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United States Court of Appeals
Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

Re: Arce v. Garcia
Case No: 02-14427

Letter Brief

The answer to questions number (1);

Is it appropriate to use the May 11, 1999 original complaint as the date on which the action commenced (i.e. was the February opinion wrong to use the February 22, 2000 second amended complaint as the date on which the action commenced)? is, it doesn't matter regarding the appellees' claims.

The original complaint was filed by Juan Romagoza Arce as the only appellee-plaintiff named on May 11, 1999, R. 1-1. Said complaint was dismissed by the trial court and an amended complaint was filed on January 6, 2000, R. 1-36, with Juan Romagoza Arce the only appellee-plaintiff named. On February 22, 2000 a second amended complaint adding Carlos Mauricio and Neris Gonzalez as

plaintiffs was filed. R. 1-39.

The cause of action for Juan Romagoza Arce arose on December 12, 1980, the cause of action of Neris Gonzalez arose December 26, 1979, and the cause of action for Carlos Mauricio arose on June 13, 1983.

Juan Romagoza Arce commenced his action on May 11, 1999, more than ten(10) years after his cause of action arose, more than nineteen(19) years after.

Neris Gonzalez commenced her action on February 22, 2000, more than ten(10) years after her cause of action arose, more than twenty(20) years.

Carlos Mauricio commenced his action on February 22, 2000 more than ten (10) years after his cause of action arose, more then sixteen(16) years.

An equal application of equitable principles prohibits the maintenance of an action by any of plaintiffs-appellees herein. The plaintiffs-appellees offered no evidence of something beyond their control preventing them from commencing suit against either Jose Guillermo Garcia or Carlos E. Vides-Casanova. See Appellants' Brief.

Question 2; Does Carlos Eugenio Vides-Casanova's record conduct during his tenure as minister of defense of El Salvador (from 1983-1989) qualify Juan Romagoza Arce, and/or Neris Gonzalez, for equitable tolling until Casanova's retirement on May 31, 1989?

No, on the contrary, his whereabouts and availability for service were published in the world press during said tenure in office. He met continuously with officials from the U.S.A. El Salvador received aid from the U.S.A. greater than its gross national product during said time frame. U.S.A. advisors directed the war effort, U.S.A. advisors and observers including Vice President Dick Cheney conducted the free national elections and institution of Democracy in 1983. Carlos Vides Casanova was awarded two medals of honor by our Presidents Regan and Bush, during said time.

Again, the plaintiffs-appellees offered no evidence that anything beyond their control prohibited them commencing actions against either Defendant.

The war in El Salvador was viewed by our government as a war against

communism. Nicaragua had turned communist in 1979. El Salvador was a line in the sand.

The war was bloody and brutal atrocities were common place by all participants.

Revisionist historians, alleged experts, opportunist ex-diplomats, brothers of victims, victims of the war and special interest groups attempting to assign blame to two public servants who themselves were victimized by the conflict almost twenty years after the fact is not just or equitable.

These two men worked diligently to create a democratic country ruled by democratically created law not military dictators hand picked by the economic elite oligarchy.

Our present administration holds El Salvador out as an example of the U.S.A. creating a democracy, cites El Salvador as proof the U.S.A. can succeed in building a democracy in Iraq.

Today, El Salvador still has the second highest murder rate in the Western

Hemisphere, poverty, inequality, etc., but with free elections.

In conclusion, the appellees-plaintiffs cannot sit on their rights until all first hand witnesses are dead or lost and then eighteen(18) years later try to prove a civil claim for damages allegedly committed by the subordinates of the appellants-defendants using alleged, opinionated experts on the general state of affairs in El Salvador twenty(20) years ago.

I HEREBY CERTIFY that a true and correct copy of the above and foregoing was mailed on this 24th day of July, 2005, to:


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Respectfully submitted,



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