EXPLORING STATE CRIMINALITY: THE INVASION OF PANAMA

Ronald C. Kramer
Western Michigan University

Title: State Crime, The Media, And The Invasion of Panama
Authors: Christina Jacqueline Johns and P. Ward Johnson.
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Title: The Panama Deception
Director: Barbara Trent.
Writer and Editor: David Kasper.
Narrator: Elizabeth Montgomery.

One of the most important, yet neglected, areas of criminological inquiry is that of state criminality. The nation-state, through its organizational structures and state managers, has historically engaged in numerous violations of its own criminal and civil laws, as well as various forms of international law. Many of these state crimes have been exceedingly violent, destructive, and costly. Despite the frequency of state criminality and the enormous social harm that it causes, the discipline of criminology has paid scant attention to this form of illegal behavior. Only a few criminologists have undertaken any empirical or theoretical work in this area. And a recent analysis of criminal justice and criminology textbooks shows that “political” crime of any type gets very little coverage. (Tunnell, 1993a).

The neglect of crimes by the state, however, appears to be changing. A number of works dealing with state criminality have appeared in recent years (Chambliss, 1989; Perdue, 1989; Barak, 1991; Kauzlarich, Kramer, and Smith, 1992; Tunnell, 1993b; Kramer, 1992; 1994) and some textbooks now contain a chapter on the topic (Beirne and Messerschmidt, 1991; Sykes and Cullen, 1992). The book and film under review here are part of what I hope will be a growing trend among criminologists and others to explore the nature, extent, causes, and social control of state criminality.

Both the book by Christina Johns and P. Ward Johnson and the Oscar winning film by director Barbara Trent, focus on one specific act of state violence: the illegal invasion of Panama by the United States in [End page 43] December of 1989. State Crime, The Media, and The Invasion of Panama, and The Panama Deception, both cover the same general ground in presenting their case studies of this illegal armed intervention. Both sketch out the broad historical context of U.S.-Panamanian relations, document the shift in U.S. policy toward General Manuel Antonio Noriega, critique the reasons that President George Bush offered for what he called “Operation Just Cause,” analyze the complicity of the U.S. media in the affair, reveal the destructive consequences of the attack on Panama and its devastating aftermath, and offer some thoughts about the future of the United States and the region of Latin America.

Along the way, both the film and the book address a number of important criminological concerns. In addition to simply raising the critical issue of state violence and political crime, these works present some critical insights into the political economy of state criminality, the nature of international law and selective criminalization, and the problems of social control concerning institutional and organizational offenders.

Johns and Johnson open their book by sketching out the political and economic context in which the invasion of Panama took place. They use the concept of “rollback” to analyze U.S. foreign policy actions in the postwar period. Rollback is “the determination of U.S. policy elites to return to a precommunist world, with the final goals of eliminating Communism in the USSR and establishing free-market capitalism worldwide” (p.6). Rollback emerged as an especially potent force during the Reagan-Bush years and in fact, “the new world order” touted by Bush “was nothing more than a vision of successful rollback with the United States in control” (p. 6).

In this new world order, designed by the rich to consolidate their power at the expense of the poor, the role envisioned for Latin America is a service role that requires that these nations provide resources, cheap labor, markets, and opportunities for investment while remaining under the political and economic control of the United States. As Johns and Johnson note, “The concern of the U.S. policy elites is not, therefore, with the establishment or protection of democracy; it is with the establishment of capitalism worldwide and with the unimpeded control of resources and markets” (p. 7). Rollback, furthermore, is a strategy not only for establishing this particular [End page 44] economic arrangement, it is also an ideological battle to make free-market principles the only imaginable ideas about how to organize economies and societies.

Communist expansion was the threat that U.S. policymakers used historically to legitimate most third world interventions in the rollback effort. Johns and Johnson point out, however, that narco-terrorism and the war on drugs have come to replace communist expansion as a legitimation for intervention in recent years. But the invasion of Panama, they argue, had little to do with drug trafficking or “democracy;” rather, it had a great deal to do with rollback strategy in Latin America. In fact, the authors note, “Panama is an especially good example of how the rollback strategy involves subverting or overthrowing not only governments that are socialist or left-wing but
This point is picked up and expanded upon in chapter two as Johns and Johnson try to explain why Panama became a rollback target. After all, didn’t the U.S., particularly the CIA, have a very cozy relationship with the Panamanian strongman Noriega over the years? Why, after all the years of support for Noriega, did the U.S. government turn against him, impose economic sanctions on Panama, and undertake a campaign to depose the drug dealing dictator? According to Johns and Johnson, there were many reasons for the shift in policy on Noriega. The most important was that the general began to commit the crime of “independence.” The U.S. had always known that Noriega was a gangster and a drug trafficker. But now, Noriega was playing all sides in the intelligence game and growing increasingly powerful and independent. He was no longer “the compliant (if somewhat unpredictable) head of a client state” (p. 19).

Other reasons for the shift in policy include Noriega’s increasing political ineffectiveness within Panama, the Reagan-Bush administration’s desire to abrogate the 1978 Panama Canal treaties, the Pentagon’s need to justify continued high military expenditures in the wake of waning East/West tensions, and the need to discredit, if not silence, Noriega who might tell all kinds of tales about the dirty deeds of George Bush and the CIA. [End page 45]

The contrast between the shock, fear, and anger of Panamanians who have been victimized by the U.S. assault and the cold, smooth, detached official rhetoric is quite dramatic. It may not have been necessary, however. Johns and Johnson explore a number of media themes that emerged in the uncritical coverage of “Operation Just Cause” and their overall conclusion about the U.S. media performance in this case is sobering. “The American government has no need to implement formal controls on the press,” they note, “if the press willingly parrots government propaganda, gives government officials almost unlimited time to voice their perspectives and interpretations, and slants its stories to suit the government line” (p. 64).

In the aftermath chapter, Johns and Johnson describe the aftermath of the invasion, and contend that Panama is “a mirror of the future.” In the aftermath chapter they cover a large number of concerns: the controversy over the civilian body count; the jingoistic celebration of the conservative Right; the reaction in Latin America; the military occupation of Panama and the intimidation of popular democratic [End page 46] groups; the puppet Endara government; the continuing problems of drugs and crime in “liberated” Panama; and finally, the criminal trial of Noriega. In the final chapter they argue that the invasion of Panama can be considered a mirror, not only of the future of Latin America, but of the future of the United States as well. In discussing the future of Latin America, Johns and Johnson return to the issue of political economy and describe the newly emerging form of exploitative colonial relationship between the U.S. and the undeveloped nations of the region. As to the U.S. future, the authors describe a situation where there is no respect for international law, no respect for domestic law by the corporate state, no effective opposition political party, and no investigative or analytical journalism.

While The Panama Deception covers many of the same general topics as the book, this excellent film has three major advantages over it. First, because the film allows us to hear the Panamanian people themselves, and to see directly the destruction that the war caused, it has far greater dramatic impact. Second, The Panama Deception does a much better job of presenting the historical context of U.S.-Panamanian relations and the history of the CIA’s relationship with Manuel Noriega. Finally, the film also does a better job of documenting the aftermath of the invasion and the continuing devastation that was inflicted upon the Panamanian people.

The Panama Deception opens with a description of the invasion and its deadly consequences that features the voices of Panamanians, actual footage of the attack, the statements of official U.S. spokesmen, and U.S. media accounts. An effective device that director Trent uses throughout the film is to pair, and thus contrast, an eyewitness Panamanian account with that offered by a U.S. spokesman, like Pete Williams of the Pentagon. The contrast between the shock, fear, and anger of Panamanians who have been victimized by the U.S. assault and the cold, smooth, detached official rhetoric is quite dramatic.

To analyze what happen in Panama and why, the film then turns to an historical overview of the relationship between the United States and Panama going back to the earliest days. The story of how the U.S. created Panama to take the area away from Columbia, negotiated a treaty with the French to take over the Panama canal project, built the canal with cheap labor, in the process creating a racial underclass in Panama, [End page 47] and established a military occupation of the country is vividly told. The story continues up through the coup led by the populist General Omar Torrijos, the new Panama Canal treaties negotiated by President Carter and Torrijos in 1978, the mysterious death of the General in 1981, and the rise to power of Noriega.

Director Trent then turns to the history of Noriega’s relationship with the U.S., focusing in particular on the CIA-Noriega-Contra drug connections. She then documents in some detail, as did Johns and Johnson, the reasons for the U.S. shift in policy on Noriega. Another effective device that Trent uses in this section, and throughout the film, is to continually intersperse the excellent narration of actress Elizabeth Montgomery with comments by various scholars, journalists, and human rights officials to flesh out the story. Among those who offer critical insights are, former Attorney General Ramsey Clark, Panamanian diplomat Humberto Brown, Professors Peter Dale Scott and Robert Matthews, Gavriella Gemma of the Independent Commission of Inquiry, labor organizer Sabina Virgo, boxer Roberto
Having outlined the historical context, the film returns to the actual invasion and its aftermath. With graphic pictures and the words of Panamanian victims, Trent details the excessive use of deadly force, the large number of civilian deaths, the systematic burning of buildings, the executions, the repressive measures taken against populist leaders and organizations, and the herding of hundreds of refugees into camps. Several times the film revisits the refugee camps and interviews the angry, fearful Panamanians held prisoner there. And several times the film attempts to document the mass graves and calculate the number of civilian dead (in the thousands). There are some gruesome and sickening pictures in this section of the film.

In the final third of the film, several other important issues are addressed. One is the inadequacy and complicity of U.S. media coverage, a theme also explored in the book. Snippets of newscasts featuring Dan Rather, Tom Brokaw, Peter Jennings and Ted Koppel are used effectively to illustrate the point. The political economy perspective is nicely brought in at this point through the comments of political scientist Michael Parenti. Another issue addressed is the reaction of the international community to the invasion [End page 48] and the fact that the U.S. action was clearly in violation of international law. Next is a critique of the reasons that Bush offered for the invasion, covered in more detail by Johns and Johnson. Finally, the issue of the future of the region is raised by the argument that the invasion of Panama sets the stage for the wars of the 21st century in South America.

*The Panama Deception* ends with a dramatic and poignant contrast. We see an anguished Panamanian woman reduced to tears as she tries to comprehend the death and destruction that has been visited upon her country; and then we see the Congress of the United States give a standing ovation to a smug George Bush during the State of the Union Address when he declares that "Panama is now free!"

*The Panama Deception* is a powerful expose, and it is easy to see why it won an Academy Award for "Best Documentary Feature" in 1993; and *State Crime, The Media, and The Invasion of Panama* is a solid, if somewhat mechanically put together, case study as well. But of what relevance are these works to courses on criminology and criminal justice? Neither, to be sure, directly addresses itself to criminological or criminal justice issues. This was to be expected of the film, but it is disappointing that Johns and Johnson did not link their study with any of the previous literature on state crime, nor specifically address themselves to any criminological concerns.

Nonetheless, as I indicated earlier, both works do raise a number of issues that have criminological relevance, and both could be profitably utilized in criminology and criminal justice courses. The most basic point is that both directly address the important issue of state criminality. This topic has been neglected for too long. In my view, every introductory course in criminology and criminal justice should have a section on corporate and state crime, and every department and program should have a special course on these topics as well. The film would be excellent to use in either circumstance, as a case study of state crime. The book would be better suited as a supplemental reading in a more specialized class on political or state crime.

One of the reasons that state crime has been neglected by criminologists is because of the acceptance of state definitions of crime as the only legitimate criteria for the inclusion of socially harmful behavior within the boundaries of criminology. [End page 49]

As Kauzlarich, Kramer, and Smith (1992) have argued, however, criminologists can and should use the principles and substantive content of international law as an epistemological framework for the study of state crime. Both of the works considered here make explicit reference to a variety of international laws that were violated by the armed intervention of the United States in Panama. While neither provides an extensive discussion of the topic of international law, both could provide a springboard for classroom discussion of the criteria to be used in the definition of crime and the process of selective criminalization.

Once the topic of international law is broached, students generally ask questions about how such laws can be enforced. This can be used to generate further discussion about social control in general and the difficulties of controlling powerful institutional actors in particular. As the film and the book both point out, despite international condemnation, nothing happened to the U.S. No effective sanctions were applied. While students are often frustrated by the lack of easy answers to the questions generated in this discussion, they do begin to see the issues of social control, sanctions, and power in a new light.

This discussion of power can then lead to an explicit consideration of a larger theoretical framework that locates state criminality, international law, and social control within global economic and political structures. The U.S. functions as the military leader in this institutional structure, taking whatever actions political elites deem necessary to keep all sectors of the South properly integrated into the global economy dominated by the North and its transnational corporations. Military force is used to "deter democracy" and ensure that third world nations continue to play their assigned service role of providing resources, cheap labor, markets and opportunities for investment. International legal institutions are kept weak. The media and other forms of intellectual culture are institutionally constrained to service those in power.

This theoretical framework has been most completely and powerfully presented in the work of Noam Chomsky (1993; 1994), but Johns and Johnson also present it in their discussion of rollback strategy, and the film presents it through its historical overview, while both touch on it in analyzing the role of the corporate media. In presenting this theoretical approach, these works can help students understand not [End page 50] only the invasion of Panama, but other U.S. interventions too, and the weakness of international law and social control, as well as the complicity of the corporate media with state violence. And perhaps they will also glimpse the relationship between intellectual culture and its service to power in the previous criminological neglect of state criminality.

REFERENCES


