Aubuisson. "I believe there are people who struggled for peace, democracy and liberty, and Colonel Nicolás Carranza was one of them," he told the Salvadoran press. Saca raised a theme touched only lightly in Memphis, that in a time of war and aggression by an enemy who (he said) did not respect human rights, the armed forces were ready to do anything necessary to win. The president failed to mention that the "aggression" came from Salvadoran citizens fighting against military and economic oppression.

Adolf Eichmann was on trial for his life in Jerusalem; convicted of genocide and "crimes against humanity," he was executed after an unsuccessful appeal. In Memphis, Nicolás Carranza faced, at worst, a large financial judgment against him. That is what he received. The jury found in four of the five cases that Carranza did indeed have "command responsibility" for the suffering of the plaintiffs, and ordered him to pay a total of \$6 million in compensatory and punitive damages. The decision stated that Carranza's acts also constituted "crimes against humanity" as part of a "widespread or systematic attack against the civilian population of El Salvador."

The trial and verdict of course left some loose ends, and the CJA website summarizes what followed: "Carranza appealed the verdict to the Sixth Circuit Court of Appeals. On March 17, 2009 the Sixth Circuit upheld the jury verdict. In May 2009, Carranza petitioned for cert with the U.S. Supreme Court. His petition was denied."

Adolf Eichmann, like many of his former Nazi colleagues, lived peacefully in Argentina for a decade before he was captured by Israeli agents and brought to trial in Jerusalem. He did use a false name and papers, but his identity was not deeply hidden. Nicolás Carranza came openly to the United States in 1986, became a citizen in 1991, used his own name and felt he did not need to hide; until this case was filed he had never been confronted with his criminal past, and according to his lawyer he lived "an exemplary life" in Memphis. That is not unusual. Many foreign dictators, criminals, and abusers of human rights have found sanctuary in the United States, provided they were on "our" side of the Cold War. Regardless of future developments, the Carranza case, together with others brought by the CJA and allied groups, prove that this disgraceful pattern can be changed. But the CJA adds this final note: "As of early 2009, Nicolas Carranza still resides in the United States."

¹ Hannah Arendt, *Eichmann in Jerusalem: A report on the banality of evil*. New York: The Viking Press, 1963.

² John Lamperti, *Enrique Alvarez Córdova: The life of a Salvadoran revolutionary and gentleman*. Jefferson NC and London: McFarland, 2006.