THE ESSENCE OF BAD DECISIONS: UNITED STATES

DRUG CONTROL POLICY IN LATIN AMERICA

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by
Michael R. Henneberry

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APPROVED BY THE DEAN OF GRADUATE STUDIES
AND THE VICE PROVOST FOR RESEARCH:

Katie Milo, Ed.D.

APPROVED BY THE GRADUATE ADVISORY COMMITTEE:

Matthew O. Thomas, Ph.D.
Graduate Coordinator

James E. Jacob, Ph.D., Chair

Matthew O. Thomas, Ph.D.
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ABSTRACT

THE ESSENCE OF BAD DECISIONS: UNITED STATES

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In this study, I seek to evaluate United States-supported efforts to stem drug production and trafficking in two Latin American countries. The countries selected are Colombia and Mexico, which are the two largest suppliers of illicit narcotic drugs to the United States. I find that these policies are not at all effective in reducing production and distribution and that they contribute to social, economic, and political problems in both countries. In the next section I analyze the most current iteration of U.S. drug policies in Colombia and Mexico, respectively. I conduct an inquiry into why policies geared toward reduction of production and trafficking of illicit narcotics have not undergone significant changes to reflect the lack of progress in reducing the global supply in narcotics. I find that the fragmented nature of political power within the United States government
contributes to a status quo bias in favor of existing drug policies. The concluding section offers proposals designed to both reduce the demand for illicit narcotics as well as the harms associated with drug abuse, thereby reducing the incentives for participating in the illegal drug trade.
CHAPTER I

INTRODUCTION

According to the United States Office of Drug Control Policy, Americans spend roughly $64 billion to consume illicit narcotics for recreational purposes, while their government spends over $13 billion in an attempt to prevent them from doing so. Public perception of the issue is governed by the belief that drug abuse harms both the individual and society as a whole. Policymakers typically make the argument that drugs drive up health care costs and increase criminality and immorality among users.\(^1\) Perhaps the simplest approach to these problems is to prohibit the use of drugs\(^2\); the United States has attempted to do this by enacting laws prohibiting the production, distribution, and personal non-medical use of narcotics over the past century.

Current United States federal drug control policy has two dimensions. Domestically, both the federal government and the states use the threat of criminal penalties to discourage both the recreational use and the production and distribution of narcotic drugs. Internationally, the United States seeks to disrupt domestic drug markets by reducing the supply of narcotics through interdiction of drug shipments in drug-transit

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\(^{1}\) Jeffrey Miron, “The Economics of Drug Prohibition and Drug Legalization,” *Social Research* 68 (Fall 2001): 835.

countries and crop eradication in drug-producing countries. This is intended to increase the price of raw materials necessary for production and decrease the purity of the final product. In theory, this course of action will lead to users paying higher prices for an inferior product, which will theoretically lead to a decrease in consumption. These types of policies have been in place for decades, and according to many analysts there has been no appreciable impact on domestic demand for drugs or the street price of illicit narcotics such as cocaine, heroin, or marijuana. Roughly 20 million Americans aged 12 and older use illicit drugs; this number has remained constant for several years.\(^3\) As a result of these policies, the United States holds in its prisons nearly half a million people and budgets for executive agencies charge with policing the drug trade have increased dramatically.\(^4\)

The purpose of this research is to show that these policies have failed on a number of different measures, including increases in street price, reductions in drug purity, and declines in drug use. Despite the implementation of these policies, street prices, purity, and rates of use have all remained relatively stable over time. It will also provide insight into the sometimes contentious relationship between Congress and the President in the realm of national security policy and foreign policy writ large using the formulation of American counternarcotics policies in Latin America as case studies. Each case study will discuss the different domestic and international political factors which influenced the President and Congress in the formulation and adoption of counternarcotics policies toward Colombia and Mexico, respectively. In each chapter I

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will argue that the fragmented nature of political power within the U.S. government prevented a serious consideration of alternative drug control policies which may have had a greater impact on the size of the market for illegal drugs in the United States.

The first chapter of thesis will outline the history of U.S. counternarcotics policy since the early 20th century. Using data and mathematical modeling produced for the Institute for Defense Analysis by the RAND Corporation’s Drug Policy Research Center as well as previous research on street price and purity levels of several illegal drugs from 1981 – 2007 I will show that these policies, which include prison sentences for personal non-medical use, interdiction of international drug shipments, and crop eradication in drug producing countries, have failed to increase retail prices or reduce drug purity on a grand scale. In large part because of the failure of these policies, data from the Department of Health and Human Services and the Drug Enforcement Administration will show that these policies have not caused the desired reductions in the rates of recreational drug use as well.

Explanation of Cases

The United States focuses a large percentage of its drug control efforts on reducing the cultivation and distribution of illicit narcotics in the developing world. Typically, drugs produced in the developing world are exported to the Western world, including the United States, Canada, and Western Europe. The principal suppliers of illicit narcotics to U.S. drug markets are Colombia and Mexico, respectively. The traditionally weak central governments of these countries have thus far been unable to govern their rural territories. As a result, drug production and distribution are serious
problems in rural and remote areas of both countries. Colombia is the largest producer of raw materials used to produce cocaine\(^5\), as well as a major producer of heroin and marijuana. It is estimated that 90% of all cocaine entering U.S. drug markets is transported through Mexico.\(^6\) Each case is of particular interest because both countries are experiencing profound social disintegration, unspeakable violence, and possible failure of the state as a result of the central government’s inability to police the drug trade. Against this backdrop, the United States of America has on separate occasions endeavored to assist Colombia and Mexico in fighting drug production and trafficking within their borders to help each state reestablish control over their territories. Drug production and distribution in each country has increased considerably over time as a result of a drastic disruption of preexisting economic, social, and political arrangements. This has resulted in necessary American involvement in an attempt to ameliorate the tremendous social problems that have developed in these countries over the last 20 years.

This brings us to the selection of cases. U.S. involvement is critical because the collapse of either state would have an adverse impact on the economy and security of the entire Western Hemisphere. Chapter three of this work will outline the history of the drug industry in Colombia while evaluating previous attempts by the United States to assist Colombia’s efforts to eliminate the alternative power structure that has been set up by major drug producers and traffickers. The most notable are the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN). Currently, each


organization can claim the status of primary exporters of illicit narcotics to the United States from South America, as well as claiming responsibility for a large majority of terrorist attacks against the U.S. and its interests in the Western Hemisphere, including energy and manufacturing interests in the Andes. Much of the discussion will center on the development and adoption of Plan Colombia in 1999 and the particular domestic and international pressures which shaped the aid package, including an overwhelming concern about drug abuse and crime among American voters. The international factors impacting the development and adoption of Plan Colombia included the Colombian government’s willingness to accept any conditions attached to aid, including U.S. security forces and private military contractors engaging in military operations within another sovereign state.

Chapter four will discuss current U.S. counternarcotics policy toward Mexico. In contrast to a long-stewing conflict between Marxist revolutionaries and an elected government, U.S. counternarcotics policy toward Mexico clearly seeks to avoid the creation of the first narco-state in North America. Upon his election in 2006, President Felipe Calderón of Mexico deployed 45,000 troops to major drug producing areas in rural Northern and Western Mexico. What had begun as an effort to increase security and reestablish control over the deserts of Northern Mexico quickly deteriorated into an armed conflict between drug trafficking organizations and Mexican security forces. This included particularly gruesome acts of urban terrorism which have been widely reported in American media. The Bush administration understood that there was a very real chance of the collapse of the Mexican state and that there was a chance for inter-cartel
violence to spill over into U.S. territory. However, U.S. options were constrained by Mexico’s unwillingness to allow U.S. security forces to operate within Mexican territory and the unwillingness of the 111th Congress to commit American lives and treasure to a drug war in Mexico.

Additionally, these chapters will discuss the international and domestic political pressures which likely caused profound differences in the ways in which the U.S. sought to prevent wholesale state failure in two particularly important countries in Latin America. Each case presents itself as an interesting inquiry into the formulation of American drug control policy in source countries. In each case, control of the U.S. government was divided, with one party controlling the legislative branch and the other controlling the executive branch. In each case, the sitting president was entering a period of irrelevance known as the “lame duck” presidency. International conditions were conducive to U.S. involvement as the events in each country presented profound national security concerns. Domestic and international pressures likely pushed the president in a direction that he himself would not have gone under normal circumstances. In the case of Plan Colombia, President Clinton had previously been opposed to significant involvement in source country counternarcotics operations, preferring instead to increase federal funding of drug treatment. The Republican-controlled Congress likely pushed him to support the military-heavy aid package to Colombia that included funding for U.S. military operations against drug producers and traffickers. On the other hand, President Bush, while not opposed to increased federal funding of drug treatment, had appointed ardent drug warriors who had previously served in his father’s administration to
formulate and implement his drug policies. He also increased U.S. involvement in Colombia during his administration as part of the War on Terror. President Bush, experiencing record-low job approval ratings and lacking political support, would be forced to propose a less ambitious aid package referred to as the Mérida Initiative. His proposal included no funding for joint operations with federal law enforcement and Mexican security forces at a time when Congressional Republicans pointed to U.S. efforts in Colombia during the Clinton administration as a model in an effort to avoid embarrassing his Mexican counterpart and give the Democratic-controlled Congress the opportunity to lambaste his policies as leaning toward U.S. involvement in a third war.

This research seeks to answer several broad questions related to drug policy. The first section of this work will seek to evaluate drug control policies employed by the United States designed to increase the retail price and decrease the purity of illicit narcotic drugs. It will include prior research measuring the price and purity of illicit drugs for several decades. This section will establish that these policies have failed to make appreciable progress on either front and have not led to reductions in personal non-medical use of illicit narcotics by the general population.

The next two sections will analyze why policy has not changed. Using the cases of U.S. supply reduction policy in the Republic of Colombia and the United Mexican States, I analyze why policies designed to reduce the global supply of illicit narcotics have not undergone significant revision despite the absence of a sustained impact on drug prices, purity, and use. I discuss several domestic and international political factors which influenced the formulation and implementation of these policies in
each country and discuss how these factors contributed to differences in the two approaches.

In the concluding section, I ask whether there are policies that can be adopted which would work better to reduce the production of narcotics in Latin America. Can alternative policies reduce domestic demand for drugs enough to reduce the incentives to produce drugs in developing countries in Latin America? Are they worth the public investment? Using examples from European Union member states, the concluding section will seek to demonstrate that demand reduction through drug rehabilitation treatment and “harm reduction” policies designed to reduce the costs of drug abuse to the criminal justice system can indeed reduce drug use and decrease incentives to engage in drug production and trafficking
CHAPTER II

LITERATURE REVIEW

Historically, American drug control policy has been designed to punish drug use in order to reduce demand along with several rehabilitation programs designed to treat addiction, mostly through the federal prison system. The length of time these programs have been in place is short compared to the prohibitive policies. Of particular interest is international drug prohibition, which came about as a result of moral entrepreneurship by American pressure groups who were able to associate drugs and drug abuse with nonwhite minorities such as Chinese and Mexican immigrants, as well as African-Americans. The first anti-drug laws in the nation were directed at Chinese opium dens in San Francisco. By associating drug abuse with nonwhites and claiming that the use of narcotics was responsible for violent crime and sexual immorality among minorities, these moral entrepreneurs were able to convince elected officials that these substances were dangerous and were being forced upon the American people by groups that operated outside dominant social norms and presented a danger to American society.¹

Domestic Drug Policy

The first criminal penalties for drug abuse were put in place by the states and localities because they have primary police power. It was not until the 20th century that the federal government involved itself in policing drug abuse. Congress passed the Harrison Narcotics Tax Act of 1914 and the Marijuana Tax Act of 1937. For several decades Congress policed the consumption of opiates and marijuana through its tax power. The Boggs Act of 1951 and the Narcotic Control Act of 1956 started the trend of tough mandatory sentences for violation of the nation’s drug laws and helped develop the rationale that marijuana induces its users to move on to more dangerous drugs. Those who did not pay the taxes on opiates and marijuana were punished with prison time, as were doctors who prescribed opiates to addicts. Prison sentences were increased exponentially over time. Eventually, the Marijuana Tax Act was held unconstitutional by the Supreme Court in 1969 and Congress moved to direct the prohibition of narcotic drugs.

Since Leary v. United States, the Congress has relied upon its authority to regulate interstate commerce as a justification to punish drug abuse, production, and trafficking. The passage of the Controlled Substances Act in 1970 (CSA) was the first time Congress relied upon its power to regulate interstate commerce to attempt to prevent drug abuse. This law superseded all other drug control laws that the federal government

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had passed over the 20th century and has been amended several times to include penalties for possession of drugs like methamphetamine and crack cocaine.\footnote{David T. Courtwright, “The Controlled Substances Act: How a “Big Tent” Reform Law Became a Punitive Drug Law,” \textit{Drug and Alcohol Dependence} 76 (2004): 13.}

After the Nixon administration’s push for the passage of the CSA, there was little activity in the area of drug control until the inauguration of Ronald Reagan in 1981. The Reagan administration’s focus was placed primarily on cocaine and marijuana. While the administration proposed tough mandatory prison sentences for drug possession, Congress included measures that would, conceivably, streamline the federal drug control apparatus by creating the Office of National Drug Control Policy (ONDCP) to oversee all federal efforts at drug control.\footnote{David Boyum and Peter Reuter, \textit{An Analytical Assessment of U.S. Drug Policy} (Washington, D.C.: The AEI Press, 2005), 8.}

Substance abuse treatment and prevention programs are a considerable expenditure by the federal government, though a large portion of these resources are available only to drug users in the criminal justice system. The first federal efforts at drug treatment came about during the Nixon administration, and were geared toward individuals already in the criminal justice system after a number of individuals entering jails in the District of Columbia were found to be under the influence of illegal drugs in a study conducted in the late 1960s and published in the early 1970s.\footnote{Robert L. DuPont, “Reflections on the Early History of the National Institute on Drug Abuse (NIDA): Implications for Today,” \textit{Journal of Drug Issues} 39 (Spring 2009): 6.} After this study was published, President Nixon issued an executive order creating the White House Special Action Office for Drug Abuse Prevention (SAODAP). After the creation of the SAODAP, the federal government was committed to relatively equal funding of
treatment and enforcement, although scholars argue that enforcement should not be a priority of the federal government because it harms society more than drug abuse and wastes money because it does not prevent people from using drugs. Funding for drug treatment has increased over time, but it has done so at roughly the same level as enforcement. There is considerable agreement among scholars that drug treatment and prevention reduce drug abuse more effectively than enforcement of criminal penalties for possession, and the attitudes of policy makers are changing to favor more treatment because it costs less money and gets better results.\(^8\) Drug treatment is said to be reasonably effective for intravenous drug users, with up to 60% of addicts completely ending drug use after 6 years.\(^9\) Drug treatment studies indicate substantial cost savings to the criminal justice system from reductions in income generating crime such as petty theft and prostitution. A 1994 study from California showed that drug treatment would save $1.5 billion in criminal justice costs, while only requiring an investment of $209 million to treat 150,000 addicts.\(^10\) Drug treatment reduces drug related crimes and will therefore reduce the rate of recidivism, and research indicates court ordered drug treatment is an effective tool for reducing drug abuse. Supervised drug treatment is also believed to be cost effective and far more efficient than incarceration.\(^11\)

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\(^8\) Ethan Nadelmann, “Think Again: Drugs,” *Foreign Policy* 162 (September/October 2007): 25.
In spite of all of these efforts to reduce demand for narcotic drugs, it is not perceived by policymakers as being the most important aspect of drug control policy. The overwhelming majority of federal funds go to supply reduction rather than demand reduction, as evidenced by the fact that nearly two thirds of all money appropriated for drug control efforts goes to supply reduction rather than demand reduction.\footnote{Executive Office of the President, Office of National Drug Control Policy, \textit{National Drug Control Strategy: FY 2009 Budget Summary}. Washington, D.C.: Office of National Drug Control Policy, 2008.} Not only is the ratio nearly two-thirds, but it seems to be increasing over time. Since 2002, the percentage of total drug control spending requested and appropriated for demand reduction has decreased from over 45\% of spending to fewer than 35\% of spending.\footnote{Ibid.} This is a result of more importance being placed on international efforts over time.

\textbf{International Drug Policy}

International drug control policy is geared toward the reduction of the global supply of narcotics entering the United States. By reducing the supply of illicit narcotics, the price of drugs may increase to prohibitively expensive levels, the purity of drugs will decrease, and use will decrease because users will pay more for a product of considerably lower quality. U.S. law enforcement and the military, as well as their counterparts in drug producing and transit countries seek to disrupt drug markets in two ways. The first is by stopping shipments at the border, which is commonly referred to as interdiction. The second is by spraying illicit crops. Interdiction of the supply of illicit narcotics is
promoted as a cost effective way to reduce global demand for illicit narcotics by creating spikes in global drug prices and is less expensive than crop eradication or substitution.\textsuperscript{14}

The United States is largely responsible for the creation and maintenance of the “global prohibition regime” that governs international counternarcotics policy through international institutions such as the United Nations Office of Drugs and Crime. These regimes reflect the prevailing social norms of the dominant society. Nadelmann compares their development to the development of domestic criminal law, which often involves social groups that seek to prevent antisocial behaviors and discipline those who commit them. He argues that prohibition regimes will develop organically as a result of international “moral proselytism” designed to thrust the prevailing social norms of the dominant society upon the rest of the world. These proselytizers, or “transnational moral entrepreneurs” are groups that seek to influence public policy around the world in order to enforce a particular type of morality.\textsuperscript{15}

At the forefront of the discussion over the proper American response to the perceived dangers of illicit narcotics was Harry Anslinger, the former head of the foreign control unit of the Bureau of Prohibition in the late 1920s and the first Commissioner of the Federal Bureau of Narcotics. He advocated strict punishments for those who used drugs as well as those who brought them into the country. As a result of American ascendancy in world affairs, the United States was the principal mastermind behind the


creation of numerous international conventions against drug use and drug trafficking from 1909 to 1988.\textsuperscript{16}

From the early 20\textsuperscript{th} century, the United States has been able to induce other nations to illegalize the production and distribution of narcotic drugs with remarkable success. The dominant view within the United States is that drugs are a foreign problem, and by reducing the international supply of drugs, the domestic costs of demand reduction will gradually decrease. The dominant view at the time was that the general availability of narcotics induced weaker individuals to partake in their use and lax moral standards in source countries were to blame for increased drug use in the United States. Nadelmann writes, “[it was] the desire and capacity of the United States to impose its drug related norms on the rest of the world”\textsuperscript{17} which culminated in the near universal ratification of the Single Convention on Narcotic Drugs, the Convention on Psychotropic Substances, and the United Nations Conventions Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. U.S. global hegemony in the post-World War II era has shaped international law in the area and prevents weaker states from adopting alternative measures to reduce the prevalence of drugs in their own societies.

After originally spending a great deal of time and effort inducing other nations to control their own drug production problems, it has been U.S. policy for the last 30 years to put money toward the disruption of drug markets through interdiction of international drug shipments and eradication of illicit crops grown in developing

\begin{flushleft}
\textsuperscript{16} Ibid., 508.
\textsuperscript{17} Ibid., 508.
\end{flushleft}
countries. Since the George H. W. Bush Administration, American security personnel have been active in seeking to eliminate groups that engage in drug trafficking, as well as training police and military personnel in drug producing countries for interdiction missions and crop eradication.\(^{18}\)

Military involvement in drug control had its origins in the 1980s. In 1986, President Reagan signed a National Security Decision Directive (NSDD) that declared drug trafficking to be a security threat because money from the drug trade provided funds for militant groups to engage in acts of terrorism.\(^{19}\) Since the Reagan administration’s decision directive defining drug trafficking as a serious threat to national and international security, the American military has become involved in special operations against drug cartels. Other defense and national security agencies are involved in crop eradication, training, and technical assistance to police and military forces in drug producing countries. Funding for these efforts is funneled through U.S. law enforcement agencies, the Departments of State and Defense, as well as governments of drug producing countries and private contractors.\(^{20}\)

Throughout the 1980s, increases in funding for domestic and international drug control programs had not had any success in reducing the number of drug users. Indeed, drug use increased between 1981 and 1989. Congress sought to include the military in drug control efforts because previous policies were not achieving their desired


outcomes. Elected officials wanted tougher policies that would dissuade people from producing and distributing drugs, and it was thought at the time that using American military power would do that. Congress passed legislation in the early 1980s allowing the President to deploy troops for source-country supply control measures and amending the Posse Comitatus Act of 1878 to allow the U.S. military to enforce domestic laws.21

There was considerable opposition to this within the Department of Defense. Top defense officials felt that a new mission would distract from the primary mission at the time, which was protecting the U.S. and its allies from the Soviet Union. This opposition began to change as the Cold War ended and America’s national security apparatus was faced with budget cuts. Scholars have argued that the American defense establishment was more than eager to involve itself in antinarcotics operations on the condition that it would increase budgets.22 As a result, American defense agencies, intelligence agencies, and law enforcement agencies are substantially involved in efforts to reduce the flow of narcotics into American markets and have even set up field offices in drug producing countries. By the early 1990s, more than 9 out of every 10 dollars appropriated for military and police assistance was marked for supply reduction efforts, including interdiction and weapons purchases.23

Policy Failures and Unintended Consequences

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22 Ibid., 44.
Numerous scholars argue that the policies enacted by the government of the United States to prevent individuals from using narcotics have failed, and for several reasons. Ethan Nadelmann argues that the philosophical foundations of prohibition are flawed, and that creating strong disincentives against drug abuse and trafficking simply will not work because of the nature of chemical dependency.\textsuperscript{24} The decision to attempt to reduce demand by reducing supply is foolish, because the only way to reduce demand for drugs is to reduce addiction rates via drug rehabilitation programs.\textsuperscript{25}

William F. Buckley made a similar argument. Excessive punishment for drug abuse has not dissuaded individuals inclined to use drugs from doing so. As Buckley says, less effort is required “for a college student to find marijuana than a sailor to find a brothel,” and laws governing less dangerous drugs with higher rates of use, such as marijuana, should reflect the reality of their relative harmlessness and be made legal for sale and use in the United States. 700,000 people are arrested nationwide for marijuana possession,\textsuperscript{26} and rates of use remain the same at around 15 million people.\textsuperscript{27}

Drug prohibition, rather than drug abuse, increases crime as a result of a weakening of the respect for the law because of the low arrest levels relative to the actual size of the population that uses drugs. It promotes corruption among law enforcement officials, because prohibiting drug use, production, and sale artificially increases drug prices, which allows those involved in the industry to induce law enforcement to look the

\textsuperscript{24} Ethan Nadelmann, “Think Again: Drugs,” \textit{Foreign Policy} 162 (September/October 2007): 26.  
\textsuperscript{25} Ibid., 26.  
other way. President Reagan made this a principal concern of America’s national security apparatus when he issued NSDD 221, which stated:

The narcotics trade threatens the integrity of democratic governments by corrupting political and judicial institutions. The effect on U.S. interests from such a situation can range from a regime unwilling or unable to cooperate with counter-narcotics programs to a government that is unable to control key areas of its territory and elements of its judiciary, military, and economy.29

The directive also noted that there were several states that openly condoned drug production and distribution for the purpose of generating foreign exchange.30 The directive also mentions specific nation-states believed to be actively engaged in drug trafficking, but those are redacted, likely for political and diplomatic reasons.

Corruption increases because of the vast amounts of money held by trafficking organizations, such as the former Cali Cartel in Colombia. Their strategy was to create a favorable climate for operating their illegal businesses through bribery. By creating a “Robin Hood” image with the public by providing work and economic growth, they would be able to increase public opposition to harsh drug control policies in rural and remote areas of Colombia. At its most dominant point, the Cali Cartel developed a support system that:

- included public employees, politicians, and a large cadre of taxi drivers and other common folk. They did not use violence openly against the political establishment and did not appeal to terrorism. Indeed, some of their violence was applied to gain

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30 Ibid.
public support, like their “social cleansing” of petty thieves, prostitutes, homosexuals, and other “throwaways” (desechables) in Cali.\textsuperscript{31}

Prohibition of drugs is also correlated to increases in violent crime, especially against producers and distributors. In part because of the large sums of money producers and distributors stand to gain from the trade, they are induced to commit acts of violence against one another. Indeed, research shows that the murder rate has increased since the Harrison Narcotics Tax Act, and in 1988, 218 murders in New York City were said to be drug related, and only 52 of them were induced by the use of drugs or alcohol. In other words, a majority of the drug related murders in this particular case were not caused by drug abuse but by a desire to participate in illegal drug markets.\textsuperscript{32} The other determining factor is the inability of participants in drug markets to seek legal recourse in disputes. Miron (1999) illustrates that violent dispute resolution is quite regular among participants in illegal markets:

\begin{quote}
Beginning around 1910, the homicide rate rises steadily through 1933, when it begins a general decline until approximately 1960, interrupted by a spike during WWII. Beginning in the early 1960s the homicide rate rises steadily until the mid-1970s – to a level slightly above the previous peak in 1933 – and then fluctuates around a relatively high value for the remainder of the sample.\textsuperscript{33}
\end{quote}

Miron also shows that the points at which the homicide rate increases are the periods of Alcohol Prohibition and when the prohibition of drugs was rigorously enforced.


\textsuperscript{33} Jeffrey Miron, “Violence and the US Prohibition of Drugs and Alcohol,” \textit{American Law and Economics Review} 1 (Fall 1999): 91
Many “terrorist” groups such as the Taliban, the FARC, and the Kosovo Liberation Army have involved themselves in the drug trade in the countries in which they operate. Since drug prohibition artificially increases the price of drugs and therefore the profits associated with production and distribution, dissident groups involved in activities against the state will engage in rent-seeking behavior by charging protection money or “taxes” to producers and traffickers of drugs in order to fund their activities. By financing themselves through the production and distribution of narcotics, these violent groups have developed a constant stream of income to conduct acts of terrorism and purchase weapons.\textsuperscript{34}

The finances for terrorism come from direct trafficking by terrorist groups or by selling protection from crop eradication to producers. As terrorist groups build up funds from selling their services and the market share of cartels decreases, they can also develop their own production capacity, as several militant groups in Colombia have.\textsuperscript{35} While violent suppression of drug trafficking has been credited with the collapse of the cartel system in Colombia, it has also been said to have caused an increase in the number of coca plantings\textsuperscript{36} and increased the number of distributors of cocaine in Colombia exponentially.\textsuperscript{37} “Decartelization” as it has been called, reflects the drastic reorganization of drug production and distribution since the death of Pablo Escobar, which has

\textsuperscript{35} Ibid., 27.
\textsuperscript{36} Francisco Thoumi, “Illegal Drugs in Colombia: From Illegal Economic Boom to Social Crisis,” \textit{Annals of the American Academy of Political and Social Science} 582 (July 2002): 105.
“democratized” the drug trade by involving a larger portion of the population of Colombia in drug production and distribution and increased the involvement of militant groups in the drug trade.³⁸

Supply reduction policies such as interdiction and crop eradication are said to push production of narcotic drugs into other countries or regions of the world. This concept is referred to in the literature as “the balloon effect”³⁹ because the “coercive strategies used against drugs merely lead to the displacement of the drug industry from one country or region to another.”⁴⁰ Because interdiction pushes production to areas of the developing world that do not exert state control over wide swaths of territory, the number of drug producing and transit countries has increased since interdiction was adopted as the policy of the U.S. government.⁴¹ While federal authorities can claim successes in parts of the Andean region of South America, most notably the reduction of coca cultivation in Bolivia and Peru, these reductions in cultivation have been accompanied by an increase in coca cultivation in Colombia.⁴² Since interdiction, like criminal penalties for possession, is not universally applied to all shipments of drugs, drug production is shifted to developing countries with little capability to disrupt illegal activity within their borders by a radically decentralized and hypercompetitive drug

⁴¹ Ibid., 37.
industry consisting of a great many producers and distributors\textsuperscript{43} who are capable of absorbing losses from shipments seized by law enforcement.\textsuperscript{44} It has been established by the Drug Enforcement Administration that drug traffickers could lose 90\% of their merchandise and still turn a profit.\textsuperscript{45} Reviews of the literature indicate that individuals who smuggle drugs are not likely to be deterred by the threats posed to them by market disruption operations like interdiction because losses are typically already factored into the street price of illicit drugs. It is only when the risk of being caught exceeds the potential reward that smugglers will be deterred.\textsuperscript{46}

In part due to local corruption, crop substitution and eradication efforts in South America have not reduced the number of hectares in cultivation, but have simply shifted them to different regions.\textsuperscript{47} Crop eradication and substitution have similar outcomes vis-à-vis the displacement of drug production to other regions of the world. Another unintended consequence of crop eradication is the reorganization of the drug industry in Latin America to produce a large portion of the heroin smuggled into the United States, which is of higher value for much smaller quantities than cocaine or marijuana.\textsuperscript{48}

\textsuperscript{43} Ibid., 42.  
\textsuperscript{48} Ibid., 546.
Crop substitution was originally proposed as a less punitive way to reduce the global supply of drugs, with dismal results. According to Ted Galen Carpenter (2003), efforts to transition producers away from illegal crops to legal ones have included citrus fruits and grains, and none of these crops come even close to matching, let alone exceeding, the value of drug crops on the world market. In addition to cash incentives, drug crops “can be grown in remote regions with poor soil – places in which alternative crops are not economically feasible.”\footnote{Ted Galen Carpenter, \textit{Bad Neighbor Policy: Washington’s Futile War on Drugs in Latin America} (New York: Palgrave-MacMillan, 2003), 107.} In addition, drug crops can yield much more quickly. For example, coca is a robust crop, which can be harvested multiple times each year. Legal cash crops on the other hand, are harvested less frequently. Since drug production typically occurs in emerging markets, there may not be adequate transportation infrastructure to bring legal crops to market, and growers must rely on crops such as opium, which have a much lower weight to value ration than grains or other legal crops.

It is important to understand the scholarly research about American drug control policy, which centers around the argument that supply side measures meant to reduce the availability of drugs in U.S. markets have not actually done so, and an unintended consequence has been exacerbated economic and political tensions in drug producing and transit countries. The most important indicators of whether or not these arguments hold water are the street price of drugs, the purity of street drugs, and the number of individuals in the United States using illegal drugs. Reductions in the general
availability of illicit narcotic drugs will, in theory, lead to higher prices and lower quality. Higher prices and lower quality will, in theory, lead to reduced rates of use because individuals will be priced out of a market for products of inferior quality. In large measure, however, this is not the case.

Price, Purity, and Use

Economists have argued that prohibition of narcotics does not lead to appreciable reductions in drug use. Demand for drugs is said to be unchanging regardless of the legality or illegality of the commodity because of the physically addictive nature of many narcotic drugs, and penalties for drug possession are loosely enforced. The probability of being arrested is actually quite low. The 1.2 million drug arrests are usually made when the user is doing something else against the law that is much more likely to grab the attention of police officers, such as speeding or theft. If one is not physically addicted to drugs, there is actually little incentive to abstain from recreational drug use because the chances of being caught are very low relative to the size of the population that uses drugs.

There are economists who argue that a certain portion of the population would abstain from drug use if prices increased. It has also been indicated that drug users are

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more sensitive to changes in price over the long term than in the short term.\textsuperscript{53} It has been posited that decreases in price increase the number of users of illicit drugs\textsuperscript{54}, and this appears to be confirmed by the fact that over time the percentage of the population who have admitted using drugs has seen small increases.\textsuperscript{55} Drug interdiction and crop eradication are not likely to induce changes in behavior among drug users because they have not caused an upward shift in street prices over the long term.

*System to Retrieve Information from Drug Evidence* (STRIDE) data is used by law enforcement, policy analysts, and economists to observe long term trends in drug prices from all over the country. The STRIDE database is filled with information about price and purity from over 1 million samples of drugs sent to the Drug Enforcement Administration for analysis.\textsuperscript{56} While this does not constitute a random nationwide sample nor does it provide an adequate sample to show with certainty the long term trends in price and purity of narcotics, it is the best data available. Since the commodities are illegal, precise data is nearly impossible to come by. Data from STRIDE analyzed by the RAND Corporation’s Drug Policy Research Center and compared with analysis of drug prices in urban areas throughout the United States indicates that prices for drugs,

\begin{itemize}
  \item \textsuperscript{54} Ibid.
\end{itemize}
including powder and crack cocaine, heroin, methamphetamines, and marijuana, have not increased over time. Scholars must rely on modeling of price and purity since prices and purity can vary widely by region. The researchers built models of drug purity based on the data available to construct plausible models of price and purity of illicit narcotics.

According to STRIDE data, retail prices calculated in price per pure gram for powder cocaine, crack cocaine, heroin, methamphetamines, and marijuana have all decreased since 1981. Short-term spikes occurred on a regular basis, but those were followed by decreases in prices for both large and small purchases. The overall declines present in the STRIDE database have been confirmed by data from local law enforcement, as well as the Drug Enforcement Administration.\(^{57}\) Indeed, data from STRIDE and analyzed by Fries et al\(^{58}\), shows that there have been precipitous drops in price for all drugs surveyed.

The price per pure gram of cocaine has steadily fallen since 1981, from around $700 per pure gram to below $200 per pure gram in 2007 dollars. Heroin prices have dropped considerably as well, though in some cities price spikes were much higher than others. Marijuana prices experienced a general decline as well, though there was not nearly as much data available as for harder drugs.

In addition to the general downward trend in price, STRIDE data reveals other information about drug markets in the United States. There are significant differences in price over time and in different locations. For example, the price of illegal drugs differs

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\(^{57}\) Ibid.
\(^{58}\) Ibid.
between neighborhoods in the same cities. Prices are higher in cities farther away from production centers but lower in larger markets, such as urban areas. This is likely caused by the nature of the drug distribution networks throughout the United States. Drugs are imported from abroad and then trafficked to urban areas, and then distributed throughout the surrounding areas. The urban area’s early place in the distribution chain produces less risk of being caught, which will likely decrease the street price of drugs.  

More exact data is available from the United Nations Office of Drugs and Crime, which publishes a yearly World Drug Report. These reports also analyze price data provided by the U.S. Office of National Drug Control Policy. The 2010 World Drug Report shows several periods of time in which the price of cocaine in the United States spiked and was declined very quickly. The 2009 World Drug Report contains data from a longer period of time. The data show a drop in the inflation-adjusted price of cocaine since 1999. (See Figure 1.)

The United Nations Office of Drugs and Crime shows a dramatic increase in the price per pure gram of cocaine from 2006 to 2008, from $130 to $225. When the street price of cocaine is adjusted for inflation in 2007 dollars, the increase is not so dramatic. The shift is from $99 to $115.  

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price per pure gram of cocaine as a victory in the war on drugs is the fact that it is adulterated with other products at each stage of distribution. Dealers cut pure cocaine with other products such as baking soda, powdered cleaning products, and the like. Therefore, the average user of cocaine is not exposed to the price per pure gram. The price spikes over the last several years are likely to increase production of cocaine in much more remote areas of the Andean region inaccessible by governments engaged in crop eradication efforts.

![Figure 1. Price per Pure Gram Compared to Retail Price of Cocaine, 1998 – 2008.](image)


If supply reduction policies employed by the United States were working as intended, one would be able to see sustained price increases as well as sustained reductions in drug purity. However, at the same time street prices have decreased, drug
purity has increased over the long term for virtually all drugs. According to STRIDE data, “retail” purchases of powder cocaine were between 50% and 75% pure in 2007, a volatile swing in purity. Crack cocaine purity was even higher, between 75% and 80%. STRIDE data for heroin indicated decreasing levels of purity, but other purchase data did not. STRIDE data indicated purity of methamphetamines was 95% and as low as 50% in some cities. Marijuana purity was lower for small purchases, higher for larger purchases, and lower for the largest recorded purchases. This data would suggest that supply reduction policies have done little to reduce the distribution or production of narcotics over the long term, and that crop eradication and substitution have not induced producers of the organic raw materials to produce legal agricultural commodities. In fact, coca production appears to be increasing over the long term. Global supply reached 994 metric tons in 2007, up from 984 metric tons the previous year.

Self-reported drug abuse in the United States is measured each year in two different surveys, the National Survey on Drug Use and Health, and Monitoring the Future. Each survey measures frequency of drug use by respondents as well as attitudes about drug use, which are believed to be indicators of whether an individual will begin using in the future or will abstain. According to data gathered over the long term, overall rates of drug abuse have not seen much change. For harder drugs such as cocaine and heroin, rates of use have declined over the long term and the perceived risk of use has

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63 Ibid.

increased or has remained constant. Increased perceptions of risk associated with use have translated into fewer new users year to year, the number of monthly cocaine users nationwide was about 1.9 million, and the number of new heroin users experienced no change.

However, other data indicate that there were no changes in cocaine use and an increase in new users of heroin during the early 2000s. Since then, the number of new cocaine users has declined. At the same time, surveys indicate that self-reported marijuana use has increased over time, especially among high school students. After drops in the rates of use of most drugs during the late 1980s, recreational drug use as a whole appears to have plateaued and perhaps even increased slightly. In 2009, the National Institute on Drug Abuse reported that the 2009 Monitoring the Future (MTF) survey indicated drops in use of nearly every drug except marijuana, which experienced an increase in use. According to the data, the percent of 8th graders who used marijuana

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in the past year was 11.8%, 26.7% for 10th graders, and 32.8% for 12th graders. Perceived risks of use also declined, which may indicate a greater willingness to use marijuana.71

Supply reduction policies do not appear to reduce the street price of drugs, the purity of the product, or the rate of overall drug use throughout the United States. In the case of harder drugs such as cocaine or heroin, price has decreased and so has use. However, the Office of National Drug Control Policy points to the perceptions of harm associated with drug use as the driving force behind these reductions in use. Still, these policies are in place even though there are few appreciable indications that they work.

Why Hasn’t Policy Changed?

There are two possible explanations as to why American drug control policy has not been revised considerably over the last 30 years. Each involves resistance to change within two branches of the American government, the executive branch and the legislative branch. Each has a great deal of explanatory power because of the nature of the American system of government, which consists of separate institutions sharing power. Therefore, scholars must seek to understand where this resistance is strongest and which branch exerts the most control over drug control policy.

The first possible explanation, bureaucratic inertia and bureaucratic politics, posits that policies have not changed as a result of the opposition to change of the several bureaucratic agencies and their appointed leaders responsible for carrying out drug control policy. For this approach to hold value, one must understand that policy is a result

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of political bargaining between participants. In other words, sub-optimal choices may be made in order to appease participants in the decision making process with little regard for policy outcomes,\textsuperscript{72} which is also known as satisficing.

According to most research, bureaucracies seek to protect those functions that they consider to be central to their mission and jettison those perceived as distracting from the important mission of the organization.\textsuperscript{73} Graham Allison and Philip Zelikow argue that “organizations and their existing programs and routines constrain behavior” and that the organization tackles problems in a way that is consistent with those routines.\textsuperscript{74} An organization’s mission is central to the identity and shared values within an organization. These shared values and identities shape organizational objectives and influence the types of policy choices available to elected officials because these shared values also impact the capabilities of an organization.\textsuperscript{75}

Organizations also have “shared images” of social problems which dictates responses to those problems,\textsuperscript{76} meaning there is a near universal understanding about what a particular issue means and what should be done in response to that issue. Morton Halperin argues that bureaucratic position is a determinant of how a particular individual will perceive an issue or problem and ultimately shapes the position they take, because each of these things is based upon how they respond to cues within their organizations.

\textsuperscript{72} Graham Allison and Philip Zelikow, \textit{Essence of Decision: Explaining the Cuban Missile Crisis}, 2\textsuperscript{nd} Ed. (New York: Longman, 1999), 295.
\textsuperscript{73} James Wilson, \textit{Bureaucracy: What Government Agencies Do and Why They Do It}, 2\textsuperscript{nd} Ed. (New York: Basic Books, 2000).
\textsuperscript{74} Graham Allison and Philip Zelikow, \textit{Essence of Decision: Explaining the Cuban Missile Crisis}, 2\textsuperscript{nd} Ed. (New York: Longman, 1999), 145.
\textsuperscript{75} Ibid.
and whether they are pulled in a certain direction by a superior.\textsuperscript{77} Over time, organizational interests merge with national security interests in that individual organizations will hold the belief that what they do is most important component of national security policy.

Those organizational interests manifest themselves as promotion and protection of budgets and programs. After the end of the Cold War, much of the national security apparatus was faced with budget cuts because of the absence of a single enemy. The security threats posed by international narcotics trafficking presented themselves as a way to protect budgets and programs. Before the end of the Cold War, there was significant opposition within the military to its involvement in drug control. The military felt that it would distract from their central mission, which was defense of the United States and its allies from the threat of Soviet aggression.\textsuperscript{78} In the post-Cold War world, the FBI, CIA, DEA, Department of Defense, and the State Department have taken an active role policing transnational crime, as well as an active role in drug control policy.\textsuperscript{79} Policing has been incorporated into the central missions of these organizations, and the players in the decision making process would likely be loath to change that.

In order to have a base of support to influence policy, leaders of bureaucratic organizations often must “go native” in that they advocate for the perceived interests of

\textsuperscript{77} Ibid., 85.
\textsuperscript{78} Ted Galen Carpenter, \textit{Bad Neighbor Policy: Washington’s Futile War on Drugs in Latin America} (New York: Palgrave Macmillan, 2003), 36.
\textsuperscript{79} Peter Andreas and Ethan Nadelmann, \textit{Policing the Globe: Criminalization and Crime Control in International Relations} (New York: Oxford University Press, 2006)
the rank and file of the organization. Though these individuals, or “chiefs” as they are called, are appointed by the president and serve at his or her pleasure, they also have other responsibilities, and circumstances force them to evaluate the preferences of the president within the context of those responsibilities. As leaders of national security-related agencies, these individuals occupy important “action channels” and therefore must be formally involved in the decision making process. In other words, position determines influence. The ability to influence policy decisions comes from:

- formal authority and responsibility (stemming from positions);
- actual control over resources necessary to carry out action;
- expertise and control over information that enables one to define the problem, identify options, estimate feasibilities;
- control over information that allows chiefs to determine whether and in what form decisions are being implemented;
- the ability to affect other players’ objectives in other games, including domestic political games;
- personal persuasiveness with other players (drawn from personal relationships, charisma);
- and access to and persuasiveness with players who have bargained advantages drawn from the above.

Through this we understand that politics is what determines a particular course of action, rather than a cost-benefit analysis by a single individual. Since power in the decision making process is shared by individuals who perceive issues differently, there is an incentive to please the minimally acceptable number of people in order to attempt to solve a particular problem.

This approach has particular value in terms of drug control policy because it has been a fairly recent addition to the list of threats to national security.

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82 Ibid., 297.
83 Ibid., 300.
security-related agencies took up the cause of drug control enthusiastically after the collapse of the Soviet Union because it meant that they would avoid budget cuts, which would affect the health of their organizations, and drug production and distribution would likely increase as a result of the weak states that came out of the collapse of the Soviet Union. Drug production and distribution has become a paramount security threat in the Western Hemisphere and is central to the missions of several national security-related agencies. These agencies will likely seek to protect interdiction and training programs in source countries because they perceive them to be critically important. Players who seek to influence the decision-making process will likely take this into account, keeping in mind the perceived importance of what their organizations do.

The second possible explanation is the dynamics of U.S. election campaigns since the late 1960s. Since the “law and order” campaigns of Barry Goldwater and Richard Nixon, elected officials in the United States have sought to be perceived as “tough on crime.” During the late 1960s, conservative Republican candidates for office began to bring up the issues of crime and responses to crime to exploit the Democratic Party’s perceived weakness on the issue.\(^8^4\) Polling data taken from the late 1960s to the early 1980s indicates that government response to crime was an increasingly important political issue, and that voters didn’t think enough was being done. Crime became a legitimate political issue as a result.\(^8^5\) Indeed, as Table 1 shows, the rate of violent crimes per 100,000 people increased drastically starting in the mid-1960s, as did the murder rate,


according to data from Uniform Crime Reports compiled by the Federal Bureau of Investigation.

Conservative Republican candidates for Congress and the Presidency seized the issue and very quickly gained traction with voters while the Democratic Party maintained crime control was an issue that the Constitution left up to the states.\(^{86}\) It was only after their embarrassing defeat in the 1972 Presidential election that the Democratic Party began to incorporate issues of crime into their platform.\(^{87}\) From then on, candidates for public office desired to be seen as “tough on crime” and made such issues central themes to their campaigns. Candidates would guarantee swift and highly punitive actions toward criminals if elected; and when elected worked to enact highly punitive laws intended to punish criminals for their behavior. The classic example of this is of course Richard Nixon, whose campaign rhetoric described the United States as lawless and too quick to lay the blame for the epidemic of crime at the feet of society rather than the individual who perpetrated the act.\(^{88}\)

Scholars argue that crime presents itself as a largely symbolic issue that allowed presidents to set an agenda and see that agenda passed easily because of the overwhelming public concern for the issue.\(^{89}\) Other research has shown that voters hold presidents responsible for the national crime rate. In economic models of voting behavior,


\(^{88}\) Ibid., 78.

voters who consider violent crime to be a major issue are said to anticipate personal losses from increases in the crime rate and will vote for whichever candidate they think will reduce the possibility of future losses,\(^9\), whether physical, psychological, or economic. In other words, those who consider crime to be an important issue likely expect violent crime to impact them in some meaningful way. Crime is an issue that cuts across many different social cleavages and according to research impacts presidential elections. According to the 1994’s National Election Study, 78% of voters indicated that reducing crime should be a “top priority” for the next Congress.\(^{91}\) The issue ranked higher than deficit reduction and welfare reform, two issues that defined the presidency of Bill Clinton.

Table 1. Rate of Violent Crime in the United States per 100,000 Residents, 1964 – 1973.

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<td>Violent Crime per 100k</td>
<td>190.6</td>
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<td>253.2</td>
<td>298.4</td>
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Presidential elections can be won or lost by issues surrounding the criminal justice system. As managers of the executive branch, presidents are perceived to be directly responsible for increases or decreases in the overall crime rate. Congress is


responsive to the suggestions that presidents make on the issue of crime because it is a largely symbolic issue. Since crime control became an important issue for the federal government to legislate, Congress has done much more in terms of defining what crimes are under the purview of the federal government rather than appropriating resources to control criminal activity.\textsuperscript{92}

Congress is far more assertive in foreign drug control policy than any other area of foreign policy precisely because of its electoral connection. Multiple committees share jurisdiction over international drug control efforts and these committees make policy as well as oversee the several agencies charged with controlling the supply of narcotics entering the country.\textsuperscript{93} Laws coming out of Congress directed at the drug trade are typically punitive because of the desire of Members of Congress to be seen as “tough on crime.” These laws punish source countries by denying them foreign aid if they are not seen as making a serious effort to disrupt international drug trafficking.

The multiple veto points within the legislative branch through the committee system are likely to create a “status quo bias” regarding drug control policy, though there are partisan differences regarding the best way forward in reducing the problems created by drug abuse in American society. For this reason, a Democratic-controlled Congress would much more likely pass less punitive legislation, such as equalizing the disparity between sentences for possession of crack-cocaine versus powder cocaine. A Republican-

controlled Congress would be more likely to focus resources on source country supply control measures than a Democratic-controlled Congress would.

During this time period, Congress has taken up legislation to vigorously prosecute drug abuse, production, and trafficking. Examples include the Controlled Substances Act of 1970 and the Anti-Drug Abuse Acts of 1986 and 1988. Use of the military in drug control efforts was an idea that was first put forth in Congress as a response to the abject failure of tough enforcement policies to deter drug abuse.\(^\text{94}\) Since the politics of crime are largely symbolic and elected officials seek to appear “tough on crime,” American elected officials may not be willing to revisit and punitive drug policies for fear of being labeled “soft on crime” in the next election cycle.

Though there is no concrete causal relationship between drug abuse and crime, there appears to be a correlation. Those who abuse drugs are more likely to commit crimes, and there are indeed drugs that possess “aggression-inducing pharmacological properties.”\(^\text{95}\) Drug abuse is also thought to induce criminal activity for the purpose of generation of income for drug purchases, such as prostitution or theft. What is clear is that there is enough of a relationship to cause concern among elected officials and the public to make the issue of illicit drugs an important one.

In addition to the domestic political considerations, there are considerable international pressures that induce U.S. involvement in policing and attempting to eliminate drug production in Latin America, including economic and national security


interests. Each country is a major trading partner with the United States, and U.S. firms invest considerable amounts of capital in production facilities for energy and the manufacture of finished goods. Each case also represents a considerable national security challenge for the United States. Armed groups in Colombia are responsible for an overwhelming majority of terrorist attacks against U.S. interests in the Western Hemisphere. There is a very real possibility that violence along the U.S.-Mexico border will spill over into the southwestern border states and perhaps further into the country as Mexican drug trafficking organizations gain a stronger foothold in urban drug markets throughout the United States.

Colombia has a rich history of drug production against the backdrop of a protracted armed conflict between left wing guerillas and the government. Over time, Colombia has developed a considerable comparative advantage vis-à-vis drug production because of the absence of government control over large areas of territory, and a considerable portion of the population has weak allegiance to the state. The Colombian state has been historically weak, but this problem has been exacerbated by years of bloody conflict. Geographically, many of the centers of illegal drug production are isolated from population centers. Prior to the coffee boom, Colombia was one of the poorest countries in the Western Hemisphere with almost no national infrastructure. Colombia was a very loose confederation of local economies organized into a national polity.96

Drug production in the Caribbean coastal regions of Colombia began in the mid-1960s as a response to domestic demand for marijuana. Production was small in scale and increased over time as a response to international demand in North America. Seeds were provided by American drug traffickers to poor peasant farmers, and over time these farmers sought out other sources of income from illegal goods. It was at this point that cocaine manufacturing began. Small amounts of cocaine were exported to the United States, and the high profit margin allowed drug traffickers to invest in more technologically advanced equipment for production and distribution, develop safer transportation routes, and plant coca bushes.\(^{97}\)

During the late 1980s, the murder rate in Colombia surged, as did petty theft and kidnapping. It is logical to attribute the rate of violent crime in part be attributed to confrontation between drug traffickers and Colombian law enforcement. These violent crimes included bombings and assassinations. However, it is likely that 95% of homicides are entirely unrelated to the continued violence between guerillas and the state, and it is hypothesized that the reason for the escalation of non-trafficking related violent crime was the surge in violence against the state. Much later, cartels were broken up, which diffused power in the illicit economy to a large number of small groups, including violent street gangs.\(^{98}\)


Scholars also argue that over the last 30 years there has been a considerable breakdown of social norms against drug production and trafficking.\textsuperscript{99} Over time, drug traffickers, such as Pablo Escobar, became role models for young Colombians and induced them to follow in their footsteps.\textsuperscript{100} At the same time, the institutions of the state became something used to purchase the acquiescence of the opposition, which created a predatory society in which one individual would exploit the other for small gains.\textsuperscript{101} What developed out of this situation was a bloated and corrupt state in a society with perverse social relationships. Criminal activity became a much needed source of income and also became a source of increased self-worth and social standing.\textsuperscript{102}

The weak social and political institutions are most certainly to blame for Colombia’s long term problems. The immediate response of the Colombian government was to disrupt the economic activities of drug traffickers through violence and seek to reestablish control over the society by eliminating alternative sources of power within the state. The campaign to reestablish control over the society is made more difficult by corruption within the judicial system and the overall weakness of the state.\textsuperscript{103}

The United States has involved itself in Colombian counternarcotics efforts through foreign assistance programs, and aid has increased every year since the 1970s.\textsuperscript{104}

\textsuperscript{103} Bruce M. Bagley, “Colombia and the War on Drugs,” \textit{Foreign Affairs} 67 (Fall 1988): 72.
\textsuperscript{104} Ibid., 78.
As a result of these increases, Colombia is now the largest recipient of U.S. foreign assistance in the Western Hemisphere.\textsuperscript{105} In 1998, Colombian President Andres Pastrana proposed \textit{Plan Colombia}, in which the United States and Europe would provide security and economic development aid, the purpose of which was to bring about the end of Colombia’s decades long civil conflict and reduce drug production and distribution by growing the economy through foreign investment. Plan Colombia was originally intended to be a “Marshall Plan” for Colombia,\textsuperscript{106} but the aid is primarily directed at purchases of weapons and technology for detecting drug production in the areas controlled by guerillas, which at one time was 40\% of Colombian territory.\textsuperscript{107}

In contrast, Mexico had always been a transit country, most notably for marijuana and heroin, but as routes through the Caribbean into Florida closed, there was a greater incentive to move products through Mexico.\textsuperscript{108} Recent scholarship focuses on Mexico’s current drug trafficking problem, but history shows that Northwest Mexico has been engaging in drug production and trafficking for quite some time, exclusively for U.S. markets. Mexico has been characterized as a “bootlegger” nation, because of its history of local government corruption dating back to the Mexican Revolution.\textsuperscript{109} Highly profitable underground economies came into existence as a result of American


prohibition of drugs and alcohol. These ventures were so profitable that even some state governors in Northwest Mexico were either directly involved in production and distribution of drugs and alcohol or looked the other way in exchange for payments of tens of thousands of dollars.\footnote{Ibid., 34.}

The modern drug industry in Mexico is highly concentrated as a result of actions against traffickers at the behest of the United States in the mid-1970s. There are relatively few trafficking organizations operating in Mexico, and they have a large share of the marijuana and heroin markets in the United States. Many of the cartels are manufacturing and distributing methamphetamine for U.S. markets, as well.\footnote{Peter H. Smith, “Semiorganized International Crime: Drug Trafficking in Mexico,” in \textit{Transnational Crime in the Americas}, ed. Tom Farer (New York: Routledge, 1999), 197.}

Mexico’s emergence as a major transit country was preceded by the closure of Caribbean drug trafficking routes in the 1980s and early 1990s. While drug trafficking has been treated by the Mexican government as a security threat since the mid-1980s, it has recently become a much more serious problem. Northern Mexico has seen thousands of drug related murders over the past several years, with over 5600 drug-related murders occurring in 2008 and thousands more in 2009.\footnote{June S. Beittel, “Mexico’s Drug Related Violence,” Congressional Research Service: Foreign Affairs, Defense, and Trade Division (May 2009): 2.} The violence receives a great deal of media attention because of the alarming nature of it, often including beheadings, the point being to terrorize.\footnote{Ioan Grillo, “Behind Mexico’s Wave of Beheadings,” \textit{Time}, 8 September 2008.} According to former Assistant Secretary of State for Western Hemisphere Affairs and current U.S. Ambassador to Brazil Thomas Shannon, drug cartels in Mexico have been able to “undermine and intimidate government institutions in
Mexico and Central America, compromising municipal and state law enforcement entities, and substantially weakening these governments’ ability to maintain public security and expand the rule of law.”

The principal concern of the United States is preventing this violence from spilling over to its territory. Mexico has sent its military to border cities such as Ciudad Juarez in order to reestablish control over the vast border with the United States. The government of Mexico is likely unable to affect the situation on its own because of the profound political and economic changes that began in the early 1970s. In light of the history of collusion between political elites and those engaged in trafficking and the long history of local government corruption, it is unlikely that Mexico’s weakened state will be able to reign in either drug trafficking or drug related violence without considerable help.

Since neither Colombia nor Mexico is capable of dealing with these problems themselves because of issues of state capacity and sometimes political will, the United States has pledged to pick up the slack. Through multi-year foreign assistance programs like Plan Colombia and the Mérida Initiative, the United States provides weapons and technology, training, and technical assistance from both U.S. military and private military

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contractors to local agencies so that Latin American authorities can reduce the supply of narcotics flowing from Latin America to the U.S. and Europe.

U.S. counternarcotics policies in Latin America have targeted drug production and distribution in order to raise the street price of drugs to no avail. Sustained price increases have not been forthcoming, which does not discourage use, but in fact encourages production. These policies have not undergone significant revision in the face of overwhelming evidence that they have no impact on price, purity, or rates of drug abuse.
CHAPTER III

U.S. COUNTERNARCOTICS POLICY

TOWARD COLOMBIA

In 1999, the decades old Colombian Armed Conflict had reached a crisis point. Then-President of Colombia Andres Pastrana had initiated peace talks with rebel groups earlier in his term. During these negotiations, President Pastrana ceded a large portion of Colombian territory to the Revolutionary Armed Forces of Colombia (FARC). Soon after this cession of territory, the FARC ramped up its efforts to destabilize the Colombian state, and negotiations fell apart. As a result of the stalled peace negotiations between the FARC, the National Liberation Army (ELN), and the government of Colombia, the United States sought to reorient its policy toward Colombia. Over the preceding four year period, the United States had decertified Colombia as an ally in the War on Drugs twice, in 1996 and 1997. The decision to decertify was most likely an effort to weaken the incumbent president, Ernesto Samper, who was alleged to have received campaign contributions from leaders of the Cali Cartel. ¹ After the end of Samper's term, the United States was eager to reengage with Colombia in order to combat drug trafficking.

Problems associated with drug production and trafficking in Colombia have been framed as a national security issue since the early 1980s, and there has been increasing American military involvement in the issue of drug control since the mid-1980s. As explained in the previous chapter, these policies have done little to impact the street price of drugs, the purity of drugs, or their use by the general population. These policies have been described by a myriad of scholars as failed and in need of drastic change, yet they have not changed. The principal goal of this chapter is to explain why these policies have not been altered. I argue that key actors were motivated by both domestic political factors and international concerns such as hemispheric security in their decisions to pursue the same policies in the face of evidence that they do not have a positive impact on the street price of drugs, the purity of drugs, and their use by the general population.

Drug trafficking has been the overriding issue in U.S.-Colombia relations for decades, and the purpose of this chapter is to investigate U.S. counternarcotics policy toward Colombia. This chapter will primarily discuss both international and domestic factors impacting the adoption of current U.S. counternarcotics policy in Colombia. The specific period of time covered will be the whole of the 106th Congress (1999-2001), the last Congress during the Clinton Administration. This policy shift would see Colombia become the largest recipient of U.S. foreign aid in the Western Hemisphere, and the third largest recipient in the world, behind Israel and Egypt.

In order to understand the motivations for the policy decisions made by Congress and the president in the area of narcotics supply control, one must look at the adoption
and implementation of the most recent iteration of that policy, Plan Colombia. Several important aspects of the adoption of Plan Colombia as U.S. policy must be considered. These factors include development as a bilateral agreement between the Presidents of the United States and Colombia and the internal debates regarding the best way forward, the way in which the mounting problems in Colombia were presented to Congress, the concerns over effectiveness, potential human rights concerns, and the administration’s response to those concerns. Members of Congress had been advocating a tough response to emerging issues in Colombia not simply because of concerns over drug abuse in the United States, as well as the potential for guerrilla groups and paramilitaries to destabilize Colombia and its neighbors. This chapter will provide an overview of the drug control policy of the early Clinton administration and the changes to that drug control policy over time as a result of the 1994 Republican takeover of Congress. It will also include a discussion of Colombia's armed conflict and the potential for collapse. These issues factored heavily into the development of Plan Colombia and colored the congressional debate surrounding the adoption of the aid package. The concluding section will also discuss changes to Plan Colombia during the George W. Bush administration and an evaluation of the effectiveness of the policy since enactment.

Theoretical Framework

According to scholarship on presidential-congressional relations, it is argued that Congress delegates authority to the president on the basis of its electoral consequences. In other words, Congressional leaders will be more willing to give the president wide latitudes in public policy areas that have little or no electoral
consequences. Congress tends to be heavily involved in policy areas that allow its members to claim credit for successes, and tends not to be involved in areas where success is unlikely in order to avoid blame. As an institution, Congress is said to make deliberate choices as to which areas of public policy in which it will engage in meaningful oversight and management of government operations, especially within the realm of foreign policy. Scholars argue that Congress prefers to delegate authority to the president simply because of the executive branch's comparative efficiency. Members of Congress, tend to seek to insert themselves into debates around domestic policy and programs because their constituents tend to care more about domestic policy than foreign policy. For this reason, Presidents tend to be more successful in articulating and enacting a foreign policy agenda than a domestic agenda.

Indeed, there are high profile incidents in which the executive branch was believed to have overstepped its constitutional authority within the realm of foreign affairs, such as the bombing of Cambodia, the sale of arms to the Islamic Republic of Iran and the disbursement of that money to Central American counterrevolutionaries, and even the XYZ Affair. While it is true that these incidents do increase the necessity and appetite for congressional investigations, they may not induce Congress to sustain stringent oversight for an extended period of time. The issues that do induce Congress to sustain oversight of foreign policy operations are known as “intermestic” issues.

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3 Ibid.
Intermestic issues are those issues that are “profoundly and inseparably both domestic and international.” Bayless Manning originally coined the term in the late 1970s to refer to issues related to the global economy, such as energy and food production. Drug control policy is a classically intermestic issue. The United States spends significant amounts of taxpayer money on reducing the supply of and demand for illicit narcotics. Congressional committees will engage in substantial oversight in order to ensure that America's drug control regime is working in a manner they find satisfactory.

One of the areas of this policy which receives the most attention from individual members of Congress as well as relevant congressional committees is supply-side drug control policy. Illicit narcotics have always been considered an external threat, and much of the attention, as well as great majority of resources available for supply-side drug control effort, is focused on reducing cultivation and distribution. These resources are made available for operations in the developing world, where there are greater incentives for producing illicit narcotics for international markets.

Developing countries in North, Central, and South America have received large amounts of foreign aid in order to interdict shipments of drugs and eradicate the raw materials used to manufacture them. As one of the world’s largest producers of illicit narcotic drugs, Colombia receives considerable attention as a source country in which the United States operates drug control programs through numerous law enforcement agencies as well as the departments of State and Defense, while Mexico is one of the

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largest transporters of illicit narcotics to the United States and receives considerable attention from federal law enforcement agencies such as the Bureau of Alcohol, Tobacco, Firearms, and Explosives and the Drug Enforcement Administration.

Because drug control policy is an intermestic issue, choices available to policy makers are constrained by both domestic politics and international politics. The principal domestic constraints were the electoral concerns of members of Congress as well as bureaucratic politics within the Clinton administration. Vanessa Neumann argues that members of Congress always search for opportunities to appear tough on crime, while the Clinton presidency had been weakened by the Lewinsky scandal and the loss of his Democratic majority in 1994, which prevented him from being more assertive in his search for an alternative policy.⁵ Likewise, President Bush had been weakened by public perception of the handling of the Iraq War and Hurricane Katrina.

Allison and Zelikow tell us that decisions are made not by a unitary actor, but by different groups of people who have power.⁶ In each case, power over the decision making process was located within the executive branch as well as several major committees in the House of Representatives and the Senate. Those favoring tougher anti-drug packages were able to push their agenda by linking it to international events in Latin America. By virtue of its control of Congress, the Republican Party was able to push a tough antidrug agenda by coupling it with the possible collapse of Colombia.

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⁶ Graham Allison and Philip Zelikow, Essence of Decision: Explaining the Cuban Missile Crisis, 2nd Ed. (New York: Longman, 1999)
There is some empirical support for the notion that Presidents are becoming less successful in the realm of foreign policy, however. Since the 1970s, the House Committees on Armed Services and International Relations have become much more assertive. The majority on each committee tends to be less supportive of the president's foreign policy agenda than in previous decades before the Vietnam War.\(^7\) This is especially evident in periods of divided government, such as the last six years of the Clinton administration and the last two years of the George W. Bush administration.

Internationally, American policy choices were constrained by a growing threat from non-state actors. In Colombia, the FARC and the ELN had engaged in terrorist attacks against the United States, and the FARC is considered the largest and oldest insurgency in the Western Hemisphere. After decades of civil war, Colombia was in very serious danger of total collapse by the late 1990s. Clinton Administration officials argued that U.S. assistance was needed to avoid the collapse of the government of Colombia in order to avoid the tremendous threat to national security a failed state in Latin America would represent. If the FARC and the ELN were able to act with impunity, U.S. involvement would have had to exceed the provision of counternarcotics aid.

In Mexico, after President Calderón’s early efforts to block cartel activity in that country exacerbated U.S.-Mexico border violence, members of Congress and Bush administration personnel began to call for U.S. involvement in that conflict through the provision of counternarcotics assistance. They argued that U.S. involvement was vital.

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because of the very real potential of the spillover of violence into the United States, and that Mexican drug trafficking organizations were staging what had amounted to an invasion because of their increased access to U.S. drug markets outside of the Southwest.

Clinton’s Abandonment of Drug Treatment

Early in his presidency, Bill Clinton and his allies in Congress sought to drastically reorganize drug policy to emphasize drug treatment and other demand reduction strategies such as drug education, as opposed to enforcement measures such as drug interdiction. The ratio of money appropriated for drug enforcement versus drug treatment was roughly 2:1 before he took office, and he had pledged to reverse that ratio, citing the high rate of effectiveness and lower costs of prison-based drug treatment programs. It was Clinton’s intent to shift attention to demand reduction, which he argued would reduce incentives to produce and distribute illegal narcotics in developing countries over the long-term.

Clinton also signed an executive order (No. 12880) in 1993 pursuant to the National Drug Control Program which required the Director of the Office of National Drug Control Policy to advise the National Security Council on the development of international drug control programs, participate in an interagency working group regarding the implementation of international drug control programs, coordinate the distribution of statistics and other information regarding drug control policy, and “provide advice to agencies regarding ways to achieve efficiencies in spending and

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improvements to interagency cooperation that could enhance the delivery of drug control treatment and prevention services to the public. The Director may request studies, information, and analyses in support of this order."

The emphasized section in the preceding paragraph indicated a substantial rhetorical shift regarding drug control policy. As discussed in the preceding chapter, drug control policy had always emphasized enforcement of state and federal laws against possession and sale of narcotics, as well as international supply reduction measures. It was not until the Nixon administration that drug treatment was readily available, though funding for drug treatment was not. Drug enforcement received two thirds of all federal money appropriated for carrying out the nation’s drug policy, and Clinton had sought to reverse that ratio. Clinton’s 1994 budget proposal sought to increase funding for drug treatment by 20%, as well as a supplemental request for $1 billion for drug treatment and education. He argued that drug related crime would decrease over time as a result of drug treatment. Clinton also reduced antidrug aid to drug producing countries in Latin America in his first budget, arguing that there had not been any reductions in coca production in Bolivia and Peru in spite of large expenditures over an extended period of time. Clinton also shifted resources for interdiction to programs in source countries

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9 Executive Order no. 12880, Federal Register 58, No. 221 [November 18, 1993]
designed to interrupt shipments to the United States, rather than stopping them at the border or within the territory of the United States.\textsuperscript{13}

In 1994, the Democrats lost their congressional majority. The new Republican majority vowed interdiction, enforcement, and prosecution would return to their previous place as a top priority. Critics of Clinton in Congress blamed him and his proposals for the increases in the number of youths using marijuana and repeatedly called attention to the reductions in staff at the Office of National Drug Control Policy and increases in funding for treatment as the causes of increased use among America’s youth.\textsuperscript{14} Early in 1995, Former Reagan and Bush drug policy advisers Bill Bennett and John P. Walters argued in favor of increased enforcement as well. They argued that Clinton’s plans for drug treatment were ill-advised and best left to the private sector or to charities, and that it often takes several attempts at recovery for drug addicts to stop using drugs over the long-term. They also cited studies indicating that the types of drug treatment programs used in prisons in many parts of the country were not particularly effective, and that cocaine treatment programs in particular were not worth the public investment.\textsuperscript{15} Republicans in Congress would echo these same points to push public opinion and federal money for drug control toward increased enforcement measures.

\textsuperscript{13} Vanessa Neumann, “The (In)coherence of U.S. Foreign Policy in Colombia - Disentangling the Maze of Drug Control: Is Plan Colombia the Panacea?” (PhD Diss., Graduate Institute of International and Development Studies, 2004): 97.


After they retook control of Congress, Republicans argued that Clinton’s drug policy proposals were flawed and took then-Drug Czar Lee P. Brown to task for placing emphasis on drug treatment. He would resign in late 1995 after repeated clashes with Republicans in Congress over the drug control budget and priorities. Clinton would appoint a committed drug warrior and former head of U.S. Southern Command, General Barry McCaffrey, as Director of the Office of National Drug Control Policy. Republicans in Congress claimed that the Clinton administration had forgotten the War on Drugs and maintained a permissive attitude toward drug use. McCaffrey was likely appointed to appease these same Republicans, since U.S. Southern Command was the point from which most counternarcotics operations in Latin America were based. Dr. Peter Smith of UC San Diego argued that McCaffrey’s nomination represented an even further militarization of drug control policy.

The Clinton administration had endeavored to take a harder line against drugs after the 1994 elections. There was a reorientation toward supply reduction measures, especially in source countries, though there were increases in funding for treatment. Clinton also increased the funding and size of the staff at the Office of National Drug Control Policy in order to maintain a good working relationship with the Republican

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majority in Congress regarding drug control policy. He also did not want the public to believe he was permissive toward drug abuse and trafficking.\(^{19}\)

In order to avoid catastrophe, Clinton was willing to accept Republican demands for a tougher antidrug strategy because, as Greenstein notes, Clinton was able to reposition himself fairly easily by “focusing on traditionally Republican issues” after the 1994 mid-term elections.\(^{20}\) Clinton had run as a moderate Democrat in 1992, and had indicated that he would try to bridge the divide between liberal Democrats and conservative Republicans. As a weakened president with an opposition Congress, the burden fell on him to extract concessions from the Republican majority, and he had been able to manage this task quite well.

Toward the end of his Presidency, Clinton would be searching for a legacy. Since “lame duck” presidents are less likely to see their domestic agenda enacted into law, Clinton would focus on the foreign relations of the United States. This is an area over which the presidency as an institution has considerable authority with which Congress tends not to interfere unless, as was stated earlier, there is an electoral connection. However, since members of Congress take a serious interest in drug control policy, President Clinton was unable to articulate an independent vision and was forced by circumstance to adopt Republican policy proposals designed to prevent shipments of

\(^{19}\) Vanessa Neumann, “The (In)coherence of U.S. Foreign Policy in Colombia - Disentangling the Maze of Drug Control: Is Plan Colombia the Panacea?” [PhD Diss., Graduate Institute of International and Development Studies, 2004]: 96-97.

illegal drugs from entering the country rather than reducing the demand by the American people for those illegal drugs.

After months of congressional hearings and debate on the issue of Colombia, Clinton would eventually direct people within his administration to evaluate Colombia's potential crisis, sending his Drug Czar and leaders in his State Department to Columbia to assess the situation. Many leaders within the Clinton administration would argue for increased foreign aid to Colombia in order to avoid its collapse. The Clinton administration had been converted from doves to hawks on the drug issue largely because they saw it as the only policy choice available to them when faced with a Congress who had chided them for years on the drug issue. In other words, because of his weakness as a president plagued by scandal and burdened with a hostile legislative branch, he was unable to persuade Congress to adopt an alternative policy even if he had wanted to.

The Development of Plan Colombia

Evidence of the further militarization of drug control policy would come in the 106th Congress, when debate began on assistance to Colombia to combat its narcotics-driven insurgency. Colombia is the principal supplier of cocaine to 3.5 million addicts in the United States, and has a rich history of internal conflict. Violence over control of territory and the drug trade have caused adverse economic impacts and have displaced over 1 million Colombians.21 The Colombian state is universally described as weak and unable to deal with these problems on its own. In response to these problems, the United

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States has attempted to assume many of what it saw as the essential functions related to reduction of illegal drug production in Colombia.

After what amounted to a boycott of the administration of Ernesto Samper that included two instances of Colombia’s decertification as an ally in the war on drugs because of suspicions that his campaign had accepted donations from Cali Cartel leader Gilberto Rodriguez-Orejuela, the Clinton administration was searching for a way to reset relations between Colombian and the United States. Andres Pastrana came into office in 1998, pledging to end violence between guerilla groups and the government, and to curtail drug production and distribution in southern Colombia. Though he had pledged to pursue peace accords with the FARC and the ELN, the Clinton Administration felt that Pastrana would acquiesce to U.S. demands to support its counterdrug strategies.

In what was intended to be a good faith gesture to allow peace talks to progress, Pastrana eventually granted the FARC its own section of territory in southern Colombia from which it engaged in more terrorist attacks and kidnappings. The FARC is believed to have kidnapped and killed 3 American aid workers after it was ceded the territory. After the FARC was given the tract of land, the locals began to refer to the area as “Farclandia.” There was also evidence that the FARC had reconditioned airstrips in order to smuggle weapons and drugs to different parts of Colombia.

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The ELN also increased its efforts to destabilize the Colombian state by highjacking a commercial airplane on its way to Bogotá and kidnapping over 140 people in a Cali church in order to raise its profile in hopes that it would be given its own portion of the country to control. These events proved to already skeptical members of Congress that Pastrana’s peace plan was not going to work. Concerned members of Congress took to the floors of each house to denounce Pastrana’s agreement with the FARC and proclaimed that such a strategy would be unsustainable. Soon after problems became evident with Pastrana’s peace efforts, his government appeared to be in crisis when his Defense Minister, Rodrigo Lloreda, resigned in protest because he believed too many concessions were being made by the government with no expectation of the same from the guerillas.

It was the sense of the Senate that the U.S. should take a more proactive role in order to end the conflict between rebel groups and the government of Colombia because of the possibility of an impending crisis. Senator Mike DeWine (R-OH) denounced the handover of territory by President Pastrana to the FARC and pleaded for a response by the United States, and in 1999, Clinton Administration personnel began to argue for increased U.S. assistance to Colombia.

President Clinton’s Director of the Office of National Drug Control Policy or “Drug Czar,” General Barry McCaffrey, leaked memos from the State Department which

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called for massive increases in foreign aid to Colombia. The memos called for at least one billion dollars in aid, and Secretary of State Madeleine Albright wrote an opinion piece for the *New York Times* that argued for increased assistance to Colombia. Russell Crandall argues that these actions were taken to demonstrate to Congress that President Clinton and his advisors would be coordinating the likely changes to drug control policy in Colombia in the face of calls from members of Congress for him to do much more. Though Clinton had been unable to promote alternative policies for quite some time, he intended to make certain to Congress that he was in charge.

President Pastrana met the calls by the Clinton White House for revisions to drug control policy in Colombia by announcing *Plan Colombia*. The original package proposed by Pastrana called for $7.5 billion in international aid to “revive the Colombian economy, promote social development, eradicate illicit crops, and jump-start the stalled peace talks” between rebel groups and the Colombian government. The United States guaranteed an aid package of roughly $1.3 billion with a large majority of the funding going to military measures and counterdrug operations with smaller portions for alternative economic development. Under the proposal, the Colombian armed forces would be given thirty Blackhawk and thirty three Huey helicopters, more than half a million dollars for training and equipment for counternarcotics battalions in the

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28 Ibid., 122.
29 Ibid., 123.
30 Rafael Pardo, “Colombia’s Two-Front War,” *Foreign Policy* 79 (July/August 2000), 64-73.
Colombian National Police, nearly $150 million in assistance to displaced farmers, and nearly $100 million to reform the Colombian judicial system.\textsuperscript{31}

Russell Crandall notes that the two men responsible for the supply reduction programs in the administration’s plans were Director of the Office of National Drug Control Policy Barry McCaffrey and Undersecretary of State for Political Affairs Thomas. R. Pickering.\textsuperscript{32} McCaffrey had been commander of U.S. Forces in Latin America and is said to be the individual that convinced President Clinton to take action in Colombia. His principal concern was the growing power of the FARC and the ELN in rural southern Colombia.\textsuperscript{33} Coca production, which had previously taken place in Bolivia and Peru, had been pushed into Colombia as a result of antidrug measures in those countries. The areas in which coca cultivation had increased dramatically were under control of the FARC or the ELN.\textsuperscript{34} Clinton had a very close working relationship with McCaffrey and gave him wide latitude in pushing for aid to Colombia. Russell Crandall argues that McCaffrey had the complete backing of President Clinton, which induced the rest of the Clinton administration to fall in line and support increased aid to Colombia.\textsuperscript{35}

Pickering, who had visited Colombia on the orders of the President, argued that Colombian sovereignty was under a grave threat, and that U.S. assistance would

\textsuperscript{32} Russell Crandall, \textit{Driven By Drugs: US Policy Toward Colombia}, 2\textsuperscript{nd} Ed. (Boulder: Lynne Rienner Publishers, 2008)
\textsuperscript{33} Michael Isikoff; Gregory Vistica; and Stephen Ambrus, “The Other Drug War,” \textit{Newsweek}, April 3, 2000, 38-40.
make certain that a lasting peace could be achieved. If U.S. counterdrug measures were implemented, the FARC and the ELN would lose up to 40% of their revenue. According to Pickering, this would make lasting peace easier to achieve because reducing drug production and trafficking would weaken the guerillas.\(^{36}\)

McCaffrey and Pickering believed that the government of Colombia lacked the ability to control large portions of its territory because the army lacked mobility. What they proposed was essentially a military strategy.\(^{37}\) By appropriating funds for helicopter purchases, the Colombian military would be able to retake control of southern Colombia by being able to make large troop movements rather quickly. A military strategy, according to this line of thinking, would solve all or nearly all of the problems in Colombia, and by reestablishing security over the totality of Colombian territory, drug traffickers, the FARC, and the ELN would find it more difficult to operate.

The Colombian government was clearly not strong enough to attempt to eradicate crops and interdict shipments of drugs on its own, so U.S. support was desperately needed. Clinton administration personnel argued that there was very little chance of effectiveness for American counternarcotics programs without assistance for Colombia that improved internal security and reestablished control over southern Colombia. Some in the Administration argued interdiction and crop eradication would be too dangerous to be an effective tool to disrupt distribution routes from Colombia and


that alternative development projects would not be completed so long as guerilla groups and drug trafficking organizations held the areas in which drug production was taking place.  

The Terrorist Threat

Nearly 80% of all cocaine was produced in Colombia in the late 1990s. As a result of shifts in production and increased pressure placed on drug producers by both U.S. and Latin American militaries, Colombia also produced 60% of all heroin entering U.S. drug markets. These facts made Colombia a principal concern of the American foreign policy establishment. Also of note is the fact that as illicit drug production in Colombia increased, so did the involvement of Colombia's insurgent groups.

In addition to increasing their involvement in the drug trade, Colombian insurgent groups were also responsible for numerous terrorist attacks against U.S. interests, as well as kidnapping U.S. citizens working or travelling in Colombia. The FARC and the ELN, each designated by the United States government as terrorist organizations, could trace their late 1990s ascendancy to the dismantling of the Medellín and Cali cartels due to the death of Pablo Escobar and the arrests of the leaders of the Cali Cartel. Since the end of the cartel system of drug production and distribution, the FARC has taken in over half a billion dollars every year from drug trafficking operations. Prior to direct involvement in the drug trade, the FARC and the ELN would charge

40 Ibid.
“protection money” to drug trafficking organizations and tax drug producers operating within guerrilla-controlled territory.\(^4\)

The FARC and the ELN used money they received from trafficking narcotics to attack Colombia’s energy sector between 1998 and 2000,\(^4\) which is one of the largest employers in the country as well as a significant exporter of oil to the United States.\(^4\) In addition to finding a more reliable revenue stream for terrorist activities such as bombings and kidnappings, guerilla groups assassinated numerous government officials in the 1990s. Patricia Bibes argues that these assassinations demonstrate to the people of Colombia that the guerrillas and drug traffickers were stronger than the government and could easily destabilize the entire country if they wish to do so.\(^4\)

The Special Role of the ONDCP

As the leader of federal government’s drug control bureaucracy, the Drug Czar occupies a special place in the policy process. As an individual with a great deal of experience in international narcotics matters as the commander-in-chief of U.S. Southern Command in Panama, McCaffrey was undoubtedly sensitive to the increases in coca and heroin production in Colombia, as well as increasing guerilla involvement in the drug


\(^{44}\) Ibid.
trade. He argued that the role of the United States should be the provision of assistance to what was a “regional crisis.”

McCaffrey was perhaps the single most important actor in the executive branch in this particular area. He had been the first to bring attention to the fact that the FARC and the ELN were becoming more directly involved in the drug trade. Also, by virtue of the statutory basis of his position, he was to be President Clinton’s point person on all matters related to drug control policy. Since his position gave him an incredible amount of access and authority, McCaffrey was appointed as the head of an interagency working group tasked with formulating a consensus driven drug policy in Colombia. This interagency working group consisted of representatives of all executive agencies with drug control missions, including the ONDCP, the Drug Enforcement Administration, the Departments of Defense, Justice, and State, as well as the CIA, USAID, and the U.S. Customs Service. As head of this interagency working group, it was his job to formulate a policy that would be supported by all relevant actors as well as Congress. Perhaps his most important task was to line up support in Congress.

A case can also be made that members of the Clinton administration were setting the stage for the 2000 presidential election, during which the president’s legacy would have to be defended. Clinton had endured constant criticism from Congressional Republicans that he was soft on drug abuse and unwilling to vigorously prosecute the

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47 Ibid.
War on Drugs. They also held him personally responsible for the increasing violence in Colombia for precisely those reasons.

Selling Plan Colombia

There was a great deal of support for the program in Congress, especially from prominent members of the Republican majority. Two of the most prominent backers of Plan Colombia in the House of Representatives included Speaker of the House Dennis Hastert (R-IL) and the Chairman of the House Committee on International Relations, Benjamin Gilman (R-NY).\(^48\) Gilman argued that the plan was “broad based” and would deal effectively with the problems facing the weak Colombian state by providing much needed funding for drug interdiction, crop substitution, and reforms to the Colombian justice system.\(^49\)

In the Senate, backers of Plan Colombia included the members of the Senate Caucus on International Narcotics Control. In the House, Republican members had been pushing increased aid to Colombia for more than a year. In fact, Clinton’s proposal mirrored many of the separate proposals Congressional Republicans had been pushing. In pushing for increased military aid to Colombia, the Clinton administration was able to deflect much of the previous criticism by hardliners on the drug issue. Many of the proposals in President Clinton’s original request had been originally proposed by

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*House Committee on International Relations, Subcommittee on the Western Hemisphere, Hearing To Receive an Update on Selected Regional Issues to Include: Colombia and U.S. Policy; Legislative Elections in Haiti and U.S. Troop Withdrawal; Status of Counterdrug Forward Operating Locations; U.S. Cuba Counternarcotics Cooperation; Proposal, Chinese Influence in the Panama Canal; Political Events in Venezuela; and Status of U.S. Property Claims in Nicaragua, 106\(^{th}\) Cong., 1\(^{st}\) Sess., 1999, 4.
Republicans. Russell Crandall notes that there are many staffers and elected officials who remain upset that the President commandeered their ideas in order to appear tough on drugs.\textsuperscript{50}

In presenting Plan Colombia to Congress and the public, the Clinton administration was able to take advantage of what Vanessa Neuman called “the culture of narcophobia” in order to advance the aid package through Congress. She argues that the administration as well as relevant Republicans in Congress engaged in symbolic politics in order to increase support for its plan to derail Colombia’s narcotics fueled insurgency.\textsuperscript{51} They highlighted the increase in coca cultivation, the increased number of terrorist attacks against U.S. interests in Colombia, and the precipitous economic decline as causes for concern and reasons why the aid package could not wait.

The Clinton Administration and Congressional Republicans also argued that there would be dire hemispheric consequences if the requested aid was not appropriated. Coca cultivation had more than doubled between 1996 and 1999. Drug Czar Barry McCaffrey argued:

\begin{quote}
The rapid expansion of drug production in Colombia, almost entirely in zones dominated by illegal armed groups constitutes an emergency. Without U.S. assistance substantially along the lines proposed by President Clinton, Colombia will not be equipped to implement its plan to end impunity for drug traffickers in areas currently beyond governmental influence. Neither will it likely be able to bring an end to the violence and human rights violations perpetrated by the drug-funded warlords who rule those areas. Drug production for the US market would
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\textsuperscript{50} Russell Crandall, \textit{Driven By Drugs: US Policy Toward Colombia}, 2\textsuperscript{nd} Ed. (Boulder: Lynne Rienner Publishers, 2008): 123.

\textsuperscript{51} \textit{Ibid}, 155.
continue unimpeded and could outstrip supply reductions achieved elsewhere in the Andean region.\textsuperscript{52}

Drug money was fueling an insurgency that would more than likely destabilize the entire region, which would have dire consequences for the U.S. national interest. In 1999, the FARC and the ELN concentrated their efforts on Colombia’s energy sector by bombing oil pipelines and disabling the power grid. That year, terrorist attacks totaled 121.\textsuperscript{53} In 2000, the FARC attacked some assets owned by Drummond Inc., a U.S.-based coal firm. The attacks led Drummond to avoid bidding on a government owned coal firm, which prevented the Colombian state from gaining revenue from privatization and modernizing its energy sector. The ELN continued to engage in kidnapping and extortion. Overall, the number of terrorist attacks increased to 193 in 2000.\textsuperscript{54} The number of terrorist attacks was increasing, which allowed the Clinton administration to argue that things were getting worse and international aid needed to be appropriated quickly.

The Clinton administration painted a particularly grim picture for Congress. Assistant Secretary of State for International Narcotics and Law Enforcement Affairs Rand Beers argued that the collapse of the Colombian state was inevitable unless something was done to reduce the influence held by producers and distributors of illicit narcotics, as well as the guerillas and paramilitaries operating in southern Colombia. Beers argued that the FARC and the ELN maintained a symbiotic relationship with drug

cartels, and were often hired by drug producers and traffickers to “protect illicit fields and labs, transport drugs and precursor chemicals within Colombia, run labs, encourage or intimidate peasants to grow coca, accept drugs as payment from narcotics traffickers and resell those drugs for profit, trade drugs for weapons, and have even begun to ship drugs out of the country - to Brazil and Venezuela.”

The Clinton Administration also argued that recent economic decline in the region had compounded problems associated with drug production and distribution, including an increase in cultivation of heroin. FARC attacks on the assets of multinational firms had been on the rise. Firms were wary of investing in Colombia because of security concerns related to drug trafficking and terrorism.

The Clinton administration argued that the principal problem was Colombia’s inability to control large portions of its territory. If Congress did nothing, Colombia would become a failed state. If Colombia failed, it would create serious national security concerns in the Western hemisphere because left-wing guerillas would be able to carry out acts of terrorism with total impunity. It would also threaten U.S. interests in South America. Violence could also spill over into neighboring countries such as Brazil and Bolivia. There was an emerging consensus within the executive branch that military aid

\footnote{US Senate, Caucus on International Narcotics Control, \emph{Colombia: Counternarcotics vs. Counterinsurgency}, 106\textsuperscript{th} Cong., 1\textsuperscript{st} Sess., 1999.}

\footnote{Senate Committee on Finance, Subcommittee on International Trade and the Senate International Narcotics Control Caucus, \emph{U.S. Assistance Options for the Andes}, 106\textsuperscript{th} Cong., 2\textsuperscript{nd} Sess., 2000.}
to Colombia would be the best way to reduce drug production and distribution as well as help to secure Colombia and reduce the rebel threat to the government of Colombia.\textsuperscript{57}

Administration personnel also pleaded for Congress to provide aid funding because of the tremendous personal sacrifices made by Andres Pastrana. He had proposed an ambitious plan to cure Colombia’s social ills and therefore deserved the unwavering support of the United States government. A failure to provide support for his plan would create terrible consequences for American national security and the security of the western hemisphere.

Proponents of increased aid to Colombia argued also argued that there would be dire hemispheric consequences if more was not done to aid Colombia. They highlighted the connection between drug traffickers and guerillas and the fact that guerillas had actually engaged in drug trafficking themselves.\textsuperscript{58} On the floor of the House, Representative Mark Souder (R-IN), chair of the House Committee on Government Reform, claimed international assistance was necessary because Latin America’s oldest democracy was under a very serious threat. If Colombia were to fall to the “narco-guerillas” the economy of the Western Hemisphere would be crippled and regional political stability would suffer a great deal. The violence in Colombia was


\textsuperscript{58} Ibid.
inducing 800,000 Colombians to flee in the previous 4 years and requests for political asylum had also increased a great deal.\(^{59}\)

Relevant congressional committees also increased the number of hearings held on the issue of drugs and drug control policy, which was likely intended to raise the profile of the issue. Republicans took the opportunity of increased exposure to take a hard line on the issue, though they had been critical of President Clinton’s policy toward Colombia since early in his first term.\(^{60}\) They argued that the Clinton administration did not have a clear strategy nor did it care to develop one. What was needed, according to Congressional Republicans, were purchases of Blackhawk helicopters and weapons to fight the FARC.\(^{61}\) Perhaps most importantly, Congressional leaders were able to portray American drug control policy over the past several years as lacking consistency or stability. Representative John Mica (R-FL) even blamed the Clinton administration for production of cocaine and heroin moving into Colombia from Peru and Bolivia.\(^{62}\)

Though there was considerable support in Congress for the aid package, there were still very real concerns about the effectiveness of the program voiced by the minority party in the House of Representatives and the Senate. For the most part, leaders in Congress and in the executive branch were positioning themselves to appear tough on the drug issue. Leaders in Congress did not attempt to convince the public that these

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\(^{60}\) Vanessa Neumann, “The (In)coherence of U.S. Foreign Policy in Colombia - Disentangling the Maze of Drug Control: Is Plan Colombia the Panacea?” [PhD Diss., Graduate Institute of International and Development Studies, 2004], 181-185.

\(^{61}\) House Committee on Government Reform, Subcommittee on Criminal Justice, Drug Policy, and Human Resources, The Narcotics Threat from Colombia, 106\(^{th}\) Cong., 1\(^{st}\) Sess., 1999.

measures were meritorious, just that aid to Colombia was desperately needed and that if nothing was done there would be dire national security concerns.

Would it Work?

The General Accounting Office issued several reports indicating that executive agencies involved in implementing Plan Colombia would face serious challenges and that there would be no appreciable impact on drug markets for many years. Guerilla groups controlled roughly 40% of Colombian territory and the Colombian military was ill-equipped to engage guerillas and unable to conduct supply reduction operations on their own.63 The Director of the General Accounting Office’s International Affairs and Trade Division, Jess T. Ford, highlighted the fact that the U.S. Embassy in Colombia had never reported a decrease in the amount of cocaine exported to the United States from Colombia in testimony related to implementation of Plan Colombia.64 The GAO also concluded that there would be little evidence of success of the programs included in Plan Colombia for many years. The Colombian National Police could not maintain technology purchased from the United States because it did not have spare parts, nor did it have the resources to acquire them. The GAO reports also indicated that even with assistance, the Colombian National Police could not afford to pay an adequate number of contractors to fly aerial fumigation missions, nor would the National Police be

able to assume control of interdiction and crop eradication missions in the near future. The issues brought up by the GAO gave credence to some of the concerns voiced by members of Congress, but it appeared to be too little, too late.

Think tanks such as the Center for International Policy also argued that the proposed policy was misguided. Center for International Policy President Robert E. White, former U.S. Ambassador to El Salvador and Paraguay, argued that Plan Colombia would lead to increased American involvement in the Colombian armed conflict. More specifically, he criticized the “Push into Southern Colombia,” which would allocate $600 million for training two narcotics battalions and purchasing helicopters. Aerial spraying would simply push poor farmers deeper into the jungle, and any aid money would be put to better use by building highways so farmers could bring legal crops to market.

Congressional Concerns and the Push for Drug Treatment

Many members of Congress expressed concerns over the volume of weapons purchases by the Colombian Armed Forces and the Colombian National Police, helicopter sales and interdiction equipment, and concerns over human rights violations. They also questioned whether crop eradication had any effect at all on domestic drug markets. In committee hearings and on the floor during debates, members opposed to the aid package cited damning scientific evidence that interdiction and crop eradication

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had failed to achieve any positive results as well as evidence that drug treatment programs were effective in reducing demand. Many of these same members pushed for amendments to redirect the funding to domestic drug treatment. They also argued that continued appropriations for counternarcotics programs would eventually draw the U.S. military into Colombia’s civil war.

A consensus among members of Congress quickly emerged around human rights concerns. Congressman Gilman offered an amendment to a the House version of the bill making eligibility for counternarcotics related military assistance contingent upon an acceptable human rights record, including the development of a Judge Advocate General Corps and the ability to dismiss individuals from the armed forces who violate the human rights of civilians.

Democratic members argued that the money to be appropriated for the Colombian military would be put to better use by funding measures designed to reduce the demand for illicit drugs in the United States. Representative Jan Schakowsky (D-IL) cited GAO reports that indicated previous investments in counterdrug operations in Colombia had not produced positive results. In fact, after appropriations totaling $625 million for aerial fumigation and herbicidal spraying between 1990 and 1998, coca cultivation had actually increased 50% during that period. She also cited a RAND Corporation study which indicated that drug treatment was 10 times more effective than

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drug interdiction and 23 times more effective than crop eradication. Senator Richard Durbin (D-IL) also argued that U.S. drug policy was misguided because it did not put enough resources toward demand reduction. The lack of federal resources for demand reduction forced states to spend an inordinate amount of money on housing, feeding, and providing health care to drug users within the prison system, and that the money spent could be put to better use in drug treatment. In fact, there were two attempts by Representative Nancy Pelosi (D-CA) to shift the totality of the aid package to domestic drug treatment programs.

Members of Congress were very concerned about the possibility of “mission creep.” The ranking member of the House Committee on Government Reform’s Subcommittee on Criminal Justice, Drug Policy, and Human Resources, Patsy Mink (D-HI), argued that there was very little chance that U.S. forces would not end up engaged in conflict with guerrilla groups because it was “unlikely that this long-standing pattern of civil war within Colombia can be changed by a $1.6 billion insertion of money, certainly not in the two years. It will probably require continued consideration by the Congress and continued allocation of funding.” She also argued for more economic development aid to Colombia rather than weapons and technology purchases for the Colombian armed forces and the National Police.

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70 Ibid.
Along these same lines, members also expressed concern about the proposed “push into southern Colombia” in which the United States would provide military assistance to the Colombian military in order to reestablish control over regions where drug production took place. Senator Mitch McConnell (R-KY) argued that drug production and trafficking would continue unimpeded unless the Colombian military reestablished state control in southern Colombia. However, opponents of this particular provision felt it was proof positive that the American military would eventually be dragged in to Colombia’s armed conflict. Senator Patrick Leahy (D-VT) represented a sizeable chunk of members of Congress when he lamented the likelihood of long term American involvement in Colombia and pointed to the fact that these same strategies had been tried before to no avail. He also argued that Plan Colombia was not a counternarcotics strategy at all, but a plan for a counterinsurgency.

Senator Paul Wellstone (D-MN) made this point as well. He represented a significant portion of liberal Democrats in both houses of Congress who argued that funding for treatment would end up doing more good to combat the drug problem. Wellstone criticized the “Push into Southern Colombia” as well, arguing that it took much needed funds away from noble measures such as reforms to the Colombian

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74 US Senate Committee on Appropriations, Subcommittees on Foreign Operations, Export Financing, and Related Programs; Defense; and Military Construction, Joint Hearing on Supplemental Request For Plan Colombia, 106th Cong., 2nd Sess., 2000.
Representative David Obey (D-WI) also claimed the military aid would do more harm than good. More specifically, he criticized the portions of the aid package designated for training counternarcotics battalions in committee hearings because it would likely result in a military defeat since U.S forces would only be training about 3,000 Colombian troops to fight 15,000 FARC guerillas.  

Members of Congress were also deeply troubled at the prospect of “another Vietnam” in which the U.S. military would make significant commitments in what was for all intents and purposes a civil war between the Colombian government and these guerilla groups. The administration worked particularly hard to assuage concerns about mission creep and involvement in Colombia’s armed conflict. The administration argued that the targets of U.S. operations in Colombia would be drug producers and traffickers, and that U.S. forces would not engage with the FARC or the ELN unless they interfered with counterdrug operations. 

Painstaking efforts were made by the Clinton administration to assure Congress and the public that this program would be dedicated to counterdrug measures and not a counterinsurgency campaign against guerillas. President Clinton himself declared that there would be no involvement by the U.S. military in counterinsurgency operations in a joint press conference with Andres Pastrana in August of 2000 after the passage of the aid package. He made the point that the U.S. was only providing assistance

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76 Senator Paul Wellstone, Representative David Obey, and Representative Mark Udall, “Is the Clinton Administration Policy Toward Colombia Sound?” *Congressional Digest* 80 (February 2001): 45-46.
77 Ibid., 48.
to the Colombian military and police, and said unequivocally that the aid package was for “fighting drugs, not waging war.”

In spite of the Clinton administration’s assurances and due to the concerns by members of the Democratic minority, Congress capped the number of military personnel allowed in Colombia at any time and limited them to training activities only. This forced the administration to rely on private military contractors (PMCs) to police much of Colombia’s frontier and engage in supply reduction measures alongside Colombian armed forces and the National Police.

Plan Colombia and the Bush Administration

Implementation of Plan Colombia began under the Clinton administration, but most of the funding for counternarcotics operations would be delivered during the first several years of the Bush administration. Problems with implementation surfaced fairly early in the process, however. The helicopters provided for in the aid package were delayed several months, which made operations much more difficult in the mountainous frontier of Colombia. In fact, the delivery of the helicopters would not be totally fulfilled until 2003. Also of note was the fact that a Colombian military unit which had received its U.S. assistance and hardware was defeated by the FARC, which resulted in 22 deaths and the destruction of a U.S. financed helicopter. Plan Colombia presented two major problems for the Bush administration. The FARC had not been negatively impacted by

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counternarcotics operations, and drug cultivation had not been reduced in large measure. In 2001, the Bush administration indicated it would be maintaining the policies toward Colombia developed during the end of the Clinton administration. Where Clinton and Bush differed, however, was on the subject of counterinsurgency. George W. Bush's primary foreign policy adviser during his campaign, Robert Zoellick, argued that the United States could not “continue to make false distinctions between counterinsurgency and counternarcotics efforts.” These remarks were prompted by international concerns about an overly militarized aid package which would likely not reduce the organizational strength of guerrillas but simply push them into different areas and perhaps across Colombia's porous borders. Zoellick argued that the distinction would harm drug control efforts as well as national security.

After the attacks against the United States on September 11, 2001, there was little resistance to providing counterinsurgency assistance to Colombia. But even before that there was growing support for combining counternarcotics with counterinsurgency. In August 2001, several bomb experts affiliated with the Irish Republican Army had been arrested in guerrilla-controlled territory. It was later alleged that the Irish Republican Army was training FARC members in bomb-making techniques and had been traveling in and out of Colombia for several years. Russell Crandall notes that there was

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tremendous concern that the FARC would begin to engage in acts of urban terrorism after the connection to the IRA was revealed, such as car bombings.\textsuperscript{84}

The FARC had also reacted strongly to the “Push into Southern Colombia”, which had been a central part of American counternarcotics strategy going forward. The FARC had blockaded roads into the region of Putumayo, which resulted in a humanitarian crisis in which the government of Colombia was forced to air lift supplies such as food, water, and medicine.\textsuperscript{85} The FARC’s intent to provoke a humanitarian crisis upon which it could blame the Colombian government and the United States showed it could not simply be starved for funds to destroy it. The FARC still had a significant base of support in rural areas and would likely work around reduced revenues from the drug trade in order to accomplish its goals.

In the first several years of the Bush administration, the FARC had also engaged in a number of kidnappings, including the former Culture Minister Consuelo Araujó and then-Senator Íngrid Betancourt. These kidnappings were likely a result of increased pressure on traffickers and producers of illicit narcotics, and have worked remarkably well to supplement any income that may have been lost due to disruption of international drug shipments out of Colombia. Also of note are acts of urban terrorism undertaken by the FARC during this same period, including car bombings, drive by shootings, and grenade attacks on tourist destinations.\textsuperscript{86}

\textsuperscript{84} Russell Crandall, “Clinton, Bush and Plan Colombia, Survival 44 (Spring 2002): 169.
\textsuperscript{85} Ibid., 166.
From September 11th on, the Bush administration engaged in what Russell Crandall called “counter-narco terrorism”\(^\text{87}\). Public concerns about the global terrorist threats posed against the United States provided justification for increased U.S. involvement in Colombian counterinsurgency operations, which the Bush administration had argued in favor of early in 2001.\(^\text{88}\) Even though the global War on Terror was focused in large part on radical Islamic groups, the Bush administration took a hard line against the FARC. They had a willing ally in the newly elected President Álvaro Uribe, who would stake his presidency on the destruction of the FARC and the ELN and on his ability to bring a lasting peace. The Bush administration would argue in favor of increased troop presence in Colombia as part of the War on Terror, and eventually Congress appropriated $100 million more aid for counterinsurgency training.\(^\text{89}\) This $100 million was part of several large appropriations to fund international operations against terrorists, and as part of that $100 million, the Bush administration would ask for and receive “$25 million for the prevention of kidnapping, $4 million to reinforce the CNP's infrastructure in order to better defend themselves against guerrilla attacks; and $6 million to protect an oil pipeline.”\(^\text{90}\) The War on Terror would provide an opening for increased U.S. involvement in the Colombian Armed Conflict.

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\(^{89}\) Catherine M. Banks, John Sokolowski, “From War on Drugs to War Against Terrorism: Modeling the Evolution of Colombia's Counter-Insurgency,” *Social Science Research* 38 (2009): 148.

Vís-a-vís narcotics production, Bush would not depart from Clinton administration policy. Congress and the Bush administration would continue to fund interdiction and crop eradication in spite of discouraging results. In 2004, testimony to the House Committee on Government Oversight and Reform indicated little change in coca cultivation. While fumigation had been successful in reducing the number of mature plants on large crops, evidence suggested that smaller plantings in less populated areas had replaced them.\textsuperscript{91}

While the State Department had certified a reduction in overall coca cultivation throughout Colombia, the street price of cocaine in the United States had not been impacted at all.\textsuperscript{92} Other data indicate that the street price of cocaine fell from $132 to $95, when adjusted for inflation in 2007 dollars. During the same period, the purity of cocaine increased, as well.\textsuperscript{93} One bright spot from data regarding price, purity, and use of cocaine is the fact that self-reported cocaine use among people in North America dropped significantly between 2006 and 2008,\textsuperscript{94} though this drop has no discernable relationship to supply side drug control programs since prices declined in the preceding years. The drop in demand for cocaine likely has to do with the increased perception of harm associated with use.

\textsuperscript{91} Adam Isaacson, “Statement of Mr. Adam Isaacson, Director of Programs, Center for International Policy,” \textit{Status Report on Plan Colombia}, House Committee on Government Reform, 108\textsuperscript{th} Cong., 1\textsuperscript{st} Sess., 2004.
\textsuperscript{92} Ibid.
\textsuperscript{94} Ibid., 81.
Perhaps most alarming, Colombian drug producers have begun to plant opium poppies in lieu of coca bushes in order to take advantage of its much higher weight-to-value ratio. Drug producers have also increased the total plantings of marijuana to 5,000 hectares. While the total number of coca plantings is believed by the U.S. government to have decreased, data indicates plantings of other drug crops have increased. What is clear is that U.S. policy has not had demonstrable impacts on the retail price and purity of illicit drugs, nor their use by the general population.

Conclusion

Supporters of alternative drug control strategies were unable to convince the majority of members of Congress that interdiction and crop eradication was a policy in need of change. President Clinton, the principal articulator of the critique of these policies early in his presidency, had been forced by his electoral circumstances to largely abandon his push for drug treatment and ask the Republican-controlled Congress for more money for interdiction and crop eradication. The Clinton administration was pushed into action against drug trafficking in Colombia because of both international and domestic pressures. The FARC and the ELN had stepped up their attacks against vital U.S. interests in Colombia and it was becoming clear Republicans in Congress would pass an aid package with or without his support. Clinton’s close personal relationship with his Drug Czar, Barry McCaffrey, allowed McCaffrey to exert tremendous influence over Clinton and convinced him to support more repressive drug policies in Colombia.

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95 Ibid., 91.
An alternative program would likely have not exacerbated security issues in Colombia, as Plan Colombia appears to have done, at least in the short-term. The number of high profile kidnappings appears to have increased; perhaps the most notable of these was the kidnapping of then-presidential candidate Íngrid Betancourt. The FARC has begun to engage in acts of urban terrorism such as car bombings. What this pattern of behavior indicates is at least a partial transition from drug trafficking to hostage taking and higher profile violence.

In addition to increasing violence throughout Colombia, supply side drug control measures such as interdiction have forced drug trafficking organizations to transition to drug crops with a higher weight to value ratio. There has been a dramatic increase in the number of opium poppy plantings as well as marijuana plantings throughout the Colombian frontier. However, things are unlikely to change dramatically, as domestic politics in the United States still produce electoral majorities in favor of strict supply side drug control measures, although a dialogue has begun in earnest about the wisdom of punitive measures against drug abuse and trafficking, most notably through the initiative process at the state level. In spite of this policy dialogue, public attitudes regarding drug control policy are not likely to change in the near future.
CHAPTER IV

U.S. COUNTERNARCOTICS POLICY

TOWARD MEXICO

In 2006, President Felipe Calderón of Mexico initiated military operations against drug trafficking organizations based in his country. Since 2006, there have been an alarming number of deaths as a result of drug related violence in Mexican border states such as Baja California, Tamaulipas, and Nuevo León. Mexican drug trafficking organizations have taken over many of the local drug markets in the American Southwest and the Plains States, with more than 230 cities in their distribution network. This penetration into the U.S. drug market is coupled with large scale drug related violence that borders on the absurd, including beheadings, car bombings, and shootouts in drug treatment facilities.

The military operations initiated by President Calderón prior to the receipt of U.S. aid included 45,000 forces deployed in drug transit states in northern Mexico and drug producing states in southern and central Mexico. In addition to military operations, the Mexican government has undertaken massive judicial reform efforts aimed at eliminating corruption. Near the end of the second term of President George W. Bush in 2008, the United States would provide significant amounts of money to assist the Mexican government in its burgeoning drug war, including purchases of military
hardware and surveillance technology, as well as training by U.S. military advisers and U.S.-based private security firms. The original 3 year aid package included $500 million per year for Mexico, as well as smaller appropriations for several Central America countries. The funding included 3 years of training in counternarcotics operations by U.S. military personnel as well as U.S.-based private military contractors, as well as surveillance technology purchases on behalf of the Mexican government that would include helicopters, unmanned drones, and x-ray equipment.¹

The purpose of this chapter is to investigate and understand recent American drug control policy in Latin America using Mexico as a case. Why did the U.S. not adopt a policy identical to the policy adopted nearly 10 years prior regarding Colombia? What factors limited the choices available to the Bush administration in the development of the Mérida Initiative? In this particular case, Congress pushed policy in favor of a much less militarized assistance package than had been adopted previously. Prior appropriations to assist Mexico in policing its drug trade had not been particularly effective in light of the corrupt and incompetent local police forces in the border states of northern Mexico.

The Bush administration argued for aid to Mexico that help to reform the criminal justice system, in part because the Democratic majority in Congress indicated they would block U.S. military involvement in Mexico because of congressional opposition to a more prominent role for America’s military in policing the drug trade. Policy makers’ choices were also constrained by international political considerations as

well as domestic electoral considerations, primarily Mexico’s desire to assert itself as a powerful industrial economy no longer dependent upon the United States to fight its battles and the unwillingness of the American public to assent to more military involvement in light of unpopular wars in Afghanistan and Iraq. Policy makers in Congress were opposed to direct counternarcotics aid to Mexico, and the Mexican government was opposed to a large military presence in its own territory. These factors led the U.S. to adopt what was referred to as a “security cooperation initiative” focused on training Mexican security forces to police their own country and prevent illicit narcotics from entering the United States.\(^2\) This chapter will provide a historical overview of Mexico’s drug trade and efforts by both the U.S. and Mexico to combat it, U.S. responses early in the second term of President George W. Bush, the development of the Mérida Initiative, and, the ensuing congressional debate over American drug control policy and its long term impact on the implementation of the Mérida Initiative. The concluding section will provide an evaluation of the Mérida initiative and its impact on the international drug trade as well as the U.S. drug market.

Mexico is of particular importance because it is a top exporter of illegal drugs to the United States. A large majority of all cocaine entering the United States of America enters the country through Mexico, transported by Mexican drug trafficking organizations. In addition to being an important entry point for illegal drugs to U.S. markets, Mexico is a significant producer of methamphetamine, marijuana, and opiates

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for American markets, as well. Its geographic proximity to the United States affords Mexican traffickers significant opportunities to penetrate domestic drug markets outside of the Southwest, which is happening rapidly, which Mexican drug traffickers establishing a foothold in other parts of the U.S., including Kansas City and Miami.

As discussed in the previous chapter, Congress delegates authority to the president in certain areas based on the issue’s electoral consequences. Since Congress grants the president wide latitudes in areas of policy in which there is not considerable public attention nor is there the ability to win votes from the public. Especially with regard to foreign policy, Congress will be more willing to involve itself in oversight of programs and debates around the soundness of policy choices if there are electoral votes to be won by doing so. This indicates that the partisan composition of the U.S. House of Representatives and the Senate matters a great deal in the development of foreign policy, especially when appropriations must be made to carry out that policy.

Perhaps just as important in this case is the concern over national sovereignty expressed by the government of Mexico during negotiations. Mexican officials did not believe they were in as precarious a position as Colombia had been in the late 1990s, and President Felipe Calderón was adamantly opposed to U.S. troops operating inside Mexican territory. As such, Mexican negotiators would only consent to military personnel being used to train Mexican security forces. For Mexican political leaders, the Mérida Initiative represented the maximum level of U.S. involvement that would be

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acceptable to the public. During consideration of the aid package in Congress, Bush administration officials made careful statements to communicate that U.S. military operations would not be a condition of funding. What was acceptable to the Mexican government was an increased presence of U.S. Drug Enforcement Administration agents to assist Mexican authorities with investigations. There was significant opposition to the aid package in general within Mexico, especially among members of the Mexican Congress, who pointed to Bush budget cuts for drug treatment and the small size of the appropriations relative to the overall size of the drug economy as evidence that it was not a serious proposal. The Bush administration likely proposed a less ambitious aid package to Mexico to avoid making President Calderón look weak. Leaked diplomatic cables indicate that executive branch personnel in the Bush administration, as well as the Obama administration, were far more concerned with the collapse of the Mexican state than they had been willing to say publicly.

In large part because of these domestic and international political realities, President Bush was unable to propose an aid package to Mexico along the lines of what had previously been done for other drug producing economies in the developing world. President Bush’s proposal is somewhere between the traditional “hawkish” posture in which it is argued that American drug control policies should utilize American military personnel in operations against drug producers in conjunction with source country police and military units in order to reduce supply, and the “dove” approach of increased federal

funding of drug treatment in order to reduce demand as well as economic assistance to source countries to reduce economic incentives to produce and distribute narcotics. The approach the Bush Administration employed included funding for training to allow Mexican security forces to eventually be able to act on their own in order to police their own drug trade, with increased efforts in the United States to prevent illicit drugs from being trafficked into the United States. Bush’s proposal, as a product of negotiations between Mexico and the United States, essentially outsourced supply control measures in source countries that had previously been accomplished by U.S. military personnel, federal law enforcement, and private contractors to source country military and police.

Mexico’s Drug Trade

In much the same way as Colombia, Mexico’s drug producers contract with outside organizations, in this case criminal gangs as opposed to revolutionary groups, in order to move their products to distributors. Mexico’s emergence as a major source of drugs for American markets is attributable to several historical factors. The primary contributing factor was the aggressive measures employed by both the states and the federal government in the United States to disrupt domestic drug production. Another more recent intervening factor was the weakening of the major Colombian drug cartels.

The prohibition of drugs and alcohol in the United States created a substantial black market which provided an opportunity for traffickers of illegal goods based in Mexico. While the national, state, and municipal governments in the U.S. banned possession, distribution, and production of narcotic drugs and for a relatively brief period of time banned the consumption and sale of alcohol, Mexico continued to allow the
importation and domestic production of alcohol, marijuana, opium, and cocaine, portions of which were smuggled into the United States.

The production of narcotics for U.S. markets was such an important and lucrative business that local Mexican public officials were often directly involved for the purpose of personal enrichment. Then-Governor of Baja California Esteban Cantú was believed to be heavily involved in the drug trade. Though he had banned opium production and possession in Baja California, according to agents of the United States Treasury Department, he would use his state’s criminal justice apparatus to seize opium from producers and would often sell it back to them at an outrageous markup. The United States Department of State believed that members of the Cantú family were at least nominally involved in all opium trafficking out of Baja California between 1916 and 1920.⁶

By the 1960s, Mexican drug traffickers had been absorbed into what amounted to a single organization which trafficked domestically produced marijuana and opiates into the United States. Over an extended period of time, the involvement of local public officials in northern Mexico created an attitude of permissiveness regarding drug trafficking. Local police would often accept bribes in exchange for turning a blind eye to production and trafficking in towns near the U.S.-Mexico border. This permissive attitude and a culture of corruption have been contributing factors in the remarkable ability of drug traffickers to adapt to market conditions and respond to enforcement efforts by the

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national governments of both Mexico and the United States. Indeed, Mexican drug traffickers were so savvy that they were able to bring their products to market in the face of a weeks-long total shutdown of the U.S.-Mexico border beginning in September of 1969.\footnote{Tony Payan, “The Drug War and the U.S.-Mexico Border: The State of Affairs,” \textit{South Atlantic Quarterly} 105 (Fall 2006): 863.}

This remarkable adaptability has led Mexican cartels to control up to 90% of the market for methamphetamine in the United States.\footnote{Kimberly Brouwer, Patricia Case, Rebecca Ramos, Carlos Magis-Rodriguez, Jesus Bucardo, Thomas L. Patterson, and Steffanie Strathdee, “Trends in Production, Trafficking, and Consumption of Cocaine and Methamphetamine in Mexico,” \textit{Substance Use & Misuse} 41(2006): 712.} This is attributable in large part to the Combat Methamphetamine Epidemic Act (CMEA) of 2005, which put in place federal regulation of the major ingredients of methamphetamine, such as ephedrine and pseudoephedrine, as well as products containing phenylpropanolamine and drastically reduced the domestic production of methamphetamine. Mexico is also the largest foreign supplier of marijuana and a significant producer of opium for U.S. markets.\footnote{Colleen W. Cook, “Mexicos’ Drug Cartels,” Congressional Research Service, Foreign Affairs, Defense, and Trade Division, July, 16, 2007.}

Between the late 1970s and early 1990s, Mexican traffickers were also paid by Colombian cartels to transport cocaine into the western United States. After successful joint operations by the U.S. and Colombia against the Cali and Medellín Cartels in the early 1990s that resulted in the death or arrest of leaders of both cartels, producers would earmark a share of the product for Mexican drug traffickers as payment, which eventually involved them in not only the distribution but the sale of cocaine.\footnote{Tomas Kellner and Francesco Pipitone, “Inside Mexico’s Drug War,” \textit{World Policy Journal} 27 (Spring 2007): 30.} It was from this point that Mexican cartels became more and more involved in the supply chain and eventually
the Colombian monopoly control over the cocaine trade ended. Now nearly 90% of all cocaine entering the United States comes first comes through Mexico, rather than directly from Colombia.\(^{11}\)

Drug trafficking organizations in Mexico began to compete for control of territory from which to engage in trafficking operations several years after the Colombian cartels were essentially eliminated. The root of the problem came several years after the arrest of Felix Gallardo, the head of the group of cartels in Mexico. While he had been able to run his organization from prison, his lieutenants began to break away and form their own cartels.\(^{12}\) This competition for territory is the original source of the current drug related violence along the U.S.-Mexico border.

Competition for territory pits a number of cartels against one another. The relevant cartels are the Sinaloa Cartel, which is referred to colloquially as “The Federation” as it includes a number of smaller drug trafficking organizations, the Gulf Cartel, and Los Zetas, a group of former Mexican Army Special Forces which was first organized as a private army for the Gulf Cartel. More specifically, a significant portion of U.S.-Mexico border violence can be attributed to the constant battle between the Sinaloa Cartel and Los Zetas over access to Nuevo Laredo, Mexico’s largest inland port, which connects much of the Midwestern United States to Mexico.\(^{13}\)


Drug related violence in Mexico surged in 2006, with the election of Felipe Calderón as President of Mexico. After his inauguration, Calderón ordered the Mexican military to a number of states where drug production takes place, including Michoacán in Central Mexico, as well as the several states bordering the United States. This action, which now includes over 45,000 troops, was intended to reestablish control over the U.S.-Mexico border. However, it has exacerbated drug related violence because it has induced cartels and their agents to engage in a campaign of terrorism against Mexican civilians and local government officials which have included kidnappings, shootings, and even car bombings. Prior to 2006, Mexican drug traffickers had been able to influence the criminal justice system through bribery and intimidation, and little was done by the Mexican government to combat that. Leaders of drug cartels were able to influence through bribery the highest echelons of the Mexican government, including General Jesus Gutierrez-Rebello, head of the National Institute for the Combat of Drugs; and the cartels also made assassination attempts against state and local government officials in Baja California. Mexican drug trafficking organizations had been able to purchase protection from local government officials since the 1980s, and had been able to bribe officials of Mexico’s federal security apparatus. Since 2006, the option available

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to Mexican drug trafficking organizations has been intimidation. Mexican drug trafficking organizations have grown increasingly more likely to attack local government officials and journalists in order to intimidate the government into giving up.

Since President Calderón’s efforts to combat drug trafficking began in 2006, the number of drug related killings has increased from 1,500\(^{18}\) in 2006 to 9,616 in 2009. In 2010, that number increased by more than 5600 people to 15,273 murders according to the government of Mexico.\(^{19}\) In four years, nearly 30,000 people have been killed as a result of drug-related violence. For some perspective, the civil conflict between the Shining Path and the government of Peru killed just over 30,000 people. However, said conflict lasted over 14 years.\(^{20}\) This indicates an alarming pattern of escalation of not only the internecine conflict between the Mexican cartels but the conflict between the cartels and the Mexican military.

In addition to interdiction and crop eradication efforts, President Calderón initiated efforts to reduce the corruption that has plagued the Mexican state for decades. Calderón also created a new federal law enforcement agency modeled on the U.S. Federal Bureau of Investigation. In spite of his efforts to strengthen security in Mexico, many new state and local police recruits are poorly educated and poorly paid, more than


one third use drugs, and there is a 40% turnover rate among police officers each year, many of whom leave to work for cartels. 21 Eventually, he went so far as to eliminate local control of police and place forces under the purview of state governors and increased police pay in an effort to reduce incentives to leave the police force or to supplement income by selling protection services to drug traffickers. 22 From early in Calderón’s term, it was evident that his lofty reform goals would not succeed without international help.

America’s Early Response

For over 20 years, the U.S. government has designated the U.S.-Mexico border a “High Intensity Drug Trafficking Area” (HIDTA). 23 Various congressional committees had held hearings regarding drug-related violence on the border as part of a larger set of inquiries on illegal immigration and national security. However, it was not until 2006 that the salience of the issues of drug trafficking and drug-related violence along the U.S.-Mexico border spurred calls for sustained government action. Prior to the Mérida Initiative proposal, there were attempts by Congress and the Bush Administration to unilaterally protect the U.S. from border violence and drug trafficking.

2005 – Project Gunrunner

Project Gunrunner, which traces guns used in violent crimes, originally began as a pilot program in southeast Texas in 2005 and was expanded into a national program by

the Bush administration in 2006. The purpose is to deprive drug cartels of weapons, which they are believed to buy in U.S. Border States with lax gun control laws and smuggle them back into Mexico in avoidance of Mexico’s strict gun control laws. The law has resulted in several high profile arrests of individuals making “straw purchases” of firearms on behalf of Mexican drug cartel personnel. As a result of the program, there have been several thousand arrests and convictions of illegal gun possession, illegal gun sales, and smuggling. While Project Gunrunner has been more effective than border checkpoints or other operations geared toward the interdiction of illegal shipments of firearms, border violence still rages.

2006 – The Secure Fence Act

Originally proposed by the Chair of the House Committee on Homeland Security Rep. Peter King and signed into law in October of 2006, the Secure Fence Act of 2006 was, at least in part, intended to prevent criminal activity along the border, such as the smuggling of both narcotics and human beings into the United States from Mexico. The law called for the construction of up to 700 miles of fence along the border. Though the 700 miles of fence is as of yet not complete, the Wall Street Journal reported that the existing fence was not particularly effective in stopping smuggling. Those engaging in illegal activity along the border have been known to “build ramps to drive over fencing,

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dig tunnels under it, or use blow torches to slice through. [Traffickers] cut down metal
posts used as vehicle barriers and replace them with dummy posts, made from
cardboard.”

Also, the U.S. Border Patrol discovered a ventilated, well lit tunnel between 60 and 80 feet under the border fence outside of San Diego with 2,300 pounds of marijuana in attached warehouses. Between 2001 and 2006, the U.S. Border Patrol found 40 underground tunnels under the U.S.-Mexico border. Much like during 1969’s Operation Intercept, Mexico’s remarkably adaptive drug cartels have been able to work around the existing border fence.

Neither program had been particularly effective in reducing drug trafficking or drug related violence, and in late 2006, national media began to report on the likelihood of the collapse of the Mexican state. The sharp increases in drug-related violence along the border made the issue of drug trafficking much more salient and pushed demand for a strong federal response. Particular attention has been paid to the methods by which Mexican drug cartels have attempted to avoid detection and bypass American security personnel. Some of the more notable methods include tunneling under the border, and even catapults or trebuchets in order to bypass fenced areas of the border.

Prior to 2007, the issue of drug trafficking was often associated with the largely unrelated issue of illegal immigration. Hearings conducted on the issue of drug

trafficking in Mexico included numerous references to “illegal immigration,” which is clearly a separate issue from the production, distribution, and sale of illicit narcotics. With the Democratic takeover of Congress in the 2006 midterm elections, the issues of drug trafficking and illegal immigration would be decoupled, at least for a short period of time. In addition, President George W. Bush would pursue strong ties with Mexico after his party’s losses in the 2006 midterm elections. In order to strengthen this working relationship he would begin direct talks with the President of Mexico regarding trade to promote economic prosperity in both Mexico and the U.S. and security assistance in an effort to reduce drug trafficking and prevent drug-related violence from spilling over to the north.

Drug Policy in the Early Bush Administration

It cannot be said that George W. Bush as an individual was as committed a “drug warrior” as his father, who had invaded Panama because of Manuel Noriega’s involvement in drug trafficking and authorized operations against Colombian drug cartel leaders using U.S. Special Forces, and threatened drug producing countries with economic sanctions if they did not request counternarcotics assistance through the U.S. armed forces. Though George W. Bush expanded counternarcotics military assistance and other supply side drug control measures, he had been willing to combat drug addiction in the United States through drug treatment and drug education programs. However, this was not accomplished through the Office of National Drug Control Policy

or the Department of Health and Human Services, but by outsourcing drug treatment programs to religious organizations through the White House Office of Faith-Based and Community Initiatives.\(^{31}\) He also initiated the *Access to Recovery* program, a $300 million program which provided those seeking treatment for addiction with a voucher to assist with the cost of drug rehabilitation. According to the Washington Post, *Access to Recovery* has a 71% success rate.\(^{32}\) President Bush had also been willing to acknowledge that the international drug trade was driven by demand in Western countries, more specifically the United States.\(^{33}\) Conservative Republicans had been unwilling to admit that American demand fueled drug production in the developing world for quite some time.

In spite of rhetoric indicating support for drug treatment, Bush appointed ardent “drug warriors” who would take a hard line on drug abuse to key drug policy positions in his administration. John P. Walters was appointed the Director of the Office of National Drug Control Policy, who had served in the George H.W. Bush administration as a deputy to then-Director of the Office of National Drug Control Policy, William Bennett.\(^{34}\) Walters also served in the Clinton administration until he resigned in protest of Clinton’s efforts to fund drug treatment. Walters had been quite hawkish in his capacity as Deputy Director for Supply Control at ONDCP, accusing Mexico of allowing


cartels to act “with relative impunity” along the U.S.-Mexico border.\textsuperscript{35} Bush also appointed former U.S. attorney for the Western District of Arkansas and member of Congress Asa Hutchinson as the Director of the Drug Enforcement Administration, who had been the U.S. Attorney who prosecuted Roger Clinton on drug charges in the mid-1980s.\textsuperscript{36} He had also been a high ranking member of the House Judiciary Subcommittee on Crime, Terrorism, and Homeland Security.

Throughout his tenure as president, President Bush had noted many times that attempts to reduce demand would have the most significant impacts on drug markets, and asked Congress for increases in funding for drug education programs directed at school-aged children. However, he asked for increases in the budget for drug interdiction of 10% in 2002, and made large supplemental requests for the \textit{Andean Counterdrug Initiative}, the rebranded Plan Colombia.\textsuperscript{37} In 2003, he resumed the previously suspended Air Bridge Denial Program, an air interdiction program in which planes suspected of carrying drugs were forced to land or were shot down. The controversial program had been suspended after a private plane carrying American missionaries had been shot down in Peru.\textsuperscript{38} Though he indicated rhetorical support for drug treatment and drug education, spending for supply reduction measures grew faster than spending for demand reduction throughout his administration, and his appointments to head various executive

departments charged with carrying out American drug control policy indicate demand reduction was not the principal priority.

The Mérida Initiative

Later in the Bush Administration, Mexico appeared to reach a crisis point. A staggering number of deaths due to drug related violence had been reported by both American and Mexican media. In March of 2007, President George W. Bush traveled to Mérida, Mexico to meet with President Felipe Calderón of Mexico to announce continued U.S. support for his efforts to reduce Mexican production and trafficking of narcotics. Prior to 2007, each country had made separate efforts to combat drug trafficking, with President Calderón sending the Mexican Army to regions of his country in which drug production and trafficking took place, and the United States endeavoring to seal its southern border and stop drug shipments from entering the country using advanced technology such as unmanned drones in addition to searches at border checkpoints. President Bush lauded President Calderón’s efforts to combat drug trafficking and vowed the United States would be a “constructive partner” in those efforts.  

Congress would begin to hold intermittent hearings on Mexican drug trafficking and possible policy responses after the March meeting between Presidents Bush and Calderón. In these hearings, the Democratic majority would highlight the effectiveness of drug treatment programs both inside and outside prisons as a method of

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articulating an alternative to the drug policies of the last 30 years which had emphasized direct military involvement in supply side drug control operations. In hearings, congressional Democrats would begin to question the rationale for providing counternarcotics related assistance to Mexico in the first place. On the other side, Congressional Republicans pointed to the earlier Plan Colombia as a successful model for counternarcotics operations.

Faced with opposition to an expensive multiyear aid package with few benchmarks for success, Presidents Bush and Calderón announced the Mérida Initiative on October 22, 2007. The initiative would provide counternarcotics aid to Mexico and several Central American nations. Interestingly, the administration did not refer to it as an aid package. The “security cooperation initiative” as it was referred to, included advanced surveillance technology for the Mexican government in addition to helicopters. The requested funding totaled $1.4 billion over 3 years, and included phone tapping equipment and helicopters, in addition to aid for programs specific to Mexico, as well as roughly $50 million in funding for Central American countries to police the drug trade as well.40 Much of the money was earmarked for judicial reform and strengthening Mexico’s ability to police the drug trade itself, a significant departure from U.S. aid to Colombia, which did not include much funding at all for reform of the criminal justice system, instead focusing on weapons purchases.

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Very few U.S. personnel would be involved in training Mexican security forces. Instead, training would, in large part, be provided by private security contractors paid for by a portion of the roughly $500 million per year apportioned to Mexico through the Mérida Initiative. A great deal of importance was placed in technology purchases, such as “non-intrusive inspection equipment, ion scanners, canine units for Mexican customs, for the new federal police and for the military to interdict drugs, arms, cash and persons,” as well as “helicopters and surveillance aircraft to support interdiction activities.”41

Of particular importance are the technology purchases, which included firearm tracing and other software, x-ray vans, computers, ion scanners, and biometric equipment.42 Their use was intended to make interdiction efforts easier and more cost effective for Mexican law enforcement. The focus of the assistance package on high technology would allow Mexico to stand on its own against drug trafficking and potentially destabilizing violence rather than the United States involving itself in another drug war. Technology purchases were one significant way to limit the ability of the United States to engage in counternarcotics operations using American military personnel or private contractors.

Another possible explanation for limited U.S. involvement is domestic politics in Mexico. President Calderón had to project strength in his fight against drug trafficking.

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organizations who had until recently acted with impunity in nearly all areas of the country. Painstaking efforts had been made to prevent U.S. involvement in Mexico to avoid making Calderón look weak at a time of grave concern for the national security of both the United States and Mexico. U.S. security personnel active in Mexico would likely have stoked anti-American sentiment, as a proposed deployment of U.S. National Guard troops to the U.S.-Mexico border had done a few years earlier.⁴³

An Alternative Policy?

Congressional leaders were, in large part, excluded from the development of the assistance package by President Bush, which may have resulted in antipathy toward the plan at the outset.⁴⁴ However, this does not mean that he refused to take into account the preferences of Congressional leaders regarding drug policy. A package that included funding for U.S.-led counternarcotics operations or made certain U.S. government personnel would become involved in Mexico’s drug war would not pass a Congress controlled by the Democratic Party. Congress’s power of the purse likely factored heavily in the formulation of the aid package. During consideration of the legislation the Democratic majority in the House would strip $100 million per year in funding for Mexico. Both the House and the Senate pushed for provisions which would block aid to Mexico if certain human rights conditions were not met, in part due to concerns over the

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There was not significant support in Congress for direct U.S. military involvement in counternarcotics operations in Mexico. Republicans in Congress blamed the government of Mexico for the surge in illegal activity along the U.S.-Mexico border. Democrats pushed for cuts in aid and questioned the effectiveness of drug interdiction and argued for increased money for demand reduction programs instead. Those questioning the wisdom of U.S. involvement were a significant force in the debate on the assistance package.  

There were several factors which contributed to the success of opponents of supply side drug control policy in this debate. Unlike the late 1990s, Congress was not controlled by committed “drug warriors.” Rep. Nancy Pelosi of California, who had been a vocal opponent of Plan Colombia, as well as other supply-side drug control programs, had become Speaker of the House of Representatives, and Democrats also controlled the Senate. As such, leaders of the majority party would attempt to focus resources away from the Mexican military and instead discuss ways to reduce domestic demand such as prison drug treatment and aid provide to Mexican political and judicial institutions so the Mexican state could adequately police drug trafficking using its own resources.  

Another factor to consider is the Bush administration’s belief that Mexico was not quite as likely to collapse as Colombia had been. There was not a large, well-funded
insurgency against the government of Mexico, nor had drug traffickers partnered with ideologically motivated opponents of the Calderón regime. The problems of governability existed mostly on the local level, and, as discussed previously; President Calderón had initiated efforts against corruption within his government in order to reduce the influence of drug trafficking organizations, such as firing local government officials, including 3,200 police officers in August of 2010.46

Still another contributing factor was the weakness of President George W. Bush. The American public had lost faith in his ability as a leader in foreign policy, as evidenced by the drubbing his party took in the 2006 midterm elections, in which the Democratic Party campaigned on his disastrous handling of a series of domestic and international crises ranging from Hurricane Katrina to the wars in Afghanistan and Iraq. Bush’s approval ratings in late 2007 were a dismal 24%, indicating the public had lost confidence in his ability to lead on issues.47 With an opposition Congress, George W. Bush had to become much more reactive and came from a much weaker position in terms of negotiations. Though not as ardent a “drug warrior” as Republicans in Congress, Bush was an advocate for increased funding for supply reduction measures in drug producing countries such as Afghanistan and Colombia. With his lame-duck status and significant opposition to his policies in Congress, he could not put forth proposals similar to those put in place in Colombia and Afghanistan. However, Bush simply may have been

unwilling to risk American lives and treasure in Mexico because the American military was simply stretched too thin. In addition to combat in Iraq and Afghanistan, Bush had increased the U.S. presence in Colombia in 2002 by lifting the previously enacted limits on American military personnel available for counternarcotics operations and requested large increases in counternarcotics operations funding in his first budget.\(^{48}\) He had also authorized herbicide spraying of opium poppies by U.S. troops in Afghanistan.\(^{49}\) The cost of these measures is incredibly high, and it may have been the case that existing counternarcotics resources had been exhausted by 2007.

Instead of exhibiting a willingness to militarize the U.S. border in the name of drug control, the focus of policy discussions was on improving the capabilities of Mexico to police its own territory. This focus on improving the ability of Mexican political and judicial institutions to curb drug trafficking is attributable to the Democratic majority in Congress, who had been wary of military aid to Colombia and would likely remain unconvinced that military aid to Mexico would be particularly effective. Liberal Democrats in Congress argued for more money for drug treatment, which they argued was cheaper and more effective than funding antidrug operations and purchasing technology for the Mexican government. Senator Barbara Boxer of California argued for increased funding for demand reduction strategies in Mexico and the U.S. as an alternative to a military buildup along the U.S.-Mexico Border.\(^{50}\)


\(^{50}\) Barbara Boxer, U.S. Senate, Committee on Foreign Relations, \textit{The Anti-Drug Package for Mexico and Central America: An Evaluation}, 110\(^{th}\) Cong., 1\(^{st}\) Sess., 2007.
conservative Senate Democrats such as Jim Webb of Virginia also highlighted the fact that 44% of all drug purchases worldwide are made in North America, and that drug interdiction and other supply reduction strategies were ineffective in reducing the overall size of the drug economy in the United States, which exceeds $60 billion annually.\textsuperscript{51} The debates surrounding drug control policy in the 110\textsuperscript{th} Congress would take to task the notion that demand reduction strategies were ineffective and unnecessary, and for the most part, the debate would proceed along partisan lines rather than ideological ones.

There was considerable party unity around the issue, as well. In large part, Democratic members of the House of Representatives and the Senate were adamantly opposed to military aid to Mexico. The House version of the aid package included less money for Mexico, cutting $100 million per year. In addition to stripping money from the assistance earmarked for Mexico, the House Committee on Foreign Affairs held hearings on exactly what the American military’s role would be, whether they would be deployed, and what kind of obligations they would have to Mexican security forces. House Democrats questioned the wisdom of appropriating hundreds of millions of dollars for Mexican security forces to reduce the global supply of drugs when demand reduction strategies, such as President Bush’s own Access to Recovery voucher program were far more successful.\textsuperscript{52}

House members also questioned Bush administration officials about what would happen if the programs contained in the Mérida Initiative were successful.\textsuperscript{51, 52}


\textsuperscript{52} House Committee on Foreign Affairs, Subcommittee on the Western Hemisphere, \textit{U.S. Obligations Under the Merida Initiative}, 110\textsuperscript{th} Cong., 2\textsuperscript{nd} Sess., February 7, 2008.
Democratic Representative Greg Meeks of New York brought up the fact that drug production and trafficking tends to occur in poorer nations with weak governments. He went on to argue that if Mexico is no longer considered an access point to U.S. drug markets production and distribution would simply occur elsewhere in the Americas, such as Haiti.  

Congress also put in place several human rights conditions on aid to the Mexican military and police over the objections of several Mexican public officials. These conditions included the establishment of a Mexican Human Rights Commission and civilian trials for law enforcement and military personnel accused of abuses of power. These amendments to the Mérida Initiative were considered vital by Democratic members of Congress; they argued that the only way these reforms to the justice system would be successful would be if institutions were made more accountable to public scrutiny.

Mexican public officials were enraged by the human rights amendments and stressed the fact that disruption of the Latin American drug trade required “shared responsibility” and continually made the point that it was not Mexico’s fault that the demand for drugs in the United States was so high. They argued it was not for the United States to be meddling in Mexican affairs, but to assist Mexico in policing a social problem which primarily affects the United States.

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53 Ibid.  
Implementation

Implementation of the programs under the Mérida Initiative was largely left to the incoming administration of President Barack Obama. President Obama would push for increased funding for Mérida Initiative programs, totally $1.12 billion. The extra funding for the Mérida Initiative included efforts to assist in the establishment of a Mexican witness protection program and purchases of surveillance equipment on behalf of the government of Mexico. The Obama administration would eventually shift 29% of all DEA agents working domestically at field offices along the U.S.-Mexico border.56

In addition to increasing funding for training and technology, Obama administration officials grew increasingly concerned about drug related violence along the border, as Mexican drug traffickers have established business relationships with existing American criminal gangs such as MS-13, and while these relationships predated the Obama administration, Mexican cartels have extended their reach beyond the American Southwest into the Northeast and the Upper Midwest. Additional funding for the Mérida Initiative included purchases of unmanned drones and counterinsurgency training, in addition to interdiction training provided for under the original appropriation.

During the first year of his administration, Barack Obama signaled a shift in priorities regarding Mexico’s drug war. In addition to strengthening efforts against illegal gun smuggling by requesting more funding for gun tracing by the ATF, the Obama

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administration included more money for training and judicial reform. The Obama administration has stepped up efforts to combat weapons smuggling by Mexican drug trafficking organizations. Gun-tracing is an integral part of this effort, which has resulted in a significant number of prosecutions and convictions for illegal gun purchases and smuggling; though these illegal purchases represent a small number of illegal guns trafficked into Mexico.

In spite of an increase in funding for the Mérida Initiative and several supplemental efforts by the United States, including gun tracing and National Guard patrols in several areas, there has not been an appreciable reduction in cultivation. It has not resulted in a noticeable reduction in availability of drugs in U.S. markets. Perhaps most importantly, it has not resulted in any appreciable reduction in drug use in the United States.

Impacts

In spite of sizeable investments in technology and training on behalf of the Mexican government, there is an overriding concern that Mexico will become a second Colombia as a result of the cartels ability to act with impunity thus far. Others contend northern Mexico could look more like Somalia than Colombia. What is clear is that the Mérida Initiative has not had a significant short term impact on the drug trade in Mexico,

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60 Ibid., 177.
nor has it impacted drug markets in the U.S. with higher street prices indicating decreased availability of illicit drugs.

In fact, 39% of all marijuana seed seizures worldwide were made in Mexico, indicating an enormous supply of raw materials used to produce illicit narcotics, especially marijuana. This is particularly troublesome when one considers the fact that the number of hectares in cultivation of opium has increased and the total hectares of opium crop eradicated has fallen since 2006. Mexican drug traffickers produce 325 metric tons of opium per year, up from 149 in 2007. Between 2007 and 2008, the cultivation of opium in Mexico increased from 6,900 to 15,000, and the Mexican government is increasingly unable to prevent the cultivation of this particularly lucrative crop. According to the United Nations Office of Drugs and Crime, the inflation adjusted U.S. street price of heroin has been in decline since 1992.

In 2007, methamphetamine production declined in Mexico after regulations on the sale and distribution of precursor chemicals were put into place. Shortly after these regulations were put into place, methamphetamine prices in the United States rose

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sharply. However, producers have begun to identify different sources of methamphetamine ingredients and prices have dropped once again.\textsuperscript{66}

Even with the assistance, the Mexican government has not been able to make a significant reduction in drug related violence along the U.S.-Mexico border. The number of deaths in 2010 exceeded 15,000. Drug related violence may have spilled across the border, with several robberies and a disappearance at Falcon Lake on the border between Texas and Tamaulipas.\textsuperscript{67} There was also concern that Los Zetas were plotting to blow up Falcon Dam in Southern Texas.\textsuperscript{68} Increasingly, it appears that the Mexican government is losing control.

Drug-related violence along the U.S.-Mexico border has dropped only slightly. However, incidences of violence have become much more gruesome than in previous years. In addition to possible incidents in border communities in south Texas, Mexican drug cartels have graduated from shooting each other over access to U.S. markets to numerous instances of decapitation in vacation spots along Mexico’s Pacific coast,\textsuperscript{69} brutal murders inside drug rehabilitation facilities in several Mexican border

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communities, and acts of urban terrorism such as car bombings. Drug cartels have begun attempts to induce the Mexican government to leave them alone.

The brutality of these acts signal desperation on the part of Mexican drug traffickers, but also show that Mexican authorities are powerless to stop the violence associated with competition over control of the drug trade. In spite of reforms to the justice system, crimes are woefully underreported, and conviction rates are fairly low. In addition to becoming increasingly brutal, Mexican drug trafficking organizations have become much savvier and more discreet. There have been several news reports of U.S. Customs and Border Protection (CBP) personnel being corrupted by particular cartels. The cartels offer thousands of dollars to let vehicles full of illicit narcotics and illegal immigrants through border checkpoints throughout the Southwest. In addition to CBP personnel, several U.S. Border Patrol agents have been convicted of accepting bribes from Mexican cartels, and individual cartel employees have been hired by CBP in the past.

Diplomatic cables between the United States and Mexico indicate concerns on both sides that the aid will do nothing but exacerbate an already perilous situation. High ranking officials in the Mexican government fear that regions of the country are already lost. The inability of the Mexican government to curb drug trafficking in the wake of

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spiraling violence has allegedly taken a psychological toll on Felipéo Calderón. The lone successes the Mexican government could point to were the killings of several leaders of prominent drug trafficking organization.\textsuperscript{74}

Conclusion

In spite of large appropriations designed to help the Mexican government reduce drug production and trafficking within its territory, there have been few, if any, benchmarks met that would demonstrate success. Mexican and American officials can point to the increases in the number of arrests and increases in the number of crops eradicated, but history indicates that these do not translate into decreased availability of illicit drugs. Data indicating increases in arrests, convictions, shipments stopped, and hectares of drug crops destroyed are used to justify increased public expenditures on drug control without producing tangible results by disrupting the functionality of retail drug markets. The Mérida Initiative does, however, represent a partial departure from this process.

While the approach in Mexico clearly places emphasis on making illicit narcotics less available for American drug users, it does not expand the role of the American military in doing so, which bucks the general trend of the last 30 years. This is of particular importance because previous failures by source country security forces to reduce the production of illicit narcotics may no longer be dismissed because of poor training or a lack of technical expertise. If President Calderón’s efforts to reform the

\textsuperscript{74} “U.S. fears Mexico is losing war on drugs and organised crime, WikiLeaks cables reveal,” \textit{Daily Mail}, December 3, 2010.
judicial system and eliminate police corruption are successful, the fact that Mexican security forces have been trained by U.S. military advisers and possess the newest surveillance technology will force blame for failed policies to be placed elsewhere. The fact that this aid to Mexico increases focus on training law enforcement officials in procedures such as interdiction and crop eradication, in spite of the fact that these procedures produce no real results, could shift legislative opinion over the long term away from supply reduction measures and push Congress to focus more resources on reducing the demand for illegal drugs in the United States through increased federal funding of drug treatment and drug education programs.
CHAPTER V

CONCLUSION

This chapter will discuss the conclusions that can be made regarding the questions asked in each chapter regarding the absence of changes to America’s drug control policies. The first section will discuss the apparent impact of the partisan composition of the American political institutions and the international political constraints against policy change. The second section will discuss the alternative policies available to the United States to combat drug production and drug abuse. These alternative policies focus on demand reduction in developed countries rather than supply control in developing countries. Current U.S. policy affects demand indirectly, and increasing access to drug addiction treatment could significantly reduce the costs of drug control and have more appreciable impact on the domestic demand for drugs.¹

Are There Alternative Policies?

A plethora of alternative policies have been proposed in different times and places, including full-scale legalization of narcotic drugs by the full range of the political spectrum. Decriminalization appears to be a more likely outcome, especially at the state level in the United States. Of particular interest in the study of impacts of

¹ C. Peter Rydell, and Susan S. Everingham, Controlling Cocaine: Supply Versus Demand Programs, MR-331-ONDCP/A/DPRC (Santa Monica, RAND, 1994), 7.
decriminalization of the personal use of narcotics is the European Union. In addition to
decriminalization of the possession of illicit narcotics for personal use, European drug
control policy follows the principles of “harm reduction.” Programs in place in European
Union member states include:

the establishment of drug injection rooms in a number of jurisdictions;
decriminalization of marijuana possession and use and general decriminalization
of all drug consumption; heroin maintenance trials for long-term heroin users who
have failed in previous treatment and maintenance attempts; the provision of low-
threshold drop-in centers for street users, facilities that provide for basic needs as
well as dispensing free syringes, condoms, and health information, while putting
few or no demands on clients; pill testing facilities at youth dance concerts as a
means of avoiding complications associated with the ingestion of unsafe and
impure substances; prevention efforts that emphasize abstinence or "safe" use of
substances; and police participation in health and social service referrals for
users.²

It is argued that these policies are much more effective at reducing drug abuse
than incarceration or supply reduction through interdiction and crop eradication, and are
typically much cheaper over the long term. In 2001, the average per annum cost of
incarcerating an individual in a state prison was $22,650, and per annum cost per inmate
in federal prison was slightly less. The cost of incarceration per day is roughly $62.³ The
daily cost of outpatient drug rehabilitation treatment, however, is in some cases such as
non-methadone outpatient treatment only $9.00 per day. The highest costs associated
with drug treatment are admissions costs. The mean cost of admission, depending on the

² Bruce Bullington, Lorenz Bollinger, and Tara Shelley, “Trends in European Drug Policies: A
³ United States Department of Justice, Bureau of Justice Statistics, “Corrections:
11, 2011)
type of treatment, was between $1,169 and $6,048.\footnote{Department of Health and Human Services, Substance Abuse and Mental Health Administration Office of Applied Studies, “The ADSS Cost Study: Costs of Substance Abuse Treatment in the Specialty Sector,” Substance Abuse and Mental Health Administration. Rockville, MD: SAMHSA Office of Applied Studies, 2003.} The cost of inpatient drug rehabilitation treatment is more expensive, but is seen as more effective at ceasing drug use than simple incarceration. Some research has concluded that increased access to drug treatment could decrease the cost of controlling access to cocaine by up to $10 billion annually.\footnote{Robert L. DuPont and Eric A. Voth, “Drug Legalization, Harm Reduction, and Drug Policy,” \textit{Annals of Internal Medicine} 123 (September 1995): 463.} However, an evaluation of the effectiveness of these types of policies is needed in order to understand whether they should be adopted in the United States. There are three types of policies that will be discussed in the following section; demand reduction, supply reduction, and harm reduction. These sets of alternative policies are likely to reduce the costs of drug control in the United States and will likely reduce drug abuse as well.

\textbf{Demand Reduction}

Alternative demand reduction strategies include drug treatment in prison, inpatient, and outpatient settings and educating young people about the harms associated with drug abuse. These policies, in addition to incarceration, constitute the American demand reduction program and differ considerably from European countries. These European countries spend less and have a lower rate of drug-related crime than the United States. The central assumption of European drug policy is that some drug use is inevitable, and the harms drug users cause to society can be minimized by eliminating
incentives to engage in income generating crimes such as theft and prostitution by
prescribing low doses of narcotic drugs through the publicly funded health care system.
Some European countries which have not totally decriminalized possession for personal
use require drug treatment as the penalty for drug possession. The United States could
reduce drug control expenditures over the long term if policy is focused on increasing the
availability of drug treatment and the implementation of harm reduction measures.

Studies of the effectiveness of drug treatment in the United States often rely
on findings from the Drug Abuse Treatment Outcomes Survey (DATOS) from the early
1990s. The data available in DATOS indicate that both inpatient and outpatient drug
treatment programs significantly reduce weekly drug use by the individuals surveyed
weekly from one year before the start of a drug treatment program to one year after the
end of said program. A cursory glance at data available from DATOS shows some types
of drug treatment programs to be more effective than others. Inpatient rehab, at least
according to DATOS, yields greater results than outpatient rehabilitation programs. 6 This
data, however, can be questioned because, while it is the single largest data set studying
the effects of drug treatment, the samples are not random nor are there control groups. 7

Inpatient drug treatment programs tend to be longer in length and more
expensive than outpatient drug treatment programs. While considerably less expensive
than incarceration, drug treatment programs do not boast a very high success rate. Many
enrollees in treatment programs leave before treatment is completed, and while drug

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AEI Press, 2005), 83.
7 Ibid., 84.
treatment has an 80% success rate in getting patients to abstain from drugs during

In Europe, drug treatment is widely available, both voluntarily and

Drug treatment is often handed down as punishment in lieu of

involuntary drug treatment through the criminal justice system in Europe is
effective at reducing the rate of drug abuse and the income-generating crime associated
with it.\(^8\)

Research clearly indicates that treatment is effective in reducing drug abuse

Regardless of the recidivism rate. Treatment, whether voluntary or involuntary,
is often cheaper and more effective than incarceration as a tool to reduce the demand for
drugs. Both voluntary and involuntary drug treatment should be utilized as an alternative
to incarceration in all jurisdictions in the United States.

Supply Reduction

Supply reduction strategies typically include interdiction and crop eradication,
which do not have the intended effects on the availability of illicit drugs in the United

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States. As discussed in the first chapter of this work, when successful, interdiction and crop eradication result in upward price spikes which induce producers to enter the market to take advantage of the possible short term gains.\textsuperscript{11} These policies are considered successful in the short term, since they do disrupt the supply of drugs from source countries to the United States. Proponents of interdiction and crop eradication will point to the elimination of opium production in Turkey in the early 1970s as reasons for continued funding for interdiction, when in reality Mexican producers simply replaced Turkish ones in the supply chain.\textsuperscript{12} These sets of policies are not worth the public investment and should be curtailed. Instead of interdiction and crop eradication, the U.S. should concentrate its foreign drug control resources on economic aid to drug producing countries to develop transportation infrastructure, alternative development, and subsidies for legal agricultural commodities.

Increasing subsidies for legal agricultural commodities alone is not enough, however. There is numerous evidence that crop substitution on its own does not contribute to appreciable reductions in hectares in cultivation.\textsuperscript{13} Much of the land on which opium and coca are grown in Latin America are not connected to domestic and international markets through transportation infrastructure such as roads and railways.

While libertarian critics of foreign aid and proponents of outright drug legalization are


correct in pointing out that legal agricultural commodities will never provide the windfall profits of illegal ones,\textsuperscript{14} legal crop prices are much more stable and predictable than illegal ones. Greater access to transportation networks and greater subsidies can increase the likelihood that farmers in source countries will produce legal agricultural goods. However, subsidies may have to be so large that support for such a course of action could be quite low.

Interdiction and crop eradication are inducing drug producers to switch to opium from marijuana and cocaine. Small amounts of opium can be transported to the developed world cheaply and with a greater financial reward than marijuana, cocaine, and methamphetamines. To combat this increase in opium production, especially in Latin America, the U.S. should not punish opium producing countries for legalizing opium production under the 1961 Single Convention on Narcotic Drugs, which allows for legal production of opium if certain conditions are met. Currently, legal opium production occurs in several countries, including India and Australia. Opium licensing has also been proposed as an alternative to interdiction and crop eradication in Afghanistan.\textsuperscript{15} Opium licensing or legalization of production are attractive options because they have been shown to reduce cultivation over the long term because opium growers are forced to sell to their government under the 1961 Single Convention on Narcotic Drugs, which then sells the product to pharmaceutical companies. This is a process that has reduced opium cultivation in Turkey and India, and could work very well in Latin America.

\textsuperscript{14} Ibid., 107.

Harm Reduction

Numerous scholars argue in favor of a set of policies known as “harm reduction.” The intent of these policies; which include prescription programs such as opioid replacement therapy, needle exchanges, and the like are designed to reduce the harmful impacts drug abuse has on society, such as increased crime to subsidize an individual’s drug habit and the spread of disease from sharing drug paraphernalia. Several European countries allow doctors to prescribe heroin to addicts who do not respond to opioid replacement therapy. These programs appear to work much better to induce users to decrease their involvement in illicit activities.\(^\text{16}\)

Data from Australian surveys of individuals in opioid replacement therapy indicated that up to 70% of heroin users in Southwestern Sydney engage in income-generating crime such as property theft or selling drugs themselves. According to some estimates, a 10% increase in the rate of heroin abuse will result in a 6% increase in the rate of property crime. Methadone treatment reduced the crime rate among opioid addicts by a large margin. The incidence of property crime among surveyed heroin users was 22%, while the incidence of property crime among individuals enrolled in opioid replacement therapy was 6%. 21% of surveyed heroin users dealt drugs to support their own drug addiction, while only 7% of individuals in opioid replacement therapy did so.\(^\text{17}\)

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Other harm reduction policies, such as needle exchange, could reduce new HIV infections. Of the over 56,000 new HIV infections in the U.S. per year, nearly 13% of those infected were intravenous drug users.\textsuperscript{18} Other sources indicate that up to 1/3 cases of HIV/AIDS are intravenous drug users and their partners.\textsuperscript{19} Since drug paraphernalia laws often punish possession of syringes, intravenous drug users share needles, often with other addicts who pay for their drug addiction by engaging in high risk sexual behavior and prostitution. Evidence is mixed on the effectiveness of needle exchanges in reducing the rate of new HIV infections, with older research indicating no impact, while more recent epidemiological inquiries into the impacts of needle exchange programs on the rate of HIV/AIDS infections indicated a correlation between the presence of needle exchange programs and lower HIV/AIDS infection rates.\textsuperscript{20} Currently, the federal government prohibits funding of needle exchange programs.

Harm reduction policies can reduce the negative societal effects of drug abuse, such as increased crime and disease. By implementing opioid replacement programs for addicts and heroin prescription programs for addicts who do not respond to opioid replacement therapy, the United States may be able to find significant cost savings in the criminal justice system through reductions of income-generating crime. By lifting the ban on federal funding for needle exchange programs, the U.S. may be able to significantly reduce the rate of new HIV infections. While there are legitimate concerns over the ethics

\textsuperscript{18} Department of Health and Human Services, Centers for Disease Control and Prevention, \textit{HIV Incidence}, http://www.cdc.gov/hiv/topics/surveillance/incidence.htm (accessed March 10, 2011)
of providing addicts with the means to harm themselves through drug abuse, there may be no alternative for heavy drug users who do not respond multiple courses of drug rehabilitation treatment knowing prison is costly and unsuitable for such individuals.

What Explains the Absence of Policy Change?

The cases presented indicate that there are many political factors contributing to the formulation and adoption of supply-side drug control policies in Latin America and drug control policies in general. These factors are both domestic and international, ranging from the personal preferences of the President of the United States to the willingness of source countries to accept assistance.

In the cases presented, one country was much more willing to accept U.S. military involvement in its internal struggles over security than the other. Colombia was far more likely to collapse and create a power vacuum filled by entities hostile to the national interest of the United States than Mexico. As such, the government of Colombia was much more willing to acquiesce to the strings attached to U.S. aid, such as stringent human rights conditions and direct involvement of U.S. military personnel and U.S.-based private contractors in counternarcotics operations. In contrast, Mexico objected to human rights conditions being placed on aid, and would not allow U.S. military personnel to operate within Mexican territory.

Domestic political considerations such as reelection concerns, the composition of Congress and its relevant committees, and the personal relationships the President of the United States has with his advisors all impact the formulation of drug control policy in the United States. Drug policy is made under the jurisdiction of several committees in
each house of the U.S. Congress, and is often made in a patchwork fashion. The president may or may not announce clear preferences regarding policy.

Perhaps the most important domestic political consideration is the partisan composition of Congress. Congress has considerable explicit and implicit authority in drug policy debates as it possesses the power of the purse. Since aid packages to source countries appropriate fiscal resources, Congress can exert considerable power over the development of these policies. Many of the committees in Congress engage in at the very least peripheral oversight of the many U.S. agencies charged with reducing the global supply of narcotics. As such, these committee members are guaranteed to play a part in the formulation of drug control policy.

In many ways, the fragmented nature of political power in the United States government creates numerous veto points in the executive and legislative branches. These veto points contribute to a status quo bias in the area of drug control policy. Elected officials, especially since the 1980s, have pushed for tougher drug laws in spite of dubious evidence to support their effectiveness. The push for tougher drug laws is said to result from an effort to win over voters who have voiced concern with the social problems associated with drug abuse. For this reason, policy changes appear to be much more difficult, and evidence-based drug control policy geared toward reducing demand is unlikely to be adopted in the near term at a national level.

In each case, it was shown that domestic political considerations do have at least some impact on the formulation of foreign policy. In the case of Plan Colombia, congressional Republicans exerted considerably pressure on President Clinton to accept
their proposals in order to combat drug production and trafficking in Colombia. Even at this point in his presidency, Clinton believed firmly that it was demand in the United States that drove drug production in the developing world. If demand for illicit narcotics could be reduced production would decrease over time.

President Bush was likely influenced more by international factors despite a Democratic-controlled Congress openly hostile to his policies and his astonishingly low levels of public support as more and more Americans began to disapprove of his performance as President. His efforts to build a stronger relationship with Mexico likely prevented him from asking for Congressional approval of joint counternarcotics operations against Mexican drug trafficking organizations. By avoiding policy discussions regarding the inability of President Calderón to control his own territory, the Mérida Initiative represents an attempt to avoid embarrassing the Mexican government by providing funding for training in interdiction and crop eradication techniques so that Mexican security forces can be better equipped to fight a drug war on their own.

In all likelihood, each plan would have more closely mirrored the president’s personal preferences if his party was in control of Congress at the time. President Clinton was forced by his domestic political circumstances to accept a much harsher package than he would have supported earlier in his presidency, when he supported dramatic increases in funding for drug rehabilitation treatment.

At the state level, however, drug policy reforms and harm reduction measures are of greater likelihood. California has been at the forefront of these policy changes, mostly because of the ease with which ballot initiatives are qualified. In fact, California
just recently decriminalized possession of marijuana for personal use in the face of a ballot initiative that would have legalized possession and cultivation.\textsuperscript{21} In other jurisdictions across the United States, local police departments have as an official policy de facto decriminalization, referring to marijuana enforcement as a “low priority.” California also pioneered the use of drug treatment as an alternative to incarceration when over 3/5 of voters elected to provide voluntary treatment as an alternative to incarceration for drug offenses.

Over the long term, arguments about changing drug control policy in the United States will likely be made regarding the cost of treatment versus the cost of incarceration. Some treatment modalities cost slightly less per day than incarceration in state or federal prison, and others cost far less, sometimes less than $10 per day. Regardless of the effectiveness of these treatment methods in keeping individuals from abusing drugs over the long term, the cost reductions and in-treatment prevention effects alone are worth the public investment. In lieu of repressive measures intended to reduce both the demand and the supply of illicit narcotics, measures such as drug treatment should replace incarceration for low-level offenders in all jurisdictions in the United States.

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