

February 14, 2012

President Barack Obama
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Secretary of State Hillary Rodham Clinton
U.S. Department of State
Harry S. Truman Building
2201 C Street, NW
Washington, DC 20520

Re: *The United States' Legal Response to Documented Human Rights Violations by the United States in Guatemala from 1948 through at least 1953*

Dear President Obama and Secretary Clinton:

We, the undersigned, write as Americans with a track record of defending the cause of human rights around the world. We ask you to avoid what would be a grave mistake and a monumental injustice by the Government of the United States in responding to human rights violations that our country has admitted to committing against innocent citizens of Guatemala in the late 1940s through a program of non-consensual medical experimentation conducted by our public health authorities.

While we recognize and applaud that both of you apologized to Guatemala in October 2010 for these human rights atrocities and recognized that the experiments were egregiously unethical as well as non-consensual, we were disappointed that the U.S. offered no more than an apology to the Guatemalan victims, their heirs, and communities impacted by these devastating abuses. Now, we are appalled to learn that the Department of Justice has asserted immunity in *Garcia, et al. v. Sebelius, et al.*, the legal case that the Guatemalan victims have brought in a U.S. court in order to obtain a tangible remedy for their human rights claims. In effect, it is as if the United States has announced to the world that merely saying that it is sorry is sufficient compensation to the aggrieved families for the substantial wrongs done in the name of our government.

As you know, the Presidential Commission for the Study of Bioethical Issues thoroughly reviewed documentation of these non-consensual experiments by U.S. government researchers and found that over 5,000 people from highly vulnerable populations were used without their consent and over 1,000 people were intentionally infected with sexually transmitted diseases. The report leaves absolutely no doubt that high-level U.S. government health authorities were in charge of a program that systematically and repeatedly violated the human rights of innocent victims.

A simple apology is not and cannot be considered enough to right this historic wrong. We remind you, Mr. President and Madam Secretary, that at the very time these gruesome medical experiments were taking place in Guatemala, the United States was publicly and proudly leading the world in the drafting and adoption of the Universal Declaration of Human Rights. Asserting immunity in a case like this one deeply offends every principle of human rights on which the United States has historically stood, and which we, the undersigned, have long asserted is the proper measuring stick for the conduct of other nations.

The annual report on human rights, published by the State Department, has declared that “it is imperative for countries, including our own, to ensure that respect for human rights is an integral component of foreign policy.”

We agree.

Therefore, we respectfully and strongly urge that the United States withdraw its assertion of immunity against the Guatemalan victims seeking justice in *Garcia, et al. v. Sebelius, et al.* Instead, our government should seek a fair and amicable settlement to right these substantial wrongs. Failure to do so will weaken our nation’s credibility in the area of human rights and diminish our country’s legacy of justice for human rights violations.

Sincerely,

American Federation of Labor and Congress of Industrial Organizations (AFL-CIO)

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Four Freedoms Forum
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Foreign Policy in Focus
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Guatemala Human Rights Commission/USA
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Guatemala Scholars Network

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Human Rights USA
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National Lawyers Guild

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Service Employees International Union (SEIU)

The Rebecca Project for Human Rights
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United Electrical, Radio and Machine Workers of America

United Methodist General Board of Church and Society
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