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### **Provocateur for Justice:**

#### **Notes on the Imprisonment of Professor Luis Barrios**

Each November, thousands gather to hold a peaceful protest against the US Army School of the Americas outside the gates of Fort Benning, Georgia, where the School is located. The mission of the School of the Americas (also known as the Western Hemisphere Institute for Security Cooperation) is to train Central and South American military in counter-insurgency warfare, military intelligence and counter-narcotics operations. The School's curriculum (taught in Spanish) involves not only techniques of political propagandizing and interrogation, but also torture and assassination. Essentially, the SOA teaches young foreign soldiers how to commit nefarious crimes, then sends them back home to put into practice what has been taught on American soil by American teachers.

Since its inception in 1946, more than 60,000 members of Latin American militaries have trained at the School of the Americas (SOA Watch, 2009). SOA graduates have included some of the most notorious human rights abusers in Latin American history. Panama's Gen. Manuel Noriega, long imprisoned in Florida for international narcotics trafficking, is an SOA graduate, as were Roberto D'Aubuisson, godfather of the Salvadoran death squads during the 1980s, and Bolivia Dictator Gen. Hugo Banzer, who orchestrated a campaign of murder and torture against the Bolivian people from 1971 to 1978 (Gill, 2004). SOA graduates have led military coups. They have massacred entire villages, in the process dismembering old women and infants with chainsaws. They have

raped and murdered American church women; tortured labor leaders before throwing them out of helicopters; and murdered priests and nuns in cold blood, including the 1980 assassination of Archbishop Oscar Romero, a beloved El Salvador figure and nominee for the 1979 Nobel Peace Prize—shot in the heart by SOA graduates while saying mass in the chapel of a hospital where he worked (Hodge and Cooper, 2004). In 1981, soldiers of the Salvadoran Army, led by a squad of SOA graduates, killed 900 men, women and children in El Mozote, El Salvador, and buried them in shallow graves (Danner, 1994).

For the United States Government, these crimes are seen as an unfortunate consequence associated with the development of democracy in Latin America. For others, the School of the Americas is what one critic calls ‘a window through which US foreign policy can be seen clearly’ (Nelson-Pallmeyer, 2001: xvii). For them, the SOA is known as the School of the Assassins, a dark instrument of US foreign policy that undermines democracy and aggravates problems rooted in global inequality—not only in Latin America, but in Iraq, where US policies on torture led to the disgrace of Abu Ghraib.

Opposition to the School of the Americas began in November 1990 when a charismatic Cajun priest from Louisiana named Roy Bourgeois, a decorated Vietnam War veteran, and two colleagues commemorated the first anniversary of the assassination of six Jesuit priests and their two housekeepers by SOA-trained Salvadoran soldiers by pouring blood and planting a cross on the grounds of Fort Benning. They were arrested and sentenced to several months in prison (Gill, 2004). Thus were the humble beginnings of the SOA Watch, Bourgeois’ powerful religious-based protest movement to close the School of the Americas. Over the years Bourgeois’ organization has fought (and often

won) Congressional battles over funding for the SOA and launched an investigation that forced the Pentagon to admit that the SOA used manuals advocating torture and assassination. By 2006, crowds at the annual November demonstration outside the gates of Fort Benning were drawing some 20,000 human rights activists from around the world, including World War II and Vietnam veterans, union workers, teachers, students, musicians and Hollywood actors. But religious clergy remained the most dedicated to Bourgeois' vision of shuttering the SOA. And each November, hundreds of these activists risked imprisonment by participating in a solemn ceremony known as 'crossing the line'—wherein the activist crosses onto the military base in a display of solidarity with the victims of SOA-instigated atrocities. Before making this step onto Fort Benning property, the activist is joined by the crowd in reciting the name of an SOA victim; and then intones the Spanish word, *Presente!* (Present!). Crossing the line is no small matter. It is a crime punishable by time in federal prison.

Between 1990 and 2009, a total of 296 activists have spent a collective 95 years in federal prison for crossing the line (SOA Watch, 2009). A good number of these prisoners have been elderly nuns and priests, including the blind, crippled and infirmed. Yet criminology has paid absolutely no attention to them. Nothing is known about the background of these prisoners of conscience, their motivations for crossing the line and risking careers, family and well-being; nor is anything known of their treatment behind bars. Here, we seek to remedy these failures by publishing original documents associated with the imprisonment of one of these activists.

The Case of Luis Barrios

Of the thousands who gathered outside Fort Benning on November 22 and 23, 2008, six were found guilty of illegally entering the military base and appeared for sentencing before United States Magistrate Judge G. Mallon Faircloth in Columbus, Georgia, on January 26, 2009. The ‘SOA six,’ as they were called, ranged in age from 21 to 68. Among them was 54-year-old Luis Barrios, an Episcopal priest in the Diocese of New York, chairman of the Latin American studies department at New York’s John Jay College of Criminal Justice, and a friend of this journal. Ironically, the same week that Professor Barrios began serving his prison sentence he co-authored an article in *Crime, Media, Culture* entitled, ‘Displacement and stigma’ (Brotherton and Barrios, 2009). We begin with Professor Barrios’ Declaration of Defense, printed here verbatim from court testimony on the day of his sentencing (USA v Luis Barrios et al.).

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THE COURT: You can have a seat then. I call now case number 4:08-PO-10, United States of America versus Luis Barrios. All right, Mr. Barrios. Reverend Barrios, you have been convicted of violation of Title 18, United States Code, Section 1382, a criminal trespass upon a government installation and reservation property. I’ll hear from you and counsel if you have anything to say prior to sentencing something [sic].

MR. CONWELL [Attorney for Barrios]: Thank you, Your Honor. Just by way of brief introduction, I’d like to explain that Father Barrios is an Episcopalian priest serving in the Episcopal diocese of New York, and he’s also the chair of the Department of Latin America studies at John Jay College of Criminal Justice of the City College in New York, and I would ask Reverend Barrios to try to speak as clearly as possible because I know it’s an

emotional issue for him, and his Puerto Rican roots may manifest themselves in his speech pattern. So we're going to work on that.

THE COURT: I speak Spanish; however, I never mastered Puerto Rican Spanish. It's entirely too fast.

DEFENDANT BARRIOS: Yes.

THE COURT: So if you would speak English, I'd appreciate it.

DEFENDANT BARRIOS: Yes. No problem. Well, first, thank you. You've been very patient. I'm not used to this treatment. I come from New York City. We do things very different, and coming to this court with your patience and your respect, means a lot to me.

THE COURT: Thank you.

DEFENDANT BARRIOS: So I'm going to request a little more patience with my accent. It's a Caribbean accent from Puerto Rico, but it's a beautiful accent.

THE COURT: I think it's excellent.

DEFENDANT BARRIOS: Oh, yes. Thank you. So, Honorable Judge Faircloth, on Sunday, November 23rd, 2008, I, along with other human rights activists, crossed the gates of Fort Benning. I did so with a photo of Monsignor Oscar Romero, the former Archbishop of San Salvador.

Upon his assassination, this brother, this companion, and this spiritual guide, was converted into our Saint Romero of the Americas. His assassination was planned and executed by graduates from the School of the Americas with the blessings of the USA Government, following a speech in which he pleads to the army to stop massacring the

Salvadoran people. In El Salvador, as well as all of Latin America, thousands of other women, men, and children have also been assassinated by agents of the School of the Americas. These silenced human beings, along with Saint Romero, deserve justice. To Saint Romero, as well as to the other victims, justice is what I am respectfully requesting here.

Honorable Faircloth, my meditation for that day, while I entered Fort Benning, was and still is this: I wish for this individual sacrifice to be transformed into a collective of spiritual ethics. Therefore, I confess in front of this court that I am not guilty of committing any crime against humanity.

THE COURT: I believe you injected a word that you did not intend.

DEFENDANT BARRIOS: Yes. However, I'm guilty of being a transgressor of any law that pretends to justify the injustice of oppression, exclusion, or assassination. I do so because these are not laws. I learned the spirituality of transgression from my Brother and companion, Jesus Christ, who in each of his actions in his native Palestine, while walking with the people, showed through a subversive ministry that it was necessary to violate the unjust law of the Roman Empire. He was condemned for being a transgressor. This transgression, my action, is not only morally right, but it's also an obligation. This is a way of building a new world, a better world. With no pretension of being compared to Jesus, which would be nothing but a lack of respect on my part, I only wanted to follow his example, in the most humble way.

This time I transgressed and trespassed the gates of Fort Benning, with a strategy of peaceful resistance founded in the basic principles of civil disobedience, an approach also known as nonviolence. My intention through the transgression of the gates

of Fort Benning was, and still is, to be able to demonstrate that from its inception in 1946, the School of the Americas, disguised since 2001 as the Western Hemisphere Institute for Security Cooperation, is one of those military institutions that pretends to justify oppression, exclusion, and assassination behind the semantics of national security and/or protection of democracy when in reality its goal is to validate and protect the political, military, and economic hegemony of the United States in Latin America.

Honorable Faircloth, historically my pastoral and academic activism has taught me that apathy in front of unjust law is an offense against peace-driven justice. Furthermore, it has taught me that it's my duty not to remain silent against injustices on one side and to fight rebelliously until justice prevails. This is the motivation behind my transgression on Sunday, November 23rd, 2008.

Honorable Faircloth, within this context it is necessary to understand the political violence exercised by the School of the Americas, as well as the impunity that is granted to its graduates. In other words, this institution is a symbol of U.S. despotism towards our Latin American countries. This is why whenever there is dissidence directed against U.S. expansionist policies, such in the cases of the Cuban Revolution, the Sandinista Revolution in Nicaragua, the Bolivarian in Venezuela, the Bolivian in Bolivia, or the popular revolution in Ecuador, only to mention a few, the USA government has consistently aimed to block and defeat democratic governments in favor of other governments that would help advance U.S. interests. This is what is known as political terrorism.

Most of the courses [at the SOA] revolve around what they call counter-insurgency warfare. Who are the insurgents? We have to ask that question. They are the poor. They are the people in Latin America who call for reform. They are the landless peasants who are hungry. They are healthcare workers, human rights advocates, labor organizers. They become the insurgents. They are seen as the enemy. They are those who become the target of those who learned their lesson at the School of the Americas. Similarly, it is incorrect, Honorable Faircloth, your intention to send a message of neutrality within the false context of interpreting the laws and applying the sentences. Your duty as a judge and citizen continues to be protecting justice. This partial neutrality linked to injustice makes you guilty of all the crimes committed by the School of the Americas and its graduates. Allow me to remind you that you have a moral responsibility in front of God and in front of her people to reject and combat unjust law.

Even more relevant still, Honorable Faircloth, you can become part of the Amnesty International Campaign to push the United States to recognize, support, and submit to the International Criminal Court regulations. It is an embarrassment to the United States, which holds democracy as one of its core value, but it has been able to sabotage an international institution that guarantees community existence, within a framework of respect, justice, and peace. It is not a secret either that this anti-democratic strategy only serves to guarantee U.S. impunity in relation to the crime that this criminal court is to judge.

Honorable Faircloth, if you or your system plans to punish me through incarceration, aiming to correct or modify my behavior as a transgressor who favors



justice and peace, I would like to inform [you] that this is not possible. I do not believe in punishment. I believe in the restitution of justice, and this is the reason why I am here today.

Honorable Faircloth, it is your decision -- if this is your decision to send me to jail, what I would like to make clear is that by doing so, you will be guilty of keeping silent and embracing apathy. Furthermore, you will be an accomplice for the crimes originated at the School of the Americas. This fact will be part of both of our history. I will not try to escape from the consequences of my actions. This...would do nothing but diminish the validity inherent in this action of civil disobedience against a country such as the United States....

Neither you nor your system will take away my dignity. The only thing that would be achieved is converting me into a prisoner of conscience, into an anti-terrorism activist. Therefore, if these proceedings of punishment are meant to force me to ask for forgiveness, this will not be achieved. I will not kneel and beg for forgiveness, for it is to my Latin American people only that I ought to ask for forgiveness for not acting earlier.

I am a free person. You can incarcerate my body, but you will never imprison my love for peace with justice, because my conviction has made me free. These principles would fly away from jail at their leisure, beyond any prison bars or unjust gates that you may see fit for me.

Therefore, Honorable Faircloth, there are transgressors that have contributed to moving forward positive changes in history because they dared raising their voices when injustice reigned, and when hope for the people remained unseen. Today it is my turn. I

hope I will be able to make a contribution as well. I hope you also understand that with my solidarity, love, the most important sacrament, I'm putting the system on trial. God bless us. In peace with justice, (additional comment in Spanish). Thank you, Your Honor.

THE COURT: Thank you. To the issue of trespass and breach of the prohibited conduct of trespass on Fort Benning, that was a moving statement. I don't know why these people [other activists] are so silent. "These principles will fly away from jail at its leisure." I like that. "Beyond any prison bars or unjust gates that you may see fit for me." I'm reminded of the English poet, Richard Lovelace, who said "stone bars do not a prison make or iron bars a cage." Your spirit impresses me, and I would do nothing to break that spirit. As you point out, I cannot do anything to break that spirit. However, my duty as I see it, having found you guilty of the criminal trespass as prohibited by the statute named earlier, we all know, I do require that you suffer the consequences that you observed must be suffered. I would not emulate New York.

DEFENDANT BARRIOS: Thank you.

THE COURT: I sentence you to a term of 60 days imprisonment and order that you pay a \$250 fine. I will make the same stipulation as to minimum security housing and the availability of books, manuscript, according to his studies and faith.

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## Prison

The Barrios case provides a cautionary tale for activists who are thinking about crossing the line at Fort Benning to protest US foreign policy: If convicted they will not be remanded to a 'Club Fed' institution where the living is easy. Professor Barrios began his sentence at the Metropolitan Correctional Center in New York City on March 9, 2009.

MCC-New York is a federal remand center that houses men and women inmates of all security levels. Prisoners of conscience are locked up alongside terrorists, gangbangers, organized crime figures, drug dealers, and white collar criminals. Those incarcerated at MCC with Barrios included a Somali pirate; an al-Qaeda operative involved in the 1998 East African Embassy bombings; and the disgraced Wall Street tycoon, Bernard Madoff.

Upon arrival at MCC, inmates are administered physical and psychological examinations and instructed on the rules. If cleared for general population, they are issued a baggy brown uniform and assigned to cells measuring 7 1/2-by-8 feet, each fitted with a sink and toilet. All inmates share this tiny, cramped space with a cellmate. Programming is non-existent. There are no work assignments beyond mundane janitorial duties. Inmates spend their days watching television, reading, sleeping, or working on their cases in the law library. Every other day, inmates are allowed up on the caged roof of the prison for an hour of exercise. Three hours a week are allotted for visits by family or lawyers; telephone calls are limited to 300 minutes per month.

These privileges are suspended, however, if an inmate is considered a security risk. Those inmates are dressed in orange jumpsuits and assigned to the 'hole' or the 'box,' known formally at MCC as the Special Housing Unit (SHU). SHU inmates spend 23 hours a day locked in their cells where they are repeatedly strip searched and constantly monitored by cameras. SHU inmates are at the rock bottom of the prison social order.

Such was the fate of Professor Barrios. Though he was sentenced by Judge Faircloth to minimum security housing, upon his arrival at MCC Barrios was immediately thrown in the hole due to the political nature of his crime. He was celled-up

with a 38-year-old Puerto Rican from Brooklyn; and then with a young ‘walking time bomb,’ as Barrios described him—a man serving time for the murder of another inmate—who instantly initiated a fight with Barrios. He then discovered that the heat in the SHU was out due to a broken water pipe. With little more than his jumpsuit to keep him warm against the cold Manhattan winter, the experience was ‘like living inside a refrigerator,’ he wrote to the editors in a March 19 letter. Like most inmates, contact with the outside would prove to be his lifeline. During his incarceration, Barrios received numerous letters of support: From Jeremy Travis, president of John Jay College; from members of the Latin American religious community of New York; and from academic colleagues of various political stripes. A vigil for Barrios was held outside the prison, and more than a hundred John Jay students signed a petition demanding his release and sent it to the warden. David Brotherton (2009a) gave a second to that emotion in a feisty essay published in the Guardian, drawing international attention to the case.

Below, we include three of Luis Barrios’ prison letters (written from Luis to his wife Minervita, and translated here from Spanish to English). The first two were written during his time in the hole; the third was written from general population after being release from the SHU. Not only do these letters speak eloquently about the conditions of confinement for prisoners of conscience—harkening the spirit of such prisoner writings as Martin Luther King’s masterpiece, ‘Letter from a Birmingham Jail’—but they reveal just how punishing these conditions can be on the body and soul of an older inmate. As the Barrios letters attest, hard-time for old-timers is a wretched experience.

March 11<sup>th</sup> 2009

My Dear Minervita

I received your two cards which are beautiful and full of love and compassion. They arrived in a very special moment.

I am still in the SHU (Special Housing Unit) on the 9<sup>th</sup> floor South in cell G-954. I was with a Puerto Rican man from the Bronx who is 38 years old and has spent 18 of those in prison. He is a good person and is already in my heart, remember him in your prayers, his name is David.

This cell is what is called “the box” and is very cold. I have to wear an orange jumpsuit “Guantanamo” style. They even took away the ring with the elephants. It is a space of about 6’x10” with a small window (1½ x 3½) which faces to the back of the building on 1 Centre street and a church with a Virgin on it. I spend 23 hours in the cell and for one hour they take you to the roof. I went up yesterday, not today, it didn’t feel very well since it was very cold. I have to eat three meals in the cell and in the same space we have a toilet where we take turns covering ourselves with a sheet even though we share the smells. My friend David has already left for another cell which leaves me alone with two rats with whom I share my wheat bread.

In this metal box called SHU I was visited by the doctor, the social worker and a psychologist. With the door closed in order to protect them they look at you through the glass in order to see how you are. I just smile and say I’m very fine. They only allow you to shower on Monday, Wednesday and Friday. I still have not been able to shave. In order to write before he left David gave me 4 stamps, envelopes, and paper. They give you a pen that for the most part doesn’t write. I am waiting to be moved to another cell where I can feel better and have access to a phone. The majority of the guards are nice.

However I am learning to challenge the practices of the system from inside...

I miss you a bunch, I love you very much and hope to see you soon. Say hello to the people and call my mother and let her know that I am fine. May God bless us.

Luis Antonio

Friday March 13<sup>th</sup> 2009  
MCC – New York

Hello Minervita

Thanks for another card I received with a lot of love....

I have to tell you that on Thursday around 2am I woke up with a tremendous pain on the right side of my stomach, with fever, nausea and vomiting. The officials who saw me told me that it was not an emergency and that I had to wait for the doctor to arrive. The doctor saw me around 11am from the window of my cell. Because I pressured him, he saw me in his office around 3pm, studied me and referred me to the hospital, one that is around here and that I had no idea existed.

The process of moving you from the prison is very denigrating. As always they have to undress you and give you other prison clothes. They put a chain around your waist that is then tied to your hands so as to not allow you to move. They then chain your feet. In this way three officials armed to the teeth take you to the hospital while people just stare, comment or just avoid you.

The medical personnel were very good and after a plaque and a scan they found stones in my right kidney. The stone comes from an infection that I got in my dear cell. My return to MCC was another hurtful experience because I had to again undress for a rigorous check. They look inside your mouth and ask you to lift your penis too see if you are hiding something. They ask you to turn around and open your butt cheeks and then they tell to put your clothes back on. They then sent me back to my cell from where I am writing to you in the midst of rats with whom I share my lunch (if you could call it lunch).

But not all was negative. I had the opportunity of interacting with the 3 officials who were watching over me and whose faces I had to see when I told them why I was in prison. They could not believe it. They were even more surprised when I told them that my decision to enter prison was my expression of a love full of solidarity which is the most important sacrament. In fact one of the officials interrupted me and asked me if I was Fr. Barrios? When I said yes his eyes filled with tears and he left the room. He later returned and told me about how I had helped his brother, a militant in a group I cannot mention in this letter. What a small world. From then he treated me completely different.

This all reminded me of my meditation on Monday morning about chapter 1 of the book of Jeremiah where God after calling the prophet promises him a fortified city in the midst of a crisis. They will fight against you but if I am with you they will not triumph.

Also with God's help the support, solidarity and love gives me strength to continue going ahead. Take care and we will see each other soon.

Luis Antonio – Victory is ours, they will never break my spirit in struggle...

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Upon his release from the hole on March 18, Barrios was moved to a housing unit populated with Colombian prisoners, mostly low-level drug traffickers who had been

transferred to MCC from a special prison in Bogota. He was later met in the prison visitation area by David Brotherton who recalled that ‘His eyes were darting all over the room. I’ve known Luis for many years and I’ve never seen that look on his face before. It’s a prison look, a way of interacting with each new environment, being circumspect and prepared’ (Brotherton, 2009b). Barrios’ reflections of this period of incarceration come fresh to his pen in this letter written on the day of his transfer to general population.

March 18<sup>th</sup> 2009

MCC – New York

My Dear Minervita

Where ever you may be my kisses, hugs and blessings.

Here everything is fine. I have received all your cards which fill me with a lot of happiness. My health is much better. I have already finished with the antibiotics and I have no pain. I still have to continue taking my medicine for ten more days which will supposedly dilute the stones.

I have a new cellmate called .... This is a challenge for me because of his age (31), his time imprisoned (5) and his prison culture of trying to impress and create fear. But he falls in place; he is a good person with a very good heart who just needs good orientation.

Today I was able to meet with my counselor who gave me the paperwork for receiving visits and making calls. ....

To everybody who asks for me tell them I am fine and that no one can break me. In fact everyday they ask why I am here and why am I always silent and don’t complain. This is my form of resistance and my way of turning this prison into an expression of love.

There is a church I see everyday from my window (I am only able to see it from the back). The priests there have put an image (statue) of the Virgin on top. I say hello to her everyday so that she may give me her blessing. I also have an image of St. Romero that Manolito sent me.

Well girl in order for you to check the checking account to see if the payment that I had been waiting for from Ecuador had arrived. I remember that the pin code was; oh hell I forgot.

Today the priest-chaplain passed by and told me that Fr. Koopercamp had called him and was coming tomorrow Thursday to visit me. Let’s see what happens. They should be

moving me this week to another unit, but, since Sunday I suppose I should not still be here with these brothers who have very interesting histories. I already have 10 days in the hole. Today I was able to shower and shave which means I look and smell better.

Ok girl, take care and we will see each other soon.

I love you,

Luis Antonio

Postscript

The SOA six were released from custody on May 6, 2009. On May 7, students and faculty convened a teach-in at John Jay College on human rights violations committed by graduates of the School of the Americas. The next evening, Luis Barrios delivered a popular mass at St. Mary's Episcopal Church in Harlem. His central message was to never forget how huge the margins are between the rich and poor.

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Readers interested in learning more about the School of the Americas can visit the SOA Watch website at <http://www.soaw.org/>