

# **Domestic Politics and International Narcotics Control**

**U.S. Relations with Mexico  
and Colombia, 1989-2000**

**Victor J. Hinojosa**



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*For Mom and Dad,  
With Gratitude*

*For Lynne and Miriam,  
With Love*

*For those in Colombia who struggle and long  
for justice and peace,  
With Hope*



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## Chapter One

# Two-Level Games and International Narcotics Control

## INTRODUCTION

In March of 1998, Colombia was decertified by the United States for failing to fully cooperate with U.S. counter-narcotics policies and failing to live up to its duties under the 1988 U.N. Narcotics Control Protocol. Colombia was spared harsh U.S. penalties only because the Clinton administration found it in U.S. national interests to issue a waiver. The decertification came in spite of the dismantling of the Cali drug cartel, significant arrests, seizures, eradication and other tactical advances on the ground, and a constitutional amendment reinstating Washington's favorite tool in the drug war: extradition. That same March, Mexico was certified as a full partner in the war on drugs despite a corruption scandal involving its chief drug enforcement officer, arrested for being on the payroll of the Juárez drug cartel, and far less operational success than Colombia achieved.

This study demonstrates that the United States handles narcotics control issues with Mexico and Colombia in very different ways. The United States pursues two very different foreign policies and holds Mexico and Colombia to very different narcotics control standards. In turn, Mexico and Colombia respond to U.S. policy in different ways. Colombia largely acquiesces to U.S. pressures and does not publicly challenge the United States or U.S. policy. In marked contrast, Mexico often does not comply with U.S. policy preferences and often dissents from U.S. policy quite publicly. Despite this stance, it is Colombia that consistently is treated more harshly and faces the strongest sanctions from the United States.

This study argues that the complex interaction of domestic and international political forces in the three countries best accounts for these differing levels of autonomy sought by Mexico and Colombia and granted by the United States. Further, at times domestic political concerns trump



international concerns. At other points, international concerns, particularly over the broad contours of bilateral relations, trump specific domestic political concerns.

A study of narcotics control cooperation between the United States and Mexico and Colombia over a twelve year period (from 1989–2000) through three U.S. presidential administrations contributes not only to the specific issues at stake and general understandings of U.S.-Latin American relations and relations with Mexico and Colombia specifically, but to broader political and theoretical issues as well. As important as drug policy is socially and politically, and as much as it seems to dominate the agendas of politicians, it is relatively understudied by the academic community. Indeed, while human rights are much less important in the political realm, that issue has received extensive and highly sophisticated scholarly attention (Martin & Sikkink, 1993; Sikkink & Keck, 1998; Jelin & Hershberg, 1996) while the drug policy literature remains under-theorized (Bagley, 1994; Menzel, 1997; Lee, 1989; Smith, 1992) and ideologically polarized (Baggins, 1998; Massing, 1998; Ehrenfeld, 1990). This project adds a theoretical structure and an empirical rigor missing in the drug policy literature. No evaluation of the success or failure of U.S. counter-drug policy is attempted here. Instead, the issue at stake is drug politics and how the issue is handled in bilateral relations. The forces that determine how the politics works will be of interest to those who study the policies themselves.

Further, this work contributes to the theoretical literature on the relationship between international relations and domestic politics and draws on the seminal work of Robert Putman and his 1988 article on “Two-Level Games” and international bargaining. Narcotics control is salient on both the domestic and international levels and has thus far gone unstudied in the theoretical literature on two-level games. Indeed, in order for the interaction of domestic and international political processes to be studied, the issue selected must be salient on both levels in each of the countries studied. In the context of U.S. relations with Latin America, few other issues rise to that level. Of these, which include democratization and human rights as well as economic reforms, the issue of narcotics often dominates bilateral relations and is the most salient in U.S. domestic politics.

Finally, the time period covered permits a preliminary comparison of the foreign policy of the administrations of U.S. presidents George H. W. Bush and William Clinton and their counterparts in Mexico (Carlos Salinas and Ernesto Zedillo) and Colombia (César Gaviria, Ernesto Samper, and Andrés Pastrana). The study also captures the first twelve years of the

drug certification process and allows a preliminary evaluation of it and an examination of how the process affected U.S. foreign policy and these specific bilateral relationships.

## **THEORETICAL OVERVIEW**

Putnam (1988) argues that while we know that “domestic politics and international relations are often somehow entangled,” our theories have “yet to sort out the puzzling tangle” (p. 427). The question, as Putnam articulates it, is not whether to deal with the simultaneous interaction between domestic politics and international relations, but how to do so. For Putnam, debates about whether domestic politics determine international relations or whether international relations determine domestic politics involve false dichotomies and obfuscate the complex interaction between the two.<sup>1</sup>

Putnam’s effort to come to grips with this interaction (and the efforts of those who followed in his path) is certainly not the first attempt to grapple with this interaction. Indeed, the distinction between international relations and comparative politics within the political science discipline has always been at least somewhat artificial. Writing in the 1960s, James N. Rosenau (1969) began a research project termed “linkage politics.” His work argued that domestic and international politics are linked and attempted to specify those linkages. The research agenda did not endure and few significant case studies were produced as a result of it (among these are Bar-Siman-Tov, 1983; Farnsworth & McKenney, 1983). The chief failure of the approach was its descriptive, rather than analytical, nature. The research resulted in merely categorizing types of links, rather than explaining them or using the links to explain or predict behavior. As such, its utility was quite limited.

Putnam’s work differs from the linkage politics attempt significantly. Putnam is able to specify how the two spheres of politics are linked and offer a set of predictions about future behavior. He does this by developing two related concepts: the acceptability set and the win set. Acceptability sets encompass the range of agreements negotiators are willing to pursue. The win set is more restrictive in that it is limited to the subset of agreements that are not only personally acceptable to the negotiator, but can also be ratified. Agreements then are possible at the intersection of the win sets of each negotiator, that is, the agreement for which each negotiator can win ratification.

When Putnam (1988) discusses ratification, he clearly has in mind treaty ratifications where an entire treaty is put before a legislative body for an up-or-down vote. This introduces uncertainty into the game. Given perfect information, leaders would never commit to an agreement that could

not be ratified. Research from Evans, et al. (1993) makes it clear that leaders are as likely to misjudge their own win sets as they are the win sets of their opponents. In the research that has come since the article, it is clear that the bar has been lowered to include non-treaty cooperation where some ratifying body (the legislature) has ultimate veto power over executive decisions.

Putnam's contribution then is not the revelation that domestic and international politics are linked. Nor is it merely in providing a vivid metaphor. Instead, it is a theoretical advance and an avenue for defining that link in the ratification process and using it to explain cases of cooperation and failed cooperation between nations.

This work addresses ratification issues in the three countries studied. In the United States, this ratification is formalized in the narcotics certification process. The process, established by the Anti-Drug Abuse Acts of 1986 and 1988, requires the president to submit to the Congress two lists of countries. The first is a "list of majors" where the president identifies countries where there is major production or trafficking of narcotics. Of these countries, the president then submits to the Congress a list of countries "certified" to be "fully cooperating" with the United States to combat drug production and traffic and meeting the goals of the 1986 UN Protocol on narcotics control. A country that is "decertified" faces a loss of 50% U.S. foreign aid in the first year of decertification and 100% of foreign aid in subsequent years (counter-narcotics and humanitarian aid are exempt) and automatic votes against it in multilateral development banks (Perl, 1988). The president also has the discretion to impose certain types of trade sanctions on decertified countries. There is a third option: the president may decertify a country but waive the penalties associated with decertification if compelling national interests of the United States so dictate. The waiver is not, however, an intermediate category as it is often portrayed. It is a decertification—a finding that the country has not cooperated fully with the United States and not met its duties under the UN Protocol. The national interest waiver spares the country the punishment of decertification.

In each case, the Congress then has forty-five days to overturn any certification decision (Perl, 1988).<sup>2</sup> This is done by majority vote in both houses of Congress. The measure can be vetoed, however, in effect requiring a 2/3 majority of both houses of Congress to override the veto and overturn a presidential certification. In addition to this formal power over presidential certification, which in this study was unsuccessfully attempted two times in regard to Mexico, the Congress also has the power of the purse and the authority to fund presidential initiatives and U.S. drug control strategy. Chapter Four discusses Congressional leadership on major

changes in U.S. policy toward Colombia and significant funding increases and shifts in priorities in the U.S. counter-drug budget.

In a similar manner, this study considers ratification issues in the Latin American countries. There is not a ritualized certification process in these countries, though in Mexico there seems to be ritualized negative reaction to it, including one unanimous vote in the legislature to stop participating in the process. In both Mexico and Colombia the legislatures play significant roles in narcotics policy and have significant impacts on bilateral cooperation through their authorization powers. The U.S. frequently demands action that requires congressional authorization: from laws against money laundering and precursor chemicals to constitutional issues of extradition of nationals to the U.S. The Mexican and Colombian legislatures thus ratify the drug control agreements of their respective presidents with the United States by passing legislation and protocols and by modifying these agreements, changing their focus, or otherwise affecting financial priorities of the executive. Failure to pass such legislation is the functional equivalent of failed ratification. In this sense, Colombian and Mexican legislatures have a ratification role like that of the U.S. Congress that allow for the examination of the domestic ratification of bilateral agreements and cooperation.<sup>3</sup>

This study also moves beyond the legislature to consider other ways that domestic and international political forces interact. Executives face domestic political pressures from other sources as well and two of those are given central attention here: electoral tests and presidential approval ratings. Presidents have electoral incentives, for themselves and for their parties, and an issue as sensitive as drug trafficking can have electoral ramifications. Further, presidents are often constrained by their standing with the public. This study considers these ways that domestic politics influences international negotiations and in so doing pushes beyond the Congress to better capture the complex interaction of domestic and international politics.

## CASE SELECTION

Mexico and Colombia were selected because of their importance in the U.S. counter narcotics strategy, the importance of the issue in their bilateral relationships with the United States, and the importance of the issue in the domestic social and political arenas in the two countries. Colombia remains the most important Latin American producer and refiner of narcotics and the headquarters of the most sophisticated trafficking networks. It is the largest supplier of cocaine to the United States and among its largest suppliers of heroin. As such, Colombia is a focal point of American drug

interdiction efforts. The bilateral relationship between the United States and Colombia is not as complex as is the Mexico-U.S. relationship, thus allowing narcotics to often dominate the bilateral agenda. In addition to its importance to U.S. strategy, Colombian narcotics production is a crucial domestic issue in Colombia. Drug trafficking influences Colombia chiefly through the violence and corruption it brings. In the early 1990s, Pablo Escobar, the head of the famed Medellín cartel,<sup>4</sup> launched a wave of terror against the Colombian state. Other drug traffickers, most notably the Rodríguez Orejuela family of the Cali cartel, sought to purchase influence through an extensive network of bribes that stretched all the way to the Colombian presidency (see Chapters Three and Four). Narcotics traffic in Colombia is no longer controlled by large cartels but rather by hundreds of smaller groups (López-Restrepo & Camacho, 2001). Narcotics traffic now finances Colombia's internal conflict, providing hundreds of millions of dollars to both guerrilla and paramilitary groups. Further, domestic consumption of narcotics is an increasing problem in Colombia as well.

Mexico is also facing a growing consumption problem. More important for Mexico, however, are problems stemming from violence and corruption associated with narcotics production and traffic. Like the U.S., Mexico now treats narcotics as a national security issue and one government report went so far as to term the drug trade "the principal threat to Mexico's national security" (Office of the President of the Republic of Mexico, 1996). As if to underscore the domestic relevance of narcotics production and transportation, a high-ranking official in Mexico's Foreign Ministry (the *Secretaría de Relaciones Exteriores*) argued that with or without the United States, Mexico would be vigorously pursuing a counter-narcotics strategy. The strategy would be different in form and focus. But the official was clear that this was a vital issue for the Mexican state and would be even without U.S. pressures (confidential interview, Mexico City, July 2000).

In addition to these important domestic political ramifications, the issue remains a delicate one for bilateral relations with the United States. Mexico is the leading transit country for narcotics headed to the United States and has long been an important producer of marijuana and heroin. As such, Mexico remains another focal point of American interdiction efforts. The issue disrupts an already complex relationship that includes strong trade ties and complex migration issues.

Ironically, it is the importance of this relationship that has often kept Mexico from being studied in comparative perspective. Mexico's unique relationship with the United States, resulting from its trade status and membership in the North American Free Trade Agreement (NAFTA), the

long common border, the complex pattern of migration and the large Mexican immigrant community in the United States, and a complicated history of wars, territorial disputes, and occupations has led political scientists to consider Mexico to be an exceptional case with little comparative value. Yet every case is in many ways unique and exceptional, and all benefit from comparative analysis.

## DEPENDENT VARIABLES

The aim of this project is to explain the narcotics control policies of the United States, Mexico, and Colombia. As such, two dependent variables are employed, one for the United States, and one for Mexico and Colombia.

With respect to the United States, the dependent variable is the degree of autonomy granted to Mexico and Colombia. That is, how much variance from its policy preferences is the United States willing to accept? One prominent measure of the autonomy the United States is (or is not) willing to grant is standards used for certification. For instance, as mentioned above, in 1998 Colombia was decertified by the United States for failing to cooperate “fully” with U.S. preferences despite the dismantling of the Cali cartel and changes to the Colombian constitution to allow extradition to the United States for drug offenses. Mexico, in contrast, is certified despite policies that did not approximate U.S. preferences in comparable ways (Chapter Four provides a detailed discussion of these issues). In this case, the United States granted Mexico far more autonomy than it did Colombia, a pattern found repeatedly in this study. In addition to the standards for certification, other measures of this variable include other rewards for compliance or punishments for non-compliance.

Similarly, this work endeavors to explain Mexican and Colombian behavior. With respect to these countries, the dependent variable is the extent to which they pursue policies consistent with U.S. preferences. The issue becomes how much Colombia and Mexico are willing to alter their preferred policies to comply with U.S. interests and demands. Examples of such moves include significant increases in funding for counter drug operations, any major legislative initiatives, such as new laws to combat money laundering, precursor chemicals and the like, operational cooperation with the United States in joint law enforcement ventures, etc.

This conception of the dependent variable differs significantly from that often found in the literature on domestic politics and international relations. Once a treaty negotiation definitively succeeds or fails, the analysis shifts to domestic political explanations of successful or failed negotiations.

A prominent example is Milner (1997) who, drawing on Keohane (1984), defines cooperation as “the adjustment of one state’s policies in return for, or anticipation of, the adjustment of other states’ policies so that both end up better off” (Milner, 1997, pp. 7–8). Milner uses a dichotomous variable for cooperation. Then, if cooperation is found, the analysis proceeds to examine its terms. This operationalization is appropriate for the cases she studies, treaties and regulatory regimes, where countries either agree on a treaty or a set of regulations, or they do not.

The issue of international narcotics control is different in that there is always some degree of policy coordination and cooperation and policy adjustment by one or both sides. This is true even when a country is decertified by the United States for lack of adequate cooperation. During these years narcotics control cooperation between the countries continues even as other forms of bilateral cooperation cease. Chapter Three, for instance, will show that operational cooperation between the United States and Colombia, that is, cooperation between agencies such as the Drug Enforcement Administration and the Colombian National Police, were at the highest levels in the recent history of bilateral cooperation even as relations between the Clinton and Samper administrations were at the worst level in the recent history of bilateral relations.<sup>5</sup>

Further, when two countries are engaged in working closely on an issue such as this over a long period of time, it is unlikely that there will be dramatic policy adjustments from year to year.<sup>6</sup> Exploring the autonomy sought by Mexico and Colombia and granted by the United States better captures the reality of narcotics control cooperation between the two countries.

## INDEPENDENT VARIABLES AND HYPOTHESES

In the chapters that follow, the ways that domestic and international political forces interact to affect autonomy sought by Mexico and Colombia and granted by the United States are evaluated systematically. These factors are as follows.

### *Electoral Tests*

It is expected that U.S. administrations facing executive or legislative elections will push for more compliance from the Latin American countries. That is, administrations facing electoral tests will seek to grant Mexico and Colombia less autonomy, and force policies more consistent with U.S. preferences in these years. The salience of the drug issue in U.S. domestic politics should force a more hostile negotiating position toward Colombia

and Mexico and cooperation on terms more favorable to the United States in election years. In the U.S. election cycle, no one can be seen as “soft on drugs.” Pushing for more compliance, while expected, is also expected to carry risks in that the failure to achieve significant concessions and compliance will be seen as a sign of weakness and foreign policy failure. This relationship is tested in the two presidential elections and five legislative elections captured by this study.

In Mexico and Colombia, in contrast, electoral tests should lead to less compliance with U.S. policy demands. When facing elections, Latin American countries are expected to cooperate less with the United States and seek greater autonomy from U.S. policy preferences. This draws heavily from Miles Kahler’s 1993 study of bargaining between developing countries and international financial institutions. There he demonstrates that governments facing electoral tests are unlikely to take on risky economic reforms and are more likely to resist pressure from the IFI’s. The relationship between the timing of elections and external pressure should hold in negotiations over narco-traffic between the United States and Mexico and Colombia. This is tested in the three Colombian presidential elections<sup>7</sup> and one Mexican presidential election and three congressional elections covered in this study.

### *Presidential Popularity*

Narcotics control cooperation may also be affected by the popularity of the presidents involved. Using polling data from the United States, Mexico, and Colombia, the impact of changing presidential job approval ratings on autonomy granted by the United States and compliance with U.S. policy priorities by Mexico and Colombia is explored. Following Eichenberg (1993), it is expected that an agreement will be more beneficial to an American president whose support base has been weakened than to one who is already strong. Eichenberg’s study of inter-alliance diplomacy within NATO concerning the intermediate nuclear force suggests that international agreements are more valuable to leaders whose domestic political base has been weakened. Accordingly, U.S. presidents with weakened popularity are also expected to grant less autonomy to Mexico and Colombia and to push for harsher sanctions when they fail to comply with U.S. demands.

While this thesis is expected to hold when applied to the United States, applying it to Latin American leaders involved in negotiations with the United States may lead in a very different direction. Because these negotiations involve the use of threat (formal denunciations, end in bilateral aid, and eventual trade sanctions if cooperation cannot be certified), it is expected that the relationship between presidential popularity and the



desire for an international agreement will be inverted. That is, Latin American leaders whose domestic support base has been weakened will stand to gain from holding firm and seeking greater autonomy from the United States on narcotics issues. This in turn would suggest that there is significant variation in the impact of the two-level game across issues and in whether negotiations are cooperative or coercive in nature.

### *Executive-Legislative Relations*

Presidents in the United States, Mexico, and Colombia who take less hostile negotiating positions than would their legislatures are expected to obtain greater concessions from their international opponents. In this case, a U.S. president who takes a less hostile negotiating position than the legislature should be able to grant Mexico and Colombia less autonomy than if the relationship were reversed. Similarly, presidents in Mexico and Colombia who take less hostile negotiating positions than their legislatures are expected to give less compliance to the United States than if the relationship were reversed.

These expectations come from theoretical distinctions drawn between chief executives who are “hawks, doves, or agents” (Putnam, 1988) with respect to their ratifying constituencies, in this case the legislature. A chief of government whose acceptability set (the set of agreements which the chief prefers) perfectly overlaps with her win set (the set of agreements which can be ratified) is said to be an “agent.” A chief executive can be a “dove,” in which case the acceptability set lies partially outside the win set and closer to the win set of the international opponent (making the chief more prone to an agreement than is the ratifying constituency). Finally, the chief may be a “hawk,” with an acceptability set that lies outside the win set in the opposite direction (further away from the acceptability set of the international opponent than the ratifying constituency). This distinction determines the credibility of the threats made by the chief executive.

Chief executives who are doves with respect to their constituencies are expected to have the greatest autonomy in international negotiations and their threats are expected to be the most credible. In this case, the legislature would demand greater concessions from the international opponent than the chief executive is demanding. Thus whatever threat is made by a dovish president is certain to be ratified. Threats from chiefs who are hawks are less credible because the interests of the ratifying constituency are actually closer to the international opponent than to the domestic chief of government. A chief executive who demands greater concessions than her legislature will not be able to follow through on the threatened consequences.

There is no theoretical reason to suggest that the relationship between executive and the legislature would have a different impact on policy in Mexico and Colombia than in the United States (as there is with presidential popularity, for instance). The absence of the certification ritual means that the impact will not be as formal or as regular, however. In Mexico, the executive branch dominated Mexican political life from the inception of the PRI until the late 1990s. This was not the result of a constitutionally weak chief executive, but rather the ironclad control of the PRI over both the presidency and the Congress, and the control exerted by PRI hierarchy over the future careers of PRI legislators (Casar, 2002; Nacif, 2002). Executive-legislative relations should not affect Mexico's policy toward the United States until after 1997, when the PRI lost control of the Congress and the Mexican legislature began asserting itself in Mexican political life for the first time since the Revolution.

### *Reputation of the Colombian President*

Finally, it is important to explore whether U.S.-Colombian relations are determined by the reputation of the Colombian president with regard to narcotics control issues. Many in Colombia see a certain cynical cycle in U.S.-Colombian relations (Crandall, 2002). The view of many Colombians is that U.S. relations with their country are dictated by an early determination on the part of the U.S. of whether or not the elected president of Colombia is trustworthy, principally on the drug issue. If the president is deemed trustworthy, then relations will be smooth. If not, then no appeasement will satisfy. There seems to be a cycle to this with the tenor of U.S.-Colombian relations alternating with each new Colombian president: relations were tense under Virgilio Barco, warm under César Gaviria (despite his lack of acquiescence on important U.S. demands), extraordinarily strained under Ernesto Samper, and extraordinarily warm under Andrés Pastrana.

The question, however, is not about the warmth of the relationship. The issue is whether the United States grants more or less autonomy to certain Colombian presidents and whether certain Colombian presidents seek significant deviations from U.S. policy preferences. Further, the question is whether such differences in autonomy and compliance are the result of the prior reputation of the Colombian president, rather than the concrete policy advances of the president. Here it is expected that a president whom the U.S. mistrusts (Ernesto Samper is the quintessential case) will be under significant pressure to cooperate *more* than would otherwise be expected, while a president who is trusted, such as César Gaviria, will be under less pressure to cooperate fully. Thus trusted presidents are granted

more autonomy; less trusted presidents pursue policies much closer to U. S. preferences.

## METHODOLOGY

This is a qualitative study of twenty-four cases of negotiations between the United States and Mexico and Colombia. In order to map these negotiations over a twelve year period, the process tracing technique is employed and the decision-making process is closely examined to determine how initial conditions result in final agreements (George & McKeown, 1985; King, Keohane, & Verba, 1994). These techniques are used to assess both how much autonomy was granted by the United States and how much compliance was given by Mexico and Colombia.

Analysis then turns to determining which factors most influenced the policy choices of the United States, Mexico, and Colombia. Deciphering the variance of the independent variables is a difficult task. Were the quality of information high and the sample size large, a statistical equation could calculate the variance explained by each variable. In the absence of such an option, the comparative method is employed to assess the relative impact of each independent variable. The concluding chapter discusses the utility of the hypotheses employed and endeavors to offer a parsimonious explanation for the differing levels of autonomy sought by Mexico and Colombia and granted by the United States.

Throughout the book, secondary sources frame the discussion of the events and the analysis. Primary source materials, especially on the documents and reports of the three governments, and interviews with officials charged with managing bilateral relations and narcotics control issues are used to assess levels of cooperation and the relative significance of the independent variables. Extensive field research was carried out in Bogotá, Colombia; Mexico City, Mexico; and Washington, D.C., and interviews were conducted with numerous officials in the foreign ministries of the three countries: the U.S. State Department, Colombia's Cancillería, and Mexico's Secretaría de Relaciones Exteriores, or SRE. Legislative officials and experts, members of the armed forces and drug control agencies, and other executive branch officers were also interviewed. Some of these officials are named in the pages that follow. Most, because of their positions in the government and the sensitive nature of the subject matter discussed, asked to remain anonymous, even while allowing themselves to be quoted directly. In these cases, the citation "confidential interview" followed by a general description of the interviewee's position and the location and date of the interview is provided.

**STRUCTURE OF THE MANUSCRIPT**

The manuscript follows chronologically with major chapters on the presidential administration of George Bush and each of William Clinton's two terms. Each chapter has substantively the same structure. First, events are traced for each country pair. Analysis then proceeds to determine why each particular level of autonomy was sought and granted and why particular actors had their interests better represented than the others. Particular attention is paid to the four central hypotheses and each chapter represents an attempt to systematically evaluate them. A concluding chapter not only summarizes the major findings of this work and suggests avenues for future research but also takes up the question of whether the U.S. decision to hold Mexico to different narcotics control standards than Colombia is due to the different nature of the bilateral relationship.



## Chapter Two

# The Administration of President George Bush, 1989-1992

This study begins with the inauguration of George H. W. Bush as President of the United States in January of 1989. The Bush administration began at the height of public concern about drug abuse in America. A poll from ABC/Washington Post showed 26% of Americans listing drugs as the “single most important problem facing the United States today” (van Wert, 1988, p. 2), and 55% of Americans believed the Ronald Reagan administration had not done a good job on drug control (Roberts, 1988). Consequently, drug control was a significant issue in the 1988 presidential campaign between then Vice President Bush and Democratic nominee and Massachusetts Governor Michael Dukakis. Rosenthal (1988) called the issue a “favorite theme for both candidates.”

The issue was also important in the United States Congress. The Anti-Drug Abuse Act of 1986 established the framework for U.S. drug policy that continues today. The Anti-Drug Abuse Act of 1988 modified the 1986 legislation (Perl, 1988) and created the Office of National Drug Control Policy (hereafter ONDCP), initially known as the Drug Czar. Congressional action was not restricted to these major pieces of legislation, however. Perl notes that from January 1 to July 1 of 1988 approximately 20% of all bills introduced in the House of Representatives dealt “with some aspect of the drug issue” (ibid).

President Bush began his term stressing the importance of the drug issue. In nominating Dick Thornburgh for Attorney General, Bush declared drugs “Public enemy number 1” and declared that a “major part” of his nominee’s mission was to “stop them from damaging our society and our country” (“Transcript of news,” 1988). He repeated the theme in his inaugural address saying of the drug problem, “Take my word for it: This scourge will stop” (Bush, speech, January 20, 1989). The scourge of

narcotics traffic was also affecting Colombia in dramatic ways at the start of the Bush presidency.

### **CRITICAL EVENTS IN U.S.-COLOMBIAN COUNTER-NARCOTICS COOPERATION, 1989-1992**

George H. W. Bush was inaugurated in the third year of Virgilio Barco's presidency. Barco's second year, 1988, was marked by such rampant political violence that it has been dubbed the "year of the massacres" with some 3,000 Colombians killed in political violence and Attorney General Carlos Mauro Hoyos killed by narcotics traffickers (Riding, 1988). Barco's fourth year, 1989, the first of the Bush presidency, was similarly violent and tumultuous.

On August 18, 1989, presidential front-runner Luis Carlos Galán was assassinated at a political rally. Galán, a member of the Partido Liberal and running under the banner of "New Liberalism," was widely considered certain to win the presidency. He had long been an outspoken critic of the drug trade and had been instrumental in keeping Pablo Escobar from taking the congressional seat he had previously won. Because he was seen as such a threat to drug traffickers, Medellín cartel leaders had reportedly offered a \$500,000 dollar reward for his murder, and Galán narrowly escaped an assassination attempt on August 5. On August 18, there was no escape.

This resulted in a strong response from the Barco administration. Barco in effect declared war on the drug traffickers and began making massive arrests, seizures, and extraditions to the United States. In December of 1986, Colombia's Supreme Court declared the extradition treaty with the United States invalid and for two years there were no extraditions. Thoumi (1995) notes that Barco had been seeking ways around the court decision and other means of extradition and on the morning of the Galán assassination his Council of Ministers approved such a mechanism and affirmed extradition as "an administrative measure, not a judicial one" (p. 221). Barco announced this decision the morning after the Galán murder and from the time of the assassination in August until the end of the year Barco extradited eleven Colombian nationals to face trial in the United States. In the first four weeks after the Galán assassination, 367 aircraft, 72 boats, 710 vehicles and motorcycles, 4.7<sup>1</sup> tons of cocaine, 1,279 guns, 25,000 rounds of ammunition, 989 buildings and ranches, and 32, 773 farm animals were seized. The government made 535 arrests with 10,000 detained and later released (Brooke, 1989d).

Medellín cartel leaders, or the "Extraditables" as they began to call themselves, declared a war of their own. Responding to the government crackdown, on August 23 the Extraditables issued a communiqué stating:

We declare total and absolute war on the Government, on the industrial and political oligarchy, on the journalists who have attacked and ravaged us, on the judges who have sold out to the Government, on the extraditing magistrates, on the presidents of the unions and all those who persecuted and attacked us. We will not respect the families of those who have not respected our families (Brooke, 1989a).

In short, the Extraditables responded with a campaign of terror. In a six-week period from mid-August to early October, drug traffickers exploded some 130 bombs throughout the country. On November 27 drug traffickers placed a bomb aboard an Avianca Airlines jetliner. The plane exploded in flight, killing all 107 on board. A car bomb in Bogotá outside police intelligence headquarters killed 52 in early December.

With President Barco's emphasis on extradition, the judicial system became an especially important target. The Extraditables threatened to kill 10 judges for each trafficker extradited to the U.S. Many judges were killed and scores more were terrorized into resigning. At one point, 550 lower court judges resigned and 48 of 55 superior court judges also resigned (Brooke, 1989b). Even the Attorney General's office was affected. Attorney General Mónica de Greiff received numerous death threats and quickly sent her husband and young child to Miami. When President Barco felt the threats were causing her to move too slowly on extraditions and that she did not support his policy fully,<sup>2</sup> he asked for her resignation (Treaster, 1989a). By the time Roberto Salazar Manrique was named by President Barco to replace de Greiff, five people had turned down the position in response to threats on their lives ("Colombia justice aide," 1989).

The violence led to an internal debate over the proper approach to the drug traffickers. Senator Eduardo Carrillo of the Liberal party expressed the views of many Colombians when he said, "Many people are saying the government should stop the war. Then the bombs would stop. The exportation of cocaine would not stop. But the country would be calm again." Even an aide to the assassinated Galán, who like most Colombians initially supported the crack-down, suggested in early October that "the price is becoming too high. If the stability of the country requires dialogue with the narcotics traffickers, then we should do it" (Treaster, 1989b). There were rampant reports in the press of the potential for a negotiated settlement with the drug barons. Escobar and the Extraditables were reportedly offering to invest their wealth in legitimate industry (re-integration) in return for amnesty.

While the violence led to important and contentious debates within Colombia, Barco's response to the assassination led to vastly increased



cooperation with the United States. Extradition had long been the favored weapon of the U.S. in regard to narcotics trafficking, owing in large part to American distrust of the Colombian justice system, and the tool came to be used as never before. In the days following the Galán murder there were high-level meetings between officials from the U.S. State Department and the Colombian Foreign Ministry, and Colombian Attorney General de Greiff traveled to the U.S. for similar meetings.

Within days of the assassination, and the day after the communiqué from the Extradictables, President Bush ordered \$65 million in emergency aid to Colombia and sent military trainers to the country. The issue of military aid to Colombia was a touchy one for both countries. In Colombia, presidential candidate Ernesto Samper argued, "Let's not let Colombia be converted into a Vietnam of the war against drugs," and former Conservative party presidents Misaél Pastrana and Belisario Betancur issued an open letter to President Barco warning against "foreign military advisors." In the U.S., President Bush was quick to note that there were no plans for U.S. troops to go into Latin America and that none of the Andean countries had asked for them. Instead, the "trainers" that would accompany U.S. aid to Colombia would go for short periods of time to assemble the new equipment and instruct Colombians on its use (Brooke, 1989c).

In December, the U.S. announced plans to use its navy to provide surveillance for all flights and ships leaving Colombia.<sup>3</sup> The U.S. would not intercept the planes or vessels, only track them and notify the Customs, Coast Guard, or Border Patrol where appropriate. This continued the administration policy begun earlier in the year of increasing the military's role in the war on drugs. In September, the president announced in a nationally-televised address plans to involve the military in drug interdiction and signed a secret directive allowing U.S. forces to train local law enforcement and military forces in Colombia, Peru, and Bolivia.<sup>4</sup> In October, the U.S. Defense Department announced plans to use marines to stop drug trafficking along the U.S.-Mexico border. All of these developments are in marked contrast to previous administration policies of using only domestic law enforcement personnel in the war on drugs (Lewis, 1989).

Colombia announced its intention to host a regional drug summit in Cartagena, with the presidents of Peru, Bolivia, the United States and Colombia. On December 17, President Bush signed legislation authorizing \$240 million in aid for Colombia, Bolivia, and Peru. The bill specified \$115 million for narcotics-control assistance and \$125 million for military and law-enforcement aid to the three countries. The measure also waived restrictions on use of U.S. aid money to train police officers (Rosenthal, 1989).

As promised, Colombia hosted the regional Drug Summit in Cartagena on February 15, 1990, with the presidents of Peru, Bolivia, Colombia, and the United States. The summit produced little of significance--only a joint communiqué concerning initiatives to help farmers make a transition from coca to legal crops. President Bush was in Colombia only nine and a half hours and, while the President had previously sent a request to Congress for \$2.2 billion over five years for the Andean region, no new aid was announced.

President Barco continued his all-out war against the drug traffickers. By May 21, Colombian authorities had seized 34.5 metric tons of cocaine, destroyed 97 laboratories and 51 airstrips and arrested 1,279 suspected drug traffickers (Brooke, 1990b). The Extraditables continued their war as well and accelerated their terror and bombing campaign. In April, Escobar offered a bounty of some \$4,200 for every policeman killed. There were 42 killed in Medellín in May alone. Threats against the newspaper *El Espectador*, widely seen as the most hostile to the narco-traffickers, were so rampant that many newsstands quit carrying the paper.

Presidents Barco and Bush continued their good working relationship. As his term was nearing its end, Barco traveled to the United States for a final meeting with Bush. The U.S. and Colombia strengthened their trade relationship during the year. In July, Bush announced what would be the beginnings of ATPA (Andean Trade Preferences Act) when, by executive decree, he abolished import duties on 67 products from Ecuador, Colombia, Peru and Bolivia. The announcement, made during the visit of Ecuador's President Rodrigo Borja to the U.S., also included agricultural assistance and other measures to help Andean farmers shift from coca to licit crops (Farnsworth, 1990).

1990 was a presidential election year in Colombia. These elections were distinct from any in Colombian history for two reasons: the manner in which the campaign and voting were carried out and the results of the elections themselves. Political violence took the lives of three presidential candidates: Luis Carlos Galán of the Liberal Party, Carlos Pizarro of the M-19 political party, and Bernardo Jaramillo Ossa, the candidate of the UP (Unión Patriótica or Patriotic Union, affiliated with the FARC guerilla group). The violence impacted the campaign in several ways. César Gaviria, who ultimately took the Liberal Party nomination and the presidency, was a relative unknown prior to the Galán assassination. He had served as Minister of Finance and Minister of Government during the Barco presidency and left the administration to manage the Galán campaign. He was catapulted into the spotlight, and given Galán's banner, quite unexpectedly. At Galán's funeral, Juan Manuel Galán turned to Gaviria and said, "We entrust in you

the flags of my father. You can count on our support to become the President that Colombia wanted and needed. Save Colombia!" (Brooke, 1990a). With that, Gaviria became the anointed heir to Galán's mandate.

Not only did the violence affect who the candidates would be, but it affected how the campaign was conducted. The candidates agreed to have daytime events in enclosed halls--no public out-door rallies, long the norm in Colombian politics. A journalist following the campaign of Ernesto Samper<sup>5</sup> noted not only the extensive police and military presence surrounding the candidate, but a rather peculiar "status symbol" of Samper's entourage: an ambulance with two liters of his blood (Brooke, 1989e). The violence led to an extraordinary campaign that was waged on television by candidates who could not travel about the country. In the final month of the campaign, Gaviria appeared in public twice, both under intense security. In lieu of public appearances, he gave interviews from his secured bunker (Brooke, 1990a).

The results were surprising in that the M-19 party, which came about when the guerrilla group of the same name disbanded militarily and entered the political process, received some 800,000 votes or 13% of the total. This was unprecedented in a country dominated for more than a century by the two traditional parties, the Liberals and Conservatives. Incoming President Gaviria made M-19 candidate and former guerilla commander Antonio Navarro Wolff his Health Minister.

After his inauguration as President, Gaviria immediately visited the United States and sought to maintain the cooperative relationship with the U.S. forged by his predecessor. Two themes that emerged during his campaign and which would characterize his presidency threw into some doubt his ability to maintain the kind of relationship his predecessor had cultivated. During the campaign Gaviria made a crucial distinction between what he termed narco-traffic and narco-terror or narco-terrorism. Narco-traffic was an international phenomenon that would only be solved through multilateral efforts and international cooperation and would involve a heavy emphasis on decreasing demand in recipient countries. Narco-terror, which Colombia had been facing daily since the Galán assassination, was an urgent domestic crisis. As such, narco-terror would have a Colombian solution. It soon became apparent that implicit in the distinction was Gaviria's desire to separate the two and create a space in the international arena, and especially in the relationship with the U.S., to change course and pursue a different strategy vis-à-vis the drug lords.

Soon after his inauguration, President Gaviria announced his dramatic break with the Barco policy of war: plea bargains.<sup>6</sup> Whereas extradition had been the centerpiece of Barco's war strategy, Gaviria was now

offering to take it off the table.<sup>7</sup> The agreements between the government and the narco-traffickers promised that the traffickers would not be extradited to the U.S. and would face no more than 30 years in prison. There were also guarantees of safety for the traffickers' families and promises that they would be allowed to retain their vast property holdings. Responding to demands from the Extraditables,<sup>8</sup> in November Gaviria issued a decree which clarified and codified the offer. The decree included the promise that sentences would be no more than half of the maximum: not more than 15 years, and significantly less than that if adequate cooperation was given. The extradition protection was further extended to cover all crimes, not just those confessed. The traffickers would also not be forced to testify against each other and were promised special protection while in custody and would be held apart from the general prison population. The first significant drug trafficker to accept Gaviria's offer was Fabio Ochoa Vásquez, one of the Medellín cartel chiefs.

Interestingly, the U.S. was initially supportive of the initiative. Even reaction to the cessation of extraditions was met with encouraging comments about the new strength of the Colombian judiciary. DEA chief Robert C. Bonner said of U.S. policy, "Our interest is in seeing justice done, whether it is in Colombia or the United States" (Treaster, 1990). John P. Walters, acting head of ONDCP,<sup>9</sup> similarly suggested that extradition was but one means to bring drug traffickers to justice, "I'm encouraged insofar as he [Gaviria] tries to get the Colombian judicial system up and functioning and able to prosecute and bring to justice traffickers. There are people who see extradition as the most important policy goal. But it has been a tool, a means. We have always sought to help them re-establish the vitality of the Colombian judicial system" (ibid). U.S. Attorney General Dick Thornburgh echoed those comments, even suggesting that this was a positive development, "If the Government and people of Colombia are now able to enforce their own laws against drug trafficking, so much the better" ("Bogotá says," 1990).

In February of 1991, President Gaviria visited Washington and was warmly greeted by President Bush. Bush felt the Colombian situation so important that he made a point of giving Gaviria extensive time even in the middle of the Persian Gulf War. Despite Gaviria's already-public offer to negotiate the surrender of cartel leaders in return for promises of non-extradition and lenient sentences, Bush did not criticize the Colombian leader. On the contrary, he praised him as "a man of courage" who is "devoted to law and to liberty and for that you have our admiration and respect" and further called Gaviria's anti-drug stance "heroic" (Krauss, 1991). On the visit, the U.S. and Colombia signed four agreements, most related to

trade, and Bush further pressed for ATPA. But there was a significant law enforcement agreement which authorized U.S. authorities to share judicial evidence with Colombian authorities trying to prosecute narcotics criminals in Colombian courts. This was an effort on the part of Colombia to assure the U.S. that even without extradition, Colombian cartel leaders would face significant punishment (*ibid*).

Press accounts of the visit suggest that the most important aspect of Gaviria's trip was his series of meetings with the editorial boards of the *New York Times*, *Washington Post*, and *Miami Herald*. The meetings were designed to explain to the press the President's drug policies. As one senior Colombian official articulated, "The only major opponent of our policy in the United States is the press" and suggested that would be corrected by Gaviria's meetings ("Colombia seeks," 1991).

The Constituent Assembly, which had been elected by a popular vote the previous year, began meeting to re-write Colombia's Constitution. In May, the assembly voted to remove extradition from Colombia's Constitution. The new constitution was ratified June 19. Pablo Escobar surrendered to Colombian authorities within minutes. Four other leading members of the Medellín cartel surrendered within days.<sup>10</sup> This was a tremendous victory for Gaviria and the Colombian government. The Colombian government touted the Escobar surrender at home and abroad—even taking out a full-page advertisement in the *Washington Post* announcing it.

In Colombia, Escobar's surrender meant one thing: peace. Gaviria's peace initiatives were very popular. While there was some opposition to Gaviria's policy of leniency, *El Espectador*, for instance, ran the headline "Terror Won" on the day Escobar surrendered ("Escobar to be tried," 1991), an October press report put Gaviria's approval rating at 75% (Brooke, 1991). While these measures were characterized abroad as being "all carrot and no stick,"<sup>11</sup> they were wildly popular in Colombia, with 72% approving of them (*ibid*). President Gaviria even dismissed Gen. Miguel Maza Marquéz, head of Departamento de Administración de Seguridad (Department of Administrative Security, DAS, the equivalent of the FBI) and a hardliner in the drug war without any public outcry (*ibid*).

By the end of 1991, all of the leaders of the Medellín drug cartel were either dead or in prison. But cocaine shipments to the U.S. had not stopped; they had merely shifted. The Cali drug cartel now controlled most of the world's cocaine traffic and the U.S. hoped Colombia would now turn its attention there. Colombia did not. But even this does not appear to have harmed U.S.-Colombian relations. Indeed, throughout the first two years of the Gaviria administration, relations with the United States were exceptionally smooth.

In February of 1992, Colombia participated in the San Antonio Drug Summit. The Presidents of Colombia, Peru, Bolivia, Mexico, Ecuador, and the U.S. attended, as well as a delegation from Venezuela which did not include the president. No aid beyond the previously announced \$2.2 billion package for the Andean region was proposed. The only significant development of the summit was an agreement between the U.S. and Colombia to shift U.S. aid (\$75 million) from the Colombian military to the Colombian National Police. That policy of working with the Colombian National Police but not the Colombian military characterized U.S. policy toward Colombia until “Plan Colombia” in 2000.

In September, a joint operation between the U.S., Colombian, and Italian law enforcement authorities resulted in the arrests of 165 people on charges of money laundering. These were Sicilian Mafia and Colombian cartels working together to distribute cocaine and launder money. The operation further demonstrates Colombian cooperation with the U.S. at the operational level, despite all the tensions in the relationship relating to the plea-bargaining initiative and Escobar scandal.

In Colombia, there were cracks in Gaviria’s policy of leniency. Reports of a lavish lifestyle behind bars for Escobar and his comrades were rampant. His prison, popularly nicknamed La Catedral (the Cathedral) was apparently complete with a waterbed, a jacuzzi, a plush soccer field, exercise equipment and expensive television and electronics equipment. Escobar also received frequent visits from family members and business associates. More critically, it was widely reported and believed that he continued to control his drug business and that he was even issuing orders for the execution of his rivals from prison grounds. After a string of murders and kidnappings in Medellín that Escobar was believed to have ordered from prison, the decision was reached to move him to a more secure location.

On July 22, soldiers came to move Escobar. Instead, he escaped. What ensued was a national and international drama that captivated and terrorized Colombia for seventeen months. The U.S. immediately sent reconnaissance aircraft to help Colombia search for Escobar. Responding to domestic criticism that he had ceded sovereignty to the U.S., Gaviria responded that “We cannot, with the old trick of defending national sovereignty, defend drug traffickers and their criminal organizations which, with their enormous corrupting power, have shamed all Colombians” (Brooke, 1992). Gaviria relied on U.S. intelligence and aid throughout the search for Escobar.

In October, police killed Medellín’s second in command, Brance Muñoz Mosquera, and in November the cartel’s security chief John Edison Rivera. The cartel responded with a wave of terror against police in

Medellín and Bogotá, including shootings and car bombings (“Bombings and shootings,” 1992). In September, one of Colombia’s “faceless judges,” whose identities were kept anonymous to prevent attacks or bribery, who had been investigating charges against Escobar was murdered along with three of his bodyguards.

In November, Gaviria declared a state of emergency and launched a crackdown against both drug trafficking and guerrilla organizations. Gaviria’s announcement came on November 8, after more than 30 bombs exploded across the country the night before. Rebel groups further responded with increasing violence and bombings. They also began to target the oil industry for the first time.

Despite the Escobar scandal, Gaviria’s plea-bargaining policy continued late into 1992. In December, Ivan Urdinola, a leader of the Cali cartel, was sentenced to a maximum of 17.5 years in prison, with a probable reduction to 7 years after pleading guilty and agreeing to cooperate with Colombian authorities. He had been captured in April but reached his agreement with the government in December, taking advantage of the new Constitution and the government’s inability to build a strong case against him. U.S. officials expressed frustration with the light sentence for a man they considered to be one of the world’s “top 10 or 12 international drug traffickers” but were resigned to the decision (“Colombian drug leader,” 1992). In addition to Urdinola, seven of the nine Medellín kingpins who escaped with Escobar surrendered to police and reached new plea agreements with the government. These new surrender agreements came with the same terms as the agreements the traffickers had originally reached with the state.

## **SUMMARY OF U.S.-COLOMBIAN COOPERATION, 1989-1992**

There are three distinct shifts in Colombian anti-narcotics policy in this time period. In the first, President Barco responded to the Galán murder and subsequent violence with a significant shift in the direction of U.S. policy preferences, particularly with regard to sudden and dramatic increase in the use of extradition. The United States responded to Barco’s shift and immediately sent aid to Colombia, both in terms of funds and military trainers. Here Colombia is not seeking autonomy from U.S. policy preferences but rather embracing them.

In contrast, President Gaviria’s initial policy represents a second major shift and the pursuit of significant autonomy from U.S. policy preferences. His policy of leniency, plea bargains, and the removal of extradition even from the Colombian Constitution is a dramatic departure from U.S.

preferences. Moreover, Gaviria's rhetorical move of distinguishing between narco-traffic and narco-terror was a way to give himself the political space to pursue policies counter to U.S. interests. This represents a significant pursuit of policy autonomy, and the United States granted this. The United States was initially quite supportive of the move and allowed Gaviria to pursue his policies.

Colombian policy shifted a third time after Pablo Escobar's escape from prison. This time President Gaviria's policy shifted toward U.S. preferences. The U.S. again responded with financial assistance, personnel, and expertise and was intimately involved in the hunt for Escobar. Indeed, Gaviria's shift toward the United States elicited criticism from within Colombia that he was ceding sovereignty to the United States.

## **CRITICAL EVENTS IN U.S.-MEXICAN COOPERATION, 1989-1992**

Carlos Salinas de Gortari was elected President of Mexico in July of 1988 and inaugurated on December 1. Before his inauguration and after the election in the United States, Salinas traveled to Houston to meet U.S. President-elect Bush. This early meeting and the good rapport established between the two incoming presidents suggested a good start to U.S.-Mexican relations. In a further signal of Mexican cooperation with the U.S., President Salinas singled out drugs as a critical threat to Mexican national security in his inaugural address. These expectations of a cooperative relationship were largely confirmed in 1989.

In February, the United States and Mexico launched a joint border sweep resulting in the arrest of Nazar Haro, previously the head of intelligence in the Mexico City police department and under indictment in the U.S. Further, the Mexican government announced that in just 88 days as president, the Salinas administration seized 780 kilos of cocaine, 80,000 kilos of marijuana, made 1,700 arrests, and increased funding for narcotics control by 174% (Russell, 1994, p. 320).

U.S. Ambassador to Mexico Charles Pilliod spoke of Mexico's "steady cooperation" and the "redoubled energy" with which President Salinas had attacked the drug problem. "There are new programs coming up every day on a specific basis" he said, and, "if you have been in contact with Mexican authorities, you're quite aware that under the Salinas administration they have stepped up their activities remarkably in all sectors of the drug area." The Ambassador further argued that there was "no reason" to decertify Mexico, "they are working with us" (Rohther, 1989a). Mexico was certified as cooperating with the U.S. in combating narcotics.



In April, Miguél Angel Félix Gallardo, described by U.S. authorities as the “biggest fish of them all,” was arrested by Mexican authorities (Rohther, 1989c). The arrest came before a visit to the U.S. by Mexican Attorney General Enrique Alvarez del Castillo as the Congress considered overturning the president’s certification of Mexico.

On October 4, President Salinas told a session of the Mexican Congress that more emphasis must be placed on the drug war and that cooperation with the U.S. must increase but “the responsibility for the fight in our country is exclusively ours,” and “there will be no joint military operations on our soil” (“Mexico will press,” 1989). Later that month President Salinas made his first official state visit to the U.S. There he gave the same response in expressing opposition to joint operations with U.S. forces. This is significant because at the time such operations were taking place in Bolivia, Colombia, and Peru. President Salinas made it clear, both to his Congress and to the Bush administration, that there were limits to how far he would go in advancing the U.S. anti-drug strategy (Rohther, 1989d).

Salinas created a new branch of the Attorney General’s office dedicated to narcotics control efforts and began a 1,200 officer unit of “special groups” to be inserted in the Federal Judicial Police force. In announcing the new officers, Salinas repeated the national security rhetoric he consistently invoked when speaking of the drug trade, “Narcotics trafficking has become a grave risk to the security of the nation” (Rohther, 1989b).

In April of 1990, Humberto Alvarez Machaín was kidnapped in Mexico and taken to the U.S. for trial for his role in the Enrique Camarena case.<sup>12</sup> Without even seeking his extradition (officially because they had no confidence that their request would be granted), U.S. authorities arranged for Mexican bounty hunters to capture Dr. Alvarez Machaín. The doctor was kidnapped at his office in Guadalajara by armed men and flown to El Paso, where he was handed over to U.S. authorities. The bounty hunters received the \$50,000 reward for his capture and were paid an additional \$20,000 for expenses. Alvarez Machaín, a gynecologist, was accused of injecting Camarena with the pain killer Lidocaine to keep him alive during his torture so that the interrogation could continue. As will be discussed below, he was eventually acquitted of these charges.

The kidnapping infuriated Mexico. Mexico threatened at various points to stop its narcotics control cooperation with the United States. Mexico’s Attorney General Enrique Alvarez del Castillo bluntly warned, “If it is proved that Dr. Alvarez Machaín was kidnapped and illegally transferred with the participation of U.S. authorities, this will put at risk our bilateral cooperation in the fight against drug trafficking” (Shenon, 1990). The Mexican government quickly arrested several of those involved in the

abduction of Dr. Alvarez Machaín and demanded that the United States extradite the others, including U.S. agents, who were involved. In July, the Salinas government formally demanded the extradition of Hector Berrellez, the DEA agent in charge of the Camarena investigation, and Antonio Garate, a Mexican citizen and former Mexican police official who was an informer for the DEA (*ibid*). The extradition requests, which were denied, further increased tensions in the relationship. Gradually tensions over the Alvarez Machaín kidnapping eased and U.S.-Mexican cooperation continued on the drug front as well. In October, the U.S. sent Mexican police forces \$17 million worth of UH-1 Huey helicopters to aid their counter-narcotics efforts. This was a rare event in the bilateral relationship: military aid was rarely offered by the U.S. or accepted by Mexico.

The most significant event in the bilateral relations between the U.S. and Mexico of 1990 had nothing to do with drugs. In late February, high-level U.S. and Mexican delegations met secretly to begin free trade discussions. After months of secret, high-level meetings, on June 10, Presidents Salinas and Bush issued a joint communiqué calling for the negotiation of a free trade agreement between the two countries.

In November, Bush and Salinas met for the fourth time, tying the record for most meetings between U.S. and Mexican heads of state in just two years. The leaders met a total of 8 times in four years. Bush spent 28 hours in Mexico, much of it in the northern industrial city of Monterrey, and made a symbolic visit to Salinas' hometown of Aqualeguas. The presidents renewed their pledge to seek a free trade agreement.

The most significant events in U.S.-Mexican relations in 1991 again centered not on drugs, but on trade. On February 5, it was formally announced that the United States, Canada, and Mexico would negotiate a free trade agreement. The North American Free Trade Agreement, hereafter NAFTA, was the cornerstone of Bush policy toward Mexico and represents one of the most cooperative ventures in the history of the relationship between the two countries.

In narcotics control matters, two major corruption scandals demonstrated the fragility of Mexican judicial institutions and the difficulties in operational cooperation between the U.S. and Mexico. Responding to reports of rampant corruption in the Federal Judicial Police, President Salinas replaced Attorney General Enrique Alvarez del Castillo with Ignacio Morales Lechuga. The new Attorney General's office announced the creation of special anti-corruption and internal affairs units. The reorganization of the force was placed under the direct command of a Deputy Attorney General to be appointed by President Salinas (Uhlig, 1991). The shake-up came in response to reports that the Federal Judicial Police were

actively engaged in efforts to kill imprisoned drug lord Oliverio Chávez Araujo on behalf of his enemies in rival drug organizations.

A second scandal involved an incident on November 7, 1991, at a remote airstrip in Veracruz where Mexican soldiers killed Mexican drug enforcement officers. The soldiers were apparently protecting a drug shipment. The gun battle was filmed by U.S. Customs officers who were flying nearby and guiding the anti-narcotics police forces to the site of the landing of a suspected drug plane. The U.S. officials did not participate in the raid, but did provide the intelligence and guidance. The significance of U.S. participation in this mission should not be understated. This was an important step and demonstrates marked improvement in U.S.-Mexican operational cooperation. It was further significant that the Mexican Chamber of Deputies voted for "an exhaustive investigation" and requested reports from U.S. Customs and DEA officials in Mexico to assist with the investigation. That the Mexican legislature, which to most observers is most often excessively concerned with the protection of Mexico's sovereignty at the expense of its foreign relations, requested such assistance from the United States is remarkable. Initial reports suggested an accident, with soldiers believing they were firing at drug smugglers, not the narcotics police in pursuit of them. Evidence suggests that the soldiers did in fact know they were firing at police (Golden, 1991). Two Army Generals and three other officers were later detained in the case and charged.

Thus, while the scandals provided ample evidence to U.S. officials of the corruption of Mexico's judicial institutions, they also provided avenues for levels of operational cooperation rarely seen in U.S.-Mexican relations. Critically, the presence of U.S. personnel did not cause Mexico to alter its policies, nor did evidence of corruption cause the U.S. to change course. Together, these represent significant policy adjustments on both sides.

1992 was a tense year as the repercussions from the Camarena case continued to plague U.S.-Mexican relations. In June, the United States Supreme Court, in a 6-3 ruling, upheld the legality of the Alvarez Machaín arrest. The majority opinion, written by Chief Justice Rhenquist, held that because the extradition treaty between the two countries did not explicitly forbid such actions, the U.S. was allowed to try Dr. Alvarez Machaín. The ruling infuriated Mexico. Mexico immediately promised to appeal to the International Court of Justice and demanded that the extradition treaty be amended to prevent such abductions. Within hours of the Supreme Court decision, Mexico halted all DEA activity in Mexico. Mexico also recalled the three narcotics control officers it had stationed in the United States. These restrictions ended with the administration's promise not to employ such methods again. Days later Attorney General Ignacio Morales Lechuga

announced Mexico's decision to refuse all U.S. counter-narcotics aid.<sup>13</sup> In making the announcement, the Attorney General asserted that Mexico's commitment to drug control remained unchanged but he attacked the "strings" that came with U.S. aid, saying "If you are a guest in a house, you can't act like the host." He also noted that the aid was not needed as Mexico was "now able to pay for [counter-narcotics programs] ourselves." The Attorney General further alluded to the certification process in his comments, complaining about "the fact that our conduct in the fight against narcotics trafficking is debated outside of Mexico" (Golden, 1992).

Responding to Mexican demands to amend the extradition treaty, the Bush administration agreed to "review" the treaty but made no promises to change it. After two weeks of intense talks, the Bush administration promised that it would "not conduct, encourage, nor condone such kidnappings in the future." This did not satisfy Mexican officials because the promise would end with the Bush administration, though it did lead Mexico to lift the restrictions on DEA activity in Mexico (Golden, 1992).

In December, Dr. Alvarez Machaín finally went to trial. The case of Dr. Alvarez Machaín never reached the jury as the judge ruled that the prosecution's evidence against him was "the wildest speculation." The judge threw out the case against him and ordered him released. Alvarez Machaín returned to Mexico two days later. Alvarez Machaín's co-defendant Rubén Zuno Arce, brother-in-law of former Mexican President Luís Echeverría, was convicted on four counts against him after evidence suggested he helped plan the capture of Camarena and was present during his torture and execution ("Man is convicted," 1992).

## **SUMMARY OF U.S.-MEXICAN COOPERATION, 1989-1992**

In this time period, the United States and Mexico were willing to work together on narcotics control matters despite significant scandals on both sides. That is, the United States continued to work with Mexican officials despite evidence of official corruption, and Mexico continued to work with the United States despite the flagrant violation of its sovereignty in the Alvarez Machaín kidnapping. The two countries continued to work together despite these events and the halts in cooperation were only temporary. Mexico did seek, however, to carve out some autonomy from U.S. policy preferences, principally on the issue of joint military or law enforcement ventures. These ventures were ongoing in other Latin American countries and President Salinas sought to prevent them in Mexico. He also sought assurances that Mexican sovereignty would not be violated again and the United States refused to provide such assurance.

Attention now turns to explaining these changes in cooperation over time and the different levels of cooperation between the country pairings.

### *Electoral Tests*

Electoral tests do not appear to have influenced behavior of either Mexico or Colombia in any way during this period. There was no presidential election in Mexico during this time. While there was an election in Colombia, and President Barco had incentives to help his party's candidate (Liberal César Gaviria) to win, this does not appear to have affected his behavior in any way. Barco's policies changed dramatically in the final years of his presidency but those changes must be attributed to political violence in Colombia and not to the pressures of electoral politics.

Electoral tests provide surprisingly little explanatory power for United States behavior in this period as well. In both 1986 and 1988 the U.S. passed major drug control legislation in the run-up to general elections. This legislation included the creation of the Office of National Drug Control Policy, commonly referred to in this era as the "Drug Czar," and the mandatory annual certification. In 1988 there was also a concerted effort in the Congress to overturn President Reagan's decision to certify Mexico and the Bahamas which was likely impacted at least in part by electoral concerns. Nothing resembling these events happened in either the 1990 mid-term elections or during the 1992 presidential cycle. In fact, drugs appear to have become a much less pressing domestic issue during the Bush years. Public opinion polls from the 1988 election listed drugs as the country's single most pressing issue. After the president's drug control speech on September 5, 1989, and sustained media coverage of the violence in Colombia, 64% of Americans believed drugs to be the nation's most important problem. This was the highest ever recorded for a single issue since the Times/CBS poll began asking the question in 1976 (Berke, 1989). During the 1992 campaign, the issue vanished. Neither candidate gave drugs more than a cursory mention in his nomination speech and drugs were not issues in the presidential debates. Further, Gov. Clinton's confessed marijuana experimentation in college and his famous "I didn't inhale" explanation of it,<sup>14</sup> did not hurt the candidate in any way.

This is not to say that relations with Mexico were not campaign issues in 1992. The debate about Mexico centered on trade and immigration. There was talk of reinforcing the border and at one point California Senate candidate Diane Feinstein proposed bringing in the U.S. army rather than merely adding the 1,500 border patrol officers her Republican incumbent opponent John Seymour had proposed (Sontag, 1992). NAFTA was also an issue in the campaigns: independent presidential candidate H. Ross

Perot famously described the “giant sucking sound” of jobs heading south, and Gov. Clinton consistently called for labor and environmental protocols to be added to the agreement. But drug control was noticeably absent from the discussion. More importantly, it does not appear that President Bush’s behavior toward Mexico or Colombia with respect to drug control changed in any way as a result of either the mid-term or presidential election cycles.

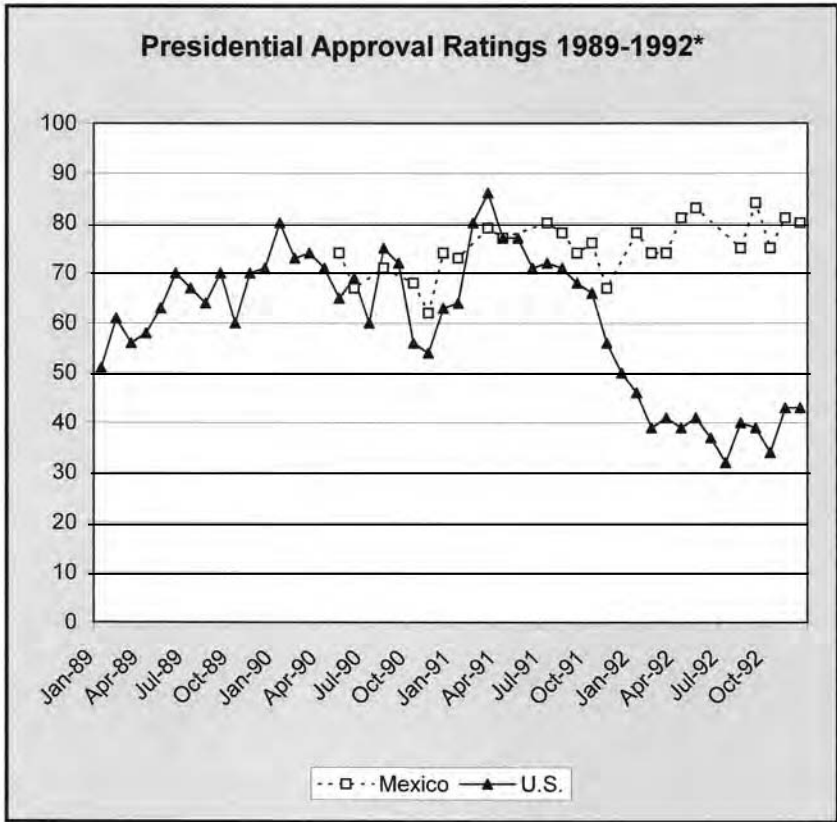


Figure 2.1 Presidential Approval Ratings, 1989–1992

\* Sources: The Roper Center for Public Opinion Research, Presidential Job Performance, Job Performance Ratings for President Bush (G.H.W.) (1989-1992); Buendía, Jorge, “Economic Reform, Public Opinion and Presidential Approval in Mexico 1988-1993,” Comparative Political Studies, 29, No. 5 (October 1996).

Questions: Do you approve or disapprove of the way George Bush is handling his job as President? ¿Está usted de acuerdo o en desacuerdo con la manera como está gobernado presidente? [Carlos Salinas]

Note: Missing data are interpolated.

### *Presidential Popularity*

The theoretical expectation is that presidents in Mexico and Colombia whose domestic support base has been weakened will stand firm against pressures from the United States. In Mexico, President Salinas was very popular from 1989-1992 (See Fig. 2.1). In March of 1990, the first year for which data is available, his approval rating stood at 74.3% and in December of 1992 at 79.7%. It never fell below 67.3% and was generally much higher, averaging 75.2% with a high of 84.4% (Buendía, 1996). Perhaps these high approval ratings allowed President Salinas the freedom to pursue policies more closely aligned with U.S. interests, even with the United States involved in flagrant violations of Mexico's sovereignty. Indeed, these years do mark a dramatic move on the part of Mexico and the United States to a closer, more cooperative relationship.

In Colombia presidential popularity does not appear to affect Colombian policy. Presidential approval rating data on the Barco years remains unavailable and data on the Gaviria years is piecemeal. President Gaviria's approval ratings varied dramatically during his first two plus years in office as his policy with regard to Pablo Escobar and the narco-traffickers first resulted in dramatic success and pacification of the country and then in the dramatic failure of the policy with the Escobar escape. The Escobar escape inflicted a serious political toll on President Gaviria: his approval rating fell from a high of 80% to 12.7% and he was called to testify before a Senate investigation committee. The president even gave a 60 minute news conference to explain himself and to deny that he had known about the lavish conditions Escobar and his comrades were living under. This did not help his case. Indeed, 77% of those polled after his televised appearance were "not satisfied" with his account ("Escape tarnishes Colombian," 1992).

Yet it is likely that Gaviria's approval ratings responded to his drug policies and not the other way around. That is, there is no evidence that Gaviria altered his policies toward narcotics traffickers because of his approval ratings. His first plea bargaining initiatives were tied to the terror campaign launched by narcotics interests. His concerted effort to capture Escobar, which eventually resulted in Escobar's death, was a reaction to his escape and renewed terror, not plummeting approval ratings. It also bears noting that even in the face of these declining poll numbers and the scandal of the Escobar escape, Gaviria's policy toward the Medellín cartel did not change as much as one would expect: all but three of those Medellín members who escaped with Escobar returned to prison under plea bargain agreements identical to the ones they had surrendered under to begin with. The policy of leniency and non-extradition in return for confessions and surrenders did not change.

In the United States, weakened executives are expected to seek victory in foreign policy to shore up domestic support. A president facing strong opposition from the legislature as Bush faced is especially likely, according to the theory, to seek a foreign policy victory. The President's approval rating varied widely during his presidency. At its peak, Bush's job approval rating was 87% in the aftermath of the Persian Gulf War (March of 1991) but fell to a low of 34% in mid-October of 1992 (The Roper Center, 2004). With consistently-declining job approval ratings and an election looming, the expectation is that the president will seek a foreign policy victory and "get tough on drugs." That President Bush did not do so merits attention.

Two aspects of the Bush presidency help explain this counter-finding. First is a widely-held perception that President Bush was an outstanding foreign policy president but weak on domestic issues. Indeed Gov. Clinton's mantra was "It's the economy, stupid" and he consistently attempted to portray the president as out of touch on domestic issues. Given that context, it is unlikely that a foreign policy success would have helped Bush's political fortunes. A second reason Bush did not attempt the "get tough" strategy is tied to his efforts to secure the passage of the North American Free Trade Agreement. This meant an unprecedented strengthening of ties with Mexico. It would have been impossible for the president to accuse Mexico of failing to cooperate on narcotics issues and publicly chastise them while, at the same time, attempting to convince a skeptical public and Congress of the need to integrate the American economy with Mexico's.

### *Executive-Legislative Relations*

This hypothesis has little explanatory value in the context of Mexican and Colombian behavior. The Colombian legislature during this time period was not a significant factor in Colombian political life and neither President Barco nor Gaviria faced serious legislative opposition to their policies. Colombian politics was dominated by the executive, which is reflected in the president's ability to govern under emergency decree. Bushnell (1993) has noted that in modern times Colombia has relied on these decree powers extremely often: as much as 75% of the time. This pattern is repeated in the time period under consideration. In 1987 Colombia's Supreme Court ruled extradition unconstitutional. Yet President Barco, acting under the authority granted him in these emergency decrees, sent an unprecedented number of Colombians for trial in the United States. Similarly, President Gaviria enacted his pacification initiative through executive decree. Further, it was a specially-elected Constituent Assembly that changed the country's



constitution in 1991. While Gaviria was called before a Senate investigative committee to answer questions about the Escobar affair, the Colombian Congress did not alter Gaviria's behavior in a meaningful way.

In Mexico, electoral reforms enacted after the 1988 elections altered the form of the Mexican Congress, and in the later years of this study the legislature begins to assert itself in Mexican political life for the first time. That had not happened during the 1989-1992 time period and the influence of the legislature remained "limited" (Needler, 1995) as the President's PRI party continued to dominate it (See Table 2.1).

Unlike his predecessor, President Bush never faced a serious challenge on any of his certification decisions.<sup>15</sup> This should not suggest that executive-legislative relations were smooth, however. President Bush had an exceptionally tense relationship with the Congress. Rosenbaum suggests that "rarely in modern American history" has "the relationship between the President and Congress been as sour and the legislative product so meager" (Rosenbaum, 1992). Bush's troubles with the Congress began early: Democrats gained seats in the 1988 elections forcing Bush to confront the largest opposition majority of any newly-elected president in history. Relations strained immediately over the nomination of John Tower as Secretary of Defense. The president pushed hard for the nomination, and Tower was defeated in spite of his efforts. The Bush presidency was not without legislative accomplishments, Fast Track authority to negotiate the NAFTA was certainly among them, but the tension throughout his term was great and included 31 vetoes.<sup>16</sup>

The president faced consistent criticism from the Democratic Congress that he was not going far enough and not doing enough on the drug

**Table 2.1** Presidential Support in the Legislature, 1989-1992

		1989	1990	1991	1992
U.S.	House	175/260	N/C	167/267	N/C
	Senate	45/55	N/C	44/56	N/C
Mexico	Chamber	260/240*	N/C	320/180	N/C
	Senate	60/4*	N/C	61/3	N/C
Colombia	Chamber	N/A	119/80	88/73	N/C
	Senate	N/A	66/48	57/35	N/C

Note: President's party listed first.

\*Elections in 1988.

front. It is important to note that the president's most vocal critics on drugs early in his administration were Democrats, principally Senators Biden (D-DE) and Kerry (D-MA), who complained that the president was not doing enough. These charges demonstrate that the drug control is an out-party issue used against the president. The president can never do enough on drugs and the out party can make that charge consistently. So a GOP president facing a Democratic Congress faces the same kinds of pressures that a Democratic president facing a GOP Congress faces.

The executive is often concerned with broader issues in international affairs than the congress. With a majority in the Congress the president can create a "legislative shield" to protect herself from the overturning of drug policy. That is, legislators in the president's party have an interest in protecting the president and allowing her foreign policy to be conducted according to her wishes. This legislative shield is not automatic or unalterable. Indeed, the drug issue places legislators in such a precarious position that one former Legislative Affairs staffer on the National Security Council described his job as "keeping certification off the floor" because it placed Senators and Representatives in "an impossible position" of having to affirm something that was not likely true--in this particular instance, complete cooperation by Mexico (confidential interview, Washington, D.C., May 2001). It is not a surprise then that the Democratic congressional majority attacked President Bush on the drug issue. Perhaps a greater surprise is that with such a solid majority, the Congress did not do more, especially later in the term when Bush appeared more vulnerable.

### *Reputation of Colombian President*

Many Colombian analysts see a cyclical pattern to U.S.-Colombian relations based not on actual results in the fight against narcotics, but on the reputation of their president. While the more dramatic manifestations of this theory will be explored in greater detail in the coming chapters with the election of a president with apparent ties to the narcotics industry (specifically the Cali cartel), the hypothesis bears exploring here as well. During the early years of his presidency, Virgilio Barco had a tense relationship with the United States, refusing to extradite nationals and generally not pursuing the types of policies the U.S. preferred. He was widely seen as weak on the drug issue. When he suddenly turned and began extraditing at an unprecedented rate, he was rewarded with substantial U.S. aid and support.

César Gaviria came to office as Washington's preferred candidate. As the heir to the Galán legacy, Gaviria was widely seen in Colombia as the candidate who would be toughest on drugs. This reputation for strength

and standing up to the cartels helps explain his extraordinary ability to avoid sanctions and pressures from the United States in the face of his radical departure from U.S. policy preferences. In addition, Gaviria came to Washington upon his inauguration and established a cordial relationship with George Bush. The relationship remained cordial and cooperative with Bush even meeting with Gaviria during the Gulf War at a time when Gaviria's policies were antithetical to Washington's. Indeed, one frustrated State Department official said of Gaviria, "George Bush loved him so we had to work with him" (Crandall, 2002).

It is important not to overstate the case here. Much more is explained by the peculiar circumstances in Colombia during this time period and Washington's recognition of them. But part of Gaviria's ability to avoid sanctions or a breakdown in bilateral relations in the face of his allowing extradition to be removed from the Colombian Constitution in 1991, his leniency policies, and his refusal to pursue the Cali cartel are owed to an early determination on the part of the U.S. administration that he was a trustworthy ally and President Bush's continued personal support of him. A tainted president (his successor) would never have received such treatment from the United States.

### *Domestic Terrorism*

The most important factor in Colombian behavior during this time period is the war that was declared by Pablo Escobar and the other Extraditables. Their violent campaign against the state began with the assassination of presidential candidate Luis Carlos Galán. This murder demonstrated their determination to confront the state directly when their interests were threatened. This killing changed the dynamic in Colombia in significant ways. President Barco suddenly began extradition even in the face of a Supreme Court decision prohibiting it. Acting under emergency decrees, Barco extradited 24 traffickers to the United States in the aftermath of the assassination (Crandall, 2002). As noted above, the narco-traffickers responded with unprecedented violence and a wave of bombings, assassinations, kidnappings, and general terror—even blowing a commercial airliner out of the sky.

The terror then led to two unprecedented policy shifts: Barco's all-out war and Gaviria's pacification. With Colombians tiring of the violence, Gaviria changed course dramatically to deal with the narco-terror. While he had promised to work against both narco-terror and narco-traffic, in practice he focused exclusively on the former and ignored the latter. For several months, the policy worked. Drug traffickers had what they wanted: constitutional guarantees that they would not face extradition and lenient jail sentences. Colombians had what they wanted: peace.

The United States achieved its policy preferences in 1989 and early 1990. Colombia pursued the kinds of policies advocated by the U.S. and sent numerous narcotics traffickers to the United States for trial. That changed with Gaviria's pacification. Instead of life sentences in the United States, the Medellín kingpins generally faced eight years in posh prisons. In addition, the surrenders did not affect drug exports to the United States. While Barco's crackdown had significantly, if temporarily, decreased cocaine exports and increased street prices in the United States, the pacification of the Medellín leaders resulted in the strengthening of the Cali cartel. The Gaviria administration did not move decisively against the Cali kingpins. Despite these events, the Bush administration continued to support Colombia and Gaviria, even increasing aid to Colombia. That the U.S. did not respond to Gaviria's dramatic turn is due in large part to Washington's recognition of the extraordinary crisis in Colombia and the need to end the violence. While the U.S. responded favorably to Barco's equally-dramatic turn, they did not respond harshly to Gaviria precisely because of the pressures the violence placed on him.

## CONCLUSION

This chapter has shown very different levels of drug control cooperation between the United States and Mexico and Colombia and significant variations within the country pairs. Colombia's three policy shifts seem best explained by discreet events in Colombia: the Galán murder, the terror campaign, the Escobar surrender and escape. Colombia seeks, and receives, significant autonomy from the United States in this period. U.S. behavior toward Colombia, particularly in the granting of such significant autonomy, similarly seems driven by events in Colombia and perhaps an early appraisal on the part of the Bush administration of Gaviria's general trustworthiness on the drug issue.

In U.S.-Mexican relations, cooperation between Presidents Bush and Salinas achieved very high levels during the first three years of their administrations. Cooperation changed in the final year of the Bush administration with the Alvarez Machaín case causing severe tensions and little movement by either side to resolve issues. Throughout the four years, cooperation is best explained by a concerted effort on the part of both presidents to emphasize other issues in the relationship and negotiate a free trade agreement. That there was not more tension in the relationship despite serious setbacks on narcotics control, corruption scandals in Mexico, and the kidnapping of a Mexican citizen at the request of U.S. drug enforcement agents suggests a complicated, interdependent relationship that will be the focus of Chapter Five.



## Chapter Three

# The First Clinton Administration, 1993–1996

The George H.W. Bush administration maintained cordial and cooperative relationships with the governments of both Colombia and Mexico. Presidents Bush and Gaviria maintained these relations despite the significant failures of the Gaviria government, most notably the controversial plea bargain given to Pablo Escobar and his subsequent escape from prison as well as the removal of extradition from the new Colombian Constitution by the Constituent Assembly in 1991. Similarly, the Bush administration maintained exceptionally warm relations with the Salinas government in Mexico. Bush and Salinas met eight times, twice the highest number of meetings ever between the two countries (Russell, 1994), and successfully negotiated the North American Free Trade Agreement (NAFTA). President Salinas, like his predecessor President de la Madrid, spoke of narcotics control as a national security issue (Toro, 1995). He was widely seen as the most cooperative Mexican president to date on narcotics matters.

Yet by the time President Clinton was inaugurated, there were significant tensions in both bilateral relationships. President Gaviria's policy of plea bargaining, where major Colombian cartel leaders confessed to their crimes and promised to leave the narcotics business in return for limited jail sentences in Colombia and the promise of not being extradited to the United States, was hotly contested in Washington. This policy became a crisis for the Gaviria administration and a significant problem in U.S.-Colombia relations in June of 1992 when Pablo Escobar escaped from his luxurious prison and renewed his terror campaign. The major tension in the relationship with Mexico involved the case of a U.S. Drug Enforcement Agent, Enrique Camarena Salazar, and the kidnapping and trial of one his accused torturers, Dr. Humberto Alvarez Machaín.

## CRITICAL EVENTS IN U.S.-COLOMBIAN COOPERATION, 1993–1996

During 1993, the search for Pablo Escobar became a national drama. A bombing campaign was launched by a new group, the PEPES (the Spanish acronym for People Persecuted by Pablo Escobar) with apparent ties to Escobar's rival Cali cartel. The drama finally ended in December when Pablo Escobar was killed in a bloody shootout with police in Medellín.<sup>1</sup>

Gaviria's pursuit of Escobar and his abandonment of his earlier leniency policy for Escobar represented a significant shift in policy. The Gaviria administration asked for and received U.S. technical, logistical, and intelligence support in the hunt for Escobar. Even before the fatal shoot-out, the U.S. responded favorably to Gaviria's moves and rewarded him accordingly. With Escobar on the loose, the administration certified Colombia as "cooperating fully" in March of 1993. That same month a GAO report lauded Colombia's performance and commitment to U.S. policy preferences. The report contended,

Colombia has demonstrated its commitment and political will by taking action to support U.S. counter-narcotics objectives. It has applied pressure against drug-trafficking activities through law enforcement and military actions and has disrupted drug-trafficking activities in Colombia and, as a result, U.S. officials believe these programs are effective (General Accounting Office [GAO], 1993, p. 1).

Colombian drug control cooperation with the U.S. remained strong throughout 1993.

1994 saw Colombia's presidential elections, the effects of which would significantly shape U.S.-Colombian relations and drug control cooperation for the duration of the time period covered by this study. After a long and difficult campaign, Ernesto Samper of the Liberal Party was narrowly elected over his Conservative rival Andrés Pastrana on June 19. The transition in presidential administrations in Colombia had significant effects on U.S.-Colombian narcotics control cooperation and more broadly on U.S.-Colombian relations. Outgoing U.S. Ambassador to Colombia Morris Busby noted that after a "period where the relationship has been very close throughout the Gaviria administration," there were now new teams on both sides, resulting in what he termed "a mating dance" (Brooke, 1994).

This mating dance was immediately complicated by allegations that newly-elected President Samper was tied to narcotics trafficking. Within

days of the election the “narco-cassettes,” which appeared to link the Samper campaign to drug trafficking interests, were leaked to the media. The cassettes were recorded conversations between senior members of the Samper campaign and associates of the Cali drug cartel and appeared to arrange a transfer of funds from the cartel for the run-off election against Pastrana. Samper, whom the United States already distrusted for statements early in his political career on the legalization of marijuana and whom they had long-suspected of drug links, now appeared to live up to their greatest fear. Upon his angry resignation from the DEA in September, the former Bogotá DEA chief Joe Toft went on Colombian television and declared that a “narco-democracy” was now in power in Colombia (Farah, 1996b).

Despite the misgivings of the United States about the Samper administration, the two countries appeared to cooperate significantly in 1994 on narcotics control matters. Colombia had been fully certified in March of 1994 (before the elections that resulted in the Samper presidency), and Operation Splendor, a fumigation effort, began later that year. Further, U.S. pressure helped force President Samper to replace Attorney General Gustavo de Grieff. De Grieff was controversial in the United States for his role in President Gaviria’s plea bargaining process and infuriated the administration with public comments about the need to investigate decriminalizing narcotics. U.S. Senator John F. Kerry wrote a scathing op-ed in the *Washington Post* under the title “Law Enforcement a Kingpin Could Love” where he accused de Grieff of articulating positions “nearly identical with those of the [Cali] cartel itself” and asserting that such positions “threaten to bring about his nation’s capitulation to the Cali cartel” (1994). Responding to U.S. pressure, President Samper replaced de Grieff with noted hard-liner Alfonso Valdivieso in the first days of his administration.

In 1995, Colombia was decertified by the United States for lack of adequate drug control cooperation but was granted a national interest waiver and thus spared the penalties of decertification. A national interest waiver accords the benefits of certification, and is often portrayed as a sort of intermediate category between complete certification and a formal decertification, thus implying an “intermediate” level of cooperation between the two countries. It is important to note that this is not in fact the case. A national interest waiver is in fact a decertification with the penalties waived. The country receiving the waiver is judged to have failed to cooperate with the United States, but because of compelling U.S. national interests, allowed to proceed as if it had. This was the first decertification of a U.S. ally. In June, the Colombian Congress passed a law banning money laun-



dering, which the United States had long sought. By the middle of 1995, the Colombian government had dismantled the Cali cartel. Miguel Rodríguez Orejuela was arrested in June, and by August six of the top seven cartel officials were in custody. According to the GAO, the United States gave the Colombian government a list of six items it needed to complete in order to receive U.S. certification. These included arresting at least one high-level member of the Cali cartel, passing money laundering legislation, enacting tougher sentencing guidelines, and meeting specific eradication targets. The GAO then reported the Cali arrests and noted that “based on recent actions, it appears that Colombia is making progress on the other five actions” and indicated that it had exceeded targets for coca eradication (1995, p. 6).

Despite these legislative initiatives and the impressive gains on the ground, Colombia’s performance was not rewarded by the United States. In fact, the U.S. continued to increase the pressure during 1995 and took an even more hostile position toward the Samper government. The decertification decision in March seems based on Samper’s reputation, not actual failure to cooperate. In fact, Samper had been cooperating and continued to do so.

Given the significant changes in Colombian policy and the success of the Samper administration in combating the Cali cartel in 1995, it is surprising that Colombia was decertified in March of 1996 and not granted a national interest waiver. This made Colombia subject to the punitive aspects of the decertification process for the first time. One former high-level State Department official argued that Colombia had complied with U.S. demands and that based on its cooperation, Colombia certainly deserved a national security waiver, if not outright certification, in 1996 (confidential interview, Washington, D.C., May 2001).

The 1996 certification decision met with predictable outrage in Colombia. Relations between the two countries were strained further in 1996 when President Samper was acquitted by the Colombian Congress on the impeachment charges against him stemming from the campaign financing scandal.<sup>2</sup> The United States responded to the acquittal by stepping up the pressure on the Samper government in two significant ways. First, the Justice Department demanded the extradition of four members of the Cali cartel, despite Colombia’s constitutional prohibition on extradition. Suddenly extradition became the *sine qua non* of certification. The second intensification was the decision to revoke President Samper’s travel visa, prohibiting him from entering the U.S., even for official functions at the United Nations. This effectively ended ties between the two presidents.

As there had been during the first two years, there continued to be significant cooperation between the two governments during the rest of

Samper's term in office, but the cooperation was at lower levels between law enforcement agencies. Thus the U.S. State and Defense Departments had extensive contact with their Colombian counterparts, and there was significant operational cooperation between the U.S. Drug Enforcement Administration and the Colombian National Police, but virtually no contact between the high levels of the executive branch, and certainly no contact between the two presidents for the remainder of Samper's term in office. Despite these tensions, the Samper administration continued to cooperate in significant ways on narcotics control matters. During 1996 the United States reached a key agreement with Colombia regarding boarding of maritime vessels, and there was significant progress made on money laundering and asset forfeiture, and many in the administration believed the path to extradition had been opened (confidential interview, Washington, D.C., May 2001). Jorge Orlando Melo argues that in 1996 "there were more arrests, drug seizures, and crop eradication by force than ever before" (1998, p. 77).

## **SUMMARY OF U.S.-COLOMBIAN COOPERATION, 1993–1996**

It is striking just how far Colombia went during this period to comply with U.S. policy demands and how little autonomy the United States granted Colombia. President Gaviria dramatically shifted his drug policy away from the plea bargains and leniency that had characterized his administration to a full assault on the Medellín cartel. While this policy was much more in keeping with U.S. preferences, it was not in direct response to U.S. pressure but instead to events in Colombia and the dramatic failure of his previous policy. Because of the allegations of illicit financing of his presidential campaign, President Samper began his term in a weakened position on narcotics matters and responded to U.S. pressure, first in replacing the attorney general, and then on a host of other issues. Indeed, while he vigorously protested U.S. policy, he was equally vigorous in his compliance with it.<sup>3</sup> In this period, Colombia sought very little autonomy from the United States and instead pursued a drug policy consistent with U.S. interests and demands.

For its part, the United States vigorously pursued its preferred policies for Colombia and granted very little autonomy after the 1994 elections. While the U.S. had tolerated Gaviria's deviations from its policy preferences previously, the U.S. responded quite favorably to Gaviria's shift in 1993 and 1994, providing assistance instrumental in the killing of Escobar and the dismantling of the Medellín cartel. With the election of Samper, and the suspicions of his ties to the Cali drug traffickers, the United States took a much harsher and more punitive position, continuing to demand more

compliance from Colombia and repeatedly punishing Colombia despite strong evidence of success both legislatively and operationally.

## CRITICAL EVENTS IN U.S.-MEXICAN COOPERATION, 1993–1996

While Mexico was certified in March for its cooperation with U.S. drug-control efforts in 1992, 1993 was a difficult year in bilateral cooperation with the United States. First, Mexico began refusing U.S. counter-narcotics aid and “assumed responsibility for most of the costs of the counter-narcotics effort” within its borders (GAO, 1996a, p. 7) in what has been called the “Mexicanization” of the bilateral relationship. This policy had long-running repercussions as U.S. aid was “negligible,” and Mexico, formerly a major recipient of U.S. anti-drug aid, received a paltry \$2.6 million in 1995, mostly for spare parts for helicopters (GAO, 1996a, p. 3; 1996b, p. 5). Further, Mexico consistently resisted U.S. efforts to monitor its use of U.S.-funded equipment, which is mandated by U.S. law.<sup>4</sup> According to GAO reports, the Mexican government sometimes refused assistance that was contingent upon monitoring agreements and other times initiated lengthy negotiations in order to reach an accord that would satisfy both U.S. law and its own concerns about national sovereignty (1996b).

Further complicating matters in 1994 was a significant assassination and subsequent scandal. On May 24, Cardinal Jesús Posadas Ocampo and six others were assassinated at the Guadalajara airport. The Cardinal was killed (perhaps by mistake) by drug traffickers and his killers escaped (allegedly because of official complicity). This demonstrated to U.S. officials the corruption of Mexican institutions and their penetration by narcotics interests.

The murders led to significant institutional reforms in Mexico. Less than one month after the killings, President Salinas announced the creation of the INCD (Instituto Nacional para el Combate de Drogas—National Institute for the Combat of Drugs). The new institution was designed to be the functional equivalent of the ONDCP in the United States and placed all counter-narcotics efforts in one executive-level department. In addition, President Salinas introduced several measures into the Congress that required constitutional changes. These measures included authorizing rewards for information in drug cases, specification of penalties for money laundering and requirements on declaring possession of currency for entry and departure from Mexico, extending arraignment periods and other technical changes to Mexico’s legal code. That President Salinas responded to the scandal with the creation of this new institution and by pressing for

constitutional changes is a significant shift in policy. So was his law enforcement crack-down: eventually some 67 law-enforcement officers, including four senior officials from Jalisco and the former Mexico City police chief were fired or arrested (Russell, 1994), and four Supreme Court magistrates were charged. In December, noted drug lord Francisco Arellano Félix was arrested and charged with involvement in the Cardinal's murder.

These changes in Mexico resulted in significant improvements in operational cooperation between the enforcement agencies of the two countries. Grayson (1993) notes significant new cooperation between Mexican and U.S. authorities, "particularly noteworthy the exchange of information" which resulted in the capture of important suspects. This new cooperation was attributed to Mexico's reforms and the new personnel on the field. In 1993 both sides took significant steps which not only kept the scandal surrounding the Cardinal's assassination from hurting cooperation, but actually improved it.

In 1994 both Mexico and the United States placed emphasis on other issues in their bilateral relationship and largely ignored narcotics matters. In August of 1993 the side agreements to NAFTA were completed and the U.S. Congress narrowly approved the free trade agreement. NAFTA went into effect on January 1, 1994. With this came the uprising in the state of Chiapas by the indigenous rebel army EZLN (*Ejército Zapatista de Liberación Nacional*, or Zapatistas). This uprising would consume Mexico's attention for much of the year. Further, the 1994 elections were marred by violence as the PRI's initial presidential candidate, Luís Donaldo Colosio, and another high-ranking PRI official, Francisco Ruíz Massieu, were assassinated. Ernesto Zedillo became the party's candidate and was elected with the lowest-ever vote totals for a PRI candidate.

While Zedillo declared upon taking office that drug trafficking remained "Mexico's number one security threat" (GAO, 1996, p. 7), attention focused elsewhere early in the administration. Immediately after his inauguration, Mexico's currency, the Peso, collapsed initiating an economic crisis that occupied U.S. and Mexican administrations for much of the next year. The U.S. and Mexico began negotiating an assistance program immediately, and the U.S. announced a support program for Mexico in January of 1995, and loans flowed to Mexico through December of that year. It is important to note here that narcotics control was also much less important for the United States in 1994. Indeed, the GAO (1995) reports that the U.S. Embassy in Mexico City listed narcotics control as its fourth highest priority and that the ambassador explained to their investigators that "he had focused his attention during the prior 18 months on higher-priority issues of trade and commerce. He explained

that because of the North American Free Trade Agreement and the U.S. financial support program for the Mexican peso, he had insufficient time to focus on counternarcotics issues” (p. 3). The report goes on to note that this was justifiable in the eyes of the GAO investigators (1995, p. 3).

In 1995, Mexico and the United States again largely focused on other issues in their bilateral relationship. The Peso crisis and the U.S.-led stabilization effort dominated the bilateral agenda. However, unlike 1994, the countries did make significant progress on narcotics matters as well. Mexico made very significant legislative changes to bolster the power of law enforcement authorities. These changes, which had long been sought by U.S. officials, included the enactment of laws authorizing the use of wire-taps and confidential informants as well as the establishment of a witness protection program. These tools were seen as essential law enforcement tools by U.S. officials (GAO, 1996, p. 4).

In addition to the legislative changes, Mexico initiated substantial eradication campaigns targeting the cultivation of both poppy and marijuana. Further, operational cooperation between the United States and Mexico appeared to improve under the Zedillo administration. The United States shared crucial intelligence with Mexican authorities that resulted in the arrest of José Adolfo de la Garza, the reputed head of the Gulf cartel in October (Fineman, 1995).

In 1996, drug control issues resumed a more central role in U.S.-Mexican relations. By 1996, the U.S. Embassy had made counter-narcotics its “co-first priority, which is shared with the promotion of U.S. business and trade” (GAO, 1996, p. 7). The renewed emphasis on drug matters had a significant impact on narcotics control cooperation. At the executive level, narcotics control issues were institutionalized. In 1996, the United States and Mexico formed the High Level Contact Group<sup>5</sup> for narcotics control, which gathered ranking officials charged with managing narcotics policy from each country for periodic meetings. This was a very significant step for both countries and has had far-reaching consequences. It was an especially significant move for the United States as it gave Mexico important leverage in narcotics control discussions and for the first time allowed Mexican officials to demand concessions on the part of the U.S., particularly on matters of demand reduction.

At the operational level, the two countries continued to cooperate in significant ways. The two governments signed “several technical and material support agreements” as well as an “operational control agreement for the border task forces” (Gelbard, 1997). Mexico also produced impressive enforcement results in 1996 and arrested several significant traffickers, including Juan García Abrego, who had been on the FBI’s Ten Most

Wanted List, José Luis Pereira Salas and Manuel López Rodríguez. Mexico extradited Abrego and Pereira Salas (Gelbard, 1997).

Mexico also continued its legislative reforms to bolster law enforcement authority. In April, the Mexican Congress passed a strict new law against money laundering, something that had long been on the U.S. wish list, as well as laws to combat precursor chemicals (GAO, 1996a, p. 3; 1996b, p. 4).

## **SUMMARY OF U.S.-MEXICAN COOPERATION, 1993–1996**

The United States and Mexico both made significant concessions in order to improve narcotics control cooperation despite significant difficulties both operationally, with the Cardinal Posadas scandal, and politically, in the United States with increased pressure to pursue a stronger stance on Mexico and in Mexico with consistent sovereignty concerns about U.S. involvement in its internal affairs. Mexico sought significant autonomy from U.S. policy principally in the refusal of most U.S. assistance and in the strong conditions it placed on U.S. monitoring of the limited assistance it received. The United States accepted this “Mexicanization” of narcotics control policy. The U.S. also accepted a shift in priorities away from drug trafficking to other matters, principally Mexico’s economy. For about two years the countries worked together on other issues, relegating narcotics control to a much lower priority.

In other ways, however, the United States and Mexico worked together as never before. In response to the Posadas assassination, Mexico made legal changes long sought by the United States, some involving constitutional changes, created a new executive-level department to deal with drug control, and worked to root out corruption in its law enforcement agencies. Further, in the aftermath of the scandal there was more operational cooperation and information sharing at the law enforcement level than ever before.

Attention now turns to the factors affecting the behavior of Colombia, Mexico, and the United States.

### ***Electoral Tests***

The relationship between cooperation and elections in Mexico and Colombia remains unclear. Without presidential reelection, and given the lack of importance foreign policy debates play in legislative races, it is difficult to determine any significant relationship between the timing of elections and cooperation with the United States for either country. In Mexico, President Salinas had an incentive to help his party maintain its political control and

thus assist the candidacy of Ernesto Zedillo. However, there is no evidence that the election cycle led to any changes in narcotics control cooperation with the United States.

Similarly in Colombia, it is unclear what impact the 1994 election had on President Gaviria's cooperation with the United States. Though Gaviria and Samper are bitter rivals within the Liberal Party (C. Gaviria, personal interview, May 2001; E. Samper, personal interview, May 2000), Samper was the party's candidate and Gaviria had clear interests in helping him to win. Samper's links to narcotics interests were known in the final days of the campaign: the Pastrana campaign asked both the Gaviria administration and the U.S. embassy in Bogotá to leak the narco-cassettes before the election (Farah, 1996b). The U.S. feared being seen as unduly seeking to influence the Colombian election and refused to release the tapes. The Gaviria administration also refused to release the tapes, even though the administration had been able to authenticate them before the election. Yet Gaviria's motives in failing to release the tapes remain unclear, and the election cycle does not appear to have impacted his drug control policies in any other way.

The relationship between elections and narcotics policy is more clear in the United States. There are clear indications that in the U.S. congressional pressure increased during the election cycle and that the president responded to it. In the run up to the 1994 mid-term elections, the Senate voted 94–0 to cut off all assistance to Colombia unless the President certified that Samper was investigating corruption and taking action to fight the Cali cartel. Senator Kerry's op-ed denouncing the Colombian Attorney General also came in this election cycle.

In the 1996 election cycle, there were several significant events. First, President Clinton discussed drugs in his State of the Union address for the first time. In February the President appointed General Barry McCaffrey to head his Office of National Drug Control Policy. In addition to these important symbolic moves, the President demonstrated his hard line on drugs by following the 1995 national security waiver for Colombia with an outright decertification. Further, there were prominent press reports of a major debate in the administration over the certification of Mexico (Branigin, 1996; Farah, 1996a). While former administration officials suggested that the more vigorous internal administration debates over Mexican certification occurred the next year (confidential interviews, Washington, D.C., May 2001), it is significant that deliberations over Mexico's status were so public. It is impossible to determine how close Mexico came to receiving a waiver in 1996 or whether these rumblings were strategic leaks aimed at administration critics in an election cycle. Nevertheless, Mexico did appear more concerned than usual (Fineman, 1996).

Unlike the 1992 campaign, where drugs and crime were noticeably absent as campaign issues, the Dole campaign attempted to use Clinton's early record (slashing ONDCP budget) and his acknowledged use of marijuana in college against him. The campaign ran an ad replaying Clinton's famous MTV interview where he was asked, "If you had it to do over again, would you inhale?" and he responded, "Sure, if I could. I tried before" (Nagourney, 1996). Yet Clinton's moves early in the election cycle, especially the appointment of hard-liner McCaffrey to head the ONDCP, appear to have sufficiently blunted the charges that he was too "soft" on drugs.

### *Presidential Popularity*

Presidential popularity does not appear to have affected the narcotics control policies of either President Gaviria or Samper. President Gaviria was hurt by the escape of Pablo Escobar and his subsequent terror campaign, which especially targeted police forces in his native Medellín. In the midst of the crisis, the *Houston Chronicle* reported that his approval rating had fallen to 22% (Farah, 1993). Gaviria's response to the Escobar escape was to embrace U.S. policy by abandoning the plea bargains and accepting U.S. aid and intelligence and logistical support in the hunt for Escobar. President Gaviria's approval ratings do not reflect Colombian opinion about his relations with the United States or his pursuit of policies consistent with U.S. interest. Instead they reflect the failure of his plea bargaining policy as Gaviria had been quite popular while Escobar was in prison and the terror had stopped. When the policy failed, his popularity suffered.

President Samper began his term with very strong approval ratings, 69% in December of 1994, but immediately began implementing U.S. policy preferences, even replacing the Attorney General. His popularity began to decline after his honeymoon and the beginning of the formal investigation of the Prosecutor General (Fiscalía) into the campaign finance scandal. The investigation began in April of 1995, but Samper did not suffer significant political damage until the arrest and subsequent declaration of his former campaign treasurer Santiago Medina in June (Hinojosa & Pérez- Liñán, 2003). By the end of 1996 Samper's popularity had fallen from its high point of 69% to 49% in December of 1996 and had been as low as 46% in October of 1995 (see Figure 3.1). Despite these changes in presidential popularity, Samper's anti-drug policy remained remarkably consistent: implementing U.S. policy preferences. Samper's weakness on the drug issue and his reputation with the United States largely accounts for his need to pursue such a policy.



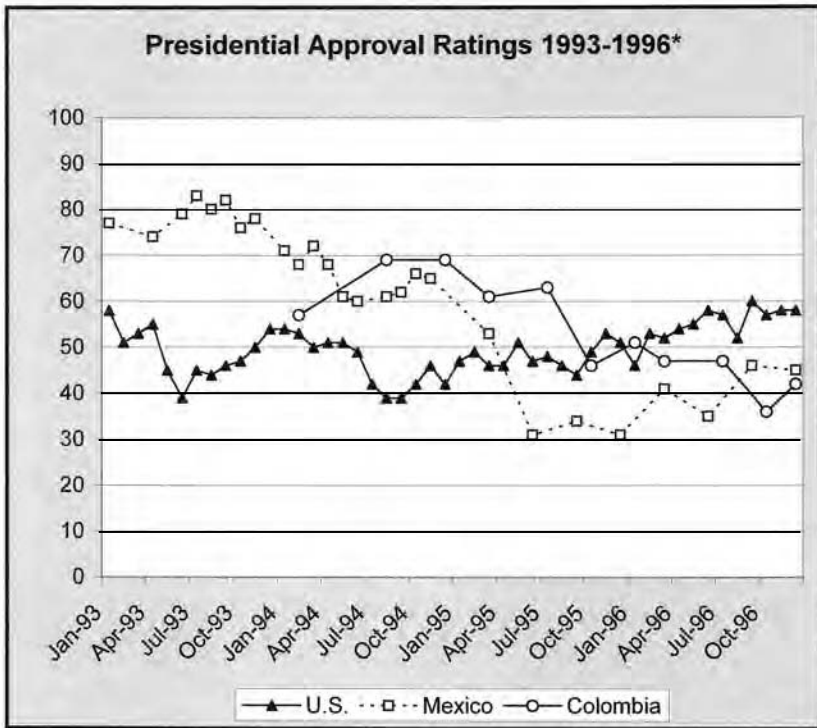


Figure 3.1 Presidential Approval Ratings, 1993–1996

\* Sources: The Gallup Poll, Presidential Ratings--Job Approval, Bill Clinton (1993-2000); Buendia, Jorge, "Economic Reform, Public Opinion and Presidential Approval in Mexico 1988-1993," *Comparative Political Studies*, 29, No. 5 (October 1996); Reforma newspaper surveys, quarterly/national; The Gallup Poll Colombia, Poll 45, December 2004.

Questions: Do you approve or disapprove of the way Bill Clinton is handling his job as president? ¿Está usted de acuerdo o en desacuerdo con la manera como está gobernado presidente? [Carlos Salinas] En general, ¿Usted aprueba o desaprueba la forma como Ernesto Zedillo está haciendo su trabajo como Presidente? En general, usted aprueba o desaprueba la forma como César Gaviria, se está desempeñando en su labor como presidente? En general, usted aprueba o desaprueba la forma como Ernesto Samper, se está desempeñando en su labor como presidente?

Note: Mexico data is Carlos Salinas Jan. 1993-Nov. 1994, Ernesto Zedillo thereafter; U.S. data is Bill Clinton; Colombia data is César Gaviria Feb. 1994-Sept. 1994, Ernesto Samper thereafter. Missing data are interpolated.

With respect to Mexico, the relationship between presidential approval and narcotics policy remains unclear. President Salinas was extremely popular even until the end of his term. His approval ratings in January of 1993 stood at 77.2%, and he ended his term still quite popular with an approval rating of 65.3%. His popularity fluctuated between a high of 82.8% in

July of 1993 and a low of 59.6% in June of 1994. It does not appear that Salinas altered his narcotics control policies as a result of fluctuations in approval. Similarly, President Zedillo's political standing does not appear to have affected his narcotics control policies except to minimize their importance in relations with the United States. Zedillo began his presidency with an approval rating of 53%, though that quickly fell into the low 30s (Figure 3.1) as the peso crisis took its toll on the Mexican economy. By September of 1996, Zedillo's standing had rebounded to 46% and it improved for the duration of his presidency. His low approval ratings early in his administration are due to the economy, and the attention of both the Clinton and Zedillo administrations was focused on economic issues during this time period.

This is a volatile period in President Clinton's approval ratings. He began his term with 58% approval but this quickly deteriorated. By May of 1993 Clinton's approval ratings had fallen to 45%. The historic democratic defeat in the 1994 mid-term elections mirrors the president's weakened popularity as in October of 1994, Clinton stood at 41%. Clinton's popularity did recover and was consistently above the 50% mark beginning in November of 1995, and he remained popular through the November 1996 elections, which he won while his approval stood at 58%. Nevertheless, Clinton's policy shifts appear much more linked to the U.S. election cycle and to changes in executive-legislative relations than to his approval ratings.

### *Executive-Legislative Relations*

Executive-legislative relations do not appear to have affected the narcotics control policies of either Mexico or Colombia. In Mexico, the PRI retained its super-majority in the Congress, preventing any significant legislative opposition to executive decisions. In Colombia, the Congress likewise did not oppose the policies of either President Gaviria or Samper. The Liberal Party retained control of the Colombian legislature during this period, though there were deep divisions within the party between those loyal to Gaviria and those loyal to Samper. These divisions played out in the congressional votes during the Samper impeachment process (Hinojosa & Pérez-Liñán, 2003) but did not affect the narcotics control policies of either president.

In terms of U.S. behavior with respect to Mexico and Colombia, this hypothesis does appear to have significant explanatory power. After the 1994 elections and continuing during his entire second term, President Clinton was a dove with respect to the Congress and thus was less demanding than Congress would have been in negotiations with Colombia.

**Table 3.1** Presidential Support in the Legislature, 1993–1996

		1993	1994	1995	1996
U.S.	House	258/176	204/230	N/C	N/C
	Senate	57/43	48/52	N/C	N/C
Mexico	Chamber	320/180*	N/C	300/200	N/C
	Senate	61/3*	N/C	95/33	N/C
Colombia	Chamber	88/73*	N/C	88/75	N/C
	Senate	57/35*	N/C	57/45	N/C

Note: President's party listed first.

\* Elections in 1991.

Mid-term elections are always difficult for an incumbent president and the incumbent party traditionally loses seats in the Congress. But these mid-term elections represented a significant setback for the Clinton administration. After years of a comfortable majority in both houses of Congress, the Democrats suddenly became a minority and remained so for the duration of the Clinton presidency. The Senate went from a 57–43 Democratic majority to a 48–52 minority while the House went from a 258–176 Democratic majority to a 204–230 minority (National Archives and Records Administration, 2001). This weakened the president's ability to advance his domestic agenda and later had ramifications for his certification decisions. This is expected to give Clinton's threats toward Mexico and Colombia much more credibility and maximize his ability to extract concessions from them. In such circumstances, cooperation is expected to be on terms heavily favorable to the United States.

Immediately following the 1994 elections, congressional pressure on drug control increased, and Senators Dole and Hatch released a letter to ONDCP Director Brown assailing the administration's drug policy and asserting that in the new congress things would change. They wrote:

Two years of decreased prosecutions, increased hand-wringing about treatment and hard-core addicts, retreat on interdiction efforts, and an abandoned bully pulpit have led to more drugs on our streets, increased drug abuse and a darker future for our younger citizens. Reversing these trends will be a priority for the Republican Congress and should be a priority for the Clinton Administration (as cited in Bertram, et al., 1996).

It is important to remember that President Clinton came to office promising a different approach to drug politics. The *Washington Post* notes

that his National Security Council listed narcotics control as its 29<sup>th</sup> highest priority—out of 29 (Farah, 1996b). As a part of his “reinventing government” initiative, President Clinton initially slashed the staff at ONDCP from 125 to 25. The appointment of Lee Brown to head ONDCP signaled a shift toward domestic law enforcement and addiction treatment rather than international interdiction. These changes were felt not only at ONDCP, but at the State Department as well. As a former member of the State Department articulated, “He really cut the legs out from under the folks at ONDCP and the [Bureau of International Narcotics and Law Enforcement Affairs]” (confidential interview, Washington, D.C., May 2001). The letter from Senators Dole and Hatch signals the intention of the Congressional leadership to take a different approach to narcotics control.

Further, in July of 1994, the U.S. Senate voted 94–0 to cut off aid to Colombia if Clinton could not certify Colombia’s full cooperation on drug matters. While no such bill passed the House, this does signal congressional pressures on Clinton to take a harsher stance on Colombia. Beginning in 1996, there began to be congressional opposition to the President’s certification of Mexico. Senator Robert Dole, soon to be the GOP presidential nominee, wrote a public letter to President Clinton arguing that “if we are to be honest, we cannot credibly say that the government of Mexico has ‘cooperated fully’ with the drug enforcement effort” (Thomas, 1996). Senators Diane Feinstein (D-CA) and Alfonse D’Amato (R-NY) introduced legislation calling for a reversal of the president’s decision. This pattern of opposition became even more dramatic in the second Clinton term when the Congress took up legislation in 1997 and 1998 challenging the president’s certification decisions, both times again concerning Mexico.<sup>6</sup>

Clearly President Clinton faced increasing pressure from the Congress to stand firm against drugs. And by 1996 countries such as Myanmar (Burma) and Afghanistan that are annually decertified but are of little consequence to the United States, were no longer sufficient to satisfy the Congress. This put President Clinton in the strongest possible negotiating stance vis-à-vis Colombia and Mexico. He was able to make strong demands of Colombia, even things that went beyond the Colombian Constitution (as in the case of demands for the extradition of Cali cartel members), and could not be forced to make adjustments in return. Almost anything that the President demanded was sure to be backed by the Congress. The pressure on President Clinton was always to be more demanding, never less so. Thus, he had great autonomy in negotiations with Colombia and was able to win far more concessions from Colombia than he otherwise would have. With respect to Mexico, the effect should have been the same with the president able to exert more pressure than before. This should have been even

more evident for Mexico as the use of the certification instrument against Mexico became a live option for the first time since its inception and there were other pressures to “get tough” on Mexico because of immigration issues that were salient in congressional and regional politics during this time period. It is not clear why there were not more dramatic changes or more dramatic demands made of Mexico on drug control issues during this period.

### *Reputation of the Colombian President*

It is clear that Presidents Gaviria and Samper were held to very different standards during their administrations. Gaviria maintained cordial relations with the U.S. and was annually certified despite significant failures in narcotics control, including removing extradition from his country's constitution and first negotiating a lenient plea bargain with Pablo Escobar and then allowing him a luxurious jail before his escape. While these failures were not punished by the United States, the successes of the Samper administration, most notably the destruction of the Cali cartel and the capture of its leaders, were not rewarded. Gaviria attributes his relations with the U.S. to his honesty and his public acknowledgement of failures, particularly with regard to Escobar. Further, Gaviria asserts that the United States accepted that the terrorism of the drug traffickers had forced his concessions on plea bargains and extradition (C. Gaviria, personal interview, May 2001). Samper argues that he was simply treated unfairly, though he also maintains that his accomplishments on narcotics control were not related to U.S. pressure, but rather to Colombia's needs to deal with the issue (E. Samper, personal interview, May 2000).

Many in Colombia suggested that what is instead at work is an early decision on the part of the United States as to whether the Colombian president is trustworthy on the narcotics issue. If he is, then relations will be smooth. If not, then relations will be difficult. Gaviria was seen as clean from the beginning and as a trustworthy ally in the war on drugs, despite his obvious shortcomings. Samper, in contrast, was tainted and looked upon with suspicion by the U.S., even before the narco-cassettes surfaced. Crandall (2002) notes that even before the campaign finance scandal, Samper was known in U.S. circles as “Mr. Legalization.” This did two things to U.S.-Colombian relations. First, it caused the administration to downplay any accomplishment of Samper and to look upon all his actions with suspicion. Indeed, one senior State Department official went so far as to give credit for the 1995 capture of Cali cartel chiefs to President Gaviria, finally giving Samper credit only for “not stopping” an operation that began well into Samper's term (confidential interview, Washington, D.C., May 2001).

Second, and more importantly, this gave the U.S. enormous leverage with respect to Samper, allowing them to continually demand more and more of the president in order to prove to them and to the world that he had not been corrupted by Colombian narcotics traffickers. This resulted in significant operational success on the part of U.S. and Colombian authorities as the Samper administration (despite his protestations to the contrary) strove to prove its trustworthiness as an ally in the war on drugs.

## CONCLUSION

In the first Clinton administration bilateral relations with Colombia were at two extremes. Early in the first term, when the Clinton administration overlapped with President Gaviria's, there were cordial relations despite mediocre results on the ground. Later in Clinton's first term, when it overlapped with the Samper administration, relations were exceptionally tense despite productive counter-narcotics efforts on the ground. Narcotics control cooperation also varied significantly during this time period, though certainly not to the extremes of the shifts in overall bilateral relations. Colombia neither sought nor was granted significant autonomy from U.S. policy preferences on narcotics control matters. President Gaviria shifted policies toward U.S. preferences and implemented them vigorously. Similarly, President Samper began his administration by replacing an Attorney General the United States did not like and later made a host of significant concessions to U.S. policy preferences, even changing his country's constitution.

With respect to Mexico, bilateral relations were excellent as the United States and Mexico entered into a free trade agreement and the U.S. assisted Mexico with its economic crisis following the peso devaluation. Narcotics control matters are more complicated. Mexico sought and was granted significant autonomy early in this time period as the United States accepted the "Mexicanization" of counter-drug policy. Further, Mexico and the United States jointly focused on other issues in the bilateral relationship, something never done in the case of Colombia. Mexico did move closer to U.S. policy preferences and did cooperate with the United States at the operational level as never before later in the first Clinton administration.

The behavior of the United States seems largely explained by executive-legislative relations, the U.S. election cycle, and the reputation of Colombia's president. After the 1994 mid-term elections, pressures on President Clinton to take a harsher stance toward narcotics control increased significantly. As expected, this gave Clinton far more leverage with respect to Colombia, making his threats more credible. Clinton appears to have used this leverage to push for more and more compliance from Colombia

and he received it. When coupled with a Colombian president (Samper) needing to prove that he was not on the payroll of the Cali drug cartel and that he was in fact sincere in his drug-fighting efforts, these pressures from the Clinton administration had dramatic results. These same electoral and legislative pressures should also apply to U.S.-Mexican cooperation, but they do not appear to have resulted in similar pressure or similar changes in Mexican behavior. This puzzle will be discussed in Chapter Five.

Mexican and Colombian behavior appears to respond largely to specific events in the country and to U.S. pressure. In Colombia, President Gaviria changed course in response to the Escobar escape and the crisis that ensued. President Samper's reputation was weakened by the narcocassettes and the allegations of his former campaign treasurer that Samper knew about the illicit funds. The U.S. decertifications of Colombia were significant moves as well in that they increased the pressure and further embarrassed the administration. As such, the president, who was weakened by allegations that he had taken money from the drug cartels, vigorously pursued U.S. policy preferences. Similarly, the behavior of Presidents Salinas and Zedillo seems largely explained by discreet events. The Ocampo assassination led to significant changes in Mexican narcotics policies. The uprising in Chiapas and the collapse of the Peso led to the diminished importance of narcotics control in the bilateral agenda.

## Chapter Four

# The Second Clinton Administration, 1997–2000

When William Clinton was inaugurated for his second term in January of 1997, U.S.-Colombian relations were at their lowest point in the recent history of the bilateral relationship. While relations had improved with Mexico, important tensions remained there as well. The structure of the chapter proceeds as before, first with an analysis of the events and then with an analysis of the domestic political forces that influenced them.

### CRITICAL EVENTS IN U.S.-COLOMBIAN COOPERATION, 1997–2000

Despite the tumultuous events of 1996, when Ernesto Samper was acquitted on impeachment charges and had his U.S. travel visa revoked, the Samper administration continued to cooperate with the United States in significant ways on narcotics control matters. In February of 1997, the United States and Colombia signed an agreement on the boarding of maritime vessels. This agreement had been the subject of lengthy negotiations and had long been important to the United States, becoming “a priority in the bilateral relationship” by early 1997 (Crandall, 2002, p. 126). There was also significant progress made on money laundering and asset forfeiture. Most significantly, many in the administration believed the path to extradition had been opened (former senior U.S. State Department official, confidential interview, Washington, D.C., May 2001).

Given these significant steps, there was debate in the administration about full certification or at least a national interest waiver for Colombia (*ibid*). One senior official who had worked with Colombia felt that the Samper administration had met the requirements for certification and that they would get a waiver. When in March of 1997, Colombia was again



decertified without a waiver this official said of his superiors, "they made me a liar" (ibid).

The certification decision also elicited furious responses from the Colombian government, which called into question the legitimacy of the instrument and the fairness of its application (former official in Colombia's Foreign Ministry, confidential interview, Bogotá, May 2000). While governments routinely condemn the process, the outcry from Colombia through diplomatic channels was particularly strong. Colombian officials argued that the State Department report made fundamental errors which not only distorted reality, but also failed to appreciate the work and the risks undertaken daily by Colombians involved in counter-drug operations (confidential interview, Bogotá, May 2000). In addition to pointing out the deficiencies of the report, Colombian authorities were particularly angered on the issue of extradition, accusing the United States of failing to understand the terror previous experiences with extradition had brought (ibid). Colombian officials viewed the decision as not only unjust and demoralizing, but as a clear indication that Colombian efforts at a better, more cooperative, relationship, were for naught (ibid).

Even with relations so strained, the Samper administration continued to implement U.S. policy preferences. The maritime boarding agreement was implemented and resulted in significant arrests and seizures. There was a significant eradication effort in the Guaviare region, improvement in the security of prisons, and important new laws against money laundering and other laws which stiffened the sentences of narcotics traffickers and allowed their assets to be seized (United States Department of State [State Department], 1998c). Most significantly, in December of 1997, the Colombian Congress authorized an amendment to the constitution reinstating extradition to the United States. Because extradition was not applied retroactively, thus narcotics traffickers could not be extradited to the United States for crimes committed before December of 1997, this move "[fell] short" of U.S. demands (State Department, 1998c), but its significance from Colombia's standpoint cannot be overlooked. Extradition had been removed from the Colombian Constitution in 1991 amidst a wave of violence by narcotics traffickers, principally Pablo Escobar and his fellow "Extraditables," and its reinsertion in the constitution did not come without controversy.

In March of 1998 Colombia was given a national interest waiver and accorded the benefits of full certification. While the Samper administration claimed vindication and expressed pleasure at finally being recognized for its counter-drug efforts, statements from Washington made it clear that Colombia had still not fully cooperated with U.S. policy priorities. The State

Department's International Narcotics Control Strategy Report (INCSR) calls Colombia's counter-narcotics performance "inadequate" and finds that "Although the [Government of Colombia] has made important progress in some areas this year, the [United States Government] cannot certify Colombia as fully cooperating with the United States on drug control, or as having taken adequate steps on its own to meet the goals and objectives of the 1988 UN Drug Convention" (1998c).

Instead, the certification decision was made with an eye on the June presidential elections in Colombia and came from a desire not to burden U.S. relations with the next administration with the penalties of decertification. In the press conference announcing the certification decisions, Secretary of State Madeline Albright declared that,

The current government has not demonstrated full political support for counter-narcotics efforts. Coming on the eve of that country's congressional and presidential elections, the waiver decision is intended to lay the groundwork for increased cooperation and support those in Colombia who are striving to strengthen the rule of law and buttress their embattled democracy (State Department, 1998b).

In Washington, it became clear that Colombia was losing the drug war and members of Congress began to urge that something be done. This led to the Western Hemisphere Drug Elimination Act of 1998, which was a supplemental appropriations bill adding \$690 million to the fight against drugs in the hemisphere (Kovaleski, 1998). Colombia's share of the U.S. counter-narcotics budget, including both the original appropriation and the supplemental, totaled \$289 million for 1999, more than three times its \$88.6 million allotment in 1998 and more than double what the administration had requested (Preston, 1998). This is perhaps the most significant shift in U.S. policy toward Colombia in recent memory. While the 2000 supplemental received more notoriety, this appropriation, which came on the heels of the Pastrana election, was the first massive increase in aid to Colombia. Further, it represented a significant shift in U.S. strategy, away from an emphasis on the Andean region as a whole, toward an almost exclusive focus on Colombia.

The most important event of 1998 was Colombia's presidential election, won by Andrés Pastrana, whom the United States trusted and was certain had no narcotics ties (confidential interview, Washington, D.C., May 2001). In effect, the end of the Samper administration ended the era of mistrust and hostility between the two governments. With the election of President Pastrana relations quickly and dramatically improved.

Immediately after his election, Pastrana traveled to the United States and restored administration-to-administration ties. During the Samper years there was significant cooperation between the two governments, but the cooperation was at lower levels and was virtually all agency-agency cooperation. Thus the U.S. State and Defense Departments had extensive contact with their Colombian counterparts, and there was significant operational cooperation between the DEA and the Colombian National Police, but virtually no contact between the high levels of the executive branch, and certainly no contact between the two presidents. This changed dramatically, and immediately, with the election of Pastrana.

In March of 1999, Colombia was certified as “fully cooperating” in the war on drugs. Its \$289 million aid package from the United States made it the third largest recipient of U.S. military aid. In July, ONDCP Director General McCaffrey traveled to Bogotá as a part of high-level delegation to meet with senior Colombian officials. Upon his return to the U.S., McCaffrey called for up to a billion dollars in aid for Colombia, arguing that the emergency Colombia faced required immediate assistance.

In August, U.S. Undersecretary of State Thomas Pickering led a delegation to Colombia. A senior U.S. official claimed that Pickering, the highest-ranking U.S. official to visit Colombia in many years (Crandall 2002), was already predisposed to support increased aid to the country. The official described the meeting where the idea for what would become “Plan Colombia” came about. According to this official, present at the meeting, President Pastrana gathered his advisors and made the case to the U.S. delegation for a significant aid package. “We need a Marshall Plan,” Pastrana is said to have remarked. Pickering agreed. Pastrana then assigned the development of the plan to one of his aides who was present (former State Department official, confidential interview, 2002). The original idea was to present the plan later that year. It did not happen as quickly as Pastrana had hoped, but it did happen in 2000.

In addition to these high-level meetings and efforts on the part of each country to coordinate anti-narcotics policy, the Pastrana administration complied with another significant desire of the United States: extradition. In November of 1999, Colombia extradited two narcotics traffickers to the United States. The extraditions were the first since the practice had been outlawed under the 1991 constitution.

In July of 2000 the United States Congress passed and President Clinton signed a supplemental appropriations bill that increased total U.S. aid to Colombia to some \$1.6 billion over two years. The bulk of these funds again came in a supplemental appropriations bill of approximately \$1.3 billion, most of which was earmarked for Colombia. The normal appropriation for

Colombia was an additional \$300 million, pushing the total appropriation to \$1.6 billion.<sup>1</sup> Once again, the \$1.3 billion supplemental was considerably larger than the appropriation requested by President Clinton. This came to help fund President Pastrana's ambitious "Plan Colombia: Plan for Peace, Prosperity, and the Strengthening of the State" (Presidencia de Colombia, 1999). Noted Colombian scholar and political leader Fernando Cepeda Ulloa has called U.S. support for Pastrana's Plan Colombia initiative an "unprecedented experience of cooperation" that is "beyond any historical experience in the bilateral relationship" (2000, p. 13).

### **SUMMARY OF U.S. AND COLOMBIAN BEHAVIOR, 1997–2000**

Colombia complied with U.S. narcotics control policy priorities to an extraordinary extent. From the maritime boarding agreement, to record arrests and seizures, to a constitutional amendment reinstating extradition, to the actual resumption of extraditions, Colombia followed the key tenets of U.S. policy. Further, Colombia sought U.S. assistance in the counter-drug war, resulting in the unprecedented increase in aid in 1998 and again in 2000. Colombia's behavior during this period was remarkably consistent, even though it occurred during two different presidential administrations. While Andrés Pastrana repaired bilateral relations and achieved the dramatic aid increases, compliance with U.S. policy preferences was equally strong during the final years of the Samper administration.

While Colombian behavior was remarkably consistent, U.S. behavior took a dramatic turn. Despite the significant achievements in 1997, the United States punished Colombia with another decertification. Not only did the United States refuse to grant any autonomy to Colombia, it in fact punished Colombia despite compliance with its policy objectives. Only in the run-up to the 1998 elections did the U.S. position soften, and even here it was with a national interest waiver, not the outright certification Colombia likely merited. With the election of Pastrana, the United States shifted toward a constructive engagement with Colombia and began to reward Colombia for its compliance with U.S. policy priorities. Both the 1998 and 2000 supplemental appropriations represent cooperation unparalleled in any other era in U.S.-Colombian relations.

Even during the Pastrana years there were tensions in U.S.-Colombian relations, most centering on Pastrana's attempts to negotiate a settlement with the FARC guerilla group. One high-ranking State Department official gave Pastrana only an "A minus" for his cooperation with the United States (confidential interview, Washington, D.C., May 2001). The official argued

that the peace process often conflicted with counter-narcotics efforts and insisted that President Pastrana should give priority to the latter. Reciprocity in the treatment of drug traffickers was another sticking point. In July 2000 Colonel James C. Hiatt, who had been the Army's highest-ranking counter-narcotics official in the U.S. embassy in Bogotá, was sentenced to a jail term of five months for complicity in his wife's drug trafficking exploits.<sup>2</sup> The Colonel's wife was also given a relatively-lenient prison term of five years in prison for smuggling some fifteen pounds of cocaine and heroin, worth approximately \$500,000, to the U.S (Hays, 2000). The United States requested the extradition of Mrs. Hiatt's Colombian chauffeur who had handled the mailing of the drugs and money. The chauffeur, already jailed in Colombia, faced a much longer prison sentence in the United States than did Col. Hiatt or his wife. While no one would speak on the record about this case, the feeling from some Colombian authorities was one of indignation. One claimed that all they asked was that the United States treat the Colombian equal to the American (confidential interviews, Bogotá, May 2000). This lack of reciprocity and the unequal treatment for American and Colombian narcotics traffickers remained as tensions in the bilateral relationship. Despite these tensions, narcotics control cooperation between the two countries in 1999 and 2000 was, at all levels, extraordinary.

### **CRITICAL EVENTS IN U.S.-MEXICAN COOPERATION, 1997-2000**

1997 was a tumultuous year in U.S.-Mexican relations. While President Zedillo remained a trusted ally of the Clinton administration and the High-Level Contact Group met three times, ground-level cooperation between corresponding agencies ground to a halt amid corruption scandals of unprecedented proportion. DEA chief Thomas Constantine testified before Congress that "there is not one single law enforcement institution with whom the DEA has a really trusting relationship" (Wren, 1997).

The tumultuous events began with the appointment of General Jesús Gutiérrez Rebollo as the director of the newly-created National Institute to Combat Drugs (INCD). In January, General Gutiérrez Rebollo traveled to Washington where he was met with praise from his counterpart, ONDCP Director McCaffrey. On January 29, McCaffrey specifically noted the general's "reputation of being an honest man who is a no-nonsense field commander of the Mexican army who's now been sent to bring the police force the same kind of aggressive reputation he had in uniform" (Thomas, 1997). On February 19, General Gutiérrez Rebollo was arrested and accused of being an employee of Amado Carrillo Fuentes' Juárez drug cartel.

This was a significant blow to U.S.-Mexican cooperation and a crisis for all sides. For the United States, it demonstrated that corruption of Mexico's judicial institutions had reached the highest levels. For Mexico, the timing could not have been worse, coming within weeks of the certification decision. With this arrest, the certification battle became more difficult than ever before. There were strong accusations in the U.S. Congress that Mexico was not doing enough and denunciations of President Clinton for certifying Mexico's status as a full partner in counter-drug efforts. The certification debate will be discussed in detail below. It is important to note here, however, that the U.S. House of Representatives approved a strongly-worded bill that would have forced sanctions against Mexico unless the Mexican government was able to demonstrate significant progress in 90 days. This bill did not pass with enough votes to override a presidential veto, but in order to avert a similar Senate bill, the White House agreed to a compromise bill that required an additional executive report to the Congress on Mexico's counter-narcotics progress on September 1.

On the ground, DEA chief Constantine noted that in terms of sharing information with Mexican enforcement agencies, "virtually everything is frozen" (Wren, 1997). While Mexico arrested Oscar Malherbe de Leon, operational chief of the Gulf cartel, which had extensive links with the Cali cartel in Colombia, this did little to appease Mexico's critics in the U.S. Congress. Senator Feinstein and Rep. Gephardt wrote letters to the White House opposing U.S. certification of Mexico (ibid). Perhaps in response to this pressure, the administration made it known that Mexico was being considered for a national security waiver that year. A *New York Times* story (Dillon, 1997) with the headline "U.S. May Drop Mexico as Ally Fighting Drugs" ran on February 25, and General McCaffrey went public with the report that the administration was considering a waiver. While it is possible, even likely, that this was a strategic leak allowing the administration to publicly claim to consider a policy it was not likely to employ, this story does dovetail with an interview with a senior Clinton administration official who claimed it "came close" in 1997 (confidential interview, Washington, D.C., May 2001).

On May 1, President Zedillo announced sweeping changes to Mexico's anti-narcotics forces, replacing the INCD with a new agency and purging more than 1,000 officers thought to be corrupt. The new agency was under the direct authority of the Mexican Attorney General Jorge Madrazo, one of Washington's trusted allies in the war on drugs. Finally, in May President Clinton visited Mexico, the first state visit by a U.S. president in 20 years. There it was announced that the United States would assist Mexico with

six million dollars in funds, principally to train replacements for the 1,100 agents arrested or fired for corruption.

In September, following the law enacted by the Congress earlier in the year, the White House submitted a report detailing Mexico's progress and updating cooperation between the two countries. In subsequent congressional testimony, General McCaffrey called Mexico's cooperation "phenomenal" (McDonald, 1997) and touted Mexico's "tough new money-laundering laws, increased cocaine seizures" and praised the "new unit of carefully selected police officers" that replaced the INCD (Farah, 1997). The 1997 INCSR (released in February of 1998 for the certification process), noted impressive cooperation between the countries for 1997: implementation of 1996 reform laws, three meetings of the High-Level Contact Group, U.S. training and technical assistance for the new PGR officers, reconstitution of the bilateral border task forces, implementation of 1996 money laundering legislation, a new law aimed at stopping precursor chemicals and increased seizures. In short, "Mexico made progress in its anti-drug effort in 1997 and cooperated well with the United States" (State Department, 1998c).

In 1998, trust between the countries broke down at all levels. The culprit was an undercover operation by U.S. law enforcement agencies to crack down on the illegal laundering of Colombian drug profits by Mexican banks and bankers. The operation, known as "Casablanca," resulted in the arrests of some 167 people, 26 of them Mexican bankers, and the seizure of millions of dollars in illicit profits.

While arguably a law enforcement success, as Attorney General Janet Reno and Treasury Secretary Rubin called it "the largest, most comprehensive drug-money-laundering case in the history of U.S. law enforcement" (Golden, 1998), it was a political disaster for both countries. U.S. agents had been operating in Mexico without Mexican authorization or knowledge and sting operations were at the time considered entrapment under Mexican law and were illegal. In addition to the sovereignty violations, the Mexican government was convinced that U.S. agents had violated Mexican laws against entrapment, had engaged in money laundering, and had usurped the power of Mexican law enforcement, all criminal offenses. Attorney General Jorge Madrazo argued, "It is very clear that there is ignorance of Mexican laws on the part of the United States. Or if not the United States, at least among the agents who participated in this" (Golden, 1998). That American law enforcement had been operating in Mexico without authorization and had apparently broken Mexican laws in doing so outraged officials at all levels of the Mexican government. Perhaps the worst moments of the crisis came at a regional summit meeting in Caracas, Venezuela in June. There Mexican Foreign Minister Rosario Green handed U.S. Secretary of

State Albright the list of criminal offenses committed by U.S. agents and promised to prepare for the prosecution of the agents and to demand their extradition. This led to a furious response from the U.S. Congress, where a bill passed the House 404–3 praising Operation Casablanca and the U.S. agents operating in Mexico “in peril of severe injury or death” and ordering the administration not to extradite them should the Mexican government demand it. This followed a letter from Senate Majority Leader Trent Lott to President Zedillo. The Senator claimed he was “astonished” by Zedillo’s reaction to the operation and argued that Mexico’s criticism of it added “to the list of broken promises” made by them. In response to Zedillo’s claim that the operation had been “inadmissible because it tramples our laws” and was a violation of Mexico’s sovereignty, Lott wrote that the operation “is not ‘inadmissible’ or a ‘violation’ of your sovereignty. It is a decisive action against ruthless criminals. It should be welcomed by all governments interested in combating those who profit from trafficking in illegal narcotics” (Meisler, 1998b; Preston, 1998). This letter further escalated tensions between the countries.

There was unusual conflict within the Clinton administration over this operation as well. The operation’s existence was kept secret from key administration officials: ONDCP Director General McCaffrey found out about the operation on television, when it was announced publicly, and the White House and State Department were likewise kept completely in the dark and were not informed until just before the public announcement. This resulted in an unusual public feud within the administration, with Secretary Albright sending a strong letter to Treasury Secretary Rubin attacking him for failing to bring in the State Department and the Mexican Attorney General’s office (Meisler, 1998b).

This operation brought significant tension to the bilateral relationship and adversely affected cooperation at all levels. Relations between the foreign ministries broke down. In June, Presidents Clinton and Zedillo went to New York for a special meeting of the U.N. General Assembly on narcotics control. The presidents gave dueling and conflicting speeches before the UN Assembly, with Zedillo attacking the U.S. by arguing that in the drug war all countries “must respect the sovereignty of each nation” and, in a clear reference to the certification process and the Casablanca operation, argued that “no one country can become the judge of the others. No one should feel entitled to violate the laws of other countries for the sake of enforcing its own” (speech, June 8, 1998). For his part, President Clinton argued that the debate between producer and consumer nations “has gone on too long” (speech, June 8, 1998). Further, the president argued: “Let’s be frank, this debate has not advanced the fight against



drugs. Pointing fingers is distracting. It does not dismantle a single cartel, help a single addict, prevent a single child from trying and perhaps dying from heroin." Months after news of the operation broke, relations between the administrations remained exceptionally tense, and operations on the ground were virtually frozen.

By early 1999, relations between the United States and Mexico improved as the wounds from the Casablanca operation healed. In February President Clinton traveled to Mexico and publicly praised the Zedillo administration for its progress on drug trafficking. Soon after the February meeting, Mexico was certified for full cooperation. Secretaries of State Albright and Green set up a direct phone line between their offices. In the run-up to the certification decision, Mexico announced in February a \$500 million initiative to combat narcotics trafficking, and President Clinton again traveled to Mexico where he met with President Zedillo and signed ten bilateral agreements, including a narcotics-cooperation accord. While a 1999 GAO report painted a bleak picture of drug-related corruption in Mexico, in congressional testimony defending the administration's certification decision, Under Secretary of State for International Narcotics and Law Enforcement Affairs (INL) Rand Beers argued that Mexico "has a mixed record, but not a black record" (Farah, 1999). Mexico was embarrassed by the drug trafficking exploits of Quintana Roo Governor Mario Villanueva, who was ordered arrested but went into hiding before he could be captured, but this did not seem to harm cooperation in any meaningful way and operational cooperation continued to improve significantly.

In December of 1999, there was a significant move by the FBI and Mexico's Attorney General's office to launch a cooperative investigation of a series of murders and disappearances in Juárez, Mexico (just across the border from El Paso, Texas). FBI technicians operated 15 miles inside Mexico, exhuming bodies and investigating some 45 murders. U.S. law enforcement presence in Mexico is extremely controversial (and rare), and Mexican Attorney General Jorge Madrazo was compelled to give a lengthy speech defending his actions and argued that the joint operation did not "infringe upon our sovereignty in the slightest" (Dillon, 1999).

In 2000, cooperation between the United States and Mexico remained substantive, both at the executive and operational levels. In early January U.S. Secretary of State Madeline Albright traveled to Mexico for meetings with her counterpart, Mexican Foreign Minister Rosario Green. Other senior contacts included the meetings of the Binational Commission, co-chaired by the Attorney General of each country. The countries also came to significant bilateral agreements with the Mexican Senate approving a protocol on extradition, the signing of two significant agreements on money

laundering, and the creation of the “operationally focused” Interdiction Working Group. This interdiction working group established a protocol for cooperation on maritime interdiction, resulting in increased patrols and improved operational cooperation (State Department, 2001a). The 2001 International Narcotics Control Strategy Report noted that Mexico’s military was “more open than at any time in recent memory and has pressed for expanded cooperation in overland interdiction and USG-funded training.” As a result, the Chairman of the Joint Chiefs of Staff and the U.S. Army Chief of Staff both visited Mexico in 2000.

At the operational level cooperation was again significant. U.S. and Mexican authorities conducted a joint investigation that resulted in the arrests of “significant” heroin traffickers (State Department, 2001a), and the U.S. Coast Guard and Mexican Navy collaborated on numerous operations that resulted in “multi-ton seizures” (Davidow, 2000). Mexico made important gains of its own on marijuana and opium eradication. ONDCP Deputy Director Robert Brown praised Mexico for “extraordinary record setting” efforts on both fronts (State Department, 2001b). U.S. Ambassador Jeffrey Davidow called Mexico’s level of cooperation in 2000 “much higher than we’ve ever gotten before” (2000).

## **SUMMARY OF U.S. AND MEXICAN BEHAVIOR, 1997–2000**

This time period represents significant shifts in Mexican anti-narcotics policy. Mexico faced unprecedented corruption scandals at the highest levels of government. Mexico responded to these scandals with significant reforms of its military and judicial institutions. The changes to Mexico’s legal institutions required significant legislative initiatives. By 2000, Mexico was accepting that which the United States had long sought most: operational cooperation with U.S. law enforcement and military agencies. All of this happened despite flagrant violations of Mexican sovereignty by U.S. drug enforcement agencies and personnel. Mexico’s sovereignty, especially with respect to the United States, is a powerful political issue in Mexico, and the Attorney General’s speech defending the move toward joint law enforcement ventures in 1999 underscores this sensitivity and the political risks involved for the Zedillo administration. This move is an especially significant move toward the policy preferences of the United States. Yet it was a gradual move, and in 1997, Mexico could hardly be said to be accommodating U.S. policy preferences.

U.S. behavior during this time period is quite interesting, and quite different from its behavior with respect to Colombia when it faced a similar corruption scandal at the highest level of government. Rather than

punish Mexico for its failures in the war on drugs, especially in 1997, the United States continued to support and work with Mexico with high profile meetings, state visits, and public defenses of Mexican behavior in the press and before the U.S. Congress. This approach was ultimately rewarded when Mexico began to comply with what the United States regarded as the most critical element in its narcotics control strategy concerning Mexico: operational cooperation between law enforcement agencies. Yet it should be clear that certainly in 1997, and arguably throughout this period, the United States granted Mexico far more autonomy and room to pursue its own policies than it granted Colombia.

Attention now turns to the factors affecting the behavior of Colombia, Mexico, and the United States.

### *Electoral Tests*

The relationship between narcotics control policy and elections in Colombia remains unclear. The Colombian Constitution prohibits presidential reelection. This lack of electoral incentives for the president coupled with the lack of importance foreign policy debates play in legislative races make it difficult to determine any significant relationship between the timing of elections and cooperation with the United States. Relations with the United States did play a significant role in the 1998 presidential race between Horacio Serpa and Andrés Pastrana, with U.S. support for Pastrana and distrust of Serpa well-known. Additionally, President Samper had clear interests, both personal and political, in helping Serpa to win. Serpa had been a senior official in the Samper presidential campaign and as a Senator was one of the president's strongest defenders in the Colombian congress. These ties to Samper only exacerbated U.S. fears about Serpa, which went back farther than the 1994 campaign (confidential interviews, Washington, D.C., May 2001). Bilateral relations became a campaign issue with Pastrana promising to restore bilateral relations if elected. In contrast, Serpa dismissed the importance of U.S.-Colombian relations during the campaign and even trivialized the issue when he famously quipped that he did not speak English.

Still, it remains unclear what, if any, effect the elections had on the behavior of the Samper administration. It is clear that the elections altered U.S. behavior. The certification decision in 1998 was heavily influenced by a desire on the part of the United States to start fresh with the new Colombian administration. Were it not for the elections, Colombia would have again been penalized by the United States for lack of sufficient cooperation in the drug war. Further, U.S. policy toward Colombia shifted again after the inauguration of President Pastrana as the U.S. sought to work much more closely with the new government.

Like Colombia, Mexico does not have presidential re-election, though the outgoing PRI president had incentives to ensure the victory of his party's candidate. In the past, this was a strongly personal link as the outgoing president chose the next PRI candidate. While this changed under the Zedillo administration as the PRI for the first time selected its candidate through an open primary, the outgoing president still has strong incentives to ensure the victory of his party's candidate. This often impacts government policy at the end of an administration. It is not clear, however, if this impacted drug cooperation between the countries in any meaningful way. During the 2000 campaign it was clear that PAN candidate Vicente Fox would have good relations with the United States, particularly if GOP front-runner George W. Bush were to win. Yet again, it is difficult to isolate a real impact of this issue on the 2000 campaign or on the behavior of the Zedillo administration in anticipation of it.

The relationship between elections and narcotics control policy is more clear in the United States. It is quite significant that both major supplemental appropriations bills, which dramatically increased U.S. aid to Colombia and shifted the focus of U.S. counter-drug efforts, were passed within one month of U.S. elections: the mid-term Congressional election of 1998 and the Presidential and Congressional election of 2000. The 2000 Congressional debate is particularly enlightening. In speech after speech, Senators and members of Congress recited the chilling statistics on Colombia's coca and poppy cultivation, the amount of cocaine and heroin Colombia exports to the United States, and the terrible toll drug use and addiction takes on American society. Even those opposed to the 2000 appropriation took great pains to acknowledge the scourge of drugs and its impact on society and the urgent need to act against it. Senator Barbara Boxer (D-CA) maintained that she knew all too well of the impact of drugs on America and California, and of Colombia's role in supplying most of the product, but called for a "balanced approach" to the drug war (speech, June 21, 2000). Senator Paul Wellstone (D-MN), perhaps the Senate's most liberal member, was careful to note the importance of "being tough on drugs" and supporting Colombia "during this crisis" even as he called for using different methods to achieve those goals (2000). It is difficult to overstate the salience of the drug war as a domestic political issue or the symbolic importance of being "tough on drugs," especially in the run-up to the 1998 and 2000 elections.

It is also significant that both of these supplemental appropriations were significantly larger than the presidential request. Both the White House and the State Department had objections over the inclusion of the more sophisticated Black Hawk helicopters instead of the Huey UH-1

helicopters, which were much more economical both in terms of purchase and maintenance costs (Farah, 1998). General Barry McCaffrey, head of the Office of National Drug Control Policy, initially complained that the congressional appropriation was “too specific” and lacked flexibility (Preston, 1998). Officials both in Washington and in Bogotá expressed surprise that so much of the “wish list” had been passed “virtually in its entirety” (ibid).

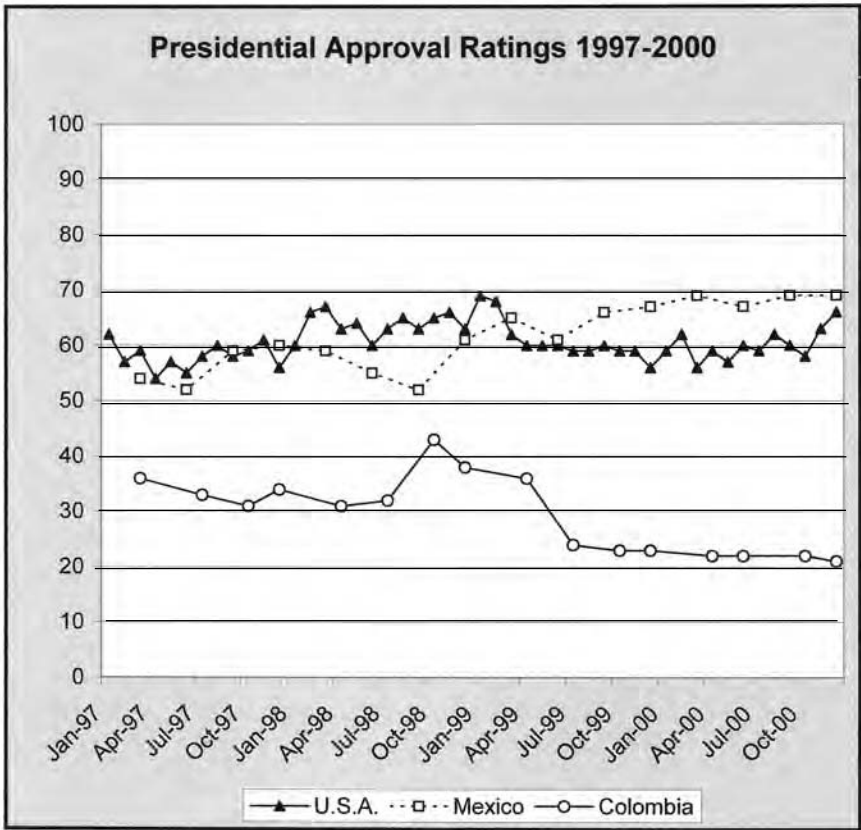
While both bills went farther than the White House intended, the Clinton administration did fully support both supplemental appropriations. In supporting the supplemental appropriations legislation in the 1998 and 2000 election cycles, Clinton neutralized a potent political issue. Indeed it is no surprise that in an election year such large appropriations pass, even when they include over a million dollars for barbed wire that Bogotá neither requested nor needed.<sup>3</sup> The risk of being seen as “soft” on drugs was simply too great. It is clear then that election-year politics in the United States played a significant role in dramatic shifts in U.S. policy toward Colombia in 1998 and 2000.

These electoral pressures do not appear to apply to U.S. policy toward Mexico. U.S. policy does not change in an appreciable way in 1998 or 2000, certainly not in the anticipated direction of more harsh measures to ensure Mexican compliance with U.S. policy preferences. There was a significant move in the Congress to decertify Mexico in 1998, which might be attributed at least in part to election-year concerns on the part of Senators and Representatives. But in 2000, instead of a certification battle, two Senators from border states, Boxer of California and Gramm of Texas, submitted legislation to remove Mexico from the certification ritual. There is strong domestic pressure on both executives and legislators in the United States to pursue strong anti-drug policies in election years. Yet those pressures are satisfied by being tough on Colombia. The supplemental appropriations bills of 1998 and 2000 satisfied these electoral concerns, even if they ignored Mexico.

### *Presidential Popularity*

The relationship between presidential approval and Colombian behavior with respect to narcotics control is not as expected. In the aftermath of the impeachment scandal, Samper’s presidential approval ratings were quite stable. In the final two years of his term, Samper’s approval rating averaged 32.8%, varying from a high of 36% in March of 1997 to a low of 31% in October of 1997 and April of 1998 (Gallup Colombia, 2004), and at no point did President Samper attempt to bolster his approval ratings by standing firm against U.S. policies.

Like Samper, President Pastrana also carried out U.S. policy preferences with great vigor. He assumed the presidency with a 43% approval rating, the highest point of his presidency (Gallup Colombia, 2004; See Figure 4.1). Pastrana’s approval rating quickly fell and averaged just 24.2% during 1999



4.1 Presidential Approval Ratings, 1997–2000

\* Sources: The Gallup Poll, Presidential Ratings--Job Approval, Bill Clinton (1993-2000); Reforma newspaper surveys, quarterly/national; The Gallup Poll Colombia, Poll 45, December 2004.

Questions: Do you approve or disapprove of the way Bill Clinton is handling his job as president? En general, ¿Usted aprueba o desaprueba la forma como Ernesto Zedillo está haciendo su trabajo como Presidente? En general, usted aprueba o desaprueba la forma como Ernesto Samper, se está desempeñando en su labor como presidente?

Note: Mexico data is Ernesto Zedillo; U.S. data is Bill Clinton; Colombia data is Ernesto Samper Jan. 1997-Aug. 1998, Andrés Pastrana thereafter. Missing data are interpolated.

and 2000, varying from a high of 36% in April of 1999 to a low of 21% in December of 2000. Indeed, after April of 1999, Pastrana's approval ratings were never higher than 26% for the duration of his presidency (Gallup Colombia, 2004).<sup>4</sup> Like Samper, Pastrana never attempted to bolster his falling popularity by countering U.S. policy initiatives.

Turning to Mexico, President Zedillo remained very popular from 1997–2000 with approval ratings averaging 61.6% (Reforma, 2000). Zedillo's popularity fluctuated between a high of 69% in March, September and December of 2000, and a low of 52% in June of 1997 and September of 1998. Given these stable and high approval ratings, it is impossible to test the hypotheses that leaders of Latin American countries would seek to bolster domestic standing by standing firm against U.S. pressures in this case. It is possible that Zedillo's strong popularity allowed him greater latitude to pursue operational cooperation with the United States than a less-popular president would have had. Again, issues of state sovereignty cannot be understated. A less popular president might not have risked the public outcry Zedillo endured over the operations of U.S. officers on Mexican soil and the like.

Turning to the United States, President Clinton was re-elected in November of 1996 by a comfortable margin, defeating Bob Dole by approximately 8 million votes in the popular vote and winning the electoral college 379 to 159 (National Archives and Records Administration, 2001). He maintained strong job approval ratings throughout his second term, averaging 59.6% approval, with a high of 71% in February and December of 1998, and a low of 54% in June of 1997. Yet approval ratings may be misleading for Clinton's second term because they fail to capture the most difficult time of his presidency, the Monica Lewinsky scandal and Clinton's subsequent impeachment by the House of Representatives in December of 1998 and acquittal by the Senate in 1999. Clinton's behavior with respect to Colombia is consistent with expectations of a weakened U.S. president: Clinton successfully demands dramatic concessions on narcotics control matters. This might suggest that the impeachment scandal weakened Clinton and forced him to deviate from the preferences he articulated early in his first term and go much further than he intended in regards to counter-narcotics aid to Colombia both in 1998 and in 2000. Yet if it is a weakened domestic standing that led Clinton to these harsh measures with respect to Colombia, these pressures do not seem to apply to U.S. behavior toward Mexico.

## EXECUTIVE-LEGISLATIVE RELATIONS

Presidents Samper and Pastrana faced very similar situations in the legislature. The Liberal Party was the strongest party in both the Chamber

of Deputies and the Senate during both of their presidencies (See Table 4.1). The Conservative Party remained the second strongest party in each chamber during both presidencies. Both presidents pursued similar narcotics control policies, both consistently implementing U.S. policy preferences. The composition of the Colombian Congress does not seem to have affected either president’s strategy or policy. Indeed, the internal divisions in the Liberal Party, between the faction loyal to former president Gaviria and that loyal to Samper (see Chapter Three), did not affect Samper’s ability to pass a constitutional amendment reinstating extradition, which had been removed from the constitution under Gaviria, his predecessor and rival. Nor did his lack of a congressional majority prevent Conservative President Pastrana from launching Plan Colombia, which called for billions of dollars in new spending from Colombia.<sup>5</sup> That Samper of the Liberal Party and Pastrana of the Conservative Party pursued similar strategies with a congress similarly composed suggests that executive-legislative relations were not a significant factor in Colombia’s narcotics control behavior.

Turning to Mexico, the hypothesis takes on more relevance, especially in this time period where the Congress was asserting itself more fully in the Mexican political system. Mexico’s executive dominance was not the result of a constitutionally-weak presidency, but of the partisan powers of the president and the large majorities the PRI continuously enjoyed (Casar, 2002; Nacif, 2002). This changed in 1997 as for the first time since the revolution, the PRI lost control of the Chamber of Deputies. The PRI remained the single largest party in the Chamber with 239 of the 500 seats, but its rivals PRD (125) and PAN (121) combined for 246 seats.<sup>6</sup> While the PRI maintained a strong (60%) majority in the Senate, without a majority in the Chamber, the PRI was forced to work with either the PRD or the PAN to pass legislation.

**Table 4.1** Presidential Support in the Legislature, 1997–2000

		1997	1998	1999	2000
U.S.	House	206/228	N/C	211/223	N/C
	Senate	45/55	N/C	45/55	N/C
Mexico	Chamber	239/261	N/C	N/C	209/291
	Senate	77/51	N/C	60/68	
Colombia	Chamber	88/75*	38/123	N/C	N/C
	Senate	57/45*	25/77	N/C	N/C

Note: President’s party listed first.

\* Elections in 1995.



This is significant in this time period because much of the restructuring of the Mexican judicial system required legislative approval and for the first time in 70 years, the president had the very real threat of having his policies stopped by the legislature. In each year examined here, there was a significant outcry from the Mexican Congress over the certification process in the United States. Further, in the aftermath of the Casablanca disaster, there was even more outrage than usual, and there were discussions in the Mexican Congress of cutting off cooperation with the United States altogether, and refusing to participate in the certification ritual. It is again clear that President Zedillo was operating as a dove with respect to his legislature. Whatever demands the administration made of the United States (restrictions on guns for U.S. agents, prohibitions of sting operations, etc.), they were sure to be less than what his Congress would require. Further, whatever concessions the administration made to the United States (increased budget for counter-narcotics operations, efforts to root out corruption, extraditions, etc.), they were sure to be more than what the Congress would favor. This placed the Zedillo government in the strongest possible negotiating position with respect to the United States and he is expected to be able to win significant concessions. Zedillo met these expectations. The administration did not go as far as the U.S. administration or congress hoped, and certainly not as far as Colombia had gone in implementing U.S. policy preferences. Despite this, Mexico avoided U.S. sanctions and was able to draw significant U.S. assistance both financially, with money to help construct the agency to replace INCD and train new officers, and symbolically in President Clinton's two state visits. Thus Mexico achieved significant autonomy from the United States in these negotiations, and some of that is due to the increased importance of the legislature in Mexican politics and the President's position relative to it.

In terms of United States behavior with respect to Colombia, this hypothesis does appear to have significant explanatory power. During his entire second term President Clinton was a dove with respect to the Congress and thus was less demanding than Congress would have been in negotiations with Colombia and Mexico. Nowhere are the congressional pressures more evident than in the debates over the president's annual certification decisions. It was only during the scandal-plagued second term that President Clinton's certification decisions were challenged by the Congress. In both 1997 and 1998, the presidential certification of Mexico met strong congressional resistance. The resistance to the President's certifications in the Congress went beyond party loyalty. In 1997, House Minority Leader Richard Gephardt announced plans to introduce legislation to overturn Mexico's certification. Legislation was introduced on March 3 that would have overturned the decision and mandated a national interest waiver for Mexico. Eventually both the House

and Senate passed H.J. Res 58, entitled “A Joint Resolution requiring the president to submit to the congress a report on the efforts of the United States and Mexico to achieve results in combating the production and trafficking in illicit drugs.” This version, which did not overturn the certification decision and had no impact on U.S. policy toward Mexico other than to require an additional report be presented to the Congress, passed by a very small margin in the House, suggesting a desire for a stronger bill.

In March of 1998, the president’s certification of Mexico was again challenged, this time in the Senate where a resolution to decertify Mexico was defeated 45–54.<sup>7</sup> This resolution failed only after the Senate leadership refused to allow consideration of a resolution that would have forced a national interest waiver for Mexico. That a resolution requiring full decertification received such support in the Senate again underscores more strident views of the Congress with respect to narcotics trafficking.

Clearly then, President Clinton faced enormous pressure from the Congress to stand firm against drugs. This placed the president in a precarious position with regard to the Congress, having to annually defend his drug policy. Perilous though this is, it also had the effect of placing the president in the strongest possible negotiating position vis-à-vis the international opponents, Mexico and Colombia. With the president acting as the dove, attempting as it were to reign in a more aggressive legislature, the president could ask the opponents for almost anything, and should have been able to get it. Unlike a hawkish president who does not have the legislative support to make good on a threat, a demanding dove should be rewarded because whatever the demand, it is less than the legislature would have demanded. These theoretical expectations were confirmed by the experience of the United States and Colombia. During this time period, the president asked much of Colombia and got it—even a change in the Colombian Constitution. This was in large part due to this distinction between hawks and doves and the executive-legislative politics of the second Clinton term.

However, the expectations were not met in U.S.-Mexican relations. That is, the president was not more demanding than we would otherwise expect with regard to Mexico, and arguably was less so. Certainly if the criteria for certification were to be applied equally, Mexico would be decertified as often if not more so than Colombia. That expectations are not confirmed is a puzzle that merits attention. These congressional debates place the president in a precarious position with the congress, having to annually defend what most would agree to be the indefensible: that Mexico is cooperating as a full partner in the drug war. It also puts the president’s congressional defenders in a precarious position. Even those who oppose certification and favor close relations with Mexico are forced to vote to affirm something most know to

be untrue: Mexico's full cooperation. This is fraught with peril for Senators and Representatives, something well-known in the administration. It was precisely for this reason that the legislative affairs offices of various administration departments worked so hard to keep these resolutions from coming to a vote in the Congress: it placed members in what one senior staffer termed "an impossible position" (confidential interview, Washington, D.C., May 2001).

Given the precarious position of the U.S. executive, Mexico might alter its behavior in order to achieve both its own interests, chiefly avoiding the international humiliation of a decertification, and the interests of the U.S. executive in avoiding a congressional battle over its foreign policy. There does appear to be a sort of annual flurry of activity in Mexico before each certification: major arrests and policy initiatives on the part of the Mexican government were sure to take place or be announced between January and the end of March or early April. From the arrests of General Gutiérrez Rebollo and Gulf cartel head Oscar de León in 1997, to the \$500 million anti-narcotics initiative in February of 1999, Mexico was aware of the annual ritual and prepared to meet the charges that it was doing nothing in those weeks and months.

Yet action was not restricted to Mexico: the United States also appeared to mount a campaign during each certification process to demonstrate Mexico's compliance. While with Colombia the U.S. executive uses the Congress as leverage, with Mexico the two countries appear to work together to thwart Congressional pressure. The timing of events seems to bear this out. In 1997, President Clinton had planned his first state visit to Mexico for February, which would have been prior to the certification decision and subsequent debate, but his knee injury delayed the trip until May. Still, the newly-appointed head of the INCD, General Gutiérrez Rebollo, traveled to the U.S. for his much-publicized visit and praise from General McCaffrey (which haunted the administration in the aftermath of his arrest for narcotics corruption). In 1999, Clinton traveled to Mexico in February to sign the major bilateral narcotics cooperation accord.

Further, on at least one occasion, the administration used an op-ed in the *Washington Post* to articulate its reasons for certifying Mexico. Part of the administration's defense of its 1997 Mexico certification came in a *Washington Post* essay from Arturo Valenzuela (1997), who at the time was not in the Clinton administration. Valenzuela articulated the position that Mexico's will to combat narcotics trafficking should not be confused with its capacity to do so, and that the Mexican government had the former, but not the latter, and should be certified for its efforts. Interestingly, he also noted a unanimous vote in the Mexican congress condemning the certification exercise as an affront to "the country's national dignity" and

argued that decertifying Mexico would have resulted in a “nationalistic outcry” that would have “weakened officials, including President Zedillo and Foreign Secretary José Angel Gurría, who have championed closer ties with the United States” (Valenzuela, 1997). Valenzuela’s claim was that a decertification would actually hurt counter-drug efforts.

Valenzuela hinted at, but did not articulate, an extension of the argument that a waiver for Mexico would have been worse than outright decertification. This claim, made by Mexican officials and members of the Clinton administration, is that decertifying Mexico, and then giving them a “free pass” and allowing them to avoid the consequences would cause a much greater public outcry and put Mexican leaders in a much more precarious position than would simply decertifying them (confidential interviews, Mexico City, 2000 & Washington, D.C., 2001). All of this, it seems, is designed by the administration to present to the Congress a picture of a cooperative relationship with Mexico and of the extreme pressures faced by the Mexican president. The Clinton administration sought to convince the U.S. Congress that Mexico was cooperating in the drug war.

### *Reputation of the Colombian President*

The reputations of Presidents Gaviria and Samper appeared to significantly impact U.S. expectations and demands in regard to narcotics issues and significantly impact bilateral relations. This chapter again captures a change in the Colombian presidency, this time from Ernesto Samper to Andrés Pastrana. Once again the United States treats the two presidents very differently. Despite impressive gains on the ground in terms of significant arrests and seizures and cooperation among U.S. and Colombian enforcement personnel and his campaign to reinstate extradition into the Colombian Constitution, Samper’s actions never met with the approval of Washington. Crandall (2002) has noted the difficulty of his position: “with a tainted president like Samper in office, dismantling the Cali cartel would not be enough” (p. 115). Even when he made a constitutional change to allow the policy demanded by the U.S., he was not rewarded accordingly, while his “clean” predecessor was not punished for removing it.

The reputation of President Samper, based on his campaign’s ties to narcotics traffickers, affected both the policy of the United States and the policy of the Samper administration. While Samper continues to deny that he knew that narcotics proceeds had been funneled to his campaign (personal interview, May 2000; Samper, 2000), Samper was continually under a cloud of suspicion and thus continually needing to show the United States and the international community that he was committed to the war on drugs and making substantial progress against narco-traffic. While his reputation

enraged many in Washington, the evidence of his drug connections gave the United States enormous leverage in its dealings with him. One former State Department official described the scenario in this way: "He claims he didn't take money from the narcos. Ok. Prove it. Cooperate with us as if you hadn't" (confidential interview, Washington, D.C., May 2001). In a similar manner, a former Defense Department official spoke of Samper continually having to prove that he was not "on the take" from the narcotics traffickers. As such, the United States had Samper "against a wall" because of the campaign scandal and could continually raise the bar and demand more and more cooperation from him (confidential interview, Washington, D.C., May 2001). Indeed, the United States continually raised the bar and demanded more and more from Samper: significant law enforcement cooperation, the dismantling of the Cali cartel, and a constitutional amendment on extradition. Even when these conditions were met, the United States continued to punish Colombia for lack of adequate cooperation.

Colombia's elections changed U.S. behavior. In anticipation of the election, the United States waived the penalties of decertification for Colombia. This both signaled its problems with the Samper administration and cleared the way for a new kind of relationship with the new Colombian president. The U.S. prepared for this while not knowing who would be elected, and deeply mistrusting one of the top two candidates. The U.S. was deeply suspicious of Liberal Horacio Serpa, not just because of his association with Samper, significant though that was. Many in the State Department were convinced that Serpa had his own links to narcotics interests going back many years (confidential interviews, Washington, D.C., May 2001). As such, they feared a Serpa administration would be worse even than the Gaviria years: a president soft on drugs, but without the proof of corruption, and thus the leverage, they had against Samper (Crandall, 2002). U.S. officials repeated again and again that they were convinced that Pastrana was clean and thus trustworthy (confidential interviews, Washington, D.C., May 2001). When he was elected, relations immediately improved, even before he was inaugurated. Pastrana used his reputation to his advantage, attaining a much more cooperative relationship with the United States and securing over a billion dollars in U.S. assistance. The United States also changed course, constructively engaging Colombia and making Colombia the focal point of its counter-drug strategy. None of this was possible with a president like Samper, and likely would not have happened in a Serpa administration. Because Washington saw Pastrana as clean and trustworthy, its behavior toward Colombia shifted.

## CONCLUSION

In summary, Colombia's two presidents implement very similar policies. Both Presidents Samper and Pastrana implemented U.S. policy priorities. The behavior seems largely the result of U.S. pressure and the reputation of Colombia's presidents. The sanctions applied to the Samper government were severe and Samper wanted them ended. He cooperated fully in an attempt to change the situation. His links to drug trafficking forced him to take extreme measures to show the international community, and especially the United States, that he was committed to the drug war and to making substantial progress. The Pastrana government benefited from Pastrana's reputation for being untainted by drug ties. Pastrana used this reputation to secure significant U.S. aid and begin a new, more cooperative and constructive era in U.S.-Colombian relations.

Mexico made important reforms and changed its policies in significant ways after the General Gutiérrez Rebollo scandal in 1997, and managed to cooperate in significant ways with the United States despite the Casablanca affair in 1998. President Zedillo's actions were driven in part by executive-legislative relations, which were a factor in Mexican politics for the first time since the revolution. His moves to work closely with U.S. law enforcement agencies, despite the sovereignty concerns of the Congress and general public opinion, are due in some measure to his high levels of public approval.

The United States continued to take two different policy approaches toward Mexico and Colombia. The U.S. continued to pressure and punish Colombia through decertification and demanded compliance with its policy preferences while granting Mexico much more autonomy and supporting it through very difficult times. Electoral pressures were at play in two of the most significant shifts in U.S. counter-narcotics policies occurring within one month of national elections in 1998 and 2000. Executive-legislative relations also influenced U.S. policy as did the pressures President Clinton was under from the Congress to take a firm stand against both Mexico and Colombia. However, the administration seems to have satisfied these domestic pressures with its stance on Colombia, not Mexico.



## Chapter Five

# Conclusions

This chapter summarizes the major findings of the study and suggests avenues for future research. It also considers a different explanation for the consistent finding that Mexico and Colombia are held to different narcotics control standards by the United States: different levels of complexity and importance placed on the bilateral relationship. This chapter also notes important changes in the certification process during the George W. Bush administration and discusses the implications of those changes.

### U.S. NARCOTICS CONTROL POLICY, 1989–2000

#### *Colombia*

President Bush began his presidency by significantly supporting President Barco's shift toward a military strategy against the narcotics traffickers. He responded to Barco's policies by providing immediate emergency aid and increasing U.S. military support of Colombia's efforts. In a rare concession to Colombia, during the Gaviria years the Bush administration strongly supported Colombia's policy, despite clear deviations from U.S. policy interests. The United States did not decertify or otherwise seek to punish Colombia, even as it engaged in extensive negotiations with narcotics kingpins resulting in lenient plea bargains and the removal of extradition from the Colombian Constitution. Instead, President Bush supported the Gaviria administration, even inviting President Gaviria to the White House during the Persian Gulf War where he called him "a man of courage" who had "our admiration and respect" and his policies "heroic" (Krauss, 1991). This is a significant move on the part of President Bush, and the Gaviria years represent the most significant granting of autonomy to Colombia during this study.



Colombia changed its policies in late 1992 in response to the escape of Pablo Escobar and the terror campaign launched by Escobar and his associates. In November of 1992, President Gaviria took decisive action, declaring a state of emergency and moving against the Medellín cartel. The Clinton administration responded with significant military and intelligence assistance. U.S. intelligence support was critical in the eventual death of Escobar, and the two governments cooperated extensively at the operational level as well, most notably through a significant joint fumigation effort.

Yet even here President Gaviria continued his leniency policy for other Medellín cartel leaders and refused to move against the Cali cartel. These significant deviations from U.S. policy preferences were not punished and represent a continuation of the autonomy granted Gaviria by President Bush. Indeed, when President Gaviria was asked to assess the difference in his relationship with the United States under Presidents Bush and Clinton, he insisted there were no differences. He argued that both presidents treated him in substantively the same way and pursued remarkably similar policies toward Colombia (C. Gaviria, personal interview, May 2001).

With the election of Ernesto Samper in Colombia, the Clinton administration began taking a much harsher stance with respect to Colombia. Immediately upon Samper's election, the Clinton administration requested the removal of the Attorney General responsible for Gaviria's plea bargaining policy. The administration dramatically increased the pressure in 1995 when it decertified Colombia for lack of full cooperation on narcotics matters. While the penalties for non-compliance were waived in the national security interests of the United States, the decertification was a significant move. In 1996, the administration again decertified Colombia, this time without waiving the penalties. These decertifications came despite the dismantling of the Cali cartel, new laws against money laundering and harsher sentences for narcotics offenders, and significant operational successes.

The final Clinton term was marked by very difficult relations with President Samper, and extraordinarily cooperative relations once Andrés Pastrana was elected in 1998. In 1997, Colombia was again decertified, again without a national interest waiver, despite an important agreement with the U.S. on maritime ship-boarding, continued progress on the ground, and the belief of many in the U.S. administration that the extradition issue would soon be resolved (the Colombian Constitution was amended in December of 1997 reinstating extradition). U.S. policy toward Colombia began to soften in 1998 in anticipation of the presidential election. The U.S. again decertified Colombia, but waived the penalties in U.S. national security interests. While Samper claimed vindication at this, the United States clearly intended the move to unburden U.S.-Colombian relations for

the next administration. When Pastrana was elected, U.S. policy toward Colombia changed instantly. President Clinton immediately invited President Pastrana to Washington, and in 1998 and 2000, provided significant financial support to Colombia's counter-drug efforts. The Western Hemisphere Drug Elimination Act of 1998 provided some \$690 million to the fight against drugs in the hemisphere, with \$289 million of that earmarked for Colombia. This represented not only a significant improvement in relations with Colombia, but a significant shift in U.S. policy away from the Andean region as a whole to a strong focus on Colombia. This shift went even further with the 2000 appropriation of some \$1.6 billion over two years to Colombia.

In short, U.S. policy toward Colombia shifts significantly during this study. The final year of the Barco administration saw President Bush respond positively to a policy shift in the direction of U.S. policy preferences. The United States, under Presidents Bush and Clinton, granted Colombia significant autonomy from U.S. policy preferences during the entire Gaviria presidency. President Gaviria was allowed to deviate significantly from U.S. policy in the granting of leniency, the prohibition against extradition, codified in the new Colombian Constitution, and in his refusal to move against the Cali cartel. In marked contrast, the Clinton administration refused to grant any autonomy to Colombia under President Samper. Instead, Samper's moves toward U.S. policy preferences, in the dismantling of the Cali cartel, the constitutional amendment reinstating extradition and record arrests and seizures were never rewarded, and indeed Colombia was continually punished via decertification for its lack of compliance with U.S. policy. U.S. policy toward Colombia again shifts with the election of Andrés Pastrana. President Pastrana moved Colombian narcotics control policy even more firmly toward U.S. policy preferences and was rewarded for it both symbolically with his visit to the White House and monetarily with record aid increases from the United States.

### *Mexico*

The Bush administration worked closely with the Salinas administration, largely on issues unrelated to narcotics control. Indeed, one of the most significant accomplishments of the Bush administration was the North American Free Trade Agreement (NAFTA), and negotiations there overshadowed all else in the relationship. With respect to narcotics control, the Bush administration always certified Mexico as fully cooperating in the war on drugs despite significant failures in Mexico and evidence of official corruption at the highest levels: a former head of police intelligence in Mexico City was arrested for narcotics corruption, the Attorney General was removed

and the entire office reorganized after reports of rampant corruption, and Mexican soldiers in Veracruz, apparently protecting a drug shipment, fired on narcotics police tracking the shipment. Despite these failures, the Bush administration sent some modest aid and at various points cooperated at the operational level with its counterparts in Mexico. And while the Bush administration pushed for joint military and law enforcement operations in other parts of Latin America, the administration acquiesced on President Salinas's refusal to cooperate on similar ventures in Mexico.

President Clinton's policy toward Mexico was remarkably similar to President Bush's. The Clinton administration retained the Bush administration policy of allowing other issues to supersede narcotics control. While for President Bush it was NAFTA, for President Clinton it was the Peso collapse and the U.S. response to it that was much more important than narcotics control. The Clinton administration granted President Salinas significant autonomy from U.S. policy preferences in not only allowing Mexico to veto joint military ventures, but also in accepting Mexico's refusal of most counter-narcotics aid. U.S. aid to Mexico plummeted to almost nothing, and the U.S. accepted significant restrictions on the monitoring of this meager assistance.

During his second term, President Clinton continued to support Mexico despite evidence of corruption at the highest levels. While the arrest of Gen. Gutiérrez Rebollo, the head of the newly-created National Institute for the Combat of Drugs, resulted in "frozen" operational cooperation (Wren, 1997), the Clinton administration continued to support Mexico with high-profile meetings, the first state visit in twenty years, and public defenses of Mexico. Despite strong congressional pressure to take a harsh stance against Mexico, the Clinton administration never punished Mexico and never decertified it.

This is not to suggest that Mexico never complied with U.S. policy preferences. Mexico made significant institutional reforms in the aftermath of the Gutiérrez Rebollo scandal. And after the wounds of the Casablanca affair healed, Mexico and the United States began unprecedented joint police and military operations, long a priority of the U.S. In 2000, the Chair of the Joint Chiefs of Staff and the U.S. Army Chief of Staff both visited Mexico and made significant moves to jointly investigate a series of murders in Ciudad Juárez and implemented a protocol on maritime interdiction.

U.S. policy toward Mexico is remarkably consistent over time. Mexico is always granted the autonomy that it seeks, and Mexico is never punished for failures in the drug war or for pursuing policies that run counter to U.S. objectives. The United States, under two successive presidents, at

times allows other issues in the bilateral relationship to overshadow narcotics control issues. All of these make U.S. policy toward Mexico consistently different from U.S. policy toward Colombia.

## COLOMBIAN NARCOTICS CONTROL POLICY, 1989–2000

Colombian narcotics control policy, and the degree of autonomy Colombia sought from U.S. policy preferences, changed significantly during the course of this study. President Virgilio Barco changed his government's policy significantly in the first year of this study. In 1989, responding to the killing of Liberal Party leader and presidential candidate Luis Carlos Galán, Barco launched a war against the narco-traffickers who killed him. This shift included not only a law enforcement crackdown in Colombia but the extensive use of extradition to the United States, despite a Supreme Court ruling calling it unconstitutional.

President César Gaviria changed Colombia's policy just as dramatically, in the opposite direction. With the Extraditables waging a terror campaign and the Colombian public tiring of the effects of the drug war, Gaviria instituted a leniency program. Gaviria agreed to prison sentences of not more than eight years for narco-traffickers and further guaranteed the safety and security of the drug lords and their families and allowed their assets to be retained. Most critically, Gaviria abandoned extradition in return for the surrender and confession of the Medellín kingpins. In 1991, Colombia's Constituent Assembly wrote this prohibition into Colombia's new constitution.

Gaviria's policy changed again with the escape of Pablo Escobar. With Escobar's escape, Gaviria sought and received critical U.S. intelligence and logistical support in the hunt for Escobar. Colombian and U.S. law enforcement agencies continued their operational cooperation in 1994 with a significant joint fumigation, Operation Splendor. These changes, significant though they were, were limited to Escobar: Gaviria's leniency policy remained in effect for other Medellín kingpins. Thus even here Gaviria is pursuing significant autonomy from U.S. policy preferences. Further, Gaviria made no move against the Cali drug cartel, again in contrast with U.S. priorities.

The election of Ernesto Samper in 1994 had dramatic impacts on narcotics control cooperation with the United States and on the autonomy from U.S. policy preferences sought by Colombia. Samper began his term by acquiescing to U.S. pressure and replacing the architect of Gaviria's plea bargaining strategy, Attorney General Gustavo de Grieff, with noted hardliner Alfonso Valdivieso. Samper continued to implement U.S.

policy preferences throughout his presidency. Indeed, it was Samper who dismantled the Cali cartel and oversaw legislative changes that included a constitutional amendment reinstating extradition in addition to new laws against money laundering and harsher sentences for narcotics offenders, and who had significant operational successes in terms of arrests, eradications, and seizures.

The election of Andrés Pastrana in 1998 again marks a significant change in Colombian policy. Upon his election, Pastrana immediately traveled to the United States to restore executive-level relations. He soon sought and received significant aid from the United States: the 1998 Western Hemisphere Drug Elimination Act provided some \$298 million to Colombia. Further, in 2000, Pastrana announced the ambitious Plan Colombia, which laid out an aggressive military and law enforcement strategy against narcotics traffickers. The United States supported this agenda with some \$1.6 billion in aid. Moreover, Plan Colombia represented a significant shift in Colombian domestic policy including billions in new anti-narcotics spending, all of which corresponded much more closely to U.S. preferences. In short, during the Pastrana presidency Colombia sought very little autonomy from the United States. Rather, Colombia sought to implement U.S. policy priorities. Indeed, noted Colombian scholar Fernando Cepeda Ulloa has termed these years the most cooperative in the history of the bilateral relationship (2000).

Colombian presidents over the course of this study pursued very different policies with respect to narcotics control and the United States. President Barco began by seeking U.S. assistance and implementing U.S. preferences during the final year of his administration. President Gaviria consistently sought autonomy from U.S. preferences. His distinction between narcotic-trafficking and narco-terrorism was intended to give him the political space to pursue a narco-terror strategy that deviated from U.S. policy priorities. He was successful in that the U.S. granted him that autonomy. President Samper, in contrast, did not pursue significant autonomy. Rather, he largely implemented U.S. preferences despite, or perhaps because of, continued pressure from the United States. President Pastrana similarly sought no autonomy from the U.S. Instead, Pastrana sought his own Marshall Plan and received significant U.S. assistance in implementing policies consistent with those of the Clinton administration.

## **MEXICAN NARCOTICS CONTROL POLICY, 1989–2000**

President Carlos Salinas began his term seeking cooperative relations with the United States and one of his most significant accomplishments was the

successful negotiation of NAFTA. With respect to narcotics control, Salinas did carve out some autonomy for Mexico, principally on the issue of joint military and law enforcement ventures. During a time period where the U.S. insisted on these ventures elsewhere in Latin America, and certainly in Colombia, President Salinas maintained that the “responsibility for the fight [against narcotics] is exclusively ours” and that there would be “no joint military operations on our soil” (“Mexico will press,” 1989).

Beginning in 1993, President Salinas sought not only to reject joint military ventures, but most U.S. aid as well. In what has been termed the “Mexicanization” of counter-narcotics policy, Salinas reduced U.S. aid to Mexico to very low levels and placed strong conditions on U.S. monitoring of that aid. While President Salinas did secure this autonomy from the United States and always managed to avoid decertification, Mexico was faced with strong pressures from the United States and flagrant violations of Mexican sovereignty. The kidnapping of Dr. Alvarez Machaín on Mexican soil for prosecution in the United States is the most significant example, and Salinas was not even able to obtain assurances from President Bush that such a violation would not happen again. Further, President Salinas began a series of changes to Mexico’s legal code that had long been sought by the United States. This began a process, continued under Ernesto Zedillo, of giving law enforcement officials tools U.S. officials had long sought.

President Zedillo largely continued the Salinas counter-narcotics strategy of attempting to secure autonomy where possible. Zedillo continued to make legal changes, approving wiretaps and confidential informants and passing strict new laws against money laundering and precursor chemicals. He also continued the pattern of emphasizing other issues, particularly early in his administration. Thus, while he began his term by calling narcotics trafficking “Mexico’s number one security threat” (GAO, 1996b, p. 7), his first year was dominated by a domestic economic crisis that required significant financial assistance from the United States to remedy.

The Zedillo administration was shaken by two scandals during the second Clinton term. The Gen. Gutiérrez Rebollo scandal, the head of INCD arrested for drug corruption, shook the administration and led to significant reforms and to the restructuring of Mexico’s military and judicial institutions. The Casablanca affair, where U.S. agents conducted an investigation and sting operation on Mexican soil without permission and against Mexican law, also shook the administration and ground cooperation to a halt. Unlike previous scandals, this affair even affected executive-level relations and its effects were long-lasting. Through all of this, however, the High Level Contact Group continued to meet, providing an important institutional mechanism to deal with narcotics control matters, something

missing in U.S.-Colombian relations. And by 2000, the Zedillo administration had complied with one of Washington's priorities: joint military and law enforcement ventures. These joint ventures were politically risky for Zedillo. His Attorney General had to defend the moves and assure the public that they did not represent a violation of Mexico's sovereignty, and as such they represent a significant move in the direction of U.S. policy preferences.

Mexico then at times seeks and receives significant autonomy from the United States on narcotics control matters. It does not, however, uniformly seek independence. There are times when Mexico shifts its policy in ways desired by the United States. Yet unlike Colombia, Mexico is never punished for its noncompliance and is consistently granted the autonomy it seeks.

## INDEPENDENT VARIABLES

Attention now turns to explanations of the behavior of the United States, Mexico, and Colombia through a systematic evaluation of the independent variables discussed in this study.

### *Electoral Tests*

This hypothesis probed the impact of elections on cooperation. Following Kahler (1993), the expectation was that elections in Latin America would lead to more resistance to U.S. pressure and less cooperation (or cooperation on terms favorable to Mexico or Colombia). The expectation for the United States was that elections would make the U.S. less willing to grant Mexico or Colombia autonomy from its policy preferences.

This study captured two presidential elections in Mexico: the election of Ernesto Zedillo in 1994, and Vicente Fox in 2000, and two additional mid-term congressional elections. The electoral tests do not appear to have affected the behavior of Presidents Salinas or Zedillo in any way. U.S.-Mexican relations were not significant factors in either presidential campaign. While the outgoing Mexican president had incentives to help his party's standard-bearer win the general election, in neither case did elections appear to influence the behavior of President Salinas or President Zedillo in any significant way. Similarly, the mid-term congressional elections do not appear to have influenced Mexican behavior in any significant way.

In Colombia, this study captured three Colombian presidential elections. U.S.-Colombian relations were a significant issue in one of these elections, the 1996 campaign between Horacio Serpa and Andrés Pastrana, with Serpa minimizing their importance and Pastrana promising to restore

a relationship badly damaged by the Samper years. But even here, the elections do not appear to have influenced Samper's behavior in any significant way, despite his interest in ensuring a Serpa win. In no election cycle was Colombian behavior altered by the elections themselves.

Turning to the United States, the hypothesis similarly yielded no explanatory power when examining the policies of the Bush administration. President Bush did not alter his policies toward Mexico or Colombia in any significant way prior to the 1990 mid-term elections or his re-election bid in 1992. A combination of factors is likely responsible for this counter finding. President Bush was widely seen as a strong foreign policy president who was weak on domestic politics. Implicit in the hypothesis is that weakened presidents will seek foreign policy victories to enhance their domestic standing. President Bush had significant foreign policy victories: the successful invasion of Panama, the Persian Gulf War, won after just 100 hours of ground combat, and the collapse of the Berlin Wall and the successful move into the "post-Cold War era" are but three. A foreign policy victory on drugs would not have helped this president, especially given the perception that he placed too great an emphasis on international issues and neglected domestic ones. With respect to Mexico, President Bush faced a further difficulty: the free trade agreement. President Bush could not take a hard line against Mexico while at the same time attempting to convince a skeptical public and congress to accept an unprecedented connecting of the two economies. The NAFTA negotiations placed strong incentives on both President Salinas and President Bush to keep drug control from interfering with the broader bilateral agenda. Certainly President Bush could ill afford to be critical of Mexico's narcotics control policies during this time period.

The hypothesis did yield more explanatory power when applied to the Clinton administration. In the 1996 and 2000 presidential election cycles and the 1998 mid-term congressional elections, President Clinton behaved as a U.S. president facing an electoral test is expected to behave. In those three years, the administration took a significantly harsher stance on narcotics control matters than it had previously. In 1996, this involved naming General Barry McCaffrey to head the Office of National Drug Control Policy, a move that signaled a shift in strategy to a greater focus on interdiction and law enforcement solutions. The very public consideration by the administration of decertifying Mexico for the first time was also almost certainly a result of election-year pressures to stand firm on drugs. Mexico was not, in the end, decertified, but the administration had never so publicly considered it. The hypothesis provided the most significant explanatory power in 1998 and 2000 related to U.S.-Colombian relations. In both years the Congress passed and the President signed significant



legislation authorizing hundreds of millions of dollars of aid to Colombia. Both measures were emergency supplemental appropriations (outside the normal budget process), and both were passed in the summer before the congressional and presidential elections.

### *Presidential Popularity*

This hypothesis probed the impact of a president's domestic political standing on international narcotics control cooperation. Eichenberg's finding (1993) provides compelling evidence that international agreements are more valuable to leaders whose domestic support has been weakened. In applying this hypothesis to the case at hand, U.S. behavior is expected to follow that pattern: a weakened U.S. president would seek a foreign policy victory and that a victory in this case meant a more hostile negotiating position with respect to Mexico and Colombia and significant concessions from them. In the context of the Latin American countries, the expectation was that weakened presidents would have more to gain by resisting U.S. pressures and that weakened Latin American presidents would make fewer policy adjustments, resulting in cooperation on terms more favorable to them. However, presidential approval ratings provided little explanatory power in either the United States, Mexico, or Colombia.

As with the electoral tests, this hypothesis yielded little when examining the policies of U.S. President George H.W. Bush. President Bush's approval ratings declined precipitously during the final two years of his administration, falling from a high of 87% in March of 1991, to a low of 34% in mid-October of 1992. Despite these consistently declining job approval ratings, Bush did not take a more hostile position toward either Mexico or Colombia. This counter-finding is best explained by the particular weakness of this president: domestic policy. Just as a foreign policy victory could not help change this president's electoral fortunes, his domestic approval ratings were unlikely to be helped by a victory on drug policy.<sup>1</sup>

President Clinton had very low approval ratings during the first two years of his first term in office. After his inauguration, his approval ratings were 56% but quickly fell to well below 50%. His party's historic defeat in the 1994 mid-term elections are indicative of his public standing. His approval ratings did not reach 50% until November of 1995. These low approval ratings do not appear to have affected his behavior in his first two years in office, however, and Clinton does not appear to have sought a victory on drug control in order to improve his standing. In fact, early in his term he continued to press for more treatment and prevention rather than for law enforcement solutions. He began to take stronger measures in 1996 with the appointment of General McCaffrey to head ONDCP and began to

take a much harsher stance with respect to Colombia in these years. These moves were likely driven by the election cycle and not public approval, which by then had recovered and remained comfortably above 50%. President Clinton remained very popular in his second term and his approval ratings never fell below 54%. As was the case in his first term, President Clinton's policies do not appear to vary with his approval ratings.

In Mexico, presidents often face domestic political pressures to stand firm against U.S. influence. National sovereignty is an especially sensitive issue and Mexican presidents with weak approval ratings were expected to be particularly vulnerable and thus to need to resist U.S. pressures when weakened. While President Salinas invoked the standard rhetoric with respect to U.S. intervention in Mexican affairs as a presidential candidate, he never faced significant declines in his approval ratings. Indeed, his approval ratings were consistently in the mid-70%*s* until 1994, the final year of his administration. Even then, his approval ratings were stable in the low-to-mid 60%*s*. Overall, his approval ratings varied from a high of 84% in September of 1992, to a low of 60% in June of 1994. While this does not allow a test of the proposition that an unpopular president may seek to bolster popularity by standing firm to the United States, it may help explain why Salinas did not respond more strongly to the kidnapping of Dr. Alvarez Machaín and the egregious sovereignty violation it represented. With a job approval rating of 74% in May of 1990, Salinas had the political space to respond as he did.

Ernesto Zedillo's low levels of popularity early in his presidency represent a marked contrast to the consistently high approval enjoyed by his predecessor. Because of the economic crisis that marked the beginning of his presidency and the painful economic reforms required to solve it, Zedillo's job approval ratings were in the low-to-mid 30%*s* during the second half of 1995, and he did not reach approval ratings of 50% or better until March of 1997. From there, Zedillo's approval ratings stabilized and gradually improved until his term ended with him enjoying the approval of 69% of Mexicans. Counter to the theoretical expectations, Zedillo did not use his low approval ratings in his first year in office to stand firm to U.S. pressures on narcotics control matters. Instead, he worked with the Clinton administration to emphasize other issues in the bilateral relationship, namely the economic crisis that threatened both economies. Like his predecessor, Zedillo's narcotics control policies do not appear to have been affected by changes in his popularity in any meaningful way.

In Colombia this hypothesis explained very little. The Barco administration was shaken by the assassination of presidential front-runner Luis Carlos Galán and in the aftermath of the assassination acted in accord

with U.S. policy preferences. President Gaviria's popularity varied wildly during his administration, but his popularity seems to have reflected his policies. Thus while his plea bargaining initiative with the narco-traffickers was working, his approval rating reached 80% ("Colombian drug leader," 1992), and 70% of Colombians had a positive image of him in February of 1992 (Centro Nacional de Consultoría, 1992). When Escobar escaped, his approval rating plummeted to 12.7% ("Colombian drug leader," 1992). *Semana* magazine asked readers in January of 1992 if they would vote for Gaviria were he eligible to run for a second term. With Escobar in prison and the violence stopped, 58.9% said that they would ("Informa Especial," 1992). A year later, only 13.2% said they definitely or probably would vote for him again, while 72.3% said they definitely would not and another 7.8% probably would not ("Informa Especial," 1993). The failure of his original policy led Gaviria to shift course so dramatically and capturing Escobar became his most pressing goal.

President Samper is an intriguing case. Throughout his presidency he maintained quite respectable approval ratings, even in the face of a narcotics-related scandal that led to two impeachment votes in the Colombian Congress. Hinojosa and Pérez-Liñán (2003) have argued that Samper's steady approval ratings helped him develop and maintain a legislative shield in the Congress that ensured his survival. While his approval rating did remain consistently high, Samper was extraordinarily weak on the drug issue. The scandal that enveloped his presidency involved allegations that his campaign accepted some six million dollars in funds from the Cali drug cartel. Yet during his presidency, Samper implemented U.S. policy preferences consistently. While his predecessor had removed extradition from the Colombian Constitution, Samper reinstated it. Where Gaviria had refused to take on the Cali cartel and accepted intelligence from them in the hunt for Escobar, Samper quickly dismantled the cartel and imprisoned those who had ensured his electoral victory by financing his campaign. Much of Samper's behavior during his presidency is because of his weakness on the drug issue. He had to continually prove, both to his own country and to the international community, and especially the United States, that he was not bought by the drug traffickers.

Andrés Pastrana was plagued by low approval ratings throughout his term. His highest approval rating was his first one, 43%, which quickly fell. These approval ratings, which largely reflect the state of the economy and his failed peace process with the FARC, were so low that his Conservative Party did not field a candidate in the 2002 elections. Yet his low approval ratings likely did not affect his counter-narcotics policies. Pastrana was under pressure to restore U.S.-Colombian relations after the Samper years

and did so. It would not have helped his standing to resist U.S. policy preferences.

### *Executive-Legislative Relations*

This hypothesis examined the effect of a chief executive with a different negotiating position than her legislature on international cooperation. The argument was that presidents who take less hostile negotiating positions than their legislatures (doves) make more credible threats and are thus more likely to have their interests approximated in international negotiations. In contrast, a chief executive who takes a more hostile position (a hawk) is in a weaker negotiating position because the legislature is not likely to carry out the executive's threat. The hawk is less likely than the dove to have her policy preferences approximated.

This hypothesis was of little utility in explaining the behavior of either Mexico or Colombia. In neither case was the Congress a significant constraint on executive behavior regarding narcotics control. Mexico's executive dominance is due to the partisan powers of the president and super-majorities the PRI has traditionally enjoyed. This is changing and the legislature is taking a more active role in Mexican politics than ever before. During this study, the PRI controlled both houses of Congress, with strong majorities, until 1997, when other parties (primarily the PAN and PRD) controlled 261 of the lower-chamber's 500 seats. Even then, the PRI controlled the Senate and was the largest single party in the Chamber. This makes the Mexican president an agent for the duration of the study. While its unanimous vote in 1997 to cease participating in the certification process was noticed in Washington, Mexico's legislature did not alter the behavior or negotiating strategy of either President Salinas or Zedillo in a significant way.

The situation in the United States is very interesting and changed significantly during this study. President Bush faced a hostile legislature for his entire administration. The Congress was solidly in Democratic hands throughout his mandate. Conventional wisdom is that the Democratic Party in the United States is the "softer" of the two political parties on drugs, preferring education, treatment and prevention to interdiction and law enforcement. This appears to make President Bush a hawk with respect to the legislature. Yet this study has shown that the drug issue is not necessarily a partisan one, or at least not a consistently partisan one. Instead, the drug issue is used by the out party to attack the party in power. The out party can always argue that the drug problem has not been solved and that those in power are not doing enough to solve it. Indeed, Senators Biden and Kerry and other Democrats did just that in their attacks on President Bush's

first budgets and first anti-drug proposals. These Democrats argued that the Republican president didn't go far enough to solve the issue.

So while President Bush faced a Democratic Congress throughout his administration, he was a dove: whatever he demanded of Mexico and Colombia would certainly be backed by the Congress. The Congress seemed to want more action than Bush was taking. One of the puzzles that remains is why President Bush did not in fact demand more from either country. He certainly had the legislative support to make good on such threats. It is also not clear why the Congress did not press the issue more as they had with President Reagan regarding the Bahamas and Mexico and as the Republican Congress pressed President Clinton. While the first puzzle can be explained by President Bush placing other issues ahead of narcotics control in the bilateral relationship with Mexico and responding to an extraordinary period of political violence in Colombia, there is no clear explanation of congressional behavior during this time. Some of the changes may be due to the declining importance of drug control in U.S. public opinion during the Bush presidency, though this does not explain increased congressional pressure during the Clinton years when public opinion similarly did not regard drugs as a pressing security threat.

This hypothesis yielded significant explanatory power during both Clinton administrations. In 1993 and 1994, with a congress of his own party, President Clinton did not take hostile stances toward either Mexico or Colombia. It was only after the 1994 mid-term elections when the legislature shifted to Republican control that the Clinton White House began to make strong demands, principally of Colombia. Beginning in 1995, and certainly by 1996, the United States took an exceptionally harsh stance with Colombia and demanded more compliance with U.S. policy preferences than had ever been demanded. The administration successfully demanded a constitutional change in Colombia. The leverage the president had with Colombia came in part from the weakness of President Samper on the drug issue. But it also resulted in large part from the hostile congress he faced. Any certification of Colombia might well have been overturned by the Congress in those years, if Congressional hostility toward Mexico is an accurate indication of Congressional pressures on the drug issue. Clinton's hostile negotiating posture during this time was not limited to Colombia: the administration's very public discussion of potentially granting Mexico a national interest waiver in 1996 and 1997 illustrated its hardened position as well. While it is doubtful that the administration was seriously considering decertifying Mexico given the ramifications for the overall relationship, President Clinton faced strong legislative pressures to appear more demanding. This gave the President unprecedented leverage in

narcotics control negotiations with Mexico and Colombia, and yielded the expected results with respect to Colombia: almost no autonomy granted to Colombia. Executive-legislative relations did not yield the expected results with respect to Mexico for reasons discussed below. It is important to note here that Clinton's approach to Colombia appears to have satisfied the Congress.

### *Domestic Terrorism in Colombia*

This hypothesis, which emerged from events in Colombia from 1989–1992, probed the impact of a wave of terror waged by narcotics traffickers on U.S.-Colombian drug control cooperation and autonomy sought by Colombia and granted by the United States. The hypothesis was that this terror led the United States to accept policies that deviated significantly from their established policy preferences.

The assassination of Liberal Party presidential candidate Luis Carlos Galán led Colombian President Barco to “declare war” on the narcotics traffickers. This led to a declaration of war by the narcotics traffickers themselves, under the name of “The Extraditables.” President Barco then launched a crackdown that resulted in unprecedented arrests, seizures of both drugs and personal property of narco-traffickers and eradication of drug cultivation as well as numerous extraditions to the United States, despite a constitutional prohibition. This significant policy change of President Barco and the positive U.S. response to it is reflected in the substantive cooperation between the two countries.

As the terror unleashed by the Extraditables in response to Barco's policies continued, newly-elected President Gaviria chose a very different path. Gaviria chose a pacification strategy and not only halted extraditions, but rewarded traffickers who surrendered and confessed with lenient prison sentences and allowed them to keep their illicit wealth. This policy, antithetical to stated U.S. policy preferences, was not punished by the United States. That Gaviria was allowed to proceed in this way is best explained by a combination of his reputation for firmness on the drug issue and the extremely tense situation in Colombia during this time. Gaviria explained his good relationship with President Bush as a result of Bush's acknowledgment of the dire situation in his country and his own candor in admitting when he had failed, principally with the Escobar escape (personal interview, May 2001). Certainly Gaviria shifted policies after the Escobar escape and he accepted U.S. aid and support in the search for him. It is important to note, however, that he did not completely change course: some of those who escaped with Escobar were killed in encounters with law enforcement, but the majority of them were allowed to return to prison

under plea agreements exactly like the agreements that had sent them to prison with Escobar in the first place. The Clinton administration again accepted this policy, and again Gaviria attributes his good relationship with the U.S. under the new administration to Clinton's understanding of the extraordinary circumstances he faced (*ibid*). The willingness of both the Bush and Clinton administrations to accept these policies is best explained by an acknowledgment of the terror and violence being inflicted on Colombia by narco-traffickers. The autonomy Gaviria sought to deal with narco-terrorism, as distinct from narco-traffic, is a direct result of this violence. So too is the autonomy the U.S. granted Colombia in the acceptance of policies antithetical to its stated preferences under two presidents of different parties.

### *Reputation of the Colombian President*

This hypothesis probed the impact of the reputation of the Colombian president, specifically his reputation on narcotics issues, on drug control cooperation with the United States. The hypothesized expectation was that cooperation would be greatest when the United States had reason to doubt the trustworthiness of the Colombian leader.

This hypothesis comes from many in Colombia and some analysts (most notably Crandall, 2002) who see a certain cyclical pattern to U.S.-Colombian relations: tense under Barco, cordial under Gaviria, exceptionally strained under Samper, and exceptionally cooperative under Pastrana. The suspicion of many Colombians was that U.S.-Colombian relations depended on an early determination on the part of the U.S. government of whether or not their president was trustworthy on the narcotics issue. If he was, then relations would be good. If there was reason to doubt, then no amount of capitulation on the part of the president would affect relations. The question here is whether this reputation of the Colombian leader affected the autonomy the U.S. granted to Colombia to deviate from its preferred policies and how much autonomy Colombian presidents sought.

This study has consistently shown that the reputation of the Colombian president has had a powerful impact on drug control cooperation with the United States. The impact is a bit unclear in 1989 and early 1990 during the Barco administration. The Barco government had a tense relationship with the United States from 1986–1989 and had refused to extradite its citizens or enact other measures consistent with U.S. policy preferences. President Barco was seen as soft. His dramatic turn toward U.S. policy preferences in the aftermath of the Galán assassination and the spate of extraditions resulted in a significant warming of relations with the U.S. and immediate assistance in the counter-narcotics efforts. This would seem

to suggest that a “weak” or tainted president would be rewarded by the United States for “coming around,” but this did not happen with Samper in office (1994–1998). Barco’s final years, a leader seen as weak on narcotics issues but experiencing close cooperation with the United States, are then a bit of an outlier.

The relationship between the reputation of the Colombian president and cooperation with the United States becomes much more clear with the election of President Gaviria and the administrations of Samper and Pastрана which followed. Gaviria’s reputation for firmness on the drug issue, which stems in large part from his relationship with Galán and his being seen as taking Galán’s mandate, coupled with the domestic terror unleashed by Pablo Escobar and the Extraditables, allowed Gaviria to deviate significantly from U.S. policy preferences without punishment. President Samper, in contrast, complied with U.S. demands in dramatic ways and was never rewarded for his actions. This is due in part to his extraordinarily weak reputation on the drug issue from his early days as a proponent of legalization of marijuana through his illicit campaign financing from the Cali cartel. With his reputation, no appeasement of the United States was sufficient.

A brief comparison of the policies of these two presidents is instructive. Where Gaviria ceased extradition and encouraged its removal from the Colombian constitution, Samper was punished for failing to extradite specific criminals despite the constitutional prohibition and not rewarded for reinstating extradition into Colombia’s Constitution. Where Gaviria refused to make moves against the Cali cartel and indeed accepted their intelligence in the hunt for Escobar, Samper dismantled the Cali cartel in the first months of his administration. Where Gaviria did not take active law enforcement measures against narcotics trafficking and production, Samper’s police forces eradicated, seized, and arrested like never before. Judging by an objective standard of who most complied with U.S. demands and policy preferences or, to use the language of the certification statute, who was “cooperating fully” with the United States in the war on drugs, it was Samper and not Gaviria. Samper’s reputation allowed the U.S. to continue to press and punish Colombia and prevented an equitable application of its certification standards while Gaviria’s reputation allowed the United States to overlook his policy failures.

Similarly, at the end of the Samper administration, the U.S. changed its policy toward Colombia in anticipation of new leadership. The 1998 certification decision came before Colombia’s presidential elections and was tied explicitly to a desire not to burden a new administration with the baggage of the previous one. Further, the Western Hemisphere Drug



Elimination Act of 1998 came before President Pastrana had been able to accomplish anything of substance in the war on drugs: he simply had not been in office long enough. The shift in U.S. policy came in anticipation of the kind of leader he would be and the kind of policies he would pursue. It came, in short, because of Pastrana's reputation as someone who could be trusted in the war against drugs. While this reputation might have given Pastrana room to seek autonomy from the United States, it was not in his interest to do so. Instead, he needed to restore U.S.-Colombian relations and needed U.S. financial support for his ambitious Plan Colombia.

### **AN ALTERNATIVE EXPLANATION: THE COMPLEX U.S.-MEXICAN RELATIONSHIP**

A puzzle that remains is whether some of the variance in autonomy sought and granted can be explained by the very different kind of relationship the United States has with Mexico and Colombia. The U.S.-Mexican relationship is a complex one involving a complicated history of war and intervention, a shared border of some 2,000 miles, complex migration issues of great political significance in both countries, and a significant trade relationship as Mexico is the second largest trading partner of the United States and the United States the single largest trading partner of Mexico. Each of these issues may at times take on greater significance than narcotics control in the bilateral relationship. In contrast, while Colombia and the United States do trade, and Colombia may be poised to be an important energy provider to the United States in the long-run, economic ties do not approach the levels of U.S.-Mexico ties. Similarly, while many Colombians are seeking refuge from Colombia's violence in the United States, their numbers do not approach the numbers of Mexican migrants in, or seeking entry to, the United States. Thus when U.S. and Mexican officials sit at Putnam's table to negotiate narcotics control matters, there are a host of other important issues in play at the same time. This is not the case when U.S. and Colombian negotiators sit at the same table.

This complex relationship with Mexico offers two distinct possibilities for cooperation on narcotics control matters. One possibility is that the United States would use these other issues as side payments in return for concessions on narcotics control matters. That is, the United States could make concessions on trade, migration, border issues, and the like in return for Mexican concessions on narcotics control. This would result in a Mexican drug policy closer to U.S. policy preferences and less Mexican autonomy on narcotics issues. Another possibility is that Mexico would use these other issues as side payments in return for greater autonomy

on narcotics control matters. Indeed, the fear of many U.S. officials was that if the United States pushed Mexico too hard on narcotics control and subjected them to the international humiliation of decertification, Mexico would simply “quit cooperating” altogether: not just on drugs, but on a host of other issues as well. The threat of Mexico ceasing migration cooperation was the most credible, most frightening, to these officials (confidential interviews, Washington, D.C., May 2001).

Over the course of this study, the United States and Mexico repeatedly place other issues in the bilateral relationship above narcotics control. During the administrations of George Bush and Carlos Salinas, the two countries successfully negotiated the North American Free Trade Agreement, an unprecedented institutionalization of the bilateral relationship. During those negotiations, both leaders had incentives to keep drug control from dominating the bilateral agenda and their respective polities responding favorably to the other country. The Clinton and Zedillo administrations had similar interests and similarly sought to keep narcotics control from dominating the bilateral agenda. At one point drug control was listed as the fourth highest priority of the U.S. Embassy in Mexico City.

From the beginning, this study has also shown another consistent pattern in the U.S.-Mexico country pairing: U.S. officials publicly praising Mexican narcotics control efforts in the run-up to the certification decisions. In 1989, it was U.S. Ambassador to Mexico Charles Pilliod who praised Mexico’s “steady cooperation” and the actions of the new Salinas administration on drug matters (Rohther, 1989a). These comments were aimed at the U.S. Congress which was soon to receive President Bush’s certification of Mexico as fully cooperating in the drug war. This is a consistent pattern in the certification ritual with U.S. officials praising Mexico’s efforts and lauding its progress in the drug war as congress considers Mexico’s certification.

The certification ritual was intended to be a leverage point with other countries. That is, the threat of decertification was meant to obtain more cooperation from drug producing and trafficking countries. Faced with the threat of decertification, countries would be expected to seek less autonomy from U.S. policy preferences and pursue policies consistent with U.S. interests. Indeed, officials in the Bureau of International Narcotics and Law Enforcement Affairs at the State Department viewed this as their most important tool in the drug war. Yet the political process that surrounds the certification ritual is not used that way with respect to Mexico. Instead of using it to gain concessions from Mexico and policy more in line with U.S. preferences, U.S. officials seem intent on convincing the U.S. Congress that Mexico is cooperating. Together, this suggests that the United States views

other issues in the Mexican relationship as more important than narcotics control and is unwilling to risk the broader relationship on narcotics control.

## IMPLICATIONS AND CONCLUDING REFLECTIONS

This study began by attempting to sort out the “puzzling tangle” (Putnam, 1988) of when and how domestic politics affect international cooperation on narcotics control matters and to contribute to two distinct literatures: the drug policy literature and the theoretical literature on two-level games. The following section explores how and why drug control cooperation has evolved over time and how it differs across the country pairing and then discusses what that means for the theory about the interaction of domestic and international politics.

During the course of this study drug politics related to Mexico and Colombia have gone through a cycle of politicization. Before President Bush took office, the Democratically-controlled Congress strongly challenged the Republican president’s handling of drug control with respect to Mexico and the Bahamas, threatening to overturn Ronald Reagan’s certification of each country. During the Bush administration, there was no such effort at any time. During the second Clinton administration, a president weakened by scandal and facing strong opposition in the legislature faced strong congressional pressures and significant efforts to overturn his certifications of Mexico on two occasions. There was strong legislative pressure to “get tough” on drugs—both with respect to Mexico and Colombia. The president appears to have been able to satisfy the legislature by being exceptionally tough on Colombia.

Part of the politicization of drug policy with respect to Colombia corresponds with important changes inside the U.S. bureaucracy. The Bureau of International Narcotics and Law Enforcement Affairs (INL) was created during this study to coordinate drug policy in the U.S. Department of State. Gradually it has gained more and more influence within the department, and it is the bureau which issues the annual certification reports, the International Narcotics Control Strategy Report. The report is put together with input from other State Department bureaus, principally the regional bureaus, as well as other government agencies (Justice, Customs, DEA, and others). There is significant internal dissent within the Department on the issue of certification. Numerous interviews with officials in both INL and the Bureau of Western Hemisphere Affairs reveal that the former regards certification as its most critical tool in controlling narcotics production and traffic while the latter views it as a blunt instrument that often does more

harm than it is worth in bilateral relations. The division was complicated by the organization of the Department which, until July of 2005, had the regional bureaus (Western Hemisphere Affairs and the others) and INL reporting to two different Under Secretaries. The July 2005 restructuring of the Department was aimed in part at “forg[ing] a closer link between INL and regional bureaus” (State Department, 2005a).

As its mission and authority has expanded, INL has come to demand more significant decertifications. The Bureau regards the instrument as effective only to the extent that the threat of its use is credible. And that threat is not credible if only pariah nations with whom the U.S. has no significant relations are decertified. Part of the push to decertify Colombia came from officials at INL who believed they needed a significant decertification.<sup>2</sup> Part of their position is that they are the ones who must go to Capitol Hill and justify their actions before Congress. Without significant decertifications, their credibility is in danger. Future research must more fully explore the role of bureaucratic politics on drug control cooperation with Mexico and Colombia and how that bureaucratic political game relates to other domestic political concerns in the United States. Future research should also explore the impact of bureaucratic politics on cooperation with Mexico and why these agencies seem to have been able to move the U.S. toward more hostile positions relative to Colombia but not Mexico.

This work has also shown a consistent pattern of Mexico being held to a different standard in narcotics control than is Colombia. The results of Colombia’s drug control efforts during this study have been impressive and its list of accomplishments is long: constitutional reform related to extradition, institutional reform of the police, military, and judicial institutions, enforcement agreements with the United States, and so forth. Mexico has done some of these things—most notably the important institutional reform in the aftermath of the Gen. Gutiérrez Rebollo scandal. But the results of Mexico’s drug war do not approach Colombia’s. If standards for annual drug certification were applied fairly, Mexico would have been decertified alongside Colombia in the mid-1990s if not decertified in Colombia’s place. Certainly Colombian authorities made the case that they were cooperating much more with the U.S. than was Mexico. One State Department official argued that Mexico should be decertified, and given a national interest waiver, “every year” (confidential interview, Washington, D.C., May 2001). He argued that the national interest waiver was created for cases like Mexico: countries that do not cooperate but where a decertification would hurt the U.S. more than the offending country. Another senior official in the State Department gave Mexico a “C-minus” for the duration of this study (confidential interview, Washington, D.C., May 2001). While

these officials' characterizations of Mexico's cooperation are at times unfair as there are times during this study when Mexico made quite significant policy adjustments in favor of U.S. policy preference (see 1991 and 1993 as but two examples), the general point on Mexican performance is well taken. Mexico certainly failed to produce the same kinds of results that Colombia produced during this study and did not enact U.S. policy preferences as consistently.

Turning to theoretical matters, several interesting issues remain. Moravcsik (1993) and Evans, et al. (1993) have argued that the theoretical literature has been missing a longitudinal study of a single issue. One of the contributions of such a study should be in the examination of reverberation effects. Theoretically, causal arrows flow not only from the domestic to the international, but from the international back to the domestic. That is, international cooperation should influence domestic politics in each country such that international cooperation is influenced in future iterations and domestic politics is influenced by the new international cooperation in future iterations. These reverberation effects should be especially visible in negotiations such as the ones studied here: they occur yearly in highly-ritualized ways. Yet no concrete patterns emerge and it is difficult to tell if domestic politics has really been influenced by international cooperation in significant or lasting ways. For instance, U.S.-Colombian relations were important in the Pastrana-Serpa campaign in Colombia in 1998, but the issue vanished in the 2002 election.

There may indeed be a pattern forming in the United States, but it is too early to tell at this point. This study does show a very politicized process in the United States. But this study may also have captured the end of that politicization, or at least the beginnings of that end. By the end of the Clinton administration, the process had become much less politicized. There has not been a legislative attempt to overturn a certification decision since the failed attempt to overturn Mexico's certification in 1998. Instead, there have been congressional efforts to de-politicize the process, especially though not exclusively, with respect to Mexico. There have been efforts to eliminate the processes altogether or, failing that, to remove countries with specific bilateral drug control accords with the United States from the process. Such a move would eliminate Mexico from the ritual as to date it is the only country with such an accord. As he prepared to leave office, General McCaffrey predicted that the certification process would be done away with by the next administration. Thus far the process has not ended, nor has Mexico been excluded from it.

The process did change in a significant way beginning in 2003. Until 2003, the president was forced to certify that countries on the list of

major had “cooperated fully” in the war on drugs. The Foreign Relations Authorization Act, 2002–2003, signed into law on September 30, 2002, changed the standard to “failed demonstrably.” The process for determining the list of majors remains, but now the president designates countries that “have ‘failed demonstrably’ during the previous 12 months to make substantial efforts to adhere to their obligations under international counternarcotics agreements and take the counternarcotics measures specified in U.S. law” (State Department, 2005b). This change appears to decrease the likelihood that a country will face decertification. Since the change, only Haiti, Guatemala, Venezuela and Burma have been decertified, and all but Burma received a national interest waiver in each case.

In addition to this, there are signs that the State Department is softening its line with respect to certification as well. Crandall (2002) has argued that part of the U.S. policy shift after the election of Andrés Pastrana in 1998 came about because officials in the Department realized that the previous policy had been counterproductive and had weakened the Colombian state, with disastrous results. Two former senior State Department officials echoed those sentiments (confidential interviews, Washington, D.C., May 2001). Yet it is unclear how widely held their views are within the Department or how the reorganization at the State Department will affect the split between the regional bureau and the INL. That only Burma has been punished (decertified without a waiver) since 2003 does suggest that the INL is no longer receiving the significant decertifications it previously demanded.

In other ways, the theoretical findings of this work are quite mixed. The strong findings of the impact of executive-legislative relations are significant. The impact of this relationship on U.S. policy toward Colombia suggests that a president facing a hostile legislature is in a strong negotiating position and can successfully make significant demands in international negotiations. The significant finding on the role of elections also demonstrates the importance of electoral tests and the potential they have to impact international cooperation.

That these same variables have little impact on U.S. behavior toward Mexico is also instructive. It suggests that domestic political variables do not have uniform impacts across countries even when the issue is held constant. Perhaps this means that the international-domestic interaction is a more powerful force in countries with asymmetric relationships. Eichenberg (1993) suggests that the theory can work among equals and does on negotiations between NATO members. What is critical then is whether or not the issue is a central one in the bilateral relationship. That is, perhaps the two-level games theory would explain U.S. behavior toward Mexico on

issues such as trade or immigration, but not on drugs because drug control is less critical.

The theory's failure to explain U.S. behavior toward Mexico is important and must be explored further. So too must the theory's inability to explain much of Mexican or Colombian behavior. That so much of the behavior of all three countries is tied to the reputation of the Colombian president, domestic terrorism in Colombia, and the complex U.S.-Mexican relationship suggest important theoretical limitations. The study also suggests that much narcotics control cooperation is determined by discreet events that are difficult to generalize: terrorism and presidents with poor reputations in Colombia and corruption scandals and law enforcement operations gone awry in Mexico.

Finally, the findings suggest many opportunities for collaboration between international relations and comparative politics scholars. The interaction of the two arenas clearly has a significant impact on international cooperation and the artificial divide between the two fields should be bridged more frequently. Yet the findings also caution against too quick a bridge being built. This interaction does not, and cannot, explain everything. Indeed, the theory leaves much unexplained. Those gaps provide fascinating avenues for further reflection and research.

# Notes

## NOTES TO CHAPTER ONE

1. See the international relations debates concerning the “second image” (Waltz, 1959) and the “second image reversed” (Gourevitch, 1978).
2. The 1986 Anti-Drug Abuse Act gave the Congress thirty days to overturn the certification. The 1988 Anti-Drug Abuse Act modified it to forty-five (Perl, 1988).
3. Colombia’s 1991 Constituent Assembly charged with writing a new constitution also had this function.
4. Thoumi (1995) correctly notes that these organizations are not true cartels in the economic sense of the word. Like Thoumi (1995), this study follows the conventional usage despite the imprecision.
5. This is further justification for using U.S. certification decisions not as a proxy for cooperation, but for measuring it.
6. Thanks to Scott Mainwaring for clarifying this point.
7. Colombia’s Congress is elected at the same time as the presidency.

## NOTES TO CHAPTER TWO

1. This is one of few instances where a government crackdown on narcotics production appears to have significantly decreased the supply of drugs to the United States: the wholesale price of cocaine in Miami increased to \$18,000/kg from \$11,000/kg (Brooke, 1989d).
2. After her resignation and once outside the country, de Greiff expressed grave reservations about the policy of extradition.
3. In early 1990, President Bush announced that he was withdrawing the proposal after President Barco vehemently objected to the initiative.
4. The directive further allowed U.S. military trainers to leave base camps to train local security forces. In addition, soldiers were allowed to take part in patrols with local authorities, but not participate in raids. In announcing



- the change in policy, administration officials were quick to note that this was *not* combat, nor were such roles being sought (Weinraub, 1989).
5. Samper challenged Gaviria for the Liberal Party nomination but served as Gaviria's campaign manager during the general election.
  6. This came as a surprise in many quarters because Gaviria was widely seen as the candidate who was toughest on drugs in the 1990 election. As such, he won in a relative landslide with 45% of the vote, 25 points more than his nearest rival. His reputation for toughness was likely due at least in part to his ties to Galán.
  7. There was another incident that made extradition politically difficult for Colombia: the Marion Barry case in the United States. The former Mayor of Washington, D.C. was convicted on only one of fourteen charges against him, carrying a maximum sentence of one year in jail, despite televised footage of him smoking crack cocaine. Colombians complained about double standards and unequal treatment for Colombians and Americans. Colombian authorities maintained that such a ruling made extradition of Colombians to the United States even more untenable. Attorney General Alfonso Gómez said, "It is going to be very difficult to convince our people of the necessity to extradite our nationals given these kinds of verdicts," and Enrique Santos of *El Tiempo* suggested that "In this climate, it will be difficult to renew extraditions." *Semana* magazine wrote that "in the war against drugs, the United States is ready to fight to the last Colombian." Gen. Miguel Maza Marquéz, a top Colombian anti-drug officer spoke for many Colombians when he said, "The impression for the world is that, for North American courts, a gram of cocaine produced deserves a life sentence, while a gram of cocaine consumed is worth a pardon." Foreign Minister Luís Fernando Jaramillo Correa noted that Colombians felt "deceived by the harshness with which the law is applied to our compatriots--in contrast to the laxity of the case with Mayor Barry." (Brooke, 1990c). While it is important not to overstate the importance of this case (extradition was well on its way out before the verdict because of the terrible toll the Extraditables were inflicting on Colombia), it did make it all the more difficult for a Colombian politician to support extradition.
  8. The Extraditables kidnapped 10 prominent Colombian journalists in late 1990 as a part of their negotiating strategy to demand that the language of the offer be clarified and the promise of non-extradition be made more solid. Gaviria's original offer appeared to force drug traffickers to confess to every conceivable crime with extradition possible for crimes not confessed. Some of those kidnapped were released as a gesture of good will upon Gaviria's November announcement, others were held until the Constituent Assembly removed extradition from the Colombian Constitution in 1991. Those kidnapped included: Diana Turbay, daughter of a former Colombian president (Diana Turbay was killed in a failed rescue mission; the cartel and Medellín police each maintain that the other fired the fatal shot), Marina Montoya (whose brother was a senior aide to President Barco and who was also killed), Maruja Pachon, sister-in-law of Galán, and Francisco Santos, a senior editor of *El Tiempo* and as of this writing Colombia's Vice President.

For a compelling journalistic account of these events, including the surrender of Pablo Escobar, see Gabriel García Márquez's *News of a Kidnapping* (1997).

9. Walters was named Director of ONDCP by George W. Bush in 2000 and remains director as of this writing.
10. Three other significant Medellín cartel chiefs had surrendered under earlier (and similar) leniency agreements: brothers Fabio, Jorge Luís, and Juan David Ochoa.
11. An example of such a characterization comes from former DEA administrator Peter B. Bensinger. In an op-ed in the *New York Times*, Bensinger was highly critical, calling the surrender of Escobar "the surrender of justice by the U.S. and Colombia" and arguing that Escobar "should be on death row, not in a posh mountain retreat built to his specifications and overlooking his hometown." He was critical of the U.S. handling of the situation as well, noting "The State Department regrets Colombia's decision. What baloney (other words come to mind)...How can we dream of winning the drug war when the opposition sets the terms and calls the shots?" (Bensinger, 1991).
12. In 1985, U.S. DEA Agent Enrique Camarena was abducted in Guadalajara by Mexican drug traffickers. He was brutally tortured and extensively interrogated before being killed. This incident created conflicts in U.S.-Mexican relations for several years. On December 12, 1989, Mexican courts found Rafael Caro Quintero, Ernesto Fonseca Carrillo and 23 others guilty of Camarena's murder and torture. Caro Quintero and Fonseca Carrillo were sentenced to over 100 years in prison and millions of dollars of their assets were ordered seized (Rohther, 1989e). This was a significant move and was met with much satisfaction in the United States.
13. It is important to note that even in 1992, U.S. drug aid to Mexico was minimal: \$22 million (mostly a contract with Bell Helicopter to pay for maintenance costs) (Golden, 1992).
14. The complete quote from Governor Clinton is as follows: "I've never broken a state law. But when I was in England I experimented with marijuana a time or two, and I didn't like it. I didn't inhale it, and never tried it again. That was when I was 22, I was in England, I did what most everybody else did over there. I tried it a couple of times. I really didn't like it and never did it again" (Ifill, 1992).
15. On April 14, 1988, the U.S. Senate voted overwhelmingly (63-27) to impose economic sanctions on Mexico for failing to cooperate in the war on drugs. The House failed to take any action (no vote was taken). Mexico's response was strong with Foreign Minister Bernardo Sepulveda saying, "It is difficult for the Congress of the United States to arrogate to itself the power to capriciously draw up certificates of good conduct when in all likelihood it is the United States itself which requires the issuance of such a certificate," and further "The problem here is this: who is going to certify the certifiers?" (Rohther, 1988). Presidential candidate Carlos Salinas denounced the action saying, "It is not acceptable that, in order to ingratiate themselves with their electorate, some American senators blame others for a problem

that is generated within their own borders. They see the mote in the eye of others, but not the beam in their own” (ibid). President Reagan also opposed the action, arguing it would cause “significant damage to a broad range of U.S. interests in Mexico” and promising to veto the measure were it to be approved by the House (ibid). A resolution overturning President Reagan’s certification of Panama passed the Senate in 1987. Other resolutions were introduced challenging the president’s certification of Mexico and the Bahamas in 1987, and the Bahamas, Bolivia, Paragua and Peru in 1988, but did not pass in either chamber (Perl, 1988).

16. The vetoes were never overridden.

## NOTES TO CHAPTER THREE

1. For a fascinating journalistic account of the search for Escobar, see Bowden (2001).
2. Samper’s acquittal came in the lower chamber. He was never formally impeached and tried (as was President Clinton). The acquittal by the lower chamber ended the impeachment process. On Samper’s survival of the impeachment attempt, see Hinojosa and Pérez-Liñán (2003).
3. Roberto Steiner noted the irony that in Samper, “él que mas protestó, mas cumplió”—the one who protested most, complied most (personal interview, May 2000).
4. Section 505 of the Foreign Assistance Act of 1961, as amended (GAO, 1996b, p. 5).
5. This group, now called the Bi-National Commission, continues to meet regularly as of this writing.
6. Once again, these bills demonstrate that the “hawk/dove” distinction is not an artifice of partisan identification. The 1997 House legislation was introduced by Minority Leader Richard Gephardt and 1998 Senate legislation was narrowly defeated (45–54), with 15 Democrats voting for it.

## NOTES TO CHAPTER FOUR

1. See Crandall (2002), especially Tables 5.1 and 5.2, for a detailed breakdown of the appropriation.
2. The Colonel was convicted of knowingly using the profits to pay household bills.
3. The barbed wire is mentioned in the *New York Times* story (1998) and was mentioned specifically as but one example of the “pork” in the 1998 supplemental in a confidential interview with a former member of the Clinton administration.
4. Pastrana’s approval ratings averaged 22% in 2001 and 2002. His term was such a disaster that for the first time in memory his Conservative Party did not field a candidate in the 2002 presidential elections.
5. It bears noting that the Colombian Congress approved, but did not fully fund, Plan Colombia.

6. The remaining seats were divided between the Labor Party (7), the Mexican Green Ecologist Party (6) and 2 independents.
7. 15 of the Senators voting for the resolution were Democrats, again demonstrating that hawk/dove distinction is not an artifice of party affiliation.

## NOTES TO CHAPTER FIVE

1. Even had the president thought such a move would bolster his domestic support, the same constraints on taking a harsher stand with respect to Mexico, the NAFTA negotiations, still apply.
2. Crandall (2002) makes a much stronger case that most of U.S. policy toward Colombia was determined by bureaucratic politics.



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