DRUG WARS COLLATERAL DAMAGE
US Counternarcotic Aid and Human Rights in the Americas

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Abstract: Existing case-study research suggests that the recent increase in human rights violations in Latin America is attributed to the US-funded drug war. This narrative, which is referred to as the collateral damage perspective, stands in contrast to US human rights law, which makes governments' respect for human rights a precondition to receive aid. The apparent endogeneity between aid and human rights introduces bias that casts serious doubts on the validity of the collateral damage narrative. In addressing endogeneity, this article presents a simultaneous instrumental variable analysis of the human rights effects of US counternarcotic aid in the Americas. The results show that while counternarcotic aid to regimes increases overall violations of human rights, this effect is greater among democracies than autocracies. And with the exception of torture, this finding is consistent when disappearances, political imprisonment, and extrajudicial killings are also considered. The implication of this research suggests that policy makers in Washington risk losing regional support for US drug control policies if US laws that govern the allocation of aid are not effectively implemented.

The impact of US counternarcotic aid in facilitating the escalation of drug-related violence and human rights violations in Latin America is highly contested. Recent reports of the bodies of mutilated and decapitated victims of the drug war have grabbed the attention of the media, human rights groups, and policy think tanks (Amnesty International 2008; Molzahn, Ríos, and Shirk 2012). Human rights groups claim that the escalation of drug-related violence, especially in Mexico and Colombia, and extrajudicial killings of citizens at the hands of their governments in the execution of the drug war are in large part a function of collateral damage by US financial sponsorship of drug enforcement in the region (Amnesty International and Fellowship of Reconciliation 2008). A burgeoning academic literature has found support for this collateral damage narrative. Recent empirical research shows that US drug enforcement policies and sponsorship of the drug war in Central America and the Caribbean produced the unintended effect of increasing levels of property crime and violent crime (Bartilow and Eom 2009a). Case studies show how US counternarcotic aid to democratic governments in Latin America has also produced the unintended effect of increasing human rights violations. In other words, the narrative that emerges is that as US counternarcotic aid interacts with the democratic institutional characteristics of recipient governments that are engaged in the execution of the drug war, it degrades respect for human rights (Youngers 2005; Bagley 1992; Crandall 2008; Craig 1980).

This narrative, however, stands in direct contradiction to US human rights law. The Leahy Amendment (or Leahy's Law), passed by Congress in 1997, prohibits

Latin American Research Review, Vol. 49, No. 2. © 2014 by the Latin American Studies Association.

US funding of security or drug enforcement forces whose members have been credibly implicated in human rights violations. The human rights requirements of Leahy's Law should make it impossible for governments that violate the human rights of their citizens to be eligible to receive US counternarcotic aid.[1]

The importance of Leahy's Law in determining the allocation of counternarcotic aid casts serious doubt on the validity of the collateral damage narrative, especially since the design of existing research makes it impossible to control for endogeneity, or the reverse causal effect of governments' respect for human rights on whether they would be eligible to receive aid in the first place. Notwithstanding the methodological concerns of endogeneity, the collateral damage narrative also contradicts literature on state repression that has consistently shown that democracies are more likely to increase governments' respect for human rights (Cingranelli and Richards 1999b; Davenport 1996; Davenport and Armstrong 2004; Poe and Tate 1994). As it is presently articulated in case study research, the collateral damage proposition is more narrative than it is theoretical since it does not clearly specify the conditions under which democratic institutions, in the presence of greater levels of counternarcotic aid, are likely to be more repressive than nondemocratic institutions that also receive aid.

This study is the first attempt to systematically test the collateral damage perspective. I first review important aspects of the state repression literature with the aim of moving the collateral damage perspective from narrative to theory. I draw on the central proposition of this literature, namely, that states' perceptions of domestic threats are important predictors in explaining the application of repression (Davenport 1991, 1995; Tilly 1978; Gurr 1986a, 1986b; Lopez 1986). This proposition is used to contextualize the conditions under which democratic regimes that receive counternarcotic aid are likely to be more repressive than nondemocracies when executing the drug war. The discussion in this section concludes with a hypothesis that is empirically tested.

The sections that follow discuss the study's methodology, the variables that are used in the study, and the findings. These sections discuss the theoretical and empirical justification for estimating data,[2] which cover the period 1984 to 2005, via a simultaneous instrumental equation model to correct for endogeneity.[3] These sections also discuss the operationalization of the dependent and central explana-

1. *Public Law 104–208*, H.R. 3610, 104 sess. U.S. Congress (1997).

2. Data are available for thirty-two countries of South America, Central America, and the Caribbean. These include Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Suriname, Trinidad and Tobago, Uruguay, and Venezuela. US counternarcotic aid data are not available for Cuba or for French and Dutch territories in the Caribbean.

3. Readers may be concerned that existing research in this area models aid as a two-stage process with the first stage modeling whether or not aid will be given and the second stage modeling the amount of aid that is given. Research designs have modeled aid in this way to capture the decision-making process of aid allocation to correct for selection bias. These designs have often employed Heckman selection models to estimate data where aid is ultimately the dependent variable of interest, not human rights (Blanton 2000, 2005; Cingranelli and Pasquarello 1985). This study does not attempt to explain the allocation of aid and as a result does not correct for selection bias. The study's design corrects for endogeneity between US counternarcotic aid (the independent variable) and human rights (the dependent

tory variables as well as the contextual variables that are used in the study. The findings support the collateral damage perspective and show that while counternarcotic aid to regimes increase overall violations of human rights, this effect is greater among democracies in Latin America as opposed to autocracies in the region. And with the exception of torture, this finding is consistent when disappearances, political imprisonment, and extrajudicial killings are also considered. I conclude by evaluating policy implications of the research and discussing future research efforts in this area of study.

THREAT PERCEPTION AND REPRESSION

According to the state repression literature, regimes will invariably respond to perceptions of domestic threat with repression that is intended to neutralize political dissidents and/or deter future dissident behavior (Davenport 1991; Tilly 1978; Gurr 1986a, 1986b; Lopez 1986). In the context of the drug war in Latin America, what factors shape states' perception of threat that will likely trigger repression? I argue that state perception of threat is largely a function of the presence of narco-terrorist organizations. These include indigenous narco-insurgent guerrilla organizations and established drug cartels that use proceeds from the drug trade to finance systematic violent resistance and intimidation of the state and its citizens in order to influence government policies and hinder drug enforcement (Lupsha 1989).[4] Examples of this phenomenon can be seen in counties like Colombia and Peru, where narco-insurgent guerrillas like the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), the United Self-Defense Forces of Colombia (AUC), Peru's Shining Path, and the drug cartels of Mexico and Colombia have all systematically used terror and intimidation to influence the policies of the state via assassinations and kidnappings of government officials and citizens.[5] Other terror strategies range from the deployment of military operations against the state to displacing the power of the state to effectively exercise control over significant portions of its territory (Crandall 2008).

Empirical research on state repression has shown that dissident behavior that is violent is likely to elicit greater repression from regimes (Hibbs 1973; Gupta, Singh, and Sprague 1993). One reason for this response is that violent dissident behavior poses the greatest threat to political order and the legitimacy of the regime. The level of drug-related violence in Latin America has increased significantly in recent years and has prompted heightened security concerns for governments. For example, Mexico's homicide rate of 18 per 100,000 inhabitants, while

variable), which violates the assumption of OLS regression. In order to produce unbiased estimates a simultaneous instrumental variable model is used.

4. The term *narco-terrorism* was first coined in 1983 by former Peruvian president Fernando Belaúnde Terry in describing the use of terrorist attacks against the state's security forces.

5. Cartels in Mexico include the Beltrán Leyva Cartel; the Gulf Cartel; the Juárez Cartel; Knights Templar; the Sinaloa Cartel; Tijuana Cartel; and Los Zetas. The three main Colombian cartels are the Cali Cartel; Medellín Cartel; Norte del Valle Cartel; and the *bandas criminales* or BACRIMs (see the various issues of the US State Department's International Narcotics Control Strategy Report, INCSR).

high, is small in comparison to Honduras at 82, El Salvador at 66, Venezuela at 49, Belize at 41, Guatemala at 41, Colombia at 33, and Brazil at 22 (Molzahn, Ríos, and Shirk 2012). The growing security risk in many Latin American countries is likely to undermine regimes' political legitimacy as citizens begin to lose faith in the ability of their governments to protect them from narco-terrorism. Therefore, to create stability and shore up their own legitimacy, governments in the region are expected to increase the use of repression (Davenport 1995, 687).

Drawing on further insights from the state repression literature, I argue that the linkage between states' perceptions of threat and the application of repression is not expected to be comparable across regimes in Latin America. In fact, the literature makes a distinction between threat perceptions that are one-dimensional, in which regimes are relatively uniform in their repression of different types of domestic dissent (Stohl and Lopez 1984), and threat perceptions that are multidimensional (Davenport 1995; Stohl and Lopez 1984; Gurr 1986a, 1986b; Hoover and Kowalewski 1992), in which state repression will vary according to different political and economic contexts. Since the context of drug trafficking varies across Latin American countries (Bartilow and Eom 2009b), states' perceptions of threat are more likely to be multidimensional and consequently will trigger different repressive responses from different regimes. If threat perceptions are multidimensional, then what explains the variation in regimes' repressive responses to threat? I argue that this variation in the Latin American context is largely a function of a state's coercive capacity and the nature of its political regime.

States' perceptions of threat and their coercive capacity to respond to threat will vary with regime type. The state repression literature has documented a fair amount of empirical support for the existence of an inverted U-shaped relationship between repression and regime type (Regan and Henderson 2002; King 1998; Fein 1995), especially in regards to states' repressive responses to insurgent guerrilla violence. The proposition, which is quite often referred to as "more murder in the middle," argues that autocracies and democracies are less likely to experience dissent from insurgent guerrilla groups and therefore less likely to respond with repression, while semidemocracies are more prone to insurgent guerrilla violence and therefore more likely to respond with repression (Carey 2010).

Will the inverted-U-shaped relationship explain the level of repression when US counternarcotic aid interacts with regime type in the context of Latin America's drug war? I argue that, relative to democracies, the perception of threat among autocracies is likely to be lower because such regimes are likely to face lower levels of narco-terrorist violence and hence respond with lower levels of repression. Since the very survival of autocracies is based on their ability to repress domestic dissent, they are more likely to possess robust coercive capabilities to deter narco-terrorist violence, hence lowering the perceptions of threat as well as the subsequent level of repression. However, among Latin American democracies where open political institutions encourage expressions of popular dissent, where the political survival of elites is not based on state coercion, and where there are no interstate security threats, regimes will have little incentive to build

and maintain strong coercive capabilities.[6] As a result, when democratic governments are confronted by narco-terrorist violence, it is expected that their perceptions of threat will be higher than autocracies, since the coercive capabilities of democracies may not be adequate to deter the level of narco-terrorist violence that is deployed against them.

But having high perceptions of threat in the absence of a credible coercive capacity to respond to such threats does not necessarily produce repression. Therefore, threat perception, while necessary, may not be sufficient to produce repression among democratic regimes in Latin America. In the next section, I argue that when US counternarcotic aid interacts with democracies that face narco-terrorist violence, the level of repression that is produced is likely to be higher than the level of repression produced by autocracies that also receive aid to fight the drug war. Therefore, instead of producing "more murder in the middle," it is expected that counternarcotic aid's interactions with regime type will likely produce more murders among democracies, which is a significant deviation from the inverted-U relationship that is highlighted in the state repression literature.

US COUNTERNARCOTIC AID, REGIME TYPE, AND REPRESSION

In many democratic countries in Latin America low levels of economic development, coupled with demands from local constituents for greater levels of social spending, limit the likelihood that their regimes can afford large expenditures to strengthen the security apparatus of the state. For democracies, state repression as a response to threat only becomes possible when these regimes have access to sources of external funding, which is typically supplied by the US government. US aid provides democratic governments in the region with a source of funding that can finance the building and expansion of the state's coercive capabilities.

Democratic governments in Latin America that are exposed to persistent narco-terrorist threats are likely to use US counternarcotic aid to expand the coercive capabilities of the state as well as expand the military's role in domestic drug enforcement, often in collaboration with the US Drug Enforcement Administration (DEA) and US military personnel (Bartilow and Eom 2009a). To reinforce the expansion of the state's coercive capabilities, democratic governments also use US counternarcotic aid to make significant changes in the criminal justice system. These include the development of specialized drug enforcement task forces within the national police and equipping these task forces with the capabilities to execute wiretaps and various forms of nontelephonic electronic surveillance techniques (Nadelmann 1993). Changes in the criminal justice system also include the enactment of prohibitive drug laws based on harsh mandatory minimum sentencing, which in many respects severely undermine due process, the presumption of innocence, and the right to adequate defense. In many countries mandatory minimum sentencing laws do not differentiate between petty smugglers,

6. Costa Rica is a classic example of this phenomenon, where its strong democratic heritage has not encouraged the establishment of a military.

drug mules (those who are paid to carry drugs), and major drug bosses (Youngers 2005, 350). As in the United States, mandatory minimum sentencing laws in Latin America have filled the prison systems beyond capacity, as low-level offenders have limited access to legal defense (Human Rights Watch 2008; The Sentencing Project and National Association of Criminal Defense Lawyers 2007).

However, because the perception of narco-terrorist threat among democracies is high, and because of the need to strengthen the state's coercive capacity, there is little incentive to strengthen the power of civilian institutions, such as the judiciary, so that they can check the excesses of the state's expansive coercive power and ensure due process when drug enforcement laws are implemented by the state (Dakolias 1996, 7–22).

In fact, by being on a "war footing" against narco-terrorist groups, the executive branch has sought to control the judiciary in many Latin American democracies. For example, the Panamanian president recently sought to take control of the Supreme Court by creating a new Supreme Court Chamber, which required his appointment of three new Supreme Court justices. After the next presidential election the new president removed these justices in favor of justices of his own choosing (Popkin 2001). Reports from El Salvador suggest that "the majority of the justices on the Supreme Court do not feel completely independent of political power, issuing sentences that in some cases limit the reach of the law because of the possibility that the ruling might prove disturbing" (Popkin 2001, 102). In countries like Colombia and Guatemala, judicial independence is seriously undermined by intimidation and threats against judges, as governments are increasingly challenged to provide adequate protection for judges, prosecutors, and witnesses to crimes and human rights violations attributed to the military and narco-terror organizations (Popkin 2001).

By facilitating the expansion of states' coercive capability without equally expanding the necessary safeguards of due process and a credible independent judiciary (Freeman and Sierra 2005), US counternarcotic aid to democracies is likely to undermine the institutional checks and balances that are necessary to hold accountable the military and the various coercive apparatuses of the state when the human rights of citizens are violated in the process of fighting the drug war. These conditions increase the probability of human rights violations, as the military and state security apparatuses are likely to enjoy immunity.

US counternarcotic aid to Latin American autocracies is not expected to have the same effect on the level of state repression. The very survival of these regimes, unlike that of democracies, is based on their capacity to coerce, and since these governments are not accountable to their citizens for the provision of social goods, it is expected that large portions of the budget will be committed to strengthening the coercive apparatus of the state. As previously argued, autocracies are expected to possess credible coercive capabilities to deter and reduce narco-terrorist violence, which in turn reduces perceptions of threat. Therefore, the level of repression resulting from interactions between US counternarcotic aid and autocratic regimes is expected to be much lower than that of their democratic counterparts. The theoretical discussions of the previous sections generate the following hypothesis:

H^1 Increasing levels of US counternarcotic aid to recipient governments in Latin America will produce greater increases in human rights violations when regimes are democratic as opposed to autocratic.

METHODOLOGY

A major methodological limitation of existing case studies that support the collateral damage narrative is that the causal inference that is established is likely to be biased, since counternarcotic aid flows may be the consequence of human rights rather than the cause (King, Keohane, and Verba 1994, 185–196). This potential bias, which emerges from endogeneity, undermines the empirical validity of the reported human rights effect of US counternarcotic aid. This section discusses the theoretical and empirical basis for assuming an endogenous relationship between aid and human rights, which justifies analyzing the data via a simultaneous instrumental variable model that is designed to produce unbiased estimates (Davidson and MacKinnon 2004, 323–329). The discussion of the study's central findings also presents post-estimation diagnostic tests that validate the presence of endogeneity between aid and human rights.

The first assumption for the presence of endogeneity between aid and human rights comes by way of US law, which mandates that governments' respect for human rights is a precondition to receive financial assistance. The congressional amendment to the Foreign Assistance Act in 1974 states: "No Security assistance may be provided to any country the government of which engages in a consistent pattern of gross violations of internationally recognized human rights . . . unless the President certifies in writing to the [Congress] that extraordinary circumstances exist warranting provision of such assistance" (Forsythe 1987, 383). Furthermore, with the passage of the Leahy Amendment in 1997, human rights preconditions are also attached to counternarcotic aid. The amendment states: "None of the funds made available by this Act may be provided to any unit of the security forces of a foreign country if the Secretary of State has credible evidence that such unit has committed gross violations of human rights, unless the Secretary determines and reports to the Committees on Appropriations that the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice."[7]

The second assumption for the presence of endogeneity is informed by previous human rights research, which confirms that US policy makers use the human rights practices of foreign governments as an important criterion to determine whether governments are eligible to receive aid (Poe 1991; Poe and Meernik 1995; Blanton 2000, 2005; Lai 2003; Cingranelli and Pasquarello 1985).

Instrumental Variables

In confronting the problem of endogeneity, the methodological design of this research uses instrumental variables that include the level of US federal govern-

7. Public Law 104-208, H.R. 3610, 104 sess. U.S. Congress (1997), p. 133.

https://doi.org/10.1353/lar.2014.0021 Published online by Cambridge University Press

ment revenues and the ideological orientation of US presidents. These variables are instruments for counternarcotic aid and are included in the first stage of the simultaneous equation model.

Theoretically, US government revenues in any given year are likely to determine foreign aid allocations independent of foreign governments' respect for human rights. As US government revenues increase, more resources will be available for foreign aid. This variable was collected from the World Bank's World Development Indicators, 2006.[8]

The Office of National Drug Control Policy (ONDCP), which is part of the Executive Office of the President, is responsible for developing the US government's drug control strategy and the budget that supports it (ONDCP 2003). Since the federal government's budget for international narcotic control is set by the executive, the ideological orientation of US presidents will also determine the level of counternarcotic aid independent of the human rights practices of foreign governments. Recent studies of the domestic determinants of US aid have shown that conservative presidents are far more supportive of increasing military aid, and by extension counternarcotic aid, than their liberal counterparts (Fleck and Kilby 2006). The indicator for the ideological orientation of the president was adopted from Poole and Rosenthal's Common Space data, which measure the liberal-conservative positions of presidents.[9] The data are the eigenvalues from orthogonalizing the vote space and in theory can range from −1 to 1. In practice, liberal presidents correspond to negative scores and conservative presidents correspond to positive scores. The presidents in the study's sample range from −.432 (Clinton), to +.470 (G. W. Bush) and +.581 (Reagan).

MEASUREMENT AND OPERATIONALIZATION

The Dependent Variables

The main outcome variable of interest measures governments' violation of physical integrity rights. These refer to the right to be protected from being tortured, imprisoned for political reasons, killed without due process (extrajudicial killing), or disappeared. To ensure that the results of this study are robust, various measures of physical integrity rights serve as the indicator variable for this outcome. Both the additive and disaggregated measures of physical integrity rights are taken from the Cingranelli-Richards Human Rights Dataset (CIRI).[10] CIRI's additive index of physical integrity rights is constructed from measures of torture, extrajudicial killing, political imprisonment, and disappearance. The index ranges from 0 (no government respect for these four rights) to 8 (full government respect for these four rights) (Cingranelli and Richards 1999a). For ease of interpreting the statistical results, it was necessary to recode the range of the index

8. World Bank, World Development Indicators, http://data.worldbank.org/data-catalog/world-development-indicators.

9. The Poole-Rosenthal common space data is available at http://voteview.ucsd.edu/.

10. The CIRI Human Rights Dataset and codebook can be accessed at www.humanrightsdata.org; http://ciri.binghamton.edu.

https://doi.org/10.1353/lar.2014.0021 Published online by Cambridge University Press

from 0 (full government respect for physical integrity rights) to 8 (no government respect for physical integrity rights). Furthermore, recoding the CIRI index in this way makes the direction of its range similar to the Political Terror Scale (PTS), the other measure of physical integrity rights used in the analysis, thus making it easier to compare statistical results across different models.

CIRI's disaggregated measures of torture, extrajudicial killing, political imprisonment, and disappearance are also included as outcome variables. The index for these four violations is measured in terms of the following: 0 indicates that the particular violation is practiced frequently; 1 indicates that the particular violation is only practiced occasionally; and 2 indicates that the particular violation did not occur in a given year. For the reasons mentioned above, the range of these indices was also recoded in terms of the following: 0 indicates that the particular violation did not occur in a given year; 1 indicates that the particular violation is practiced occasionally; and 2 indicates that the particular violation is practiced frequently.

The PTS is based on the independent annual human rights reports of Amnesty International and the US State Department.[11] These reports are translated into a 5-point ordinal scale measuring the level of human rights abuse within countries on a yearly basis. The scale ranges from level 1, where citizens' enjoyment of physical integrity rights is very high, to level 5, where citizens' enjoyment of these rights is very low (Gibney and Dalton 1996).

The Central Explanatory Variables

The primary explanatory variable is an interaction term between US counternarcotic aid and the type of political institutions of recipient governments. This is computed by multiplying one component variable (US counternarcotic aid) with the other component variable (Polity's institutional characteristics of regimes), resulting in a product term, US Counternarcotic Aid * Polity (Jaccard and Turrisi 2003). Counternarcotic aid data are collected from the US Agency for International Development (USAID) Greenbook and are measured in millions of US dollars.[12] The variable that measures the institutional characteristics of recipient regimes is adopted from the Polity IV index (Marshall, Gurr, and Jaggers 2013).[13] The Polity score captures the institutional authority characteristics of regimes on a 21-point scale ranging from −10 (autocracy) to +10 (democracy). Autocracies and democracies reside at opposite points on the scale and represent stable regimes with fully consolidated political institutions. Including the Polity measures in the model is also consistent with existing human rights research that shows that regime type affects human rights.[14] Consolidated democracies exhibit the greatest respect for

11. The PTS data set and codebook can be accessed at http://www.politicalterrorscale.org/.

12. The data are expressed in constant 2006 US dollars and are available at http://gbk.eads.usaidallnet.gov/.

13. The POLITY IV data set can be accessed at the Center for Systemic Peace, www.systemicpeace.org.

14. One reviewer was concerned that the Polity measure was not the best measure to use in this study and that one component of the index—Constraints on the Executive—might be more appropriate.

human rights. Consolidated autocracies exhibit less respect for human rights than democracies, while incoherent anocracies have been shown to be the worst violators (Poe and Tate 1994; Fein 1995).

However, before computing the interactive term it was necessary to explore whether Polity is linearly related to the measures that capture physical integrity rights. Following Davenport and Armstrong (2004), the author's use of LOESS[15] and binary decomposition statistical techniques showed that Polity is not linearly related to the CIRI and PTS measures. Different thresholds of statistical significance were found that underscored Polity's nonlinear relationship with both CIRI and PTS measures. This information is used to transform Polity into a dichotomous variable in regressions where the CIRI measures are the dependent variables of interest. And in regressions where the PTS measures are the dependent variables of interest, Polity is transformed into a trichotomous variable with scores of 0, 1, and 2, which represent Polity at its low, intermediate, and high levels.[16]

Contextual Influences

Existing empirical research on the determinants of state human rights behavior has shown that in addition to regimes' institutional characteristics several other factors influence states' willingness to repress.

Economic Development / Previous research has shown that economic development, traditionally measured as GDP per capita, reduces the likelihood that states would violate physical integrity rights. The theoretical explanation for this observed behavior is that increasing poverty and scarcity increase social and political tensions, which in turn may threaten the regime and provide it with the opportunity and the justification to repress (Keith 1999, 2002; Mitchell and McCormick 1988; Poe and Tate 1994; Poe, Tate, and Keith 1999; Zanger 2000). The economic development variable is measured in terms of a country's GDP per capita

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While there may be limitations with the Polity measure, it is the best available measure that captures the concept of regime type. However, to check the robustness of the data analysis, Constraints on the Executive is also used in the analysis. I argue that even in countries where the executive is largely constrained by the legislature on non-security-related issues, the executive is constitutionally less constrained on national security issues. The perpetual drug war in Latin American represents a perennial threat against many governments throughout the region, and under these conditions the constitution gives the executive the authority to empower the military and declare states of emergency when threatened by narco-terrorist organizations. If this argument is correct, then it is expected that legislative constraints on the executive in the presence of counternarcotic aid would degrade government's respect for human rights and thus produce similar results when counternarcotic aid interacts with Polity. Respecifying the model as a robustness check confirms the expectation that US counternarcotic aid as it interacts with executive constraint has the same effect on human rights as its interaction with Polity. Lack of space precludes including these results into manuscript, but they are available upon request from the author.

15. LOESS (locally weighted smoothing) is a statistical technique used in regression analysis that creates a smooth line through a time plot or scatter plot for the purpose of observing the relationship between variables.

16. LOESS graphs and the results from the binary decomposition statistical analysis are available upon request from the author.

purchasing power parity and is collected from the World Bank's World Development Indicators.

Coercive Capacity / Existing research has shown that states' coercive capacity affects state repression. This variable is featured in numerous studies that address the military's effect on state repression (Davenport 1995; Huntington 1964; Walker and Lang 1988) and capture the preparedness of the coercive apparatus of the state to respond to domestic threat. The variable is measured by each country's defense expenditures as a percentage of GDP and is collected from the World Bank's World Development Indicators.

Judicial Independence / Since an independent judiciary is likely to hold states' security personnel accountable for excesses in power, it is expected that the variable Judicial Independence should be negatively associated with state repression. Judicial Independence is an index that is measured in terms of the following scores: 0 indicates a dependent judiciary, in which judges experience significant levels of executive influence or interference, or high levels of corruption; 1 indicates a somewhat independent judiciary, in which judges experience some pressure from the executive branch with occasional reports of corruption; 2 indicates an independent judiciary, in which judges are generally independent of outside influences with no mention of corruption (Keith 2011).

The Presence of Narco-Terror Organizations / Narco-terrorist organizations pose a significant domestic threat to the survival of governments throughout Latin America. Numerous studies have identified similar guerrilla insurgent groups as major factors in the willingness of some states to repress (Carey 2010). The variable is measured dichotomously where in any given country a score of 1 indicates the presence of an indigenous narco-insurgent guerrilla organization or an indigenous international drug cartel, and 0 its absence. The coding for narco-insurgent organizations is collected from the Uppsala Conflict Data Program Conflict Encyclopedia.[17] The coding for indigenous international drug cartels is collected from various issues of the US State Department's *International Narcotics Control Strategy Report* (INCSR).[18]

Population / Studies have consistently confirmed that larger population size increases human rights violations. The theoretical explanation for this behavior is that large populations place greater strains on natural resources and the resulting dissatisfaction is likely to threaten the security of the regime and thereby justify its use of repression (Keith 1999, 2002; Henderson 1993; Mitchell and McCormick 1988; Poe and Tate 1994; Zanger 2000). Following Poe and Tate (1994), population size is measured as the natural logarithm of a country's total national population.

17. Uppsala Conflict Data Program, http://www.ucdp.uu.se/gpdatabase/search.php.

18. Department of State, *International Narcotics Control Strategy Report*, http://www.state.gov/j/inl/rls/nrcrpt/index.htm.

The data were collected from the International Monetary Fund's *International Financial Statistics,* 2006.

British Cultural Influence / The human rights literature has also argued that political culture may influence the willingness of states to repress. While it is difficult to measure political culture, existing empirical research has used proxies to capture relevant features of political culture. One proxy that is commonly used is a country's past experience as a British colony. This is a dummy variable coded 1 if a country has been a territory of Great Britain at any point in its history and 0 otherwise. The argument is that British influence through colonial rule may have left a cultural orientation toward greater respect for human rights in comparison to other European colonial experiences. The empirical support for this argument is, however, inconsistent (Keith 1999, 2002; Mitchell and McCormick 1988; Poe and Tate 1994; Poe, Tate, and Keith 1999).

Military Regime / The human rights literature has also shown that military regimes are more likely to resort to repression. Since these regimes have control over the coercive apparatus of the state and the basis of their authority is not rooted in democratic processes, they are more willing to use force in response to domestic challenges to the regime. However, the literature also argues that since military regimes control the mechanisms to effectively deploy force, they are more likely to deter domestic challengers, which reduces the opportunity to violate human rights. In this study the military regime indicator is constructed as a dummy variable and is coded 1 if the regime assumed power "as a consequence of a successful coup d'état led by the army, navy, or air force, that remained in power with a military person as the chief executive for at least six months in a given year . . . [or regimes] . . . with either a civilian as the chief executive and several military persons in the cabinet or a military head of government who nominated a civilian as head of the government and himself worked behind the scenes" (Poe and Tate 1994, 858; see also Madani 1992, 61). The indicator is coded 0 if these characteristics do not exist. The reported empirical findings of military regimes' effect on human rights have been weak and inconsistent (Keith 1999, 2002; Poe, Tate, and Keith 1999; Poe and Tate 1994; McKinlay and Cohan 1976). The military regime dummy variable and coding rule was adopted from Poe and Tate (1994) and extended by the author.

THE STATISTICAL MODEL

The first stage of the simultaneous equation includes the variables US Government Revenue and Presidential Ideology used as instruments for the endogenous variable US Counternarcotic Aid. The second-stage equation includes a lagged dependent variable that controls for autocorrelation and enters the right-hand side of the equation (Baltagi 2005). This is followed by the primary explanatory variables along with the contextual variables used in the analysis.

First-Stage Equation

$$\text{US Counternarcotic Aid}^2 = \beta^2_1\text{US Govt Revenue} + \beta^2_2\text{Presidential Ideology} + \varepsilon^2$$

Second-Stage Equation

$$\begin{aligned}\text{Physical Integrity}^1 = {} & \beta^1_2\text{Physical Integrity}_{(t-1)} + \beta^1_3\text{US Counternarcotic Aid} \\ & + \beta^1_4\text{Polity} + \beta^1_5\text{US Counternarcotic Aid} * \text{Polity} \\ & + \beta^1_6\text{Economic Development} + \beta^1_7\text{Coercive Capacity} \\ & + \beta^1_8\text{Judicial Independence} + \beta^1_9\text{Narco-Terror Organizations} \\ & + \beta^1_{10}\text{Log Population} + \beta^1_{11}\text{British Cultural Influence} \\ & + \beta^1_{12}\text{Military Regime} + \varepsilon^1\end{aligned}$$

The estimation method used in the equations is two-stage least squares assuming COV (ε^1_{it}, ε^2_{it}) $\neq 0$. The coefficients are accompanied with robust standard errors.

EMPIRICAL RESULTS

Table 1 presents estimates of the interactive effects of US counternarcotic aid and regime type on physical integrity rights and reports standard errors that are robust to autocorrelation and heteroscedasticity. Consistent with the predicted outcome of the study's hypothesis, models 1, 2, and 3 show that the interactive term US Counternarcotic Aid * Polity is positively associated with increased violations of physical integrity rights. In models 1 and 3, the Polity variable (the constitutive element of the interaction term) indicates that democratic governments in Latin America reduce violations of physical integrity rights, but this reductive effect diminishes as these regimes receive US counternarcotic aid.

Figure 1 presents the marginal effect of US counternarcotic aid on CIRI's index of physical integrity rights at low and high levels of the institutional political characteristics of recipient regimes.[19] Counternarcotic aid increases human rights violations regardless of regime type. However, as predicted, this effect is greater among democracies as opposed to autocracies in the region.

The contextual variables that predict states' human rights behavior are consistent with the findings of previous empirical research. Prior violations of physical integrity rights (the lagged dependent variable) are positively associated with current violations of physical integrity rights. Increases in states' coercive capacity are positively associated with increasing violations in physical integrity rights in model 1. As expected, a greater level of judicial independence is negatively associated with violations of physical integrity rights in models 1 and 2. Economic development improves physical integrity rights in models 2 and 3. And the presence of narco-terror groups, population size, British colonial influence, and military regimes are positively associated with increased violations of physical integrity rights. The effects of British cultural influence on physical integrity rights are consistent with the inconclusive and mixed findings this variable has received in previous empirical research (Keith 1999, 2002; Mitchell and McCormick 1988; Poe and Tate 1994; Poe, Tate, and Keith 1999).

19. Journal space precludes including the marginal effects of US counternarcotic aid and the institutional political characteristics of recipient regimes on physical integrity rights for models that used the PTS index. These are available upon request from the author.

https://doi.org/10.1353/lar.2014.0021 Published online by Cambridge University Press

Table 1 Second-stage estimates of US counternarcotic aid and aggregated measures of human rights

Variables	*Model 1*† CIRI Physical Integrity	*Model 2*‡ Political Terror Scale State Department	*Model 3*‡ Political Terror Scale Amnesty International
Prior Violation	0.465***	0.684***	0.589***
	(0.050)	(0.040)	(0.045)
Counternarcotic Aid	−0.013	0.002	−0.002
	(0.015)	(0.007)	(0.008)
Polity	−0.317**	−0.066	−0.148**
	(0.161)	(0.055)	(0.064)
Counternarcotic Aid * Polity	0.044**	0.022**	0.028**
	(0.022)	(0.010)	(0.013)
Coercive Capacity	0.028**	−0.029	0.019
	(0.012)	(0.037)	(0.040)
Judicial Independence	−0.400***	−0.139***	−0.073
	(0.104)	(0.046)	(0.050)
Economic Development	−0.000	−0.000**	−0.000**
	(0.000)	(0.000)	(0.000)
Presence of Indigenous Narco-Terror Groups	1.802***	0.481**	0.735***
	(0.408)	(0.194)	(0.236)
Log Population	0.359***	0.065***	0.100***
	(0.055)	(0.021)	(0.027)
British Colonial Influence	0.735***	0.258***	0.306**
	(0.208)	(0.099)	(0.127)
Military Regime	0.778**	0.114	0.651*
	(0.370)	(0.404)	(0.340)
Constant	−5.131***	−0.363	−1.282**
	(1.094)	(0.540)	(0.587)
Observations	483	552	552
R^2	0.66	0.72	0.65

Note: Robust standard errors in parentheses.

†The range of the CIRI index in model 1 was recoded to reflect 0 (full government respect for physical integrity rights) to 8 (no government respect for physical integrity rights). The Polity measure and its interaction with counternarcotic aid enter model 1 dichotomously, where scores of 0 and 1 represent Polity at its low and high levels.

‡The Polity measure and its interaction with counternarcotic aid enters models 2 and 3 trichotomously, where scores of 0, 1, and 2 represent low, intermediate, and high levels of Polity.

*Significant at 10%; **significant at 5%; ***significant at 1%.

https://doi.org/10.1353/lar.2014.0021 Published online by Cambridge University Press

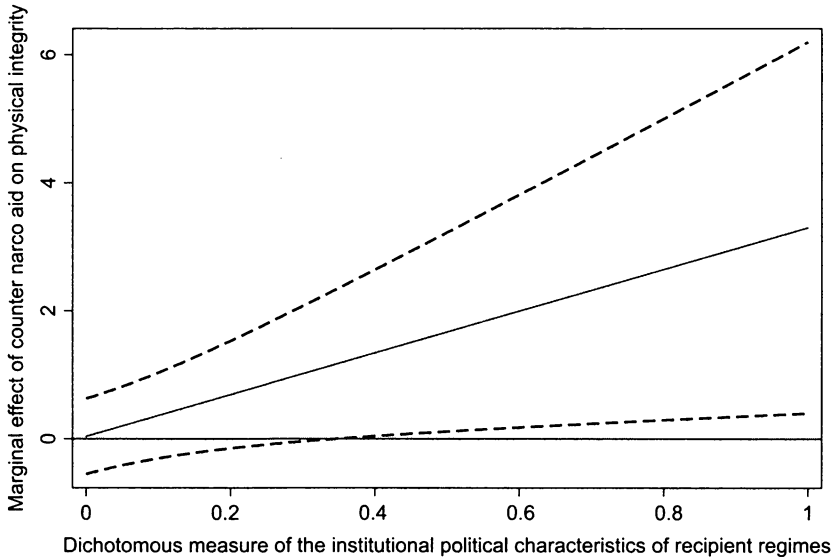

Figure 1 US counternarcotic aid, regime type, and human rights. Dashed lines give 95 percent confidence interval.

Table 2 presents estimates of the interactive effects of US counternarcotic aid and regime type on CIRI's disaggregated measures of physical integrity rights. Consistent with the predicted outcome of the study's hypothesis, models 1, 2, and 3 show that while the interactive term US Counternarcotic Aid * Polity has no statistically significant effect on torture, it is positively associated with increased disappearances, political imprisonment, and extrajudicial killing.[20] In models 2 and 3, the Polity variable (the constitutive element of the interaction term) indicates that while democracies have a reductive effect on disappearances and political imprisonment, this effect diminishes as these regimes receive US counternarcotic aid.

In terms of the contextual influences, past violations of these abuses are positively associated with current violations. An increase in states' coercive capacity is negatively associated with torture but positively associated with increased levels of disappearances and political imprisonment. Judicial independence, economic development, the presence of indigenous narco-terror groups, population, British colonial influence, and military regime have similar effects on the disaggregated measures of physical integrity violations, as reported in table 1.

20. Journal space precludes including the marginal effects for the disaggregated models of physical integrity rights. These are available upon request from the author..

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Table 2 Second-stage estimates of US counternarcotic aid and disaggregated measures of human rights

	Model 1†	*Model 2*†	*Model 3*†	*Model 4*†
	Torture	Disappearance	Political imprisonment	Extrajudicial killing
Prior Violation	0.337***	0.578***	0.402***	0.374***
	(0.051)	(0.061)	(0.053)	(0.043)
Counternarcotic Aid	0.019**	−0.014**	−0.015**	0.007
	(0.008)	(0.006)	(0.007)	(0.006)
Polity	0.095	−0.141**	−0.217***	0.011
	(0.069)	(0.055)	(0.073)	(0.012)
Counternarcotic Aid * Polity	−0.007	0.025***	0.023**	0.007***
	(0.008)	(0.007)	(0.009)	(0.002)
Coercive Capacity	−0.015***	0.022***	0.021***	−0.001
	(0.005)	(0.006)	(0.008)	(0.005)
Judicial Independence	−0.123***	−0.026	−0.127***	−0.154***
	(0.043)	(0.036)	(0.042)	(0.041)
Economic Development	−0.000*	0.000	0.000*	−0.000
	(0.000)	(0.000)	(0.000)	(0.000)
Presence of Indigenous Narco-Terror Groups	−0.250	0.852***	0.939***	0.166
	(0.168)	(0.160)	(0.207)	(0.165)
Log Population	0.084***	0.051***	0.067***	0.181***
	(0.021)	(0.017)	(0.022)	(0.025)
British Colonial Influence	0.064	0.113**	0.128*	0.467***
	(0.097)	(0.055)	(0.074)	(0.102)
Military Regime	0.154	0.110	0.417***	0.024
	(0.114)	(0.131)	(0.142)	(0.167)
Constant	−0.460	−0.864**	−1.217***	−2.713***
	(0.451)	(0.355)	(0.451)	(0.542)
Observations	483	483	483	483
R^2	0.20	0.60	0.40	0.53

Note: Robust standard errors in parentheses.

†The range of these indices is recoded. A score of 0 indicates that the particular violation did not occur in a given year; 1 indicates that the particular violation was practiced occasionally; 2 indicates that the particular violation was practiced frequently. The Polity measure and its interaction enter Models 1, 2, 3, and 4 dichotomously, where 0 represents Polity at its low level and 1 represents Polity at its high level.

*Significant at 10%; **significant at 5%; ***significant at 1%.

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The Validity and Relevance of the Instruments

The accuracy of these results must be evaluated in terms of the validity of the instruments used in the simultaneous equations. Tables 3 and 4 present statistics from the first-stage equation to assess the quality of the instrumentation procedure. The under-identification test, as reported by the Kleibergen-Paap statistic, is a test of whether the equations are identified and the instruments are relevant (i.e., the correlation with the endogenous variable US Counternarcotic Aid cannot be explained by other contextual variables) (Maddala 1992, 383–389). In tables 3 and 4, the small *p* values of the Kleibergen-Paap statistic strongly indicate that the equations are identified and that the study's instruments are relevant.

The weak identification test as reported by the Kleibergen-Paap rk Wald F statistic measures the strength of the instrument's correlation with the endogenous variable US Counternarcotic Aid. Instruments are deemed weak if the first-stage F statistic is less than 10 (Staiger and Stock 1997). In both tables, the Kleibergen-Paap rk Wald F statistic suggests that the models do not suffer from weak instrumentation. The over-identification test, as reported by the Hansen J statistic, assesses the validity of the instruments. Specifically, the Hansen J statistic tests whether the instruments are correlated with the equation's error term. The null hypothesis is that the instruments are not correlated with the error term (i.e., that they are correctly excluded from the equation). Rejecting the null hypothesis indicates that the instruments are not valid (Davidson and MacKinnon 2004, 336–338). In both tables, the large *p* values of the Hansen J statistic preclude rejecting the null and suggest that the instruments are indeed valid.

Table 3 First-stage regression statistics of US counternarcotic aid and aggregated measures of human rights

	Model 1	*Model 2*	*Model 3*
	CIRI Physical Integrity	PTS State Department	PTS Amnesty International
Under-identification test:			
Kleibergen-Paap rk LM statistic:	21.22	27.10	25.66
p value	0.00	0.00	0.00
Weak identification test:			
Kleibergen-Paap rk Wald F statistic:	11.11	14.10	13.01
Over-identification test of all instruments:			
Hansen J statistic	1.05	1.21	1.21
p value	0.31	0.27	0.27
Test for endogeneity:			
Durbin-Wu-Hausman Test	24.03	0.00	0.00
p value	0.00	0.96	0.96

https://doi.org/10.1353/lar.2014.0021 Published online by Cambridge University Press

Table 4 First-stage regression statistics of US counternarcotic aid and disaggregated measures of human rights

	Model 1	*Model 2*	*Model 3*	*Model 4*
	Torture	Dis-appearance	Political imprisonment	Extrajudicial killing
Under-identification test:				
Kleibergen-Paap rk LM statistic:	21.66	21.20	20.31	19.37
p value	0.00	0.00	0.00	0.00
Weak identification test:				
Kleibergen-Paap rk Wald F statistic:	11.50	11.03	11.12	10.23
Over-identification test of all instruments:				
Hansen J statistic	0.42	2.62	0.11	0.51
p value	0.52	0.12	0.80	0.47
Test for endogeneity:				
Durbin-Wu-Hausman Test				
p value	0.00	0.00	0.01	0.19

A test for endogeneity, as reported by the Durbin-Wu-Hausman test, evaluates whether US Counternarcotic Aid is indeed endogenous to physical integrity rights. The null hypothesis states that any endogeneity among the regressors would not have deleterious effects on ordinary least squares (OLS) estimates. A rejection of the null indicates that endogenous regressors are likely to produce biased estimates if OLS procedures are used. Therefore, in order to produce unbiased estimates, a simultaneous instrumental variable technique is required. In both tables 3 and 4, the small *p* values for models that report statistics for the CIRI's physical integrity index as well as CIRI's disaggregated indices that report statistics for torture, disappearances, and political imprisonment all reject the null and suggest that a simultaneous instrumental variable technique is most appropriate. However, the large *p* values in models that report statistics for the PTS physical integrity index as well as CIRI's Extrajudicial Killing precludes rejecting the null and suggests that OLS would not produce biased estimates.[21]

CONCLUSIONS

This research is the first attempt to empirically test the collateral damage narrative—that US counternarcotic aid to democratic governments in Latin America increases human rights violations as these regimes execute the drug war against

21. Estimates from OLS cross-section time series regression on the PTS and Extrajudicial Killing did not change the results that are reported via the simultaneous instrumental variable technique. These results are available upon request from the author.

https://doi.org/10.1353/lar.2014.0021 Published online by Cambridge University Press

narco-terrorist organizations. In doing so, it was necessary to root the collateral damage narrative in the larger state repression literature to generate a testable hypothesis that found strong empirical support for the claims of the collateral damage proposition. What policy implications emerge from these findings? If human rights are a casualty of the US-sponsored drug war in Latin America, how will this affect Latin American governments' continued support for US drug enforcement policies in the region?

One policy implication of these findings is that they call into question the effectiveness of US human rights legislation designed to limit the flow of financial assistance to regimes implicated in human rights violations. The findings call into question the effectiveness of the State Department's vetting process meant to prevent US aid from reaching military personnel or entire units implicated in human rights abuses. I argue that greater congressional oversight of the executive should exist to ensure that the Leahy Amendment is fully implemented in the allocation of counternarcotic aid.

If US human rights legislation is not effectively implemented, then US policy makers risk losing regional support for US drug control policies, which have become a major component of US relations with Latin America. At the recent Summit of the Americas in Cartagena, Colombia (April 14–15, 2012), Latin American leaders challenged the Obama administration's drug prohibition policies. The Cartagena summit was significant because it was the first time that Latin American leaders, including Guatemalan president Otto Pérez Molina, Colombian president Juan Manuel Santos, and Mexican president Felipe Calderón, all called for open and frank discussions of alternatives to US drug enforcement that would consider legalization or decriminalization of illicit drug use. These leaders argued that alternatives to the US-style war on drugs must be seriously considered because the cost of the drug war, in terms of lives lost and its heavy toll on human rights, is unsustainable (Smith 2012a). Colombian president Juan Manuel Santos noted: "I think the time has come to simply analyze if what we are doing is the best we could be doing, or if we can find an alternative that would be more effective and less costly to society. One extreme can be to put all users in prison; on the other extreme, legalization. In the middle there may be more practical policies, such as decriminalizing consumption but putting all the efforts into interdiction" (Smith 2012a).

Guatemalan president Otto Pérez Molina recently spearheaded the creation of a Central American summit, which discussed alternatives to US drug prohibition policies that ranged from decriminalization to regulating drug transit corridors to charging the United States a "tax" on seized drugs. While no consensus was achieved and no declarations were issued, the summit was the first time Latin American leaders met without the participation of the United States to specifically discuss regional drug law alternatives to US drug enforcement (Smith 2012b).

While the human rights effects of the US-funded drug war in Latin America have important policy implications for future regional support for US drug control policies, the findings of this study raise additional questions. The first is the question of the generalizability of the finding beyond Latin America. In other words,

is the human rights effect of the US-funded drug war an artifact of the political institutional features of Latin American countries? Or are the causal mechanisms of US counternarcotic aid that lead to human rights violations also present in regions beyond Latin America where US policy makers also fund the drug war? To address these questions future research should expand the data analysis beyond Latin America by incorporating other regions such as Africa, the Middle East, and Asia. Such analysis should be supported by detailed comparative case studies of the human rights effect of the US-funded drug war in countries like Afghanistan, Laos, Burma, and Thailand.

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