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Oppression through Violence: The Case of Colombia - An Expansion of the Fetish Object

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ESSAY

OPPRESSION THROUGH VIOLENCE: THE CASE OF COLOMBIA – AN EXPANSION OF THE FETISH OBJECT?

J. COREY HARRIS*

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INTRODUCTION

“The future of Colombia cannot consist of either indefinite war or the exploitation of the nation’s wealth, nor can the shameful sell-out of our sovereignty to the voracity of the United States government’s imperialist policies continue.”¹—Manuel Marulanda Vélez

Colombia is a nation with a history of violence and political turmoil that has often resulted in its political and socioeconomic instability.² This is evidenced through the culture of violence that has pervaded the society since the end of World War I.³ The homicide rate in Colombia in 1983 was 24 for every 100,000 people.⁴ By 1993 the rate had increased to 88 for every 100,000 people.⁵ The most recent data reports that in addition to those killed in the political conflict, 30,000 people are murdered in Colombia each year.⁶ The increasing murder rate represents the complexity of Colombia’s myriad problems while the Colombian government continued its efforts to hunt down the known leaders of the cocaine drug cartels in the nation.⁷ From the start, dealing with the social and economic problems facing Colom-

1. Open letter from Manuel Marulanda Vélez, FARC leader, to the Colonels of the Colombian Army, Divisions, Brigades and Battalions (Oct. 12, 2003), available at http://www.farcep.org/pagina_ingles/Comunicos.html (last visited Mar. 20, 2006).

2. Luz E. Nagle, *Placing Blame Where Blame is Due: The Culpability of Illegal Armed Groups and Narcotraffickers in Colombia's Environmental and Human Rights Catastrophes*, 29 WM. & MARY ENVTL. L. POL'Y REV. 1, 5 (2004); FRANCISCO E. THOUMI, EL IMPERIO DE LA DROGA: NARCO-TRAFICO, ECONOMIA Y SOCIEDAD EN LOS ANDES 263 (2002), available at <http://www.urosario.edu.co/FASE1/economia/documentos/thoumi-drogas-ilegales-economia.pdf> (noting from 1998 to 1999, there were 60 violent deaths per 100,000 inhabitants, a ratio ten times higher than that of the United States). Despite government efforts to quell the violence, by 2001, there were 64.64 homicides per 100,000 inhabitants in Colombia. United Nations Office on Drugs and Crime, Country Profile Colombia 2003 at 31, available at <http://www.unodc.org/pdf/colombia/Colombia%20Country%20Profile%20version%20final%20julio%202003.pdf>.

3. See generally ROBERT H. DIX, COLOMBIA: THE POLITICAL DIMENSIONS OF CHANGE (1967) (providing a historical context of “*La Violencia*”).

4. KIM CRAGIN & BRUCE HOFFMAN, RAND NAT’L DEF. INST., ARMS TRAFFICKING AND COLOMBIA, 8 (2003).

5. *Id.*

6. *Id.*

7. See Nagle, *supra* note 2.

bian citizens, the bureaucracy was never able to come to grips with the escalating situation. Warring guerilla factions represented powerful elements in the nation that had to be respected if there were to be any hope of true peace and stability.⁸ The United States, being the sole economic, political, and military power in the hemisphere, largely ignored Colombian turmoil exacerbated by the surge in cocaine production.⁹ This facile ignorance of the situation went on until the problem had become so pervasive and pandemic that it could not be set aside as simply a third world matter.¹⁰ The threat to the regional security of the United States created the need for a new rhetoric to combat the drug problem in the nation of Colombia because of its destabilizing and perceived communism-inducing effects.¹¹ As a result of the U.S. regional interests in preventing communism, the rise of drug cartels came into play on the world scene.¹²

The South American nation of Colombia has a unique position in U.S. foreign policy, and it has presented the United States with a range of unforeseen political, strategic, and economic problems that will be explored and deconstructed using a Critical Race Theory lens.¹³ The continued political and social rebellions to the rule of law lead to the creation of "Plan Colombia," a purported solution to all of Colombia's problems. From 1980 until the end of the twentieth century, Colombia was governed by three different administrations with inconsistent policies toward political and social issues.

This article will be organized into four parts: PART I discusses the culture of violence in Colombia. PART II reviews the three major guerilla factions in Colombia and their organizational goals and structure. PART III addresses the U.S. and Colombian responses to the violence. PART IV explains the U.S. military and policy approach from a Critical Race Theory perspective.

8. James J. Brittain, *The FARC-EP in Colombia: A Revolutionary Exception in an Age of Imperialist Expansion*, MONTHLY REV., Sept. 2005 at 20, available at <http://www.monthlyreview.org/0905brittain.htm> [hereinafter FARC].

9. RUSSELL CRANDALL, *DRIVEN BY DRUGS: U.S. POLICY TOWARDS COLOMBIA* 1 (2002) (noting that prior to 1982 Colombia was not a policy priority).

10. *Id.*

11. *Id.*

12. *Id.*

13. For an overview of critical legal studies, see generally RICHARD DELGADO & JEAN STEFANCIC, *CRITICAL RACE THEORY: AN INTRODUCTION* (2001); *CRITICAL RACE FEMINISM: A READER* (Adrian Katherine Wing ed., 1997); *CRITICAL RACE THEORY: THE CUTTING EDGE* (Richard Delgado ed., 1995); *CRITICAL RACE THEORY: THE KEY WRITINGS THAT FORMED THE MOVEMENT* (Kimberle Crenshaw et al. eds., 1995); *CRITICAL WHITE STUDIES: LOOKING BEHIND THE MIRROR* (Richard Delgado & Jean Stefancic eds., 1997); MARI J. MATSUDA ET AL., *WORDS THAT WOUND: CRITICAL RACE THEORY, ASSAULTIVE SPEECH AND THE FIRST AMENDMENT* (1993); Richard Delgado & Jean Stefancic, *Critical Race Theory: An Annotated Bibliography*, 79 VA. L. REV. 461 (1993).

A. Thesis

The problem that Colombia faced from 1980 until the end of the twentieth century was the violence facilitated, in part, by the U.S. government's indifference to the rise of the drug cartels and trade.¹⁴ Additionally, U.S. policy leading up to and including Plan Colombia would not seek to understand the history of violence in order to solve the crisis, but to wage a war against drugs constituting a larger underlying problem in Colombia.¹⁵ In examining the U.S.-Colombia drug policy relationship, the argument will be posited that U.S. policy never intended to combat the drug problem in a way that would politically and economically stabilize the nation.¹⁶ The true intention of this policy was the oppression and subservience of Colombia through violence.¹⁷

B. Theoretical Framework

The first method of deconstruction used in the analysis of the policy relationship is the view of the white-over-black power relationship.¹⁸ The second mode of analysis will be from the view of the United

14. CRANDALL, *supra* note 9.

15. See generally SEWALL H. MENZEL, COCAINE QUAGMIRE 55 (1997).

16. For an overview of the collateral throughout the "War on Drugs," see generally COLETTA A. YOUNGERS & EILEEN ROSIN, *The U.S. "War on Drugs": Its Impact in Latin America and the Caribbean*, in DRUGS AND DEMOCRACY IN LATIN AMERICA 5, 8 (Coletta A. Youngers & Eileen Rosin eds., 2005); HUMAN RIGHTS WATCH, UNITED STATES – PUNISHMENT AND PREJUDICE: RACIAL DISPARITIES IN THE WAR ON DRUGS (2000); THE SENTENCING PROJECT, DRUG POLICY AND THE CRIMINAL JUSTICE SYSTEM (2001), available at http://www.soros.org/initiatives/justice/articles_publications/publications/drugpolicy_20010801/drugpolicy.pdf; U.N. DEVELOPMENT PROGRAMME, HUMAN DEVELOPMENT REPORT FOR COLOMBIA, EL CONFLICTO, CALLEJÓN CON SALIDA (2003); U.S. STATE DEPARTMENT, BUREAU FOR INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT (INL), INTERNATIONAL NARCOTICS CONTROL STRATEGY REPORT (INCSR) (2003), <http://www.state.gov/p/inl/rls/nrcrpt/2003/>; EVA BERTRAM ET AL., DRUG WAR POLITICS: THE PRICE OF DENIAL (1996); DRUG TRAFFICKING IN THE AMERICAS (Bruce M. Bagley & William O. Walker III, eds., 1994).

17. See generally YOUNGERS & ROSIN, *supra* note 16, at 15-16 (arguing that the United States overemphasized the drug war's military dimension in Latin America).

18. Anthony Paul Farley, *Perfecting Slavery*, 36 LOY. U. CHI. L.J. 225, 235 (2004) (arguing neosegregation as white-over-black). I agree with Farley's argument and propose that oppression through violence is an extension of neosegregation; thus, white-over-black can be understood in Colombia as white-over-brown/non-Anglo-Saxon. While one could posit the European ancestry of Colombia, that would obviate the significance of the African and Indigenous history in Colombian national identity – a core consideration. See generally CHURCH WORLD SERVICE, AFRO-COLOMBIANS: PROMOTING ALTERNATIVES TO VIOLENCE, DISPLACEMENT, AND IMPOVERISHMENT (2004), http://www.churchworldservice.org/pdf_files/EA/ColombiaResource3.pdf [hereinafter AFRO-COLOMBIANS]; GOLDMAN ENVIRONMENTAL PRIZE, LIBIA GRUESO (2004), <http://www.goldmanprize.org/node/106>; Shelton Davis & Enrique Sanchez, *Indigenous Peoples and Afro-Colombian Communities*, in COLOMBIA: THE ECONOMIC FOUNDATION OF PEACE (World Bank 2003) [hereinafter FOUNDATION] (providing information on the history and role of Afro-Colombians in Colombia).

States in the role of colonizer,¹⁹ with the goal being to show that while colonization has ended as a formal characterization of North over South relationships, the underlying master-to-servant relationship has never ceased.²⁰

It is important to look at the history that would allow such rampant and continued violence to pervade Colombian society. "*La violencia*" refers to the period of fighting in the country that dates back to the late 1940's and continued until 1964²¹ and has continued through the 1990's.²² The violence has changed in its ideology, but the killing has never ceased.²³ *La violencia* had the effect of desensitizing the Colombian people to a life in which violence and the call to arms against their fellow citizenry was the only means of creating change.²⁴

Further examination will identify and explicate the major inconsistencies the respective Colombian administrations chose and what impact the failed policies of one administration had on succeeding administrations. In the context of these presidential failures, the U.S. government maintained a very similar response to the political and economic turmoil spurred by the increased significance of the drug trade.²⁵

C. *The Significance of the Article*

This work is significant because the analysis will seek to evaluate the U.S. position in Colombia using U.S. ideologies and doctrines to determine whether they are legitimate according to their stated goals and purposes. The perpetuation of the weak state allows for the white-over-black body relationship to continue and creates the need

19. Anthony Paul Farley, *BlackBody as Fetish Object*, 76 OR. L. REV. 457, 492-93 (1997) [hereinafter *BlackBody*]. "Oppression means, first of all, the oppressor's hatred for the oppressed. There exists a solitary limit to this venture of destructiveness, and that is colonialism itself. Here the colonizer encounters a contradiction of his own: '[w]ere the colonized to disappear, so would colonization - with the colonizer.' The system will simultaneously be the death and the multiplication of its victims" (quoting Jean-Paul Sartre, *Introduction* to ALBERT MEMMI, *THE COLONIZER AND THE COLONIZED* at xxvii (1965)).

20. *BlackBody supra* note 19, at 522. In referencing the third world Fanon states, "[n]ative society is not simply described as a society lacking in values. It is not enough for the colonist to affirm that those values have disappeared from, or still better never existed in, the colonial world. The native is declared insensible to ethics; he represents not only the absence of values, but also the negation of values. He is, let us dare to admit, the enemy of values, and in this sense he is the absolute evil." (quoting FRANTZ FANON, *THE WRETCHED OF THE EARTH* at 41 (Constance Farrington trans., (1963)).

21. See generally DIX, *supra* note 3 (providing a historical context of *La Violencia*).

22. JEAN JACKSON, MIT WESTERN HEMISPHERE PROJECT, REPORT ON "PLAN COLOMBIA" FOR THE COMMITTEE FOR HUMAN RIGHTS OF THE AMERICAN ANTHROPOLOGICAL ASSOCIATION (2001), <http://web.mit.edu/hemisphere/pubs/planc.shtml> (last visited Oct. 30, 2006).

23. DIX, *supra* note 3 at 375-82.

24. DIX, *supra* note 3 at 364-65.

25. YOUNGERS & ROSIN, *supra* note 16, at 55-56.

to maintain order, justifying U.S. *de facto* control of the Colombian domestic drug policy.²⁶

This article is unique in the field of Plan Colombia scholarship because it: (1) will shed light on the understudied field of illicit narcotics; (2) will give credence to FARC's support to eradicate drugs; and (3) will use Critical Race Theory to analyze the political and socioeconomic reality in Colombia.²⁷

PART I – A CULTURE OF VIOLENCE

A. Historical Violence

The violence in Colombia is best described as “cultural genocide.”²⁸ In his article on genocide, Jean Paul Sartre analyzed and drew shocking comparisons between the state-sanctioned racism of Hitler and the state-sanctioned violence in Vietnam – U.S. racism violently acted out.²⁹

26. See generally 1 THE POLITICS AND ECONOMICS OF LATIN AMERICA (Frank H. Columnbus ed., 2001) (laying out U.S. interests in Colombia).

27. For an overview of legal scholarship on Plan Colombia, see generally John Barry, Student Note, *From Drug War to Dirty War: Plan Colombia and the U.S. Role in Human Rights Violations in Colombia*, 12 TRANSNAT'L L. & CONTEMP. PROBS. 161 (2002); James A. Inciardi, *The Irrational Politics of American Drug Policy: Implications for Criminal Law and the Management of Drug-Involved Offenders*, 1 OHIO ST. J. CRIM. L. 273 (2003); Kristen McCallion, Comment, *War for Sale! Battlefield Contractors in Latin America & the 'Corporatization' of America's War on Drugs*, 36 U. MIAMI INTER-AM. L. REV. 317 (2005); Zachary P. Mugge, Notes & Comments, *Plan Colombia: The Environmental Effects and Social Costs of the United States' Failing War on Drugs*, 15 COLO. J. INT'L ENVTL. L. & POL'Y 309 (2004); Luz E. Nagle, *Colombia's Faceless Justice: A Necessary Evil, Blind Impartiality or Modern Inquisition?*, 61 U. PITT. L. REV. 881 (2000); Luz E. Nagle, *Latin America: Views on Contemporary Issues in the Region the Challenges of Fighting Global Organized Crime in Latin America*, 26 FORDHAM INT'L L.J. 1649 (2003); Nagle, *supra* note 2; David J. Pascuzzi, Note, *International Trade and Foreign Investment in Colombia: A Sound Economic Policy Amidst Crisis*, 9 FLA. J. INT'L L. 443 (1994); Timothy Posnanski, *Colombia Weeps But Doesn't Surrender: The Battle for Peace in Colombia's Civil War and the Problematic Solutions of President Alvaro Uribe*, 4 WASH. U. GLOBAL STUD. L. REV. 719 (2005); Alan Seagrave, *Conflict in Colombia: How Can Rebel Forces, Paramilitary Groups, Drugs Traffickers, and Government Forces Be Held Liable for Human Rights Violations in a Country Where Impunity Reigns Supreme?*, 25 NOVA L. REV. 525 (2001); Francisco E. Thoumi, *Illegal Drugs in Colombia: From Illegal Economic Boom to Social Crisis*, 582 ANNALS 102 (2002); William D. Shingleton, *Understanding Colombia*, 25 FLETCHER F. WORLD AFF. 255 (2001); Joshua H. Warmund, *Removing Drug Lords And Street Pushers: The Extradition of Nationals in Colombia and the Dominican Republic*, 22 FORDHAM INT'L L.J. 237 (1999); Joseph Weir, *The Aerial Eradication of Illicit Coca Crops in Colombia, South America: Why the United States and Colombian Governments Continue to Postulate its Efficacy in the Face of Strident Opposition and Adverse Judicial Decisions in the Colombian Courts*, 10 DRAKE J. AGRIC. L. 205 (2005).

28. JEAN PAUL SARTRE, ON GENOCIDE AND A SUMMARY OF THE EVIDENCE AND JUDGMENTS OF THE INTERNATIONAL WAR CRIMES TRIBUNAL 63 (1968).

29. See *id.*

The situation in Colombia presents important parallels, principally U.S. action as an oppressive neo-colonizer in Colombia.³⁰ Instead of the genocidal “kill them all” rhetoric advanced by Sartre and Frantz Fanon, Colombia represents a different pathway in the oppressive experiment.³¹ A more appropriate characterization of the atrocity in Colombia would be the policy of letting “them” kill each other, or better yet, “help[ing] them kill one another.”³²

International cooperation in violent oppression has a deep-seeded tradition grounded in the concept of genocide.³³ Sartre described the dilemma of the colonizers when they realized that they could not reasonably kill their entire disobedient, freedom-loving flock.³⁴ Similarly, in the partially-white, mostly-brown nation of Colombia, things had to change.³⁵ Here, the colony, or underdeveloped nation, has created drug addicts and criminals out of a portion of the colonizer’s population.³⁶ This is unacceptable. On first glance, the idea of eradicating illicit drug production affecting the health of millions is a noble goal. However, upon closer examination the methodology and brutal nature of the “War on Drugs” cannot easily be overlooked.

Colombian drug production represents the bare surface of the real issues permeating this Andean nation.³⁷ To properly frame this article, the question is presented: Why Colombia? And also, what exactly is the “War on Drugs?”

The issue of drugs in Colombia is not the real problem; cocaine is merely a symptom of a national illness. To draw the analogy to medical terminology, a symptom is defined as “[a] feature which indicates a condition of disease, in particular one apparent to the patient.”³⁸ Here, there is no particular individual; the nation itself is a terminally ill patient.³⁹ The drug pandemic is a symptom of the pathological disease of anti-black, anti-brown, anti-other sentiment.⁴⁰ This section

30. See generally FRANTZ FANON, *THE WRETCHED OF THE EARTH* ch.1 (Publishers Group West, 2004) (1963).

31. See generally *BlackBody*, *supra* note 19.

32. See FANON, *supra* note 30, at 16.

33. SARTRE, *supra* note 28.

34. SARTRE, *supra* note 28, at 63.

35. DIX, *supra* note 3.

36. See generally THE SENTENCING PROJECT, *supra* note 16.

37. MENZEL, *supra* note 15.

38. CONCISE OXFORD ENGLISH DICTIONARY 1459 (Elizabeth Knowles et al. eds., 2004).

39. See Nagle, *supra* note 2, at 104-05.

40. See Joseph E. Kennedy, *Drugs Wars in Black and White*, 66 LAW & CONTEMP. PROBS. 153, 154 (2003). The lack of policy consideration is not limited to Colombia, within the United States the war on drugs is criticized for its narrow view. (“[T]he war would be waged far differently – or abandoned altogether – if whites were prosecuted and imprisoned more frequently than has been the case.”). *Id.*

aims to shed light on the creation of the environment leading to a "War on Drugs" – a systemic and historical Colombian violence.

1. State Sponsored Violence

The culture of violence permeating Colombia is facilitated by the U.S. and Colombian governments. In order to better understand the root causes of this violence, it is important to know that since 1961, Colombia has been engaged in what amounts to a *de facto* war against a large segment of its own population.⁴¹ The United States assisted Colombia in preventing the communist guerilla movement from taking hold, as it did in Cuba.⁴²

U.S. military involvement has been the response to Colombia's economic and social crisis. Foreign relations with Colombia originated as a strategic effort to help one part of a fractured nation to militarily oppress another.⁴³ The scholar Charles Tilly best characterized the fundamental flaw in this ideology when he said: "[t]he uncertain, elastic line between 'legitimate' and 'illegitimate' violence appeared in the upper reaches of power. Early in the state-making process, many parties shared the right to make violence, the practice of using it routinely to accomplish their ends, or both at once."⁴⁴

The United States chose to forego formulating a meaningful, cogent policy toward Colombia until the collapse of the Soviet Union created a rushed need to justify staying in the region.⁴⁵ The end result was the spiraling of a nation into a fractured entity with the line between violence and civic duty blurring in distinction.

2. The Weak State Apparatus

In understanding the level of violence seen in Colombia, it is imperative to understand the net effect of a weak state *vis a vis* the Colombian government. A weak state is defined in terms of the inability of the government to effectively protect and provide for its citizenry.⁴⁶

41. See HARVEY KLINE, STATE BUILDING AND CONFLICT RESOLUTION IN COLOMBIA 1986-1994 15 (1999).

42. DONALD MABRY, THE LATIN AMERICAN NARCOTICS TRADE AND U.S. NATIONAL SECURITY 4 (1989).

43. YOUNGERS & ROSIN, *supra* note 16.

44. Charles Tilly, *War Making and State Making As Organized Crime*, in BRINGING THE STATE BACK IN 173 (Peter Evans et al. eds., 1985).

45. See PETER ZIRNITE, WASHINGTON OFFICE ON LATIN AMERICA, RELUCTANT RECRUITS: THE U.S. MILITARY AND THE WAR ON DRUGS, (1997), available at <http://www.tni.org/reports/drugs/folder2/contents.htm#29b> (last visited Oct. 22, 2006); See also CHARLES T. CALL, WASHINGTON OFFICE ON LATIN AMERICA, CLEAR AND PRESENT DANGERS: THE U.S. MILITARY AND THE WAR ON DRUGS IN THE ANDES 32 (1991) (noting the war on drugs was described as, "their new meal ticket now that the commies are not their big threat.").

46. In Colombia factual analysis suggests the government acted in its own interest to the detriment of the people. See Douglas Farah, *Colombia's Culpables: Drug Corruption Probe Im-*

The Colombian government has historically never been able to adequately provide for, protect, and secure its citizenry creating a distrustful national sentiment.⁴⁷ The inability of the government to adequately respond to the basic economic and security needs of its citizens has led to the violence and guerilla uprisings that have become commonplace.⁴⁸

A natural response to the chaos of the Hobbesian "State of Nature of Man" is survival of the fittest.⁴⁹ Since non-whites were also categorized as "other," letting them kill each other is not vehemently rejected as barbaric, after all, "they" are barbarian.⁵⁰ Citizen protection groups evolved out of national chaos.⁵¹ Domestic protection groups metastasized into *Fuerzas Armadas Revolucionaria de Colombia* (FARC) and others.⁵²

The ingrained culture of violence combined with the weak government of Colombia helped to fuel the rise of the guerilla movements from FARC to *Ejército de Liberación Nacional* (ELN).⁵³ The disease of national chaos affecting the nation of "others" in Colombia provided a breeding ground for revolutionary activity allowing cocaine exportation to thrive.⁵⁴ The effects of a weak state combined with guerilla warfare could not be contained by the borders of the southern hemisphere.⁵⁵ Peasants were caught in the middle as victims in the *guerrillita sucia*⁵⁶ between the guerillas and their government. Peasants were often singled out and killed by government-sanctioned military operations for being sympathetic to the guerillas.⁵⁷

Guerilla factions extorted protection money from the peasantry to ensure the security of their families and farmland.⁵⁸ Having no choice

plicates Entrenched Ruling Class, WASH. POST., Aug. 23, 1995, at A25. Colombian administrations voluntarily traded power and influence in exchange for drug money. See *id.*

47. Luis Javier Orjuela & Christina Barrera, *Narcotráfico y Política en la Década de los Ochenta*, in *Narcotráfico en Colombia: Dimensiones Políticas, Económicas, Jurídicas e Internacionales* 209 (Carlos G. Arrieta et al. eds., Tercer Mundo Editores 1989).

48. See CALL, *supra* note 45, at 12, 37.

49. THOMAS HOBBES, *LEVIATHAN* 43 (Penguin Classics 1981) (1660) (noting the idea that man would be able to invade everyone else).

50. See SARTRE, *supra* note 28, at 64.

51. Cecilia Lopez Montano & Arturo Garcia Duran, *The Hidden Costs of Peace in Colombia*, in *ESSAYS ON CONFLICT, PEACE, AND DEVELOPMENT*, 78-158 (Andres Solimano ed. 2000).

52. KLINE, *supra* note 41, at 18. See generally DANIEL PÉCAUT, *GUERRA CONTRA LA SOCIEDAD* ch. 8 (2001) (noting the original social justice concerns of the guerilla groups, such as FARC, ELN, and paramilitaries seem to be of less importance today).

53. FARC, *supra* note 8; WILLIAM J. POMEROY, *GUERRILLA WARFARE AND MARXISM* 313 (1968).

54. See *id.*

55. FOUNDATION, *supra* note 18, at fig. 3.

56. Meaning dirty little war.

57. FARC, *supra* note 8.

58. See PLAN COLOMBIA: CASHING IN ON THE DRUG WAR FAILURE (Cinema Libre 2003) [hereinafter CASHING IN].

in the matter, the peasants became the unknowing victims in the struggle. As seen countless times in studying Colombia, the unforeseen consequences of policy decisions can be devastating.⁵⁹

B. *Unstable Democracy*

The economic instability caused by constant fighting and crop destruction created high levels of unemployment in many parts of the nation.⁶⁰ Unemployment served as the spark for drug smuggling in Colombia.⁶¹ Subsequently, peasant farmers who did not participate in guerilla groups were faced with the reality of not being able to provide for their families.⁶² The exportation of cocaine, warring factions, and a government unable to provide core services to its citizens created a willing labor market for the major drug cartels.

The increasing number of gainfully employed coca farmers created the “Robin Hood” image of the illicit drug industry in addition to serving as a new livelihood for thousands of otherwise law-abiding citizens.⁶³ The Colombian government put itself in a position to fight a war on many different fronts while neglecting the most important element in any nation-state – its people.⁶⁴

The history and culture of violence in Colombia is an integral piece in the puzzle to understanding the lack of a stable Colombian government. U.S. policy has been successful in presenting itself as the answer to Colombia’s problems. The white-over-black relationship, however, can be found when closely examining the rhetoric of the oppressor: the “others” need our help; many will die when we help, but without our help all would be lost; do as we say or we will have to destroy all.⁶⁵

59. See CHALMERS JOHNSON, BLOWBACK: THE COSTS AND CONSEQUENCES OF AMERICAN EMPIRE, 5 (2000) [hereinafter BLOWBACK].

60. In saying “parts of the nation,” I am referring to the Putumayo regions of the country that is made of a majority of Afro-Colombians and coincidentally the most bio-diversified and valuable parts of Colombia. See CASHING IN, *supra* note 58.

61. *Id.*

62. *Id.* (noting that Plan Colombia was originally intended to focus primarily on crop replacement and overall economic development programs; however, the Pentagon changed the plan. The altered plan, amounting to \$1.7 billion, called for eighty percent of the money to be spent for military purposes and twenty percent to focus on crop replacement and community development).

63. MABRY, *supra* note 42, at 60.

64. *Id.*

65. Indeed millions of peasants have been destroyed or become displaced refugees as a result of Plan Colombia. CASHING IN, *supra* note 58. By exporting U.S. interests through foreign policy such as Plan Colombia, oppression has spread beyond the confines of domestic borders. See THEODORE W. ALLEN, THE INVENTION OF THE WHITE RACE: THE ORIGIN OF RACIAL OPPRESSION IN ANGLO-AMERICA 32, 34–35 (1994) (Racial oppression is imbedded in the history of colonialism to reduce the oppressed to one common group lacking societal status. Further it has

Gustavo Gorriti correctly illuminated the point that guerilla insurgencies test the assumptions held by the democratic process and provoke the elected government to overstep its legal and ethical boundaries in an effort to be effective.⁶⁶ The danger which Gorriti accurately characterized is the blurring of the lines to the extreme extent where the protagonist becomes the antagonist.⁶⁷ Colombia, aided by U.S. gunships, M-16's, and death squads has reached this worrisome position.⁶⁸

Assistance packages such as Plan Colombia, extradition treaties, and military aid served one major purpose: increasing Colombian reliance on foreign funds and forcing respective administrations to fight their problems on U.S. terms.⁶⁹ One-dimensional policy approaches created fertile ground for the possibility of Fanon's Algeria or President Johnson's Vietnam quagmire.⁷⁰ The evidence of the true position of the United States becomes apparent by examining the language of Plan Colombia and the terms and conditions of military assistance. Congress used reward-and-punish appropriation packages between 1985 and 1987.⁷¹

This section answers the questions presented *supra*. Why Colombia? And why the "War on Drugs?" It posits that existing violence was the key factor in the war on drugs because the state was already weakened, creating a fertile environment for U.S. oppression.⁷² The weak Colombian government ensured foreign assistance would be accepted as the only viable option for fledgling administrative power.

been used as a system of rule to derail the normal course of development allowing for natural social distinctions.).

66. Gustavo Gorriti, *Latin America's Internal Wars*, 2 J. DEMOCRACY 85, 86-87 (1991).

67. *See id.*

68. *Id.*

69. *See CASHING IN*, *supra* note 58. The increase in aid, in the form of arms, has lead to the need to continue war. *Id.* Further, after the passage of the \$1.7 billion aid package, Plan Colombia, U.S. Congressional debate was not based on efficiency of the spending plan. *Id.* The debate for giving aid to Colombia centered on how many and where the Black Hawk Choppers would be built; the Seqworski Corporation (makers of the Black Hawk) made \$250 million from the aid package to Colombia. *Id.* U.S. Senator Janice Schakowski said, "[t]his is an under-the-radar 'secret war' that the United States is engaged in." *Id.*

70. *See generally id.*; SARTE, *supra* note 28.

71. MENZEL, *supra* note 15.

72. Oppression here has come in the form of violence, poverty, and millions of slaughtered innocents. *BlackBody*, *supra* note 19; WALTER JOHNSON, SOUL BY SOUL: LIFE INSIDE THE ANTEBELLUM SLAVE MARKET 115-16 (1999) (Whiteness becomes meaningful only when there is a contrasted, un-entitled entity. Whiteness therefore, needs a subaltern: poverty, race classification, or all things Not White, so as to sustain its special significance within the social structure.). *See BlackBody*, *supra* note 19 at 531 ("Whiteness is not a color, it is a sadistic pleasure in humiliating.").

The “War on Drugs” fit nicely into the overarching U.S. strategy of regional domination.⁷³ Here, domination by policy pundits in Washington is the equivalent of oppression.⁷⁴ The oppression of the “other” by the Anglo-American power apparatus solidified the subordinate status of Colombia as a nation of brown people.⁷⁵

From a U.S. perspective, the war against illicit narcotics could be easily grafted upon the skin of Colombia because its pre-existing culture had already been primed by years of civil war.⁷⁶ All that had to be done was to supply the government with more equipment of oppression and tell it who to imprison, execute, or extradite.⁷⁷

PART II – MAJOR GUERRILLA FACTIONS

Rising from the rubble of oppression three major guerilla groups emerged that continue to dominate the geo-political landscape of Colombia.⁷⁸ The first is ELN, *Ejército de Liberación Nacional*.⁷⁹ The second, FARC, *Fuerzas Armadas Revolucionarias de Colombia*, sprang from the turmoil of the *La violencia* period.⁸⁰ Finally, vicious paramilitary groups formed.

73. As articulated in CASHING IN, *supra* note 58, the “War on Drugs” served as a pretext for U.S. involvement to supposedly help fight alleged narco-terrorists. *Id.* The reality is that the rhetoric of Plan Colombia has been broadened in the wake of the September 11, 2001 terror attacks in the United States. *Id.* Currently, the “War on Drugs” has been renamed the “fight against counter-insurgency.” *Id.* For further reading on the change in U.S. rhetoric, while maintaining the pre-text for involvement, see generally María Clemencia Ramírez Lemus Et al., *Colombia: A Vicious Cycle of Drugs and War*, in *DRUGS AND DEMOCRACY IN LATIN AMERICA: THE IMPACT OF U.S. POLICY* 115–16 (2005).

74. *BlackBody*, *supra* note 19.

75. JOHNSON, *supra* note 72 (emphasizing whiteness).

76. DIX, *supra* note 3.

77. See generally *supra* note 27 (providing a list scholarly works analyzing the many human rights abuses arising from the implementation of U.S. policy through Plan Colombia).

78. ANGEL RABASA & PETER CHALK, *COLOMBIAN LABYRINTH: THE SYNERGY OF DRUGS AND INSURGENCY AND ITS IMPLICATIONS FOR REGIONAL STABILITY* 23, 30, 53 (2001).

79. The ELN’s most notable early leader was the former Roman Catholic priest, Camilo Torres, who, by the mid-1960s, was a widely-known figure in the Liberation Theology movement that swept through Latin America. After Torres’ death in combat in 1966, another Spanish priest with ties to the Basque separatist movement, Manuel Perez, assumed leadership of ELN. *Momentos en la vida del Comandante Manuel Perez*, http://www.nodo50.org/patrialibre/identidad/se_melvd.html (last visited Feb. 26, 2006) [hereinafter *Momentos*].

For more information on ELN’s exclusion from the drug business due to the philosophical preferences of its leader priest, see *Momentos*, *supra*. For information on ELN cells’ involvement in the drug business during the 1980’s in the Catatumbo region, see COLOMBIA OBJECTIVA, *El ELN y Las FARC Intimidan a los Indigenas Motilon- Barí para Sembrar Hoja de Coca y Exportar Cocaína*, <http://www.geocities.com/CapitolHill/Lobby/6882/tres.html> (last visited Feb. 26, 2006) [hereinafter *Colombia Objectiva*].

80. FARC, *supra* note 8.

A. *ELN, Ejército de Liberación Nacional*

A unique characteristic of the ELN is that it bases its historical and theoretical philosophy on its founder, revolutionary priest Camilo Torres Restrepo (Torres).⁸¹ Torres viewed the violence in Colombia in a way that can be analogized to the genocide discussed by Sartre.⁸² The violence experienced by Torres was multi-dimensional.⁸³ Torres experienced the extreme poverty and oppression of the Colombian majority and interpreted this through the lens of nationalized genocide or violence.⁸⁴ The violence of hunger, helplessness, underdevelopment, persecution, oppression, and ignorance could be understood in their relation to the exploiting minority – societal elites.⁸⁵

The enemy of the people, to Sartre, was not only imperialistic nations but, more importantly, what imperialism represented.⁸⁶ In his work *Populorum Progressio*, Pope Paul IV talked of the economic oppression of the “other,” in this instance non-whites, indicating “profit as the chief spur to economic progress, free competition as the guiding norm of economics, and private ownership of the means of production as an absolute right.”⁸⁷

The rhetoric of revolution against the state in Colombia was born out of the frustration of justice-minded peoples.⁸⁸ Torres represented the people of god first and greater humanity second.⁸⁹ While often marginalized as radical ranting, the writings of Torres and the formation of ELN are analogous to the community participation in Vietnam.⁹⁰ In *On Genocide*, the average peasant became a part of the

81. *Id.*

82. *Compare id.*, and SARTRE *supra* note 28.

83. *See generally* SARTRE, *supra* note 28.

84. CAMILO TORRES & JOHN GERASSI, *REVOLUTIONARY PRIEST: THE COMPLETE WRITINGS & MESSAGES OF CAMILO TORRES* 442 (1971).

85. *Id.* at 442, 443.

86. SARTRE, *supra* note 28, at 85 (“In this sense imperialist genocide can only become more complete. The group which the United States wants to intimidate and terrorize by way of the Vietnamese nation is the human group in its entirety.”).

87. CATHOLIC CHURCH, *POPULORUM PROGRESSIO: ENCYCLICAL LETTER OF HIS HOLINESS PAUL VI ON THE DEVELOPMENT OF PEOPLES* 44, 46 (1967), available at http://www.vatican.va/holy_father/paul_vi/encyclicals/documents/hf_p-vi_enc_26031967_populorum_en.html.

88. *See Momentos*, *supra* note 79.

89. *See* TORRES, *supra* note 84, at 445.

90. “Thus war, seen in a new light and distorted by propaganda, becomes the ethical decision of the whole community. All citizens of each warring nation (or almost all, after they have been manipulated) are the enemies of all those of the other country.” SARTRE *supra* note 28, at 60. The extent of violence has become so warped that the Colombian elite, the government, is beholden to buy more weapons to kill its own people, down to the last man, woman, and child. CASHING IN, *supra* note 58 (quoting a peasant woman in the village of Putumayo recounting a Colombian military and paramilitary coordinated attack on her village). For evidence of the exclusion of the violence committed by the Colombian government against its own citizens, see James Wilson, *Brutal Battle for Territory as Colombia Prepares Offensive Against Rebels*, FINAN-

revolutionary movement, either passively or actively, bound by the singular goal of expelling the oppressor.⁹¹

The call to armed struggle by ELN doctrine can be characterized as a written manifesto stating the need for bloodshed.⁹² ELN became entangled as a guerilla group against the Colombian government, not as actors for drug cartels, but as people for civility and humanity through necessary counter-violence.⁹³ Torres explained that “[t]he revolution is like an individual with a plastic bag over his head breaking free to breathe.”⁹⁴

“Historically, progress has always come about through violence.”⁹⁵ Brotherhood is violence through the destruction of the master-slave relationship, creating collectivism.⁹⁶ The elite perceive rebellious movements as terrorist organizations.⁹⁷ To the “others,” rebellion represents an act of counter-violence.⁹⁸

The United States, through the singular view of the “drug war,” ignored the socio-economic and political turmoil responsible for creating guerilla factions. For the guerillas, the Colombian government represented a society based on greed, competition, and murder.⁹⁹ The American presence has expanded murder as white over non-white oppression through indirect invasion and occupation.¹⁰⁰

B. FARC, Fuerzas Armadas Revolucionarias de Colombia

To contrast the Marxist revolutionary ideals of the ELN, FARC emerged as the second dominant guerilla faction in Colombia.¹⁰¹ Drug war rhetoric grouped all guerilla factions as a collective unit op-

cial TIMES (London), Sept. 13, 2000, at 5 (reporting that the Putumayo region of Colombia has been hotly contested by illegal armed groups vying for control of a region where coca and opium are cultivated, with FARC exerting hegemony over the region, and that similar violent land grabs by illegal armed groups is ongoing throughout Colombia).

91. See SARTRE, *supra* note 28, at 66.

92. See *id.* ELN was formed by urban intellectuals who were influenced by the pro-Soviet Partido Comunista de Colombia (PCC), the Communist Party of Colombia, and who embraced the ideological sentiments and financial support of the Castro revolution in Cuba. Haydee Marin, *Terrorist Groups Inspired by Fidel Castro and Che Guevara*, LA NUEVA CUBA, <http://www.lanuevacuba.com/archivo/notic-01-10-911.htm> (last visited Feb. 26, 2006).

93. See SARTRE, *supra* note 28, at 66; *Momentos*, *supra* note 79.

94. TORRES, *supra* note 84, at 448 app. D, adapted from John Gerassi, *Violence, Revolution, and Morality*, PERSPECTIVE (Pittsburgh, Pittsburgh Theological Seminary) Spring 1969, at 49.

95. *Id.* at 447.

96. *Id.* at 448.

97. See *id.*

98. *Id.* at 449.

99. *Id.* at 450.

100. See generally note 65 (discussing the societal role that whiteness plays in oppression, violence, and poverty).

101. RABASA & CHALK, *supra* note 78 at 23.

erating for drug trafficking purposes.¹⁰² An important distinction should be made between FARC's ideology, which originated from a peasant protection group, and the socialist ideological viewpoint of ELN. While both guerilla groups are fighting against the United States by using direct action against the Colombian governmental establishment, key ideological differences exist.¹⁰³

For the U.S. and Colombian governments seeking financial support for genocide, FARC provided the perfect justification.¹⁰⁴ The practicality of direct combat against the government created serious financial needs for the 20,000-man FARC army.¹⁰⁵ The reality today is that the organization taxes the illegal drug distribution trade in order to raise revenue to support its large forces.¹⁰⁶ According to the United States, FARC is no longer a revolutionary organization seeking to free its people from imperialist oppression, but rather a group composed of narco-terrorists.¹⁰⁷ FARC, interestingly enough, maintains a website in multiple languages that allows the entire international community access to its ideological constructions and political positions.¹⁰⁸ As the largest insurgency group in the nation its impact on Colombian politics is undeniable.¹⁰⁹ It represents an undeniable threat to the Colombian government's authority.¹¹⁰

FARC envisions itself as a movement grounded in social justice fighting for the people.¹¹¹ It calls for a legalization of drug consumption as the only viable means for eliminating narcotics traffic in Colombia.¹¹²

The FARC proposal, vilified in the media, may provide a viable solution to the drug trafficking issue.¹¹³ In analyzing its proposition the question is presented: What if it is right? Currently the situation in Colombia, premised on the eradication of drug trafficking, makes legalization appear a viable policy alternative.

102. *Id.* at 23-24.

103. *Id.*

104. *See generally id.* at 26 (discussing the economic and political role of coca production).

105. *See generally id.* at 27 (enumerating the components of FARC's structural framework).

106. *Id.* at 32.

107. *See id.* 23-29. This categorization allows for an oversimplification of the situation, it also allows for congressional dollars to be allocated from the Plan Colombia "war on drugs" effort to the counter-insurgency effort. CASHING IN, *supra* note 58.

108. FARC, *supra* note 8.

109. *See generally The History of the Guerilla Movement in Colombia*, available at <http://www.geocities.com/CapitolHill/7078/g.txt> (last visited Feb. 26, 2006) (arguing that guerilla factions now exercise governmental duties in rural areas, and are stronger than ever due to governmental oppression of legal political activity and a lack of international pressure).

110. *See id.*

111. FARC, *supra* note 8.

112. FARC-EP, http://www.mondofariano.org/pagina_ingles/plenum/drugs.html (last visited Nov. 17, 2006).

113. *See* CASHING IN, *supra* note 58.

1. Staying the Course

The legalization argument is vehemently rejected by Washington, which will only support a policy to stay the course even in the face of twenty-five years of failed one-dimensional policy.¹¹⁴ The brave few who have spoken out against the increasing insanity of continuing this policy have been marginalized as supporters of drug use, soft on crime, and anti-democratic. On its surface, resistance to change in drug policy is premised upon the idea that to “soften” the U.S. response will lead to a total destruction of our society by drugs.¹¹⁵ If that is what the policy is trying to prevent, it is already beyond that tipping point. On the streets of Boston, Massachusetts, heroin and cocaine can be bought for prices as low as three to four dollars a bag.¹¹⁶

2. The Path of Total Destruction

Given the history of U.S. military involvement in the nation, the logical assumption would be that the United States would never agree with FARC.¹¹⁷ However, upon further analysis, the situation for the United States is not as simple as source crop eradication or legalization.¹¹⁸ Plan Colombia has increased the U.S. military presence in Colombia.¹¹⁹ Not only has the United States provided troops, it sells dozens of U.S. made Black Hawk helicopters to aid the Colombian government in its war.¹²⁰ The implicit conclusion is that the profit going to defense contractors is merely incidental to helping the Colombians help themselves.¹²¹ The more apt characterization is that the United States is helping Colombians kill themselves; after all, Black Hawk helicopters are the instruments of war, not peace.

Helping its periphery destroy itself does not benefit the United States if the goal is anything but military escalation of the situation. Here the same conclusion reached by the French in Frantz Fanon's

114. MENZEL, *supra* note 15.

115. For an understanding of Washington's rigid position, see Kurt Schmoke, *Forging a New Consensus in the War on Drugs: Is it Possible?*, 10 TEMP. POL. & CIV. RTS. L. REV. 351, 351-53 (2001).

116. Interview with Jonathan Scott, Executive Director, Victory Programs, in Boston, Mass. (Jan. 11, 2006).

117. Given the entrenched policy approach of the United States, concession is not an option. See generally MENZEL, *supra*, note 15.

118. Marc Cooper, *Plan Colombia*, THE NATION, Mar. 19, 2001, available at <http://www.thenation.com/doc/20010319/cooper>.

119. See generally RABASA & CHALK, *supra* note 78.

120. *Id.*

121. See generally Kristen McCallion, *War For Sale! Battlefield Contractors in Latin America & the 'Corporation' of America's War on Drugs*, 36 U. MIAMI INTER-AM. L. REV. 317 (2005).

Algeria must be reached.¹²² All things being equal, there is no obvious reason that the United States would support Colombia's destruction.

C. *Paramilitary Groups*

To add to the violent mix of fighting, paramilitary groups formed as a response to traditional guerilla violence.¹²³ The government formed small groups, originally to hunt down cartel members; cartels formed and funded their own paramilitary forces, to serve as death squads.¹²⁴ Government paramilitaries have the express mandate to use terrorist activities to deal with "known communist proponents."¹²⁵ Finally, the peasants caught in the middle of the chaos of guerilla groups and other paramilitary formed their own groups for regional protection.¹²⁶

This section argues FARC and ELN violence has to be looked at critically. While each group has committed violent acts, they have also put forth meaningful ideas that have been brushed aside. The real benefactor in the rise of the guerilla groups has been the United States. The increase in violence spurred by pre-existing instability has been fraudulently used as justification for combating FARC and ELN as rogue organizations. The real threat can be found in the paramilitary groups which are government-sanctioned and continue to commit atrocities in the name of the Colombian government. Their symbiotic relationship with the government and drug traffickers should not be blurred into the same category as FARC and ELN. Politically, the United States has found it convenient to refer to the guerilla groups as one unit when, in fact, reality is much more nuanced. The United States has refused to deal with FARC and ELN as legitimate bodies and has included them as being responsible for the violent acts of the paramilitary forces.

Thus, there is no apparent end to the complexity of societal violence experienced in Colombia.¹²⁷ The sovereignty and legitimacy of the government has been under perpetual suspicion and skepticism from Colombia's populace as well as from the United States.¹²⁸ Against the

122. If they totally destroyed the country there would be no one to exploit, or more importantly, no one to produce for the mother nation cheaply. FANON, *supra* note 30.

123. RABASA & CHALK, *supra* note 78, at 53. (noting that paramilitary describes defense forces that have some military capability).

124. NOAM CHOMSKY, *Pacification, on AN AMERICAN ADDICTION*, (AK Press 2001).

125. *Id.*

126. See RABASA & CHALK, *supra* note 78, at 53, 54.

127. As long as U.S. corporations continue to benefit the perverse Colombian reality, it seems no end is in sight. CASHING IN, *supra* note 58.

128. Farah, *supra* note 46. Some argue that the political class as a whole has allowed the drug trade to go on and accepted political contributions from drug cartels. *Id.* Others argue that scandal is not a sign of reform to clear the government of the smear of the drug trade, but a

backdrop of total societal war, the “War on Drugs” served to not only destabilize the Colombian government but to force an increase in the militarization of drug traffickers, citizens, and seemingly the entire nation.¹²⁹

PART III – GOVERNMENTAL RESPONSES

Four presidential administrations are examined in this section for the purpose of highlighting the Colombian government’s inconsistencies in dealing with the drug cartels and the instability they created.

A. *The Colombian Response*

President Virgilio Barco came to power in 1986 and inherited the drug cartels and the international scrutiny of Colombian affairs.¹³⁰ The Barco administration approached the identification of *narcotraficantes*¹³¹ as an issue of Colombian national security.¹³² The effect of this policy shift in Colombia meant that military force and intervention could be used, in essence, to wage a war against the producers of drugs in Colombia.¹³³

1. The Barco Administration

From a micro-view, the *blowback* felt by the Barco administration was swift and brutal.¹³⁴ The pressure mounting from the United States for Colombia to take a hard stance on cocaine export and production caused a violent result.¹³⁵ On December 17, 1986, the editor

political ploy to force Samper to resign so that his accusers can gain more influence and maintain the ties between the drug trade and the ruling political class. *Id.* *Motes, Beams, and Drugs*, THE ECONOMIST, Mar. 9, 1996, at 18 (calling for Samper’s resolution as a solution to the crisis and for the benefit of Colombia and arguing that the U.S. government has hinted that if Samper resigns, Colombia will be certified or given a national security waiver).

129. See COOPER, *supra* note 118.

130. The Medellín Cartel formed in the late 1970s as a joint venture among drug traffickers based in Medellín, Colombia’s second largest city, an industrial center, and capital of the Colombian department of Antioquia. The head of the Cartel was the infamous Pablo Escobar Gaviria, a small-time hood who rose to dominate the organization through a combination of ambition and ruthlessness. The Cartel was responsible for horrific violence against the government throughout much of the 1980’s before the leaders were either brought to justice or killed by national police forces supported by the U.S. government. The Cartel has been dismantled and its place in the drug trafficking industry taken over by the cartels in Cali and in the Caribbean coastal cities of northern Colombia. See generally PATRICK CLAWSON & RENNELAR W. LEE III, THE ANDEAN COCAINE INDUSTRY (1998). See also PUBLIC BROADCASTING SERVICE, FRONTLINE: DRUG WARS, <http://www.pbs.org/wgbh/pages/frontline/shows/drugs/business/inside/colombian.html> (last visited Feb. 26, 2006) (providing a complete history of the Medellín Cartel).

131. Meaning narcotics traffickers.

132. SILVIU BRUCAN, THE DIALECTIC OF WORLD POLITICS 5 (1978).

133. See *id.*

134. BLOWBACK, *supra* note 59, at 229.

135. CLAWSON & LEE, *supra* note 130.

of the liberal Bogotá daily newspaper was assassinated.¹³⁶ Having been a long-outstanding critic of the cartels, he was made an example of to those siding with the government. This assassination highlighted the weak state of Colombia and the violent power of the *narcotraficantes*. The Colombian government responded with a sweep of drug busts and raids that did little more than inflame the cartels.¹³⁷

The flaw in Barco's policy was the underestimation of the true power of the cartels.¹³⁸ In response to government attempts to disrupt and arrest leaders of the Medellín cartel, the attorney general of Colombia, Carlos Mauro Hoyos, was assassinated January 25, 1988. Hoyos was seen as a threat due to his position on United States extradition of Colombian criminals; he was killed as a warning to those in government.¹³⁹ The same underlying concept found in these actions is also present when examining the history of *La violencia*.¹⁴⁰ When a party or group feels it is being threatened, or its needs are not being met, violence and force are the first remedy and this has held true for both the state and the populace.¹⁴¹

The inability of the Barco administration to shield even its most senior officials from the reach of the cartels proved to be its most significant obstacle toward dialogue and peace.¹⁴² The Barco administration chose to increase its military use of force against a powerful group of its citizens who possessed nearly unlimited resources. The back-and-forth attacks between the government and the cartels de-

136. See generally SILVIO WAISBORD, *WATCHDOG JOURNALISM IN SOUTH AMERICA: NEWS, ACCOUNTABILITY, AND DEMOCRACY* (2000).

137. See CLAWSON & LEE, *supra* note 130.

138. WAISBORD, *supra* note 136.

139. JENNY PEARCE, *COLOMBIA: INSIDE THE LABYRINTH* 230-31 (1990).

140. "Perversely, our pleasure-in-submission, a pleasure which displays itself through the five major scenes of violence, narcotics . . . , has lead us to an utter disregard for destruction, which, in turn, has led us past caring about the fate of our bodies." *BlackBody*, *supra* note 19, at 534.

141. LEONIDAS GOMEZ O., *CARTEL, HISTORIA DE LA DROGA* 260, 298 (1991). When the narcotraffickers gained control of ranching land in Magdalena Medio and the Atlantic coast, they planted illegal crops such as coca. *Id.* at 298. Once the guerillas put pressure on the traffickers to help with their cause, the traffickers responded by creating private armies who were happily supported by cattle ranchers that had not yet sold their property. *Id.* at 260, 298.

142. See Malcolm Deas, *Violent Exchanges: Reflections on Political Violence in Colombia, in THE LEGITIMIZATION OF VIOLENCE* (David E. Apter ed., 1997). Malcolm Deas notes the complexity of political violence in Colombia and its inability to be fully explained. He posits: "Prolonged violence has not convinced Colombians that only drastic solutions will work, or that any authority is better than none." *Id.* at 389. While rejecting an explanation that Colombia is condemned to political violence by heritage alone, he does give considerable weight to the tradition of violence as an explanation: "[o]ne can begin to isolate the peculiar nature of Colombian political conflict in the nineteenth century. It seems to have involved more strata of the local society, . . . more frequently and repeatedly Nor did the conflict ever resolve . . . the Liberal-Conservative divide. I shall suggest that this peculiar nature is part of an explanation of the persistently high level of political violence in Colombia." *Id.* at 354.

fined the Barco administration and the inability of the government to address the drug cartel issue from a military front.

2. The Gaviria Administration

Following Barco, César Gaviria came into power in 1994 and chose to follow the unsuccessful path of his predecessor and wage war against the drug-producing cartels. However, the Gaviria administration took a major departure from Barco. President Gaviria wanted to create more legitimacy in the struggle and shift from a military approach to one which followed the rule of law and gave local law enforcement and the national judiciary discretion.¹⁴³

Beginning with decree 2047, president Gaviria offered a legal mechanism for drug traffickers to end their production of cocaine and stop the violence.¹⁴⁴ Gaviria was attempting to use creative incentives to create a political environment in which the drug elite could confess their crimes and face only Colombian legal redress, which was to their advantage.¹⁴⁵

In the backdrop of the Colombian government's preoccupation with stopping the Medellín cartel, the complexity of applying international legal and policy norms were exacerbated by the myriad interests within and outside Colombia.¹⁴⁶ The decentralized nature of the drug cartels that resulted from the fall of the famed Medellín leader Pablo Escobar had two major consequences. First, the United States constantly evaluated the efficaciousness of how Colombians should handle the war on drugs through increases or restrictions of foreign aid.¹⁴⁷ Second, the power of drug cartels merely changed hands to shadowy operators.¹⁴⁸

3. A Shift in Policy Approach

Leading up to 1994, the presence of U.S. aid and influence was minuscule compared to the period after 1994. The major shift in Colombian policy on the drug front can be understood as resulting from the increased pressure placed on the Colombian government by the United States beginning with the Samper Administration.¹⁴⁹

143. See CRANDALL, *supra* note 9 at 29–30.

144. Decree 2047 allowed drug traffickers to surrender, confess their crimes and be guaranteed reduced sentences without extradition to the U.S. <http://www.presidencia.gov.co/decretos-linea/1990/octubre/08/dec2372081990.pdf>.

145. See *id.*

146. Jorge L. Esquirol, *Can International Law Help? An Analysis of the Colombian Peace Process*, 16 CONN. J. INT'L L. 23, 24 (2000).

147. *Id.* at 55.

148. See *id.* at 35.

149. CRANDALL, *supra* note 9, at 39.

President Ernesto Samper, upon taking office, took a very stiff position on the issue of narcotics and drug trafficking under the political coercion of the U.S. government. It must be pointed out, however, that while the Colombian policy may have appeared to be consistent, it was far from it. President Samper is often credited with taking the most unforgiving military and extradition strategy of all the past Colombian presidents facing the cartels. The underlying reason for this hard-line policy position was to appease the U.S. government. The Samper administration marked the turning point in Colombian national policy and politics. Samper politically corned into catering to the U.S. as a result of his own corruption scandal.¹⁵⁰ The United States used as leverage evidence that the Samper election was paid for by the Cali cartel, the new kingpins in cocaine production and export.¹⁵¹

During Samper's presidency, governmental corruption was discovered to be rampant.¹⁵² An unprecedented militarization of the "War on Drugs" had taken place with hundreds of millions of dollars of U.S. military assistance and training. However, by the end of the Samper presidency, cocaine exports had not slowed and Colombia was being hurt by the rigid approach of the U.S. Congress.¹⁵³

While Ernesto Samper was seen as a thorn in the side of the United States on the drug issue, the new president elect, Andrés Pastrana, was poised to be a valuable ally. President Pastrana, in a continued effort to work collectively with the United States, proposed a broad plan to take back Colombia from the grips of the drug cartels and return it to the people.¹⁵⁴ His plan called for the Colombian government to appropriate four billion dollars in the form of a package called Plan Colombia, to be implemented with the support of the international community, principally the United States. This plan offered sweeping counter-narcotic initiatives designed to destroy coca crops, coca paste and provide U.S. military logistical assistance to Colombian troops.¹⁵⁵ While praised by the Colombian people on the surface, it was quickly discovered that Plan Colombia was in fact the brainchild of Washington.

To the discredit of Plan Colombia, it has not resulted in the reduction of cocaine production in Colombia or decreased the levels of imported coca paste; what it has done is exacerbate myriad socio-

150. *Id.* at 5.

151. Farah, *supra* note 46.

152. *See id.*

153. CRANDALL, *supra* note 9, at 37. In fact, coca harvest increased. WEIR, *supra* note 27, at 213-14 (noting that "[b]etween 1994 and 1995 . . . coca crop went up by 25 percent . . ."). *Id.*

154. *Colombia's Drug-Bedeveled Hopes of Peace*, THE ECONOMIST, October 3, 1998, at 39.

155. CRANDALL, *supra* note 9, at 148-50.

economic problems.¹⁵⁶ On the other hand, it has proven to be a catalyst to the threat of long-term Colombian regional security.¹⁵⁷ Chalmers Johnson's theory of unintended consequences has been apparent throughout the Pastrana administration's attempts to end the cartel's grip on Colombia.¹⁵⁸ The result has been the stratification of the production and distribution processes into the neighboring countries of Brazil and Venezuela, further complicating the Colombian drug fighting efforts.¹⁵⁹

B. *The United States Presidential Administration Involvement*

In understanding the position of the U.S. government, the Reagan Doctrine¹⁶⁰ is espoused. The Reagan foreign policy perspective was premised on the idea of "rolling back" the communist base throughout the world, paying close attention to third world nations.¹⁶¹ While Colombia was arguably not a prime target for the spread of communism, the possibility was there. Due largely to the issue of overall regional stability and hegemony, the United States sought to become politically involved in any nation in its hemisphere where communism was seen as a threat.¹⁶²

1. The Reagan Rationale

The indirect threat from Moscow pushed the United States into establishing stronger diplomatic and economic links to Colombia. In an effort to strengthen the ties between nations, the rhetoric of the "War on Drugs" was used to polarize Congress on the drug issue. The Reagan Administration declared the drug situation a matter of national security and source country production a key policy issue.¹⁶³ The "War on Drugs" provided a legitimate reason to provide aid to Colombia to fight illicit crop production, in addition to strengthening the position of extradition of drug leaders.

156. JACKSON, *supra* note 22.

157. *Id.* at 73, 161.

158. *See* BLOWBACK, *supra* note 59.

159. The "spillover" eventually lead to the creation of the Andean Regional Initiative. *See* K. LARRY STORRS & CONNIE VEILLETTE, ANDEAN REGIONAL INITIATIVE (ARI): FY2003 SUPPLEMENTAL AND FY2004 ASSISTANCE FOR COLOMBIA AND NEIGHBORS, CONGRESSIONAL RESEARCH SERVICE REPORT FOR CONGRESS 5, 9 (August 27, 2003), available at <http://www.fas.org/man/crs/RL32021.pdf>.

160. *See generally* MARK P. LAGON, THE REAGAN DOCTRINE: SOURCES OF AMERICAN CONDUCT IN THE COLD WAR'S LAST CHAPTER 1-13 (1994).

161. *Id.* at 3.

162. *Id.* at 2.

163. *See generally* WILLIAM WALKER, DRUG CONTROL AND U.S. HEGEMONY," UNITED STATES POLICY IN LATIN AMERICA: A DECADE OF CRISIS AND CHALLENGE (1995).

The treaty of extradition was seen by many in the Colombian judiciary as a threat to its sovereignty.¹⁶⁴ Further, the cartels had previously created \$1.775 billion in additional tax revenue to the Colombian economy.¹⁶⁵ Until the late 1980's, the cartels were seen more as a profitable nuisance in Colombia than an evil scourge, as they were viewed by United States.¹⁶⁶

By gaining Colombian support, the U.S. Congress was able to reach its policy goal of actively prosecuting drug exporters and garnering political support for being "tough" on the drug issue.¹⁶⁷ The tough political position of Congress was not backed up by an equally tough domestic stance and therefore undermined the United States in the minds of Colombians.¹⁶⁸ The fundamental problem throughout United States-Colombia relations was the positive impact that the massive inflow of illicit capital and spending that resulted had on ordinary Colombians.¹⁶⁹ Job creation and increases in quality of life for working Colombians were never taken into account in crafting policy to eradicate cocaine exportation.¹⁷⁰

2. The George H. W. Bush Administration

The fall of the Soviet Union impacted the way the United States justified its interaction with Latin America. No longer could the United States espouse the need to control communism and its supporting nations as the primary reason for intervention and action on

164. See CRANDALL, *supra* note 9, at 85.

165. ROBERT E. GROSSE, *DRUGS AND MONEY: LAUNDERING LATIN AMERICA'S COCAINE DOLLARS* 37 (2001).

166. See generally Thoumi, *supra* note 27.

167. See generally LAGON, *supra* note 160.

168. CRANDALL, *supra* note 9, at 150.

169. See generally GROSSE, *supra* note 165.

170. Carlos Urrutia, Jr., *Colombia*, 7 FLA. J. INT'L L. 15, 15 (1992) (stating the economic growth of Colombia is not due to revenues from the drug trade).

Whether or not one accepts that the drug trade has helped Colombia achieve economic growth, the drug trade also may have had a negative impact on the Colombian economy. The President of Colombia, Ernesto Samper, stated in his 1995 State of the Nation Address, "Contrary to what many people believe, especially abroad, drug trafficking has created serious distortions in our economic system as it has altered the relative prices of goods and services, eroded the purchasing power of our exports, and generated undesirable pressure on our monetary system." Pascuzzi, *supra* note 27, at n.20 (1994).

One must accept the fact that the cocaine trade has had and continues to have some effect on the Colombian economy. "Colombia is the world's leading supplier of cocaine and is the source of tons of refined cocaine, heroin, and marijuana." BUREAU OF PUBLIC AFFAIRS, U.S. DEP'T OF STATE, PUB. NO. 7767, 6(1) BACKGROUND NOTES: COLOMBIA 5 (1994). Additionally, in 1990 the global drug industry was estimated to be worth U.S. \$500 billion a year. JOHN M. MARTIN & ANNE T. ROMANO, *MULTINATIONAL CRIME: TERRORISM, ESPIONAGE, DRUG & ARMS TRAFFICKING* 66 (1992); see also THOUMI *supra*, note 27 (discussing the impact of the drug trade on Colombia).

foreign soil. This policy vacuum was filled by the new found "threat" of the Colombian drug producers.¹⁷¹

The antagonistic approach of Congress in Colombia was predicated on the need to produce results. The United States government, in light of the crack cocaine epidemic taking place during the Reagan/Bush administrations, had to take action and produce some form of tangible results – progress had to be made. The need to not only maintain hegemony but to provide the American people with the sense that U.S. policy was effective, kept Colombia in a difficult political position.¹⁷² The heavy-handed influence of the United States in Colombian social and political affairs has been a major impairment to the peace process attempted by every Colombian administration for the past two decades.¹⁷³ The Colombian government has been severely limited in the way it can handle any drug issue because of its strong connection to Washington. Ensuring U.S. interests in the short-term may prove to be the underlying problem for securing a long-term reduction and elimination of illegal drug exports.

3. The Clinton Administration

The Clinton administration, spanning a total of eight years, increased U.S. aid to Colombia in a comprehensive and massive way. In Colombia, a \$7.5 billion plan was devised to revive the Colombian economy, promote social development, eradicate illicit crops, and jump-start stalled peace talks.¹⁷⁴ Labeled Plan Colombia, supposedly by the Pastrana administration, the initiative called for the Colombian government to supply \$4 billion, with the remaining \$3.5 billion to be provided by the international community.¹⁷⁵

The Clinton administration announced a \$1.6 billion package in military aid and assistance as part of Plan Colombia.¹⁷⁶ In the provisions for Plan Colombia, the United States cemented its political stranglehold on Colombia. While the aid package was a substantial commitment to Colombia's war on drugs through three years of funding, it was not seen as sufficient in the Colombian government.¹⁷⁷ The influx of U.S. military equipment, soldiers, and tactical training was the first of its kind in magnitude.

171. See CALL, *supra* note 45.

172. CRANDALL, *supra* note 9, at 152.

173. *Id.*

174. Larry Rohter, *Plan to Strengthen Colombia Nudges U.S. for 3.5 billion*, N. Y. TIMES, September 18, 1999, at A6.

175. *Id.*

176. *Id.*

177. *Id.*

To understand what is going on in Colombia, one has to look beyond Colombia's national borders to the region. In addition to Colombian military assistance, Plan Colombia also gave the United States key leverage in the entire Andean region. Provisions of Plan Colombia funded operations in Ecuador, Peru, and Venezuela for the stated purpose of combating the sale of drug processing chemicals to Colombia.¹⁷⁸ While these nations had been selling so-called "precursor chemicals" to Colombia, those sales did not justify such a large U.S. military presence in the region. The illegal sale of precursor chemicals to Colombia from Andean countries provided a military and economic guise for U.S. involvement in the region.¹⁷⁹

The complexities of U.S. involvement in Colombia that have been highlighted in this section are integral in understanding the role that state actors play on the geo-political stage. Oppression has taken a much more underhanded form in Colombia. While it may appear Colombians are fighting the "War on Drugs" to save their country, in actuality, they have become clients of the United States.¹⁸⁰ The United States, by way of Plan Colombia, has been able to successfully stage a proxy war in its own interest while destroying the very prospect for peace that Colombians value and desire.

PART IV – CRITICAL RACE THEORY PERSPECTIVE

The imperialist domination of the United States has been thoroughly identified and expounded upon in the preceding parts. Critical Race Theory provides a new perspective on the relationship of power, oppression, and subjugation of Colombia by the United States.

A. *The White-Over-Black Paradigm*¹⁸¹

In many respects the white-over-black paradigm is overtly presented. When U.S. foreign policy is crafted using the carrot and stick approach, the government is exerting its power as the master over its slave.¹⁸²

In exerting its power over the brown nation (Colombia), the United States enacts policy that can be analogized to the slave master who takes pleasure in that which he loathes.¹⁸³ The fetish object here is

178. See *supra* note 159.

179. See Storr & Veillette, *supra* note 159 (highlighting a shift in overt policy toward military regional dominance).

180. "Clients" here specifically means beholden to the billions of dollars in foreign aid. *Id.*; See Rohter, *supra* note 174.

181. Farley, *supra* note 18 (noting the connection between slavery and the white-over-black power relationship).

182. See generally *id.* (discussing white power over black slaves).

183. See *id.* at 230 (commenting that hatred of the slave becomes pleasurable).

not the black body but a brown nation.¹⁸⁴ The pleasure that the master derives from this interaction is not only the sight of, but interaction with, a forbidden passion – violence.¹⁸⁵ In American society violence is inseparable from its culture.¹⁸⁶ The dynamic of violence in the United States is not allowed to be overtly pleasurable, unless it is enjoyed through a semi-reality, for example through movies, television, or video games.¹⁸⁷ The only acceptable form of violence is self-defense.¹⁸⁸ In analyzing the oppression through violence of U.S. actions in Colombia, it can be understood as a form of internationalized “neo segregation,” premised upon the preservation of a white-over-black relationship – expanded to apply to a new race of non-white people.¹⁸⁹ The United States represents the violence that Colombians should fear.¹⁹⁰ The reality this work has sought to show is that the violence enacted by the United States has been seen not only in the form of policy, but in weapons such as guns, bullets, and Black Hawk helicopters.¹⁹¹

1. The Domestic Fetish as Spectacle

The violence that Colombians should fear is shared by their U.S. counterpart, the black body.¹⁹² The domestic “War on Drugs” consists of targeting and incarcerating the people the government claims to be trying to protect.¹⁹³ The real goal has been the eradication of the superfluous population of the United States¹⁹⁴ – the black body. The white-over-black spectacle – rooted in the slavery of blacks in the United States – has traded chains for incarceration.¹⁹⁵ The “War on

184. See generally FOUNDATION, *supra* note 18, at Tab. 28A.3.2 (charting the population of Colombia).

185. See *BlackBody*, *supra* note 19, at 459 (exploring “the pleasure function of the black body”).

186. See generally BOWLING FOR COLUMBINE (MGM Studios 2002) (highlighting the ingrained nature of violence in everyday American culture).

187. See *id.*

188. See *id.*

189. See Farley, *supra* note 18.

190. See generally John Barry, Note, *From Drug War to Dirty War: Plan Colombia and the U.S. Role in Human Rights violations in Colombia*, 12 TRANSNAT’L L. & CONTEMP. PROBS. 161 (noting myriad negative effects of U.S. military involvement in Colombia).

191. See generally RABASA & CHALK, *supra* note 78, at 22 (discussing the U.S. response to the illegal drug trade in Colombia).

192. See generally *BlackBody*, *supra* note 19. (“The colorline, in one aspect, is comprised of the rules of the sadomasochistic game also known to us as race relations.” *Id.* at 459).

193. See generally Geiza Vargas-Vargas, Article, *White Investment in Black Bondage*, 27 W. NEW ENG. L. REV. 41 (2005) (exploring continued white supremacy, the lucrative criminal justice system, and the perpetuation of black crime).

194. CHOMSKY, *The Real Objectives, on AN AMERICAN ADDICTION*, *supra* note 124.

195. JOHN HOPE FRANKLIN, *FROM SLAVERY TO FREEDOM: A HISTORY OF NEGRO AMERICANS* 42-213 (3rd ed. 1967). “[S]lavery was widespread during the earliest known history of Africa as well as other continents.” *Id.* at 42.

Drugs," through domestic legal policy, oppresses the black male body through incarceration.¹⁹⁶ The American legal system creates "the very spectacle – black criminality – upon which it relies to justify its existence."¹⁹⁷

2. From White-Over-Black to White-Over-Brown

Fighting against ones nation can be overt such as Colombia's internal struggle with FARC and ELN; however, a more subtle form of violence is also being proliferated in this instance. The subtle violence can be exposed in nuanced U.S. foreign policy promulgated in Colombia and manifested by the Colombian social elite who facilitate the process. The United States funded wars throughout the heart of Colombia, infecting the social fabric and in the process providing a smoke screen for the openly committed economic exploitation.¹⁹⁸ The fetish object (Colombia) has been consumed by its own poison. Poor men and boys have lined up to commit atrocities against anyone in the name of economic advancement manifested in drug profits, paid by U.S. citizens.¹⁹⁹

3. The Climax of the Master-to-Slave Relationship

Colombia, as a fetish object, has become our own private plaything – sadistic, intriguing, and shameful at the same time.²⁰⁰ It has long been known in the offices of the Drug Enforcement Agency that the

196. Vargas-Vargas, *supra* note 193.

197. ANTHONY PAUL FARLEY, *Sadomasochism and the Colorline: Reflections on the Million Man March*, in BLACK MEN ON RACE, GENDER AND SEXUALITY: A CRITICAL READER 71 (Devon W. Carbado ed., 1999). In support of my argument that the black body is specifically targeted, see Joseph E. Kennedy, *Drugs Wars in Black and White*, 66 SUM LAW & CONTEMP. PROBS. 153, 154 (2003) ("[T]he war would be waged far differently – or abandoned altogether – if whites were prosecuted and imprisoned more frequently than has been the case."); Kenneth B. Nunn, *Race, Crime and the Pool of Surplus Criminality: Or Why the "War on Drugs" was a "War on Blacks"*, 6 J. GENDER RACE & JUST. 381, 385 (2002) ("The definition of crime . . . is eminently political.").

198. This article does not seek to delve into the specifics of exploitative economic policies; however, these policies are further impoverishing Colombia. See Peter Kiernan, *U.S. Plays Bigger Role in Latin America As It Aims to Boost Non-Arab Oil Supplies*, OIL DAILY, July 8, 2002, at 496; Kirk Semple, *Colombian Training Program Not Just for Guarding Pipelines*, 81 PLATTS OILGRAM NEWS, Feb. 18, 2003, at 2; *Colombia's Chief Pipeline Bombed*, OIL DAILY, Nov. 25, 2002. The Cusiana-Cupigua fields produce nearly half of the 600,000 barrels of oil produced each day in Colombia and are operated by British Petroleum partners. The pipeline is also owned by Total Fina Elf of France, holding nineteen percent, and Triton Energy of the United States, a subsidiary of Amerada Hess, which possess twelve percent. *Id.* See also Steven Dudley, *War in Colombia's Oilfields: Washington's Counterinsurgency Aid Will Be a Big Boost to Occidental Petroleum*, 275 THE NATION, Aug. 5, 2002, at 28. See generally U.S. DEPT. OF STATE, REPORT TO CONGRESS, COLOMBIA: CANO LIMON PIPELINE, <http://www.ciponline.org/colombia/02120001.htm> (last visited Feb. 26, 2006); Pascuzzi *supra* note 27.

199. PAUL EDDY ET AL., *THE COCAINE WARS* 30 (1988).

200. *BlackBody*, *supra* note 19, at 492.

slums of Colombia are the training ground for some of the world's most prized assassins.²⁰¹ The continued expansion of the gap between the extremely wealthy and those marginalized by abject poverty continues to grow. Can there be surprise when the abused and neglected socio-economic lepers turn their guns upon their master? The servant is the Colombian government beholden to Washington (master) in one form or another for more than twenty years. When slaves (the oppressed Colombian people) can be beaten no more, they will lash out, driven to action by the oppressive circumstance.²⁰²

Those most affected by the death and destruction of cocaine profits have sought to minimize its influence to no avail. The complexity of the situation allows for questioning of failed supply side methodology. While many agree that a comprehensive plan must be taken, a real solution – a supply and demand side reduction strategy – is never given credence. This article does not propose to have the answer to the problem, but rather, the goal of this article is to label current policy exactly what it is – insanity.

B. *The Illicit Effect*

The impact of the violence seen in Colombia and by its citizenry has been experienced on different levels. First, the guerilla factions have militarized the nation and created a perpetual state of violence. Second, the United States has not seen a reduction in the demand for drugs by its citizenry. As an economic market, the illicit trade in drugs has become more streamlined and efficient as a result of the expansion of legitimate global trade.

201. EDDY, *supra* note 199.

202. In Malcolm X's May 29, 1964 speech, he characterized a cohesion of oppressed people: I visited the Casbah in Casablanca and I visited the one in Algiers, with some of the brothers – blood brothers. They took me down into it and showed me the suffering, showed me the conditions that they had to live under while they were being occupied by the French. . . . They showed me the conditions that they lived under while they were colonized by these people from Europe. And they also showed me what they had to do to get those people off their back. The first thing they had to realize was that all of them were brothers; oppression made them brothers; exploitation made them brothers; degradation made them brothers; discrimination made them brothers; segregation made them brothers; humiliation made them brothers.

Malcolm X, *The Harlem "Hate-Gang" Scare*, reprinted in MALCOLM X SPEAKS: SELECTED SPEECHES AND STATEMENTS 64, 66 (George Breitman ed., 2d ed. 1989) (delivered May 29, 1964, for the Militant Labor Forum of New York). Malcolm X took the conclusion one step further, as I believe the guerilla fighters in Colombia analogously have: "The same conditions that prevailed in Algeria that forced people, the noble people of Algeria, to resort eventually to the terrorist-type tactics that were necessary to get the monkey off their backs, those same conditions prevail today in America in every Negro community." *Id.* Currently the level of disparity at every measurable indicator creates the reasonable inference that one segment of the Colombian population is also being targeted, the non-elite, non-wealthy Colombian.

The characterization of trade as illegal has allowed for the pretext of legitimacy from the international community and organizations.²⁰³ The United States, in its role as international actor, has its hand in promulgating trade liberalization and privatization.²⁰⁴ The liberalization policies of the global north have functioned to not only create the market for illicit narcotics, but to facilitate the trade in global narcotics.²⁰⁵ The facilitation of illicit trade in narcotics has created the need to combat the new global scourge that threatens to destroy us all – the United States.²⁰⁶

The master claims to help the slave purge himself of his own evil by destroying that part of himself which is undesirable.²⁰⁷ In the process of purging himself, the slave (Colombia) is in danger of forever losing its sense of national identity.²⁰⁸

CONCLUSION

A fundamental objective of U.S. foreign policy is to maintain hegemony and influence. Throughout the U.S. involvement in Colombia, a uniform approach has been maintained: (1) attack the problem at the source; (2) use tied aid to force Colombian policy decisions in America's favor; and (3) never make a true effort to comprehend the complexity of cocaine in the Colombian economy and what it represents. The Colombian government has ineffectively tried to stem the rise in cocaine exports. The government is constrained in the way in which it can combat drug production because the only allowable option to fight the "War on Drugs" has been military escalation.

The white-over-black power relationship can be seen in the application of the "carrot and stick" policy by the United States. The increased militarization of U.S. involvement has served to exacerbate the potential for Colombians to kill more Colombians. The environment in Colombia has presented the ideal opportunity for violent hegemony to be exerted over the Colombian government. The violent oppression in Colombia is not a result of the "War on Drugs." The real war is against the poor, exhibited in the context of the master to the slave.

203. See generally Chantal Thomas, *Disciplining Globalization: International Law, Illegal Trade, and the Case of Narcotics*, 24 MICH. J. INT'L L. 549 (2003).

204. *Id.* at 555.

205. *Id.*

206. See *id.*

207. See Farley, *supra* note 18, at 234 (explaining that the only thing the living are not free to be is dead).

208. *Id.*