The Power of Elites: Making and Unmaking the Rule of Law in Guatemala

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INTERVIEWEES AND ACRONYMS

List of Interviewees

American:
- US Government Representative A (USGR A)
- US Government Representative B (USGR B)
- US Government Representative C (USGR C)

Guatemalan:
- Business Community Representative A (BCR A)
- Business Community Representative B (BCR B)
- Business Community Representative C (BCR C)
- CICIG Representative
- Guatemalan Journalist

List of Acronyms*

- CICIG: International Commission Against Impunity in Guatemala
- CIACS: Illegal Groups and Clandestine Security Apparatuses
- CICIACS: Commission for the Investigation of Illegal Groups and Clandestine Security Apparatuses in Guatemala
- FECI: Special Prosecutor Against Impunity
- MP: Attorney General
- FCN: National Convergence Front
- PCT: Guatemalan Labor Party
- RPEI: Illicit Political Economic Networks
- MINUGUA: UN Verification Mission in Guatemala
- CACIF: Coordinating Committee of Agricultural, Commercial, Industrial, and Financial Institutions
- CEH: Historical Clarification Commission

*Spanish Acronyms
INTRODUCTION

I. CONTEXT AND CASE JUSTIFICATION

“In Guatemala, however, nothing is ever easy” (Jonas 2000, 189). Agonizingly true, this adage aptly characterizes Guatemalan politics, more mired with twists and pitfalls than would seem possible. The past seven decades alone encompass a democratic spring, a US-backed coup, a genocide, a democracy without peace, and a shaky period of limbo in which Guatemala remains caught between democratic structures and illiberal norms. It is a period of profound reckoning, tragedy, and hope, one that transcends absolute lows and incredible highs. Perplexingly, every advancement towards justice, reform, and liberalism is followed by a regression or reversal. Progress is then evanescent, carrying tremendous power when it appears but proving unable to be sustained, dashing hope once more.

Several examples illustrate Guatemala’s reality. Guatemala experienced a democratic spring from 1945-54, with two reformist democratically-elected presidents, Juan José Arévalo and Jacobo Arbenz, enacting massive social upheaval through agrarian reform and rural education policy. Such advancement proved fleeting after a coup removed Arbenz and instituted military rule, marking a sudden and solid end to Guatemala's democratic awakening. In another example, Guatemala emerged from its brutal (in duration and scope) armed conflict with a comprehensive peace accords package signed in 1996, only to fail in 1999 to pass the constitutional referendum needed to enact many of the accords’ provisions. Finally, Guatemala dramatically improved its justice system, removing and prosecuting a head of state from office in 2015, only to dismantle the same judicial body in 2019 as it continued its anti-corruption work. How can these reversals be explained?
The center of each reversal reveals the true nexus of Guatemalan political power: its elite. This class of influential yet nebulous actors is the dominant force shaping Guatemalan politics; a close examination of who orchestrated each reversal and why places elites at its center. If these forces are indeed what is preventing Guatemala from liberalizing, understanding how they operate is paramount to future efforts to check their power. Guatemala’s numerous instances of progress and reform indicate both that liberalization is possible and that it has supporters. If elite influence persists unchecked, future such efforts will remain doomed to the same fate as their predecessors: reversed as soon as they clash with the elite agenda. Time and time again, an illiberal status quo emerges as Guatemala’s de facto reality despite substantial domestic and international efforts to combat it. This reality has profound consequences, preserving social injustice, violence, and corruption as norms and contributing to Guatemala’s flux of emigration. Illiberalism rapidly erodes Guatemala’s democracy, subverting constitutional norms and democratic institutions to advance corruption and impunity at the expense of good governance and adherence to the rule of law. These trends will certainly continue and likely worsen if left unchecked, underscoring the importance of better understanding exactly what drives Guatemala’s illiberalism, how it undermines reform, and when it is most successful. Without understanding how informal and formal elite networks function, the state will remain victim to their wishes and progress in Guatemala will be thwarted once more. Understanding democratic regression and the rule of law in Guatemala hinges on the attitudes and behavior of elites. It has relatively little to do with civil society, who in this case are relatively weak, and more to do with power holders who continue to wield inordinate influence. This thesis explains why and how they exercise such power, their objectives, tactics, and strategies, and when and why their influence may be diminished.
II. RESEARCH QUESTION AND ARGUMENT

The Guatemalan case is puzzling because elite influence has persisted through both military rule and a democratic transition, remaining the constant thread of Guatemalan politics despite Guatemala’s many political regimes over the past seven decades. Further complicating the case is the diffuse nature of the Guatemalan elite— they encompass many sectors, actors, and agendas, yet retain threads linking them together to weave a common agenda of impunity and illiberal influence. Their arrangement is unique, occupying formal and informal power in economic, political, and military spheres, yet this makes it all the more puzzling how such a diffuse network can so easily co-opt military and democratic governments alike.

The central question that this thesis thus explores is: how are elites able to exercise influence over the Guatemalan state to ensure that the state advances their interests? This raises two additional queries: how did elites come to be in such a position of power and what tactics do they use to maintain it?

I ultimately argue that elites are most easily able to impose their agenda in Guatemala when they are 1) unified, 2) mobilized, and 3) have international backing (or lack international opposition). I find this pattern is present during the two instances of elite takeover from the past seven decades: the 1954 coup and later counterinsurgency state, and the mobilization to reverse the justice movement’s gains from 2015 to 2019. Alternatively, these factors’ absence in 1985-2015 explain why elites found themselves playing defense against liberalizing forces. I argue that elite power is always present in Guatemala, yet experiences cycles of dormancy and resurgence. Unification, mobilization, and international alignment are the primary factors necessary for resurgence to occur, but, conversely, their absence signifies periods of dormancy.
III. METHODOLOGY

To support my argument, I examine the degree of elite unity and international support in three time periods (1954-1985; 1985-2015; and 2015-2019) and the corresponding consequences for the rule of law’s strength. Given that elites primarily work to subvert the rule of law, a consistent theme across each time period, I associate the rule of law’s health with the degree of elite influence. To simplify, an era with an incredibly weak rule of law—such as 2015-2019—reflects greater elite influence, while an era with a stronger rule of law—such as 1985-2015—reflects less elite influence. My analysis of each time period establishes why and how elites are most powerful and ultimately why their influence has persisted and remains the dominant force in Guatemala today.

My framing throughout this thesis rests upon my conceptualization of two groups: “elites” and “the justice movement.” Each group refers to a range of actors who share a unifying interest. Broadly, these two groups represent the dominant opposing interests in Guatemala and those most central to its political trajectory.

I define “elites” as a general category referring to individuals with the status and resources to influence politics in Guatemala. This is an intentionally vague characterization: elites in Guatemala come in many forms. The oldest and most powerful sector refers to the economic elite, who trace their origins to Guatemala’s landed aristocracy. Their more contemporary form is Guatemala’s business community. The economic elite encompass several subgroups. Most notably, CACIF, the Coordinating Committee of Agricultural, Commercial, Industrial, and Financial Institutions, is the dominant organization representing the economic elite and serves to publicly lobby for their interests. The economic elite’s chief incentive is to preserve their financial assets, meaning that they vehemently resist socioeconomic reform of any
kind. Their assets in turn depend on corrupt arrangements, be it illicit campaign financing or connections to organized crime, making impunity another chief priority. The second sector is the military. Though traditionally composed of working-class individuals, the military represents a socioeconomic ladder at the top of which officers can accrue immense power and privilege. The military’s central role in Guatemalan politics during the armed conflict era cemented its status as an elite sector, giving it the ability to shape politics according to its will and augmenting its members’ wealth and influence. The third sector is the political elite, emerging after Guatemala’s democratic transition in 1985. These actors are those who formally hold office, though they often do so with backing from one if not multiple other elite sectors. Nevertheless, Guatemala’s democratic system created a class of political elite who could wield power over politics through their formal office. Finally, the last sector of the elite emerged near the armed conflicts’ end: organized crime. These groups often consist of ex-military or paramilitary figures who ran illicit enterprises during the war that multiplied into organized crime networks after demilitarization. They traffick guns, drugs, and humans, and control much of Guatemala’s rural areas. Though mentioned less frequently in this thesis, their influence derives from their wealth and intimidation. Each sector of the elite--economic, military, political, and organized crime--exhibits corruption and demands impunity. They work to undermine the rule of law as they promote an illiberal status quo that best serves their interests. The elite sectors converge and separate throughout Guatemala’s history (the reasons for which and implications of which will be discussed at length in this thesis), but retain loose ties linking them even throughout times of discord.

The justice movement refers to those contesting this illiberal status quo, advocating for peace, a stronger rule of law, and an end to the corruption and impunity elites perpetuate. This
movement is also best characterized as a coalition for it has many disparate parts that exercise differing amounts of influence throughout the past seven decades. Broadly, it includes international actors, chiefly the UN and at times the US, activists, and reformers. The UN was particularly involved in the peace process, overseeing its completion and establishing a body to do so after its signing, MINUGUA (the UN Verification Mission in Guatemala). The US, though also promoting elite interests, worked to support the peace process. Both international bodies were instrumental in establishing the CICIG, (the International Commission Against Impunity in Guatemala) which served as the justice movement’s figurehead from 2007-2019. The CICIG, a UN body chiefly funded by the US, served to strengthen the rule of law in Guatemala by conducting investigations into organized crime and corruption and promoting judicial reforms. These reforms enabled a network of justice-oriented prosecutors and judges alike to promote the rule of law, including Attorneys General (MPs) Claudia Paz y Paz and Thelma Aldana. Activist groups are the last cornerstone of the justice coalition. Representing different facets of civil society, activists mobilize to apply pressure to the government to pursue reform. In the war era, this primarily consisted of protests against the military and in support of the peace process, spearheaded by indigenous and grassroots groups. Activism and mobilization continued into the 2000s, peaking with a massive demonstration against President Otto Pérez Molina and Vice President Roxana Baldetti in 2015 after the CICIG leveled corruption charges against both figures. The justice movement ultimately seeks to promote reform and the rule of law in Guatemala, serving to combat illiberalism and create a more just, safe, and equitable society. It then places itself as a primary target of the elite, opposing the agenda elites champion.

This thesis is ultimately qualitative, resting on scholarship and interviews with individuals representing different perspectives on elites and Guatemalan politics. I interviewed
eight individuals: three from the United States government, three from the Guatemalan business
community, one CICIG representative, and one Guatemalan journalist. Each interview was
conducted remotely and lasted approximately an hour. Each was also unrecorded (at the
interviewees’ request), meaning that while I include formal quotes I transcribed during the
interview, I also reference and paraphrase comments based on my notes from our conversations.
To preserve each participant’s anonymity, I refer to each respectively by a generalized version of
their role, such as “US Government Representative A” or “Guatemalan Journalist.” These
interviews provided immense insight into the complex dynamics of Guatemalan politics and
helped me greatly in understanding different actors’ motives and connections. I utilize these
interviews to elaborate on my analysis, other scholars’ work, or as evidence of a particular
dynamic in its own right. Furthermore, my research relied heavily on scholarly work on
Guatemalan politics and news articles from American and Guatemalan outlets alike. The latter
section of the thesis analyzes the present and consequently draws more heavily from news
articles.

IV. CHAPTER OUTLINE

Chapter One explores the theoretical literature on elites and hybrid states, providing a
framework for how to understand elite power in Guatemala and how it can coexist with and
coop democratic structures. Chapter Two analyzes elite ascendance in the period 1954-1985,
bridging the 1954 coup with the counterinsurgency state. It discusses the formation of the elite
coalition between the economic and military elite and what led to this alliance’s success,
highlighting both sectors’ unification and support from the United States. Chapter Three points
to this alliance’s fracturing and highlights elites in disarray from 1985-2015. It showcases elites
drifting apart and establishes that such divisions helped enable the justice movement’s success.
Chapter Four features the elite coalition’s resurgence from 2015-2019. It details how the elite coalition unified and mobilized to reverse the justice movement’s reforms and restore Guatemala to its illiberal status quo. Finally, my thesis concludes with my theoretical model explaining the cycle of elite power in Guatemala. These models are followed by an epilogue, covering 2019 to 2022 as evidence of illiberalism’s consolidation, and recommendations for possible avenues through which Guatemala can break free of its illiberal pattern.
Understanding contemporary elite power in Guatemala requires understanding how this power persisted through Guatemala’s transition to democracy, how it is expressed, and how Guatemala can exhibit democratic structures yet illiberal tendencies. I therefore provide a scholarly framework to conceptualize elite political power. First, I situate elites as veto players that retained influence over Guatemala’s democratic transition. This influence meant that they were able to preserve their privileges and power despite Guatemala’s formal democratic structures. As such, they permitted a transition to democracy without intending to substantively adhere to democratic rules or norms. I then turn to a discussion of hybrid regimes that display a combination of liberal and illiberal features, exploring how such regimes operate and how they benefit elites. Finally, I discuss several specific models of hybrid states that are conducive to elite power that is diffusive, informal, and encompasses a wide coalition of actors, specifically hegemonic power networks, the transactional state, and civil oligarchy. Ultimately, this explains how elites are able to influence politics informally and co-opt state structures to serve their needs without attacking or formally possessing them.

I. ELITES’ INVOLVEMENT IN AND CO-OPTATION OF DEMOCRATIC TRANSITIONS

In a transition to democracy, the type of transition matters greatly, reflecting the power structures involved in its creation and preserving them in post-transitional democracy. Scholars offer three reason for why the type of transition matters: 1) it sets the tone for the ‘rules of the
game’ that will govern the new democracy; 2) those in power positions during the transition shape these rules, often to benefit themselves moving forward; and 3) these rules are difficult to change, creating fault lines or obscured illiberal structures that are unlikely to disappear (Karl 1990, 8; O’Donnell and Schmitter 1986). This is not to say that democratic transitions inherently must produce flawed democracies with ‘birth defects,’ but the reality appears that the pre-transitional authoritarian actors and institutions remain relevant in shaping post-transitional society. There are four major types of transition from authoritarian rule, each with its own implications for the resulting democracy’s success. These types are determined by 1) the mode of transition, and 2) the division of power between the relevant actors (the elites or the masses) (Karl 1990, 9). To briefly summarize, if elites are leading the transition via compromise, the transition type is a pact. If they are leading the transition via imposition, the transition type is a revolution. Conversely, if the masses are leading the transition via compromise, the transition type is reform. If via force, it is revolution (Karl 1990, 9). The elite ascendancy required in pacts and imposition are thus the most likely to preserve elites’ influence because they are those dictating the terms of the arrangement.

Pacts and elite-negotiated transitions present a paradox for democracy: at once more stable because they contain a consensus from a society’s veto players yet more vulnerable because these veto players can design the new democracy to protect their own interests. They themselves are undemocratic in nature because of their domination by elite forces--“such modern pacts move the polity toward democracy by undemocratic means [because] they are typically negotiated among a small number of participants representing established (and often highly oligarchical groups or institutions” (O’Donnell and Schmitter 1986, 38). Pacts are thus elite-dominated and neither representative nor democratic in nature. Furthermore, in obtaining
buy-in from veto players, they must therefore protect each veto players’ respective interests.
Pacts and negotiated settlements therefore define “rules governing the exercise of power on the
basis of mutual guarantees for the ‘vital interests’ of those entering into it” (O’Donnell and
Schmitter 1986, 37). Crucially, pacts must include a comprehensive array of power holders to be
effective given that they effectively serve as the terms upon which competing elites agree not to
harm each other. Failure to include a relevant group would therefore leave an outstanding threat
who had not agreed to the rules of the game; diverse elites have a vested interest in ensuring that
if they ascribe to the pact and its rules, their competitors must, too (Karl 1990, 11). But, to return
to the paradox they present, pacts ‘freeze’ the democracy they create by perpetuating the
(illiberal) interests of veto players (Karl and Schmitter 1991; O’Donnell and Schmitter 186,
37-40; Karl 1990, 11-13). One example of how such veto players entrench their interests amidst
new state structures is by creating ‘predatory informal rules’ that promote elite interests inside
the state and thereby represent institutionalized corruption. These rules “survive periods of state
reform through elite manipulation of the timing, implementation, and enforcement of
corresponding formal institutional changes, thereby preserving the informal status quo”
(Schwartz 2021). As such, veto players leave new democracies with deep scars that prevent them
from truly consolidating, instead unable to shake their illiberal parentage.

II. THE UNDEMOCRATIC NEW DEMOCRATIC ARRANGEMENTS

What happens when democracy starts to display illiberal tendencies? Understanding what
underperforming democracies look like and how they operate provides a conceptual framework
for how illiberalism within democratic structures presents itself. The widely used term for this
contemporary regression is ‘democratic backsliding.’ Backsliding is defined as “the incremental
erosion of democratic institutions, rules and norms that results from the actions of duly elected
governments, typically driven by an autocratic leader” (Haggard and Kaufman 2021, 1). Such regression thus occurs on an extended timeline without a defined endpoint during which democratic principles and structures weaken and warp. Though this is most commonly referred to as ‘backsliding’ or ‘regression’, both terms can be misleading in that they indicate that the regime in question was wholly democratic to begin with and is now moving backwards, obscuring the possibility that it was designed to operate illiberally and never intended to fully consolidate (Levitsky and Way 2010, 4; Ottaway 2003, 3,6). I discuss this distinction and its ramifications in the following paragraphs about hybrid regimes.

The literature provides several approaches to understanding backsliding: A mechanisms-based approach finds three processes by which backsliding occurs: promissory self-coups in which an elected government is ousted in the name of democracy, executive aggrandizement in which elected figures amplify executive power by weakening institutional checks, or strategic election manipulation in which opposition to incumbents is reduced (Bermeo 2016, 8-13). A more temporal approach identifies three phases of backsliding: political polarization increases, autocrats and their parties exploit polarization until they control both the executive office and the legislature, and then use this control to subvert institutions, elections, and checks and balances (Haggard and Kaufman 2021, 4). Finally, a thematic approach delineates the type of backsliding, differentiating electoral and liberal backsliding (Andersen 2020). Electoral backsliding entails election manipulation and the suppression of political opposition, often leading to competitive authoritarianism, while liberal backsliding focuses not on elections but rather “parliamentary and judicial constraints on the executive or other liberal-constitutional norms are relaxed” (Andersen 2019, 646). Finally, Levitsky and Way (2002) identify four primary areas through which democracy can be contested: “1) the electoral
arena; 2) the legislature; 3) the judiciary; and 4) the media” (Levitsky and Way 2002, 54). These arenas are the principle battlefields of democratic regression--they are the democratic institutions that illiberal forces attempt to harness to further their own power. Ultimately, such instances of regression create hybrid regimes

In studying these hybrid regimes more closely, two emerging schools of thought appear: semi- and competitive authoritarianism. Each examines regimes operating in the middle space between democracy and authoritarianism. Semi-authoritarianism holds that such regimes seek to maintain the appearance of democracy without committing to it or the real competition it entails (Ottaway 2003, 3). Semi-authoritarian regimes thus hold elections and feature active civil societies and other democratic features. The goal, however, is still to “prevent competition that might threaten their [incumbent] hold on power,” motivating leaders to look beyond the bounds of democratic processes to undermine institutions and norms (Ottaway 2003, 138). Ottaway identifies four factors with which to gauge semi-authoritarian rule: limits on the transfer of power, weak institutionalism, reform failure, and the nature of civil society (Ottaway 2003, 14-19). Competitive authoritarianism shares much of the same premise but can be narrowed to regimes in which “competition is real, but unfair” because “opposition parties use democratic institutions to contest seriously for power but they are not democratic because the playing field is heavily skewed in favor of incumbents” (Levitsky and Way 2010, 3; 5). Opposition groups still compete for executive power, but democratic ideals (elections, civil liberties, or competition) are undermined (Levitsky and Way 2010, 7-8).

Both semi- and competitive authoritarianism hold that democratic backsliding is not accidental, but instead that hybrid regimes are deliberately regressing or were never intended to democratize in the first place. Many hybrid regimes are thus “not failed democracies…rather,
they are carefully constructed and maintained alternative systems” (Ottaway 2003, 7). Similarly, competitive authoritarianism counters the premise that hybrid regimes were moving towards democracy at all and instead argues that themselves are a “distinct, nondemocratic regime type” (Levitsky and Way 2010, 4). Neither, then, are generally the sudden reversal of genuine democratic consolidation or a woebegone democratic transition. Instead, they reflect that such transitions were created with intentional flaws to preserve illiberal norms and privileges. They then can present the second act of elite-led transitions, demonstrating the consequences a democratic transition that was never substantively endorsed (Karl 1995, 72-3). As such, under hybrid regimes, “the new ‘rules of the game’ still favor parts of the reactionary-despotic coalitions of the past” (Karl 1995, 76). Karl (1995) offers several examples of what these consequences can look like, writing:

“Gains in the electoral arena have not been accompanied by the establishment of civilian control over the military or the rule of law. Elections are often free and fair, yet important sectors remain politically and economically disenfranchised. Militaries support civilian presidents, but they resist efforts by civilians to control internal military affairs, dictate security policy, make officers subject to the judgment of civil courts, or weaken their role as the ultimate arbiters of politics…Impunity is condemned, yet judiciaries remain weak, rights are violated, and contracts are broken” (Karl 1995, 80)

Thus, semi- and competitive authoritarian regimes can often attribute their hybridity to incomplete or insincere democratic transitions, representing the influence of illiberal elite actors in shaping such transitions and in continuing to promote illiberalism under the new state apparatus.
The hegemonic power network and transactional state models synthesize both an illiberal regime’s hybridity and the elite role in creating and perpetuating it. Hegemonic power networks are “social networks who command the state institutions and their formal and informal regulation” that are composed of “military, politicians, bureaucrats, businessmen, and even criminals who share legal and illegal interests” (Flores Pérez 2019). This definition has two important features: first, that hegemonic power networks encompass all actors with formal or informal power over the state, and second, that this power can advance illiberal interests. Hegemonic power networks created the state to advance their interests, often stemming from pre-democratic economic-military partnerships that built a state establishment “aimed to benefit the interests of this alliance and the expansion and continuity of its hegemony” (Flores Pérez 2019). Under this model, illiberal actors therefore also design and co-opt state structures. They can do so through their institutional control, manipulating state institutions to further what they perceive to be the state’s normative function (Flores Pérez 2019). These networks thus “take advantage of [their] ability to determine the rules and limits of legality for rent-seeking purposes, while sponsoring or protecting formally prescribed activities at the same time” (Flores Pérez 2019). This illustrates how, under the hegemonic power network model, elites design and shape state institutions to advance their illiberal agendas. Another key facet of the model is that the networks it describes can be both large and varied in membership. These networks’ hegemony derive from their diffuse nature: though they “are not a monolith” and can include competition and shifting membership, their membership shares a common “defined notion of self-consciousness” (linkage) (Flores Pérez 2019). It encompasses all facets of political influence, including “not only the highest hierarchies within government, business, and the military bureaucracy” but also “syndicate leaders…or even illegal actors’ (Flores Pérez 2019).
These networks therefore promote hybridity in their acceptance of liberal institutions but promotion of illiberal goals and operate in such a powerful manner that their interests are always represented.

The model of the “transactional state” elucidates how such networks can coexist with state institutions, clarifying how formal state structures and norms can be influenced by criminal figures and agendas. Under the transactional state, “cooperative links between criminal organizations and public officials…are at the heart of Guatemalan public life, blurring the divide between public and private sectors” (Briscoe and Pellecer 2010, 48). In this model, also proposed by Flores Pérez, the state retains its power as a legitimizing political sphere. Illiberal forces do not contest or attack state institutions, they instead harness and influence them to promote their own goals (Briscoe and Pellecer 2010, 47). Thus, democratic institutions can stand in form yet function undemocratically. Their normative democratic function is compromised, but their existence is not. Thus, “for both sides of the transaction, the state, weak and poor as it may be, is still the necessary condition for their operations: an official must have public powers to derogate for the benefit of the criminal, while a criminal must be able to rely on a certain quantity of social order” (Flores Pérez 2009, 133-134, as referenced by Briscoe and Pellecer 2010, 47). This results in public institutions that maintain enough legitimacy to govern while still “remaining in practice…open to selective abuse and capture” (Briscoe and Pellecer 2010, 48). The transactional state model thus presents a form of hybrid regime in which the state itself is not contested but remains itself a weapon and legitimizing force for illiberal interests. It thus coexists easily with corruption and those wishing to influence politics informally.

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Another model of informal influence that can function alongside state structures is Winters (2011)’s conception of civil oligarchy. Winters defines oligarchs as those with immense material wealth and the capacity to influence politics. Under a civil oligarchy, oligarchs operate as a loose collective encompassing formal and informal power alike (Winters 2011, 36). They thus do not contest the state nor try to rule it as a formal oligarchy, but instead manipulate and direct it to serve their needs (Winters 2011, 208). In this mode, the state is an “impersonal and institutionalized government” that the oligarchs do not contest so long as it defends their property (Winters 2011, 36, 208-9). Civil oligarchs can “[operate] as a potent power resource under all manner of institutional arrangements”, including democracy. (Winters 2011, 10). Under Winters’ model, illiberal actors can therefore also continue to wield power and influence over politics amidst without combating democratic institutions, which is to say that “democracy is not zero-sum with oligarchy” (Winters 2011, 11). This is another example of a hybrid state in which illiberal intentions and democratic structures coexist. More specifically, so long as oligarchs can further their needs through the state, they see no reason to obstruct or attack it, meaning that ‘democracy and oligarchy are remarkably compatible provided the two realms of power do not clash” (Winters 2011, 11). Civil oligarchs function similarly to hegemonic power networks, operating as a loosely bound coalition with shared illiberal interests. Both groups seek to co-opt the state to serve their agenda but do not take issue with its presence or form so long as this goal is reached. In sum, like hegemonic power networks, civil oligarchs represent the existence of a large and diverse grouping of actors with power and illiberal intentions who can informally manipulate the state.

III. CONCLUSIONS
In sum, elites’ status as veto players gives them the ability to influence formal state structures to serve their purpose and ensure that their interests and status are not threatened. Democratic transitions via pacts or negotiated settlements especially cement elite influence, allowing them to dictate the terms of the new state arrangement to their own benefit. These then create democracies built to serve elites, creating serious fissures that prevent them from consolidating in the future. Furthermore, though elites supported their creation, these democracies lack true substantive buy-in for adhering to democratic principles and norms. Elites can thus continue to themselves act illiberally or promote their own agendas amidst the new formal democratic framework, therefore working within the state apparatus. It is for this reason that elites in many hybrid regimes do not contest the democratic structures themselves but rather co-opt them and use them to advance their own agendas. Hybrid models, including semi- or competitive authoritarianism, showcase these combinations of illiberal actors and formal democratic structures. The specific models of hegemonic power networks, the transactional state, and civil oligarchy conceptualize how exactly elites informally influence the state. These all point to large networks of illiberal actors who can use formal and informal power alike to ensure their interests are protected. Crucially, these actors do not need to hold power themselves and can come from a variety of backgrounds, yet remain linked through their shared commitment to illiberalism. This framework explains how Guatemalan elites acted as veto players throughout Guatemala’s negotiated transition to democracy. It also explains their dispersed, coalitional nature, occupying a variety of elite sectors. Finally, it explains how their influence has persisted and retained its dominance over the past seven decades, demonstrating how elites have always remained those pulling the strings of Guatemalan politics.²

² To see this theoretical framework synthesized with the Guatemalan case in my own theoretical model of elite power, see Figures 1 and 2 in my final “CONCLUSIONS” section
Understanding contemporary Guatemalan elites requires tracing their ascendancy within modern politics. What threads tie Guatemala’s landed aristocracy to its contemporary networks of corruption? How did the illiberal figures who manipulate Guatemalan politics today gain such stature? Furthermore, how did historical elite influence persist after Guatemala’s democratic transition? The answers lie in Guatemala’s thirty-six year armed conflict. Here, an armed coup abruptly ended a decade-long democratic spring and installed a military government that would rule with impunity until its transition to civilian rule in 1985. In replacing Guatemala’s democratic opening from 1944-54, the counterinsurgency era reasserted traditional elites as veto players and set the standard for their continued influence in contemporary Guatemalan politics. Those in power--be it formally or otherwise--during the armed conflict era retained their power and privilege beyond Guatemala’s transition to democracy (1985) and peace (1996). The armed conflict era thus demonstrates elite power as it consolidated during the modern era. This period of elite ascendance showcases traditional elite alliances as they came to fruition and ruled Guatemala. It thus also anchors contemporary elite alliances and influence and provides historical backing for the modern Guatemalan state. This chapter ultimately analyzes the military rule era 1954-1985 as the foremost period of elite ascendance and the grounding for elite efforts to preserve the illiberal status quo in Guatemala today.

How does Guatemala’s armed conflict represent an illiberal status quo? My argument is that Guatemala’s traditional economic elite joined forces with the military to neutralize reform
that threatened their power and influence. In doing so, they created a fused ruling coalition which I argue drew substantial strength and backing from its allegiance with the United States. During this era, this coalition--then encompassing the economic elite, military, and the United States--successfully dominated Guatemalan politics via the counterinsurgency state because of two factors: 1) each actor had a vested interest in preventing further reform and liberalization; and 2) each actor recognized it needed to collaborate with the others to achieve its own goals.

I. THE NEED TO PREVENT REFORM: ALIGNED INTERESTS CREATE THE COUNTERINSURGENCY STATE

A. Introduction

The 1954 coup that ousted Arbenz and ended the decade-long reformist democratic spring also signified the aligned interests of the economic elite, military, and United States. Each actor thus decided first that Arbenz and the reform he represented unacceptably threatened their respective interests, and second that this threat required decisive action to remove Arbenz and instate a more favorable regime in his place. Thus, 1954 marks the rallying point for elite unification that proved powerful enough to seize formal control of the state. Understanding why each actor was threatened and consequently compelled to act grounds the elite alliance and elucidates its coalescence. What was it about this period of democratic opening and reform that proved so absolutely intolerable? My argument is that the economic elite were unwilling to tolerate Arbenz’s policies that encroached upon their wealth (most crucially agrarian reform) and the larger threat to Guatemala’s economic order such reform presented. The military elite, drawing on their preexisting allegiance with the economic elite, became dissatisfied with Arbenz’s reforms, allegiances with progressives and distrusted the limits they feared he was
placing upon military power. Finally, the United States could not tolerate Arbenz’s communist ties and leftist policies amidst the Cold War, such policies’ affronts to its own economic interests, and the potential ‘subversion’ such a regime could spread among the Western Hemisphere, instead needing a ‘dependable’ ally who would not threaten capitalist world order. In the eyes of the military, economic elite, and the United States, their interests thus converged to warrant Arbenz’s removal and justify seizing formal control of the state.

B. The Economic Elite

The economic elite’s foremost motivation to remove Arbenz stemmed from his agrarian reform policy (Decree 900), which threatened their landed estates, wealth, and larger hold over society. Implemented in 1952, Decree 900 gave the state the right to expropriate uncultivated land in private estates of a certain size, which would then be divided and given to the largely indigenous population who had previously farmed it as serfs or indentured servants. The bill severely affected the core of Guatemala’s landed elite--targeting the largest (though relatively few in number) estates and thus hitting the most elite landowners the hardest. Accordingly, it would only affect half of Guatemala’s private land yet only 1,710 of 341,191 private land holdings (Gleijeses 1991, 152). The opposition this provoked from the economic elite is difficult to understate. For example, after the bill’s presentation (but before its implementation), the Asociación General de Agricultores (AGA, Eng: General Associationof Farmers) labeled it “the most monstrous act of robbery ever perpetrated by any ruler in our history” (Gleijeses 1991, 146). While landowners whose land was expropriated were compensated, this compensation was based on the land’s value as declared by the landowners on their tax returns submitted before the bill was announced, meaning that, as many had dramatically undervalued their land for a tax break, such compensation was an unfulfilling consolation. Regardless of the issues with
compensation, agrarian reform was an unprecedented affront to the landed elites’ wealth and power, threatening the very status quo from which their wealth, privilege, and influence drew its basis. It constituted the most marked check on elites’ power they had ever experienced, one that threatened to overturn the social order they had taken for granted, and one they could under no circumstances allow to continue.

Aside from threatening the economic elite’s assets, Arbenz and agrarian reform’s leftist bent threatened to usurp Guatemala’s social order and thus end the free labor that elites relied upon. To fully grasp the impact and radical nature of Arbenz’s reform and precisely why it so threatened the elites, one must understand the entrenchment of Guatemala’s essentially feudal political and economic system. Jonas 1991 characterizes it as being “the most highly concentrated, totally unreformed land tenure systems in Latin America…[with] centuries-long racism toward the majority Indian population, which has been essential for maining a coercive relation to the workforce” (Jonas 1991, 88). Arbenz challenged this land tenure system with the eventual goal of turning estate laborers into an industrialized proletariat, a goal that necessitated disrupting and diminishing the agricultural oligarchy (Gleijeses 1991, 147). Agrarian reform was at the heart of this wholly anti-elite vision; Gleijeses 1991 argues that Arbenz believed “agrarian reform would forge the political basis for the eventual radicalization of the Guatemalan revolution” (Gleijeses 1991, 144). This alternative future for Guatemala posed an existential threat to the economic elite, directly undermining their influence and threatening to usurp their control completely. Given that Arbenz’ reform expanded upon Arevalo’s in its capacity to mobilize the poor, both rural and organ, it directly targeted the economic elite’s stranglehold over political power. Arbenz’s perceived communist leanings thus signified a much greater affront to the economic elite than the immediate expropriation of their lands, and they railed against it
accordingly (Handy 1994, 173-4). The economic elite then ultimately saw Arbenz as an intolerable challenge to their wealth, authority, and dominance over Guatemalan politics and society.

C. The Military

Part of the military’s opposition to Arbenz stemmed from its long-standing relationship with the economic elite. A threat to the economic elite’s order thus threatened this alliance and the military by association. The two already shared a long history of working in tandem under the assumption that military candidates would work to advance the economic elite’s influence and thus retain their political backing; “the Guatemalan army had never betrayed the country’s latifundistas (landed elites) in favor of the lower classes” (Gleijeses 1991, 32). This partnership is partially what had enabled Arbenz’s rise to the presidency in the first place, as both the military and economic elites expected Arbenz to be a dependable military candidate rather than a reformer. Gleijeses 1991 illustrates how this political partnership between the military and economic elite gave rise to Arbenz’s candidacy, writing that “the scions of the upper class were not willing to invest energy or money in electoral politics, a distasteful and bothersome distraction from social and economic pursuits...above all, they sought a military caudillo who would seize power and protect them” (Gleijeses 1991, 49). This caudillo was Jacobo Arbenz. When Arbenz defied his predetermined role, he challenged the alliance that supported his rise to power and thus posed a risk to the military as he encroached upon the influence of the economic elite. The military’s reasons for dissatisfaction with Arbenz thus overlapped with and grew alongside those of the United States and economic elite.

The military also became increasingly willing to support a coup against Arbenz because of three mounting concerns: 1) their dislike of Arbenz, 2) ‘communist’ agitating and growing
influence in the countryside, and 3) the growing divide between Guatemala and the West, particularly the United States as a result of Arbenz’ communist ties. Firstly, while Arbenz tried to curry favor and maintain loyalty within the armed forces, their relations deteriorated. Arbenz’ promotion of junior officers over more established career army officials in particular sowed deep resentment and alienated some of the military’s core power players (Handy 1994, 183). This ultimately undermined army loyalty to Arbenz, especially as some of these senior officers, notably Colonel Carlos Enrique Díaz, were among those who ultimately forced him from power (Handy 1994, 183-4). Secondly, the agrarian reform and its perception as communist inflamed the military’s racist distrust of Guatemala’s indigenous populations. Accordingly, “the instinctive distrust and contempt most officers felt for the ‘Indios’ and the fear that agrarian reform would foster communist influence among them reinforced the army’s uneasiness” (Gleijeses 1991, 201). Unrest in the countryside, though exaggerated, “only seemed to prove to many…that the country was indeed in danger of being taken over by communist cadres” (Handy 1994, 175). Arbenz stoked such fears in proposing armed civilian militias, which undermined the military’s traditional monopoly on weapons and force within Guatemala and thus posed a seemingly credible threat to the established order (Handy 1994, 188). So long as the agrarian reform and consequent empowerment of the countryside continued, the military would continue to feel it was losing its grip over Guatemalan stability. Thirdly, Arbenz’s alleged ties to communists and reform had dramatically weakened its relations with other countries, particularly the US (Schlewitz 2004). During the era before Arévalo and Arbenz, the military had enjoyed a partnership with the US that many officers were eager to regain by “display[ing] their goodwill towards the United States” (Gleijeses 1991, 205). Accordingly, when the US began reaching out more directly to plan a coup, such attention “fed the desires of Guatemalan officers to modernize
their own military [and] gain the benefits they believed commensurate with their duties” (Schlewitz 2004, 589). Thus, the military’s incentives to replace Arbenz stemmed from its dissatisfaction with Arbenz personally and the threat he and his reforms posed to their own status and security.

D. The United States

The United States’ first motive in removing Arbenz was to neutralize Guatemala’s ‘communist’ turn amidst rising Cold War tensions. As the US sought to retain dominance over the Soviet Union and its spread of communism worldwide, Arbenz’ embrace of leftist reform was an unacceptable threat to the US’ control of the Western Hemisphere (Pearce 1998, 587). The extent to which Arbenz and Guatemala were actually communist is contested but less relevant than the reality that the US believed them to be solidly communist and unacceptably so. A quote from American Ambassador to Guatemala Puerifoy underscores this willingness to act on perceived communism alone; he wrote in a 1953 cable to the State Dept that “if [Arbenz] is not a communist he will certainly do until one comes along” (Peurifoy 1953). Arbenz’s close relationship with PGT (Partido Guatemalteco de Trabajo, essentially the Communist Party of Guatemala) leaders, his being the only Western leader to offer a moment of silence after Stalin’s death, and exaggerated rumors of Guatemala receiving covert funds from Russia (so called ‘Moscow Gold’) solidified American perceptions that Guatemala had become a “beach-head for Soviet expansion” (Gleijeses 1991 181-2, 185-7; Jonas 2000, 19). Furthermore, the agrarian reform and its wholly leftist character threatened the very social fabric of Guatemala and further rang communism alarm bells. The US feared that agrarian reform could spark a communist revolution in the countryside (Handy 1994, 176-8). Furthermore, they perceived Arbenz’s regime as the source through which this revolution could draw power, believing that, according to a
1953 CIA cable, “their [communists’] influence will probably continue to grow as long as
president Arbenz remains in power” (Handy 1994, 177). Given the highly charged Cold War
atmosphere, the US could not tolerate Arbenz’s risk of destabilizing Guatemala, the region, or
the hemisphere and thus felt its own interests were at odds with Guatemala’s reformist path.

The United States’ chief motive was economic, as the agrarian reform threatened
American business in Guatemala. Until Guatemala’s democratic spring, American business had
enjoyed a benevolent relationship with the Guatemalan government, enjoying economic
privileges, complementary policy, and “immediate and unrestricted access to the president”
(Handy 1994, 170). Arbenz’s land reform marked an end to this era of goodwill, both
nationalizing land owned by American companies and signaling resistance to American business
interests in Guatemala. Arbenz therefore “was seeking more than land. He intended to break the
power of a foreign enclave that threatened the country’s sovereignty” (Gleijeses 1991, 165), thus
posing a direct affront to American enterprise. The centerpiece to this challenge was the United
Fruit Company (UFCO), whose lands were expropriated under the agrarian reform. Amplified by
overlap between US and UFCO officials, this marked a provocation the US was unable to ignore,
meaning that “the State Department did not need much convincing that United States interests
were threatened” (Pearce 1982, 29). The US thus equated its business interests with its foreign
policy interests, as evidenced by a State Department official who said “If they [the Guatemalans]
handle an American company roughly it is our business” (Handy 1994, 172). Arbenz’s challenge
to American economic interests then ultimately created a primary motive for US opposition to
Arbenz.

Finally, the US’s third motive for intervention stemmed from its need to have Guatemala
as a dependable ally in Central America and Arbenz’s unwillingness to defer to American
influence. For all the reasons listed above, Arbenz made clear he would forge his own path however divergent from American interests. This constituted a sharp rebuke and an “intolerable challenge” to the US (Gleijeses 1991, 365). Handy 1994 details exactly why this was so unacceptable, writing:

“In the full bloom of its post-World War II military and economic might, the United States demanded uncritical accord from its most dependent Western allies. Nowhere was this more apparent than in Central America and in that delicate region, no one broke ranks like Guatemala” (Handy 1994, 170).

The US then was motivated by Arbenz’ unreliability, instead seeking a dependable partner who would help them advance their own interests and promote stability in the region. No longer could it permit the unpredictability of democratically chosen candidates like Arévalo and Arbenz or afford any further unforeseen reform.

E. Conclusions

Ultimately, Arbenz and agrarian reform united the economic elite, the military, and the United States around a shared goal: to remove Arbenz, reverse his reforms, and return Guatemala to its former elite-driven stability. In doing so, it marked the elite coalition’s emergence as a unified force with international backing (Gleijeses 1991, 217). Generally, the agrarian reform’s attack on the established economic order and the larger threat of Arbenz’s communist leanings provoked each group into action and motivated the 1954 coup. Together, the elite-driven alliance Overpowered Arbenz and the larger period of democratic reform and instead “install[ed] in its place a pro-US counterrevolutionary regime [that] immediately reversed the democratic and progressive legislation of the Revolution” (Jonas 2000, 18). Installing this regime synthesized each actor’s interest in preventing popular mobilization and threats to the established economic
and social order in Guatemala. The economic elite sought to retain their influence and assets, the military sought to retain its alliance with the economic elite and its monopoly on force, and the United States sought to prevent a potential communist uprising in its sphere of influence. This alignment thus marks the elite coalition’s unification, providing the grounding for their continued dominance over Guatemalan politics immediately beginning with the counterinsurgency regime.

II. SHARED RESOURCES

A. Introduction

Once united, the alliance between the economic elite, military, and United States remained strong and therefore retained its dominance over Guatemalan politics. It was able to do so because each group’s interests remained aligned and because together, the alliance had the resources to maintain control. The alliance was incentivized to remain united because each sector needed the others and the resources each possessed to maintain power. Thus, the alliance functioned as a three-legged stool, with the military, economic elite, and United States each occupying a core part of the ruling coalition. Taken together, this alliance proved incredibly powerful, dominating the state and ensuring that it would advance each sector’s interests. This thus marks the second component of modern elite ascendancy: once united, elites remained so, collaborating to control the status quo and shape the state as they saw fit.

B. The Alliance’s Links Fuse

Guatemala’s post-coup ruling coalition thus consisted of unified economic and military elites backed by US support. Jonas 1991’s use of ‘ruling condition’ refers to “the alliance or partnership between the bourgeoisie and the armed forces officer corps as an institution” (Jonas
1991, 87). Each essentially acted as veto players in their absolute hold over Guatemalan society and power to prohibit reform. Jonas 2000 refers to such actors as ‘centaurs’: “a counterinsurgency apparatus that was half-beast, half human, a mix of civilian and military power, with the prevalence of the military component” (Jonas 2000, 11), emphasizing the civilian (in this case, economic elite) -military blend within the ruling coalition. A key factor ensuring that the alliance remained strong is the economic and military’s fusion. During this early period of military rule, the boundaries between military and bourgeoisie blurred as high-ranking military officials acquired property and wealth due to their alliance with Guatemala’s traditional upper class (Stanley 2013, 14). Key members of the military gained membership within the economic elite and their interests thus converged in an unprecedented manner, as “top officials acquired land and other properties through their control of the state apparatus” (Jonas 1991, 90). While the military had always served as a socioeconomic ladder, the counterinsurgency state provided much greater access to wealth, both through these acquisitions and illicit dealings (USGR B, 2022). This further cemented each group’s allyship in the ruling coalition, so much so that “this process of accumulation by the army and its civilian associates became so integral to Guatemala’s economy that some analysts posited the development of a ‘bureaucratic bourgeoisie’ which enriched itself under the protection of state power” (Jonas 1991, 90). This ‘bureaucratic bourgeoisie’ demonstrates that the military-economic elite’s fusion augmented the alliance’s grasp on state power. With tightly aligned motivations, then, this alliance’s combined and mobilized resources dominated the state.

This ruling coalition drew critical backing from the US, which actively enabled and supported the counterinsurgency state’s actions during the armed conflict’s early years. This backing was critical because it provided the ruling coalition with enhanced resources through
which to exert dominance and with international credibility as a US ally. Not only did the US instigate the initial military coup, it continued to provide military resources, training, and aid to further military rule in the larger battle against perceived communism. More specifically, between 1953-1973, the US provided $19 million in military aid (excluding funds for training), $14 million in military sales, and training for 2000 officers (Jenkins and Sereseres 1977, 575-576). The ruling coalition’s growing emphasis on counterinsurgency, especially in the late 1970s and early 1980s, continued to align with the US’ interest in preventing any leftist policy in Guatemala. As the US sought to maintain control over Guatemala as a dependable ally in an unstable region, it strengthened its bonds with the military and economic elite (Schlewitz 2004, 588-589). It also sought to advance its own interests that had been jeopardized in the reformist period. For example, its continued presence meant that it could “shape the country’s economic future to the changing requirements of American capital” (Pearce 1982, 31). Given that the US understood the ruling coalition to be the ideal vehicle for advancing such interests, it was incentivized to continue to support the counterinsurgency state (Pearce 1982, 31). Ultimately, the US remained a core component of elite power during the counterinsurgency period. This alignment enabled the strength and scope of the elite alliance’s hold over Guatemalan society, as will be discussed below.

C. United Resources Lead to Increased Impact

During the counterinsurgency state, elite forces remained united with the full extent of their combined resources at their disposal. Together, this made their power unmatched. This had two major results 1) the operation of a genocidal military campaign enacted under the guise of counterinsurgency that left 200,000 (largely indigenous) dead, and 2) the repression of any political opposition, debate, or real participation. Both consequences are emphasized by the
Historical Clarification Commission’s 1999 report. The report found that the counterinsurgency state utilized military operations of “physical annihilation or absolute intimidation” towards any perceived opposition (CEH 1999, 22). In regards to social repression, it emphasized that “the weakening and fragmentation of social organisations were largely due to the various mechanisms activated during the armed confrontation by the State to destroy them”, which led to a “closing of political space” (CEH 1999, 29, 19). Together, these characterize this period of elite ascendancy and demonstrate its severe and lasting impact upon Guatemalan society. The elite coalition’s dominance successfully manipulated state functions to serve the counterinsurgency.

Understanding how each result arose from a pooling of aligned elite resources underscores the devastating consequences of aligned, mobilized, and powerful elites.

The United States’ backing greatly amplified the ruling coalition’s counterinsurgency efforts, providing crucial training, funding, and resources for the armed forces. Such resources enabled the ruling coalition to continue its military campaign. This was additionally important because the ruling coalition drew its legitimacy as a counterinsurgency state from having a rebel insurgency to ‘protect’ Guatemala against. Thus, the war effort’s continuation was key to its longevity. Not only did the US instigate the initial military coup, it continued to provide military resources, training, and aid to further military rule in the larger battle against perceived communism. US aid thus supported both the armed forces and the military government, totaling $390 in loans and assistance from 1953 and 1973 and $14 million in military sales to the armed forces in the same period (Jenkins and Sereseres 1977, 575). These financial resources amplified the scope of what the army, and therefore the ruling coalition, could accomplish. For example, US assistance enabled the Guatemalan military to more effectively operate in the countryside, the devastating effects of which will be discussed below (Jenkins and Sereseres 1977, 578). The
United States’ resources also ideologically propelled the counterinsurgency narrative within the armed forces (and therefore the ruling coalition) as well, sending Green Berets and training Guatemalan officers with the goal of transforming the Guatemalan army into a “disciplined counterinsurgency force” (Jonas 2000, 120). Again, given that the ruling coalition’s hold on power became based on its ability to wage counterinsurgency warfare, such aid was a crucial piece of support for the ruling coalition. The United States’ backing and resources therefore enabled the counterinsurgency state’s military campaign, demonstrating the power of a unified elite coalition with international backing and underscoring such a coalition’s power.

The consequences of such backing cannot be understated--the counterinsurgency state imposed a brutal, racist, and horrific campaign to extinguish Guatemala’s indigenous population. The ‘counterinsurgency war’ label obscures the extreme imbalance in power and scale between the Guatemalan military and the insurgent forces. The military campaign between 1982-1983, under the leadership of head of state and general Efraín Ríos Montt, is a representative example. It showcases the impact of elite dominance on Guatemala and the deep scars it inflicted. During this period, the army engaged in a series of scorched earth campaigns, devastating the countryside and killing or disappearing over 200,000 individuals; the armed forces’ operations culminated in a targeted genocide of Guatemala’s Maya Ixil population (CEH 1999 17; Stanley 2013, 31). The army came to “[fuse] the ethnic and cultural category of Ixil with the political category of guerrillas”, constituting a racially motivated ‘justification’ of its genocidal tactics (Sanford 2014, 93). Data from this period speaks to the scope of the military devastation; “in the period between 1980 and 1985--the years 1982 and 1983 being the most violent--approximately 100,000 civilians were killed, 450 villages and hamlets were completely destroyed…” 500,000 people migrated abroad, and several thousand people were ‘disappeared’” (Kruijt 2000, 17).
Thus, the military state in Guatemala committed flagrant human rights abuses under the guise of counterinsurgency. By equating such horrific violence and dominion with waging war to ‘protect’ Guatemala, the military gave itself a pass to do whatever it was necessary to maintain its own power. It retained underlying US support in doing so, as evidenced by Reagan’s continued support for Ríos Montt despite international condemnation for Ríos Montt’s flagrant human rights violations; Reagan told reporters in 1982 that Ríos Montt had gotten a “bum rap” (Cannon, Dickey, and Cody 1982). Thus, the military-elite-US alliance had grave and unspeakable effects, which speak to the depth and consequences of its power in this magnified form.

Outside of the formal violence of the armed conflict, the ruling coalition’s strength dominated political and social life, subverting the rule of law and creating an illiberal counterinsurgency state in its place. The state apparatus functioned to legitimize the military’s objectives, creating a highly illiberal state and legal system. The ruling coalition’s absolute dominance enabled the counterinsurgency state’s consolidation (Stanley 2013, 14), and “virtually all political arrangements from 1954 until the mid-1990s were dominated by the coalition between the army and economic elites” (Jonas 2000, 17-18), showcasing their airtight grasp on Guatemalan politics. A quote from Ríos Montt demonstrates this creation of the illiberal status quo in action, stating in a 1993 interview that “When the [1965] Constitution was in force, I could not search for someone in a house. So, I had to establish a legal framework so that now I can enter a house [and] be within the framework of the law” (Schirmer 1998, 127). This quote demonstrates the counterinsurgency state warping Guatemala’s legal framework to advance its own illiberal agenda. By framing military rule as necessary for state security, the ruling alliance cast any opposition, criticism, or resistance as national threats and thereby legitimized its own
methods for neutralizing them, however represensible, as defending the state. To this end, Schirmer 1998 writes, “the more effective the security apparatus is in defining the boundaries of ‘legal’ action, the more reasonable it will appear in defining and isolating those unwilling to conform as ‘outside the law’ and as ‘enemies of the state’” (Schirmer 1998, 137). This is the apex of Guatemala’s military rule and is representative of the elite coalition’s dominance--its legitimization fused state functions with the counterinsurgency effort and left virtually no space for liberalization.

As a consequence, the counterinsurgency state’s dominance left little space for popular groups to organize. The violence and repression the military employed cannot be understated, terrorizing the Guatemalan general public, especially its indigenous population. In sum, “virtually all political arrangements from 1954 until the mid-1990s were dominated by the coalition between the army and economic elites; they were based on an explicit rejection of reformist opinions and political exclusion of the majority of the population” (Jonas 2000, 17-18). Survival itself became a challenge; popular organizations “withered and died beneath the heavyweight of government repression” as any movements that had blossomed during the Guatemalan Spring were systematically targeted and destroyed (Handy 1984, 223). The military ensured new organizations could not form in their place, meaning that “state repression systematically eliminated community members with the skills and initiatives to lead” (Stanley 2013, 16). The absolute hold the ruling coalition had over Guatemalan political space during this period of elite rule thus stifled political opposition, participation, or organization. Such extreme repression and violence left deep wounds lasting well beyond military rule, making the consequences of activism or opposition too high to risk for most.
D. Conclusions

As the military, economic elite, and United States remained tightly aligned, their combined resources and control of the state allowed them to impose their will however they saw necessary. The imposed rule that governed Guatemala from the 1954 coup until 1985 drew its power from this alliance, retaining the support and privileges of the economic elite, the resources and backing of the United States, and the might of the armed forces. The links between each part of the alliance remained strong, especially as boundaries between the military and economic elite lessened. As a unified force, the alliance dominated Guatemala and ensured that no reform or threats to its power could materialize. This resulted in extreme state-sponsored violence and repression against anyone suspected of being or having the potential to become leftist. In practice, this meant state-sponsored genocide against the Maya population and widespread repression of any political activity or opposition. Together, this showcases the elite alliance’s power and demonstrates how elite unification and cooperation amplified their potential for control.

III. CONCLUSIONS

Ultimately, economic elite, military, and American interests converged to bring about the 1954 coup. This demonstrates the elite alliance’s formation, triggered by their fear of reform and unwillingness to permit further threats to their power. Their shared interest in maintaining this illiberal status quo perpetuated the alliance and helped them to function as a group as the military and economic elite fused and retained their backing from the United States. Unified, they could pool their resources and better maintain their formal grasp over power as they controlled the state. Guatemala’s military rule thus represented rule by the ruling coalition encompassing
military and economic elite, and the armed forces were therefore an extension of this larger group and agenda. The armed forces’ military terror, the United States’ resoures and backing, and the economic elite’s buy-in and influence ensured that the counterinsurgency state could act with total freedom and impunity. The immense violence and repression orchestrated by the armed forces and the state underscore this fact. Thus, taken in sum, this period marks the formation of a core elite alliance that, when unified and partnered with the United States, could shape Guatemala at will.
ELITES IN DISARRAY: 1985-2015

The airtight hold that the elite coalition held over Guatemala loosened, however, as pressures mounted against military rule. Unable to sustain the counterinsurgency state, amidst deepening internal divisions between hard- and softliners, the military allowed a negotiated transition to civilian rule, resulting in Guatemala’s first civilian president since 1984, Vinicio Cerezo. This marked the start of three decades of further liberalization and democratic opening in which Guatemala consolidated its electoral democracy, negotiated an end to the armed conflict, and began a series of judicial reforms. Such advances paint a stark contrast to the military-elite hegemony of the counterinsurgency era. They emphasize this alliance’s fragmentation as its members navigated changing priorities and interests amidst an international focus on democratization and human rights that helped to propel Guatemala away from armed dictatorship and towards a democratic future.

Such change forced economic and military elites to play defense, reshaping their positions within politics and developing new strategies for retaining the illiberal status quo they demanded amidst a formal political sphere they did not necessarily control. Both sectors found themselves playing defense, caught flat-footed by the swell of international and domestic opposition that tried to steer Guatemala from its illiberal past. This opposition broadly constitutes the justice movement, a coalition of activists, justice reformers, and international supporters who sought to promote the rule of law in Guatemala. Without totally yielding their influence, this adjustment proved turbulent. Amid such turbulence emerged advancements in the rule of law
unthinkable during the counterinsurgency era, namely the 2007 establishment of the CICIG (Spanish acronym, the International Commission Against Impunity in Guatemala), an internationally-funded judicial reform body, the 2013 conviction of General Ríos Montt for genocide and crimes against humanity, and the 2015 removal of President Otto Pérez Molina and Vice President Roxana Baldetti for corruption. Each contested the illiberal status quo and each thus signaled direct challenges to elite impunity and power. Each also signified the justice movement’s ability to curb the elite agenda and act as a significant opponent to elite power. Taken together, they marked a stark departure from the elite hegemony of the counterinsurgency era.

This chapter ultimately explains why elites were unable to prevent advances in the rule of law. These elites, a coalition of actors that involves economic elites and the armed forces that has historically been able to preserve Guatemala’s anti-justice status quo, found themselves caught flat-footed. How can we explain this? I argue that there are three explanations. First, the elite coalition’s influence weakened dramatically due to internal divisions that preoccupied their focus. Second, this coalition was no longer able to enlist the same sort of blanket support from their international ally, the United States. Third, pro-democratic forces were able to contest and challenge their power in the space these weaknesses opened.

I. INTERNAL ELITE DIVISIONS

As the unity between economic elites and the military dissipated, so did their ability to shape Guatemalan politics as a cohesive force. The unity and alignment of interests this alliance enjoyed during the counterinsurgency years fractured, leaving the actors with conflicting agendas and internal tensions. Without such unity, the glue that enabled the larger elite faction to maintain its airtight grasp on power was no longer present. I identify three themes that characterize this
fracturing and consequent decline. Firstly, the economic elite and military no longer saw it as beneficial to remain allied during the counterinsurgency era. Secondly, the peace process deepened such divisions and exacerbated growing tensions both between the military and economic elite and within each sector’s ranks. Finally, the formal democratic state apparatus fostered competition rather than collaboration between elite sectors, both old and new.

A. The Counterinsurgency State Falters

The alliance between the economic elites and the military as the ruling coalition governing the counterinsurgency state proved unsustainable. As the economic elite’s priorities diverged from those of the military, the bloc of unified elite power fractured. This fracturing greatly contributed to the pressures forcing Guatemala’s 1985 transition to civilian rule. This transition can be seen as a consequence of such fractures and as a representation of elite divisions. Here, I argue that the economic elite felt the counterinsurgency state no longer served their interests and thus joined the array of voices calling for civilian rule. This change of heart stemmed from the counterinsurgency state’s failure to adequately protect elite economic interests. The economic elite’s chief priority, economic wealth and liberty, therefore clashed with that of the hardliners within the military, which remained to a) maintain power, b) maintain impunity, and c) win the war. These diverging paths illuminate the major schism within the economic elite-military alliance and provide the basis for a longer period of elite disarray.

The economic elites found they could no longer permit military rule so long as it threatened their economic assets. Two factors augmented this realization. Firstly, the military’s poor handling of the economy coupled with the global economic crisis meant that Guatemala’s economy flailed (Jonas 1991, 201; Jonas 2000, 25). Guatemala’s fiscal crisis arose both from the global economic recession and direct military-based policy. More specifically, “the surge of
state-led investment and the military counter-offensive of the 1980s” shaped the fiscal woes facing Guatemala in the 1980s (Briscoe and Pellecer 2010, 8). Secondly, growing global condemnation of the military's human rights abuses made Guatemala an international pariah. This exacerbated its economic woes, “restrict[ing] access to international foreign assistance” and excluding it from foreign markets and aid (Jonas 2000, 25). Such blows associated military rule with economic strife in the eyes of the economic elite and deepened the growing gulf between them. To the economic elite, they demonstrated that the military could no longer be trusted to rule in favor of economic interests and that civilian rule was more favorable (Briscoe and Pellecer 2010, 8). Civilian rule held the potential of restored international aid, resumed international trade, and more cumulative legitimacy from which to draw power (Pearce 1998, 599; Jonas 1991, 201).

The military, conversely, remained committed to defeating what it labeled as a growing communist threat and retaining the power and privileges it had amassed in its decades of rule. Continuing the counterinsurgency effort remained the military’s top priority, so much so that the CEH report found that “the State deliberately magnified the military threat of the insurgency” (CEH 1999, 22; Jonas 1991, 169). This priority superseded the military’s desire to serve the economic elite’s interests, thus violating the partnership the two sectors had constructed. The military’s worsening of the economic crisis via its own spending to advance its military campaigns in the early 1980s reinforces this shift (Briscoe and Pellecer 2010, 8). The military’s focus on victory stemmed from ideological and practical motives alike. Ideologically, the military remained committed against putting down an unacceptable uprising that threatened to disturb Guatemala’s carefully constructed political order (Jonas 1991, 162-163. Practically, maintaining the war effort meant the military could justify its augmented societal standing and
privileges (Jonas 2000, 26). Finally, the military had “considerable economic incentives at stake” in continuing operations in the countryside (Kading 1999, 83). It established numerous state economic projects, such as those in oil, hydroelectric power, and mining throughout rural Guatemala, and its continued leadership of the state would enable it to 1) ‘protect’ these interests by ‘controlling the rural population, 2) assume control of such ventures and their profits (Kading 1999, 57, 72). In sum, the military was loath to cede the power and privilege state leadership offered.

The military begrudgingly yielded to the growing pressure to transition but did so in a manner that would not impede its war effort. Thus, its motivations for accepting civilian rule differed greatly from those of the economic elite. The military itself was not united in its support for a transition: its two factions, soft- and hard-liners. Hard-liners remained focused on winning the war at all costs and did not want to cede formal state power lest a civilian government interfere with this agenda (Schirmer 1998, 169, 250). The softline faction, which ultimately prevailed, pushed for civilian rule under the assumption it would provide them political cover, enabling them to focus on their true objective--military operations--and dodge criticisms and responsibility for the economy and other formal state concerns (Stanley 2013, 16). The military also permitted civilian rule so long its influence could persist from behind the scenes. While the transition did mean a civilian ruler and a real election, it did not mean reform, military prosecution, or the end of the war. In orchestrating the transition, the military preferred the Christian Democratic party to lead “a convergence of counterinsurgency with constitutional legitimacy (Schirmer 1998, 191). This was echoed in the election itself, signifying that “‘Politics’ was revived…but only among those political forces acceptable to the army” (Jonas 1991, 154). No leftist parties were allowed to participate, and no opposition candidate was
represented (Jonas 1991, 156). This control underscores the military’s conditional allowance of
civilian rule by outlining the parameters it demanded. What emerges from these parameters is the
military’s relatively unchecked continued ability to wage war as it saw fit. This remained its
primary motive and would continue to be so as the war effort dragged on beyond the military’s
vacating formal power.

In sum, the tightly-wound alliance between the economic elite and the military unraveled
by the early 1980s. As a result, maintaining the counterinsurgency state became infeasible. The
economic elite saw military rule as a threat to their economic privileges and thus became
incentivized to formally distance themselves from the military. The divergence between their
economic interests and the military’s operations convinced the economic elite that they could no
longer depend on the military as a stalwart ally. This separation provided more pressure on the
military to cede formal rule, which it did so to better pursue its ultimate goal: claiming victory
over the rebels. The economic elite and the military entered into civilian rule with differing
agendas and a severely weakened bond, one that would continue to fray in the challenges posed
by the peace process in the coming decade.

B. Divisions Escalate Amidst the Peace Process

Divisions between the economic elite and military deepen throughout the peace process
as each sector’s interests diverged further. The military remained divided, with key splits
emerging between hard- and soft-liners over what the military’s true agenda was and how best to
accomplish it moving forward. The hard-line faction opposed participating in the peace process
negotiations, instead preferring a military-led solution, while the soft-line faction believed the
military’s prerogatives and agenda could best be protected through the peace process’s
legitimacy (Costello 1995). The economic elite proved more tolerant of liberalization so long as
their economic privilege remained intact (with no threat of economic reform or taxation). This alienated the military, who largely remained resistant to the peace process and its acknowledgment that the war had not been ‘won.’ These internal divisions within elite sectors exacerbated the growing divides between them. Thus, not only could the larger coalition of elites no longer maintain unity, its subsections struggled to maintain a cohesive agenda and identity as well. The peace process negotiations exacerbated these sources of discord as the economic elite and military struggled to cement their respective interests in postwar Guatemala.

The military grappled with escalating internal divisions, contributing to its weakened influence in the peace process by fueling public and international perceptions that its outsized role in Guatemalan politics and statehood was illegitimate. Firstly, two coup attempts in 1988 and 1989 proved the military’s reluctance to accept Guatemala’s democratic transition and “revealed serious fissures and distrust within the armed forces” (Schirmer 1998, 206). Staged by the “Officers of the Mountain”, the coups reflected three disagreements: the state of the war, whether political space should be given to popular movements, and if the state truly needed to be modernized (Schirmer 1998, 207). These coup attempts displayed the weakness in the democratic model Guatemala adopted: one in which the military exerted extreme power and the state remained centered around counterinsurgency efforts. The coups also illustrated fractures within the military, with “up to one-third of top army officers said to be involved in these destabilizing efforts” (Jonas 1991, 167). While these divisions were significant, the military as “whole remained committed to winning the war” (Jonas 1991, 168), but the fractures nonetheless signaled that the military had weakened and may continue to do so, proving that it was neither monolithic or invincible (Schirmer 1998, 233). Given that each coup thrust Guatemala’s tenuous democracy into question, they cumulatively both weakened public perception of the military and
demonstrated the military’s unwillingness to prioritize democratic statehood over war efforts. This, however, coupled with its inability to actually win the war, cast the military as an outsider amidst deteriorating war support. Divisions among the military persisted as the peace negotiations progressed, with dominant factions remaining unwilling to accept the process as legitimate or entertain negotiations with the URNG.

The economic elite, in contrast, remained more supportive of the process so long as their interests remained protected. This is not to say they favored reform, progressive policy, or indigenous rights, but that they eventually saw the peace process as the most legitimate way to ensure their economic freedoms would continue in Guatemala’s new iteration of statehood (Stanley 2013, 44). Initially, the economic elite were opposed to the idea of a negotiated peace; the very idea of a negotiation denoted popular groups’ and the rebels’ influence (Jonas 2000, 41). CACIF then originally lobbied for only a cease-fire rather than a comprehensive peace process; seeing little it could gain from negotiations with sectors whose voices it would rather suppress (Jonas 2000, 41; Stanley 2013, 78; Krznaric 1999, 12). CACIF’s older, landowning sectors were more conservative and much more opposed to the peace process, having been those instrumental in forming the counterinsurgency state. Its younger members, however, sought the modernization and financial opportunities peace could bring (Krznaric 1999, 12). As the latter sector proved more powerful, CACIF became more willing to cooperate (Krznaric 1999, 12; Jonas 1996, 157). Chief to this cooperation was their successful protection of their interests in the negotiations for the Accord on Social and Economic Issues and the Agrarian Situation. CACIF was chiefly involved in the negotiations, which yielded no major economic reforms or taxes to reformers’ dismay (Jonas 2000, 56). The economic elites’ participation in these negotiations showcase their involvement in the peace process and manipulation of it to their own
advantage. This participation, however self-serving, differentiates the elite response from that of the military. The economic elite thus took a more opportunistic approach, eventually ‘playing along’ and maintaining their influence, while the military proved more obstructionist and less willing to directly participate, signing the accords but substantially delaying the process.

Serrano’s self-coup attempt in 1993 displays competing military-economic elite agendas and constitutes a key factor in the economic elite’s increased participation in the peace negotiations. The self-coup came amidst ongoing pressure from the international community on Serrano to abolish military PACs and improve human rights conditions, which is to say that tensions were already high and the Serrano government was already under scrutiny (Stanley 2013, 21). The US and Germany threatened to withhold trade, and the United States and the EU issued travel advisories to threaten tourism (Stanley 2013, 21). This international crackdown financially incentivized economic elites to support Serrano’s removal, both because of its immediate financial punishments and its further deterioration of Guatemala’s international image. CACIF then joined the broad chorus of voices calling for Serrano’s ousting; “Elite sectors--that had historically supported or at least tolerated coups--bought full-page ads in newspapers as well as airtime on television and radio to condemn the coup” (Stanley 2013, 23). This marked the first significant instance in which CACIF had sided with popular forces throughout the peace process, creating an unprecedented bloc of support (Stanley 2013, 23).

Outside of this alliance, however, remained the military. While the economic elite thus supported obstructing Serrano’s challenge, the military remained divided. A strong pro-coup contingent existed, and the military as a unit faltered under the political gravity of the situation, unsure of how to proceed (Stanley 2013, 23). It ultimately did not support the coup, instead following the leadership of more moderate leaders (including general and future president Otto
Pérez Molina) in blocking Serrano to preserve stability (Ruhl 2005, 56). Nevertheless, Serrano’s attempt exacerbated growing fragmentation within the military and lasting reluctance amidst hard-liners to adhere to constitutional rule or the peace process. The economic elite’s backing of constitutional rule reaffirmed their commitment to democratic statehood and evidenced their distance from the military. In some ways, Serrano’s attempt represented a chance to revisit the counterinsurgency state. That economic elites did not take this path illustrates the gulf of the difference between their agenda and the military’s and the resulting distance between the two sectors. Ultimately, the response to Serrano across Guatemala was a new commitment to the peace process, which the elites now found themselves less reluctant to participate in.

The economic elite and military thus drifted further apart during the peace process entering post-conflict Guatemala as distinct blocs rather than intertwined allies. While each group still demanded impunity and special privileges--and retained a great deal of control--their agendas were no longer unified. Each now had to grapple with how to exert influence and operate within Guatemala amidst democratic structures and the end of the armed conflict. For the economic elite, the state apparatus served as a source of legitimation that they could operate within and manipulate to further their agenda (Briscoe and Pellecer 2010, 20). They were thus able to retain informal power and adapt the mechanisms through which to exercise it to democratic rule rather than military. The military, however, lost their formal control of the state, their war-era prerogatives, and their tacit support from the economic elite. With their size and credibility reduced, they had less maneuverability immediately preceding the peace accords and more difficulty negotiating internal splits over what their new role should be (Ruhl 2015, 58). These differences illustrate the divides between the two sectors and the conflicting circumstances that would shape their actions and agendas in the decades to come.
C. Elite Competition Mounts

Elite disunity continued into the 2000s as elites navigated how to exert influence within the formal political apparatus. Two major themes characterize their continued disarray during this period. Firstly, they had to contend with two new rising sectors of the elite with whom they were forced to negotiate and share power. The first such group were organized crime structures arising out of the old military apparatus who quickly expanded their already sizable wartime amounts of wealth and influence via their access to narcotrafficking and use of violence. These actors are referred to as CIACS, or Illegal Groups and Clandestine Security Apparatuses (Spanish acronym). The second group were the new politicians, whom US Government Representative B labeled as the “new rich” (USGR B, 2022). These figures rose to prominence as party representatives and political officeholders and, though intimately connected to the economic elite, proved to be distinct actors in their own right. While sharing the same basis of corruption and impunity, these two new sectors challenged the economic elite’s control and thus made elite unity more challenging to achieve. Secondly, the electoral system fostered elite competition and infighting and formally enabled elite sects to wield power against each other within the formal political arena. This competition furthered elite disarray and prevented elite unification. The number of ‘elites’ (those with the influence and stature to shape politics) multiplied during this period, but elite sectors still remained distinct and at odds with each other. This period then still features elite influence and control, but in a disparate manner rather than the unified, hegemonic expression seen previously.

The CIACS coalesced as a new elite bloc with ties to the military and influence amassed from the organized crime structures under their control. Birthed from relationships between the security forces, PACs, and intelligence apparatus of the war era, they transitioned into larger
clandestine criminal networks of organized crime after the war (WOLA 2003, 13; International Crisis Group 2018, 6; Isaacs 2004). Key to their power was the peace accords’ failure to successfully disarm and neutralize their war-era components, “[leaving] behind stockpiles of weapons and large numbers of people trained and accustomed to their use” (Isaacs 2010, 112). The CIACS’ operations revolved around narcotrafficking and organized crime and ballooned after the war ended (WOLA 2015, 5). Their presence resulted in a spike in violence as they utilized violent means to threaten or neutralize perceived adversaries and preserve their own impunity (Beltrán 2003, 1; Dudley 2018; WOLA 2015, 3). They accordingly issued and acted upon threats to activists, judges, and political figures to advance their will. So extreme were these threats that in January 2000, the UN Human Rights Commission reported that “many judges and prosecutors are denied health insurance because their jobs are considered to be too dangerous’ (Beltrán 2003, 42). In another example from June 2002, a clandestine group calling themselves ‘True Guatemalans’ sent a letter to eleven human rights leaders and journalists stating, ‘They [activists/journalists] are parasites of human rights, that should be exterminated as one eradicates a cancer…the birds should pay with their blood” (Beltrán 2003, 56). Such threats were accompanied by very real acts of violence; for example, in June 2003, Mario Fernández Juárez Ávila, the legal advisor to the Archbishop’s Human Rights Office, was tortured by a clandestine group regarding past court cases (Beltrán 2003, 12). The CIACS’ utilization of violence and intimidation coupled with the wealth they amassed gave them significant influence and the power to assert their own impunity.

This influence meant that the CIACS colluded with the economic and military elite sectors, thus integrating them inside the state apparatus and furthering their reach (International Crisis Group 2018, 6). The economic elite “regularly interact[ed] with illicit actors to obtain
contraband or other services to augment their businesses” and “use[d] private security with dubious lineage, methods, and weaponry to protect them from theft, extortion, and other crimes” (Dudley 2018, 522). The military, after assuming control of Guatemala’s customs and border patrol, began to “derive rent from fees charged to contraband and drug trafficking networks” (Dudley 2018, 523). Customs and border patrol were also part of the government, making a subsection of the government thus dominated by those with ties to both the military and organized crime (Dudley 2018, 524). Both sectors thus colluded with organized crime to their own benefit, fostering corruption and linking elite sectors together. These collaborations served ultimately to advance impunity for all involved. The organized crime sectors still remained a distinct group, however, focusing on illicit goods trafficking and occupying their own political space.

The economic elite perceived the CIACS to be a threat once the CIACS disrupted the political status quo with their blatant criminality and entrance into electoral politics, both of which competed with the economic elite’s influence. Despite both sectors’ immense wealth, the difference in this wealth’s age and source remained a division. As the CIACS’ ties to politicians became more powerful, most notably with the election of President Alfonso Portillo in 2000, they competed with (and therefore threatened) the economic elite’s hold over political power (Dudley 2018, 522-524). In doing so, they “positioned themselves to compete with the traditional elites for control over high court and judicial positions, as well as various regulatory agencies” (Dudley 2018, 524). These developments transformed the CIACS’ influence from illicit goods trafficking in the countryside to the nexus of formal political power, a leap the economic elite were unwilling to permit.
The economic elite thus viewed them as interlopers, a designation intensified by the CIACS’ blatant criminality. The CIACS influence swelled to the extent that it threatened to “overwhelm the elite’s capacity for mutation”, meaning that the CIACS’ power threatened to constrain the economic elite’s ability to politically maneuver (Briscoe and Pellecer 2010, 22). The violence and drug trafficking perpetuated by the CIACS attracted domestic and international attention and outrage, prompting calls for reform to Guatemala’s rule of law. Given that the economic elite also demanded impunity and political influence, such calls brought unwanted international scrutiny onto their state influence because of the common threads of impunity and corruption linking the economic elite to the CIACS. This threat, coupled with the economic elite’s growing sense that the CIACS were veering out of control, prompted the economic elite to see the CIACS as a danger to their own interests. US Government Representative B emphasized this sentiment, recalling that the economic elites “felt they had allowed the organized crime groups to get a bit too powerful” (USGR B, 2022). Furthermore, the growing international scrutiny over impunity threatened both Guatemala’s political and economic stability, thereby posing a more direct threat to the business elites’ economic assets (Briscoe and Pellecer 2010, 25).

Key members of the economic elite were involved in the CICIG’s creation with the goal of curbing organized crime’s influence. The CICIG’s creation therefore partially stemmed from elite infighting, evidencing the divisions between corrupt sectors. Eduardo Stein, Vice President under Óscar Berger and a member of the economic elite, led the domestic effort to pass the CICIG (Dudley 2016). They obtained buy-in from the larger economic elite community by presenting CICIG as a government, not international, initiative, thus lending the Berger administration’s pro-business character to the CICIG proposal (Open Society Justice Initiative
2016, 33; Dudley 2018, 533). Furthermore, the CICIG’s proposal, designed to curtail the CIACS’ power, proved an attractive option for the economic elites (Briscoe and Pellecer 2010, 25; US Government Representative B). They ensured that it was designed “to target the enemies of the traditional elite, namely the CIACS” (Dudley 2018, 524). This evidences the extent of elite discord between sectors and illustrates how a new sectors’ emergence complicated the elites’ agenda.

The political elite emerged as the second new elite contingent, rising to prominence through their office and through their informal relationships with other elite sectors. Guatemala’s weak political system, with single-term presidencies, evanescent parties, and frail institutions meant that a wide array of political actors could gain a foothold (Isaacs 2010, 114-116). This “gave rise to a new class of political ‘entrepreneurs’, seeking to represent private or group interests at the state level while burnishing their own careers and fortunes in the process” (Briscoe and Pellecer 2010, 4). They operated as the candidates of political parties “that mainly serve[d] as instruments for elite and, increasingly, criminal interests”, thereby rooting the electoral process in corruption (Isaacs 2010, 115). As such, though they operated distinctly as those actually holding office, the political elite retained ties to each other elite sector, be it economic, military, or organized crime.

The political elite retained ties to the economic elite, the CIACS, old military figures and everyone in between, serving as representatives of whoever provided their financial backing in government and exacerbating elite disarray through politically representing elites’ competing agendas. They thus fostered elite competition as different elite sectors used the electoral framework to gain influence and advance their respective interests. Understanding how this competition functions illuminates how the political elite gained standing. The system’s basis
derives from traditional elite sectors’ understanding that they needed political representatives who would hold formal office, whom they could control, and who would advance their agenda via patronage and clientelism (Isaacs 2004). Organized crime shared this understanding, penetrating politics through their own candidates and illicit financing (Beltrán 2003, 48; Isaacs 2010). Elite sectors then backed parties, candidates, or both to ensure their voice would be represented in government, with “rival business groups seeking the most advantageous access to power through their preferred candidates” (Briscoe and Pellecer 2010, 32). Political parties essentially facilitated these agreements; “private finance appears able to create and populate parties out of thin air” with illicit funding to fashion electoral vehicles for their interests (Briscoe and Pellecer 2010, 30). The political actors thus also acted to serve their backers, not a formal party (Briscoe and Pellecer 2010, 29). Once in power, the political elite were expected to behave as promised in their ‘bargain’ with their financial backers (Briscoe and Pellecer 2010, 29).

Implicit to this political representation is electoral competition--the political arrangements described above reflect the array of actors vying for influence via formal power. This “context of intense competition” illustrates that there was no one elite agenda during this period, rather, the electoral framework fostered elite disunity while enabling the growth of the political elite sector.

The political elite were more than simply representatives, they constituted independent influential actors in their own right. While elites provided their financial backing, they still remained those formally in power and thus retained discretion, autonomy, and influence. Portillo’s presidency (2000-2004) is an illuminating example, showcasing how political elites could rise to power via backing from one elite sector, oppose the interests of another, and still act autonomously. Portillo ran as part of the Guatemalan Republican Front (FRG, Spanish Acronym) Party, created by Ríos Montt, and therefore won the election with military backing (Dudley
Portillo also retained connections and corrupt relationships with the CIACS, demonstrating their infiltration of the political sphere and influence as an elite sector (Muñoz 2002; Dudley 2018, 524). Cumulatively, this backing marked that “the traditional elites lost the presidency, and significant influence in Congress, for the first time in the post-military era” (Open Society Justice Initiative 2016, 27). Portillo ran on a populist platform, reflecting the same divide from the military era over the extent to which poverty threatened Guatemala’s stability. His support for reformist socioeconomic policy threatened and alienated the economic elite just as such support had to the hardliners and traditional elite during the war, thus perpetuating such divisions (Hernández Pico 2000; Dudley 2018, 529). Portillo continued to threaten the economic elite’s security by moving to open the cement, chicken, beer, and sugar industries to international imports and therefore undermining the economic elites’ monopolies (Dudley 2016, 30). Guatemalan Journalist emphasized this move’s significance, arguing that it both demonstrated how the economic elite’s influence was countered and how Portillo enacted such a policy of his own accord. (Guatemalan Journalist 2022). It also evidences the schism between the military and economic elites and how the electoral system fostered this competition. Portillo is thus an illustrative case: at once demonstrating 1) the CIACS’ infiltration of politics, 2) elite backing of politicians, 3) infighting within elite sectors, and 4) politicians’ independent influence over politics once in power.

These divisions within elite sectors would continue throughout this period, remaining in place until the broader network of elites felt compelled to unite rather than remain in disarray. Such divisions’ perpetuation illustrates the elites’ disparate nature, lack of a unifying goal, and unwillingness to see each other as partners. These divisions fostered elite disarray by encouraging competition and infighting over limited political resources. Common threads
loosely linking all sectors remained, however--each sector shared a demand for impunity for its own actions and a desire to wield power. This meant the state remained in illiberal hands, regardless of the specific figure formally in power and the elite sector they represented. The mechanisms used to subvert the electoral process--illicit campaign financing, cronyism, clientelism--were employed across elite sectors. Nevertheless, elites proved loath to collaborate during this era. This division diverted a portion of their energy to such political infighting and made it more challenging for one group to staunchly control the status quo.

II. LESSENER US SUPPORT

A. Introduction

The elites found themselves without stalwart support from the United States after the counterinsurgency state’s consolidation and beyond, limiting their resources and backing. I argue that this loss of support stemmed from two primary changes: 1) United States foreign policy shifted to prioritize human rights protection after Carter’s presidency, 2) the United States turned its regional focus to preventing narcotrafficking, and 3) the United States came to see corruption as an obstacle to democratization and thus supported rule of law promotion. These changes led the US to distance itself from elite sectors and pursue reforms that elites opposed. The US’ support for such reforms, be it the transition to civilian rule, the peace process, or the CICIG, challenged the elite alliance and accordingly fostered elite animosity towards the US. Ultimately, the US proved itself to be a fair-weather friend to the elites, only offering support when its own agenda would be directly benefited. The above changes signaled that elite impunity and interests no longer perfectly fit within the United States’ agenda, thus explaining their faltering partnership.
B. Human Rights Protection

Supporting military rule in Guatemala became increasingly challenging for the US as it became unable to justify the counterinsurgency state’s human rights abuses and undemocratic nature. In accordance with a growing foreign policy focus on human rights and the end of the Cold War, the US lessened its military aid and promoted a democratic Guatemala. Its ceasing to bankroll the Guatemalan military and condemning the human rights abuses from the latter years of the counterinsurgency state contributed to the pressure forcing Guatemala’s democratic transition. This marked the American component of the breakdown between the economic elite-military-US alliance that had propelled military rule. The US continued to distance itself from the counterinsurgency era in an effort to save face internationally, instead working to promote the peace accords. This marked the continued divergence between US and elite interests, stoking tensions between both groups and committing the US to supporting reforms the elites opposed. Thus, amid their own divisions, the elite-military alliance lost US support and found its old ally now pushing for reforms it itself had worked to prevent.

The growing distance between the United States and military rule came in the 1970s when the United States’ foreign policy focus on human rights promotion clashed with the counterinsurgency state’s blatant human rights abuses. Under President Carter, the US began to make human rights protection a requirement for aid. This reflected a larger human rights focus, coupled with a wariness of foreign intervention and counterinsurgency war, within the American public and policymakers after the Vietnam War (Jonas 1996, 148). To be specific, because “America had learned from Vietnam the dangers of direct military involvement overseas”, interventionist foreign policy became “enormously unpopular” (Smith 2012, 222; Schoultz 1981, 370). As the Guatemalan military repression became more obvious, Carter “withdrew US
support in the late 1970s, criticizing the Guatemalan government on human rights grounds and shutting off military aid” (Carothers 1999, 67). Given the United States’ crucial role in establishing the counterinsurgency state, this signaled a substantial departure and a serious blow to the military. It was also representative of Guatemala’s growing international alienation as other countries began to follow suit, similarly unwilling to support the military (Jonas 1991, 201). Finally, the US’ distancing of itself from the Guatemalan military weakened its relationships with the military and economic elite, contributing to their partnership’s unraveling. More specifically, “the new US line angered the Guatemalan military and business leaders, fueling a go-it-alone attitude and scorn for a government they saw as having gone soft on communism” (Carothers 1999, 67). US efforts in 1995 to investigate atrocities funded by the US and committed by the Guatemalan military, and their consequent cessation of aid, fostered further resentment among the Guatemalan military, feeling that the US had reneged on their partnership and was now, unfairly, trying to save their reputation by embarrassing Guatemala (Jonas 2000, 125). This separation had lasting impacts in Guatemala and the US, leaving the military and economic elites with a bitter taste in their mouths as they considered their fickle former ally and leaving the American public and Congress wary of further support to Guatemala.

The US’ policy shifts continued under Reagan, further complicating relationships between the two countries and illustrating their deviating interests. Reagan did not share Carter’s reluctance to support the Guatemalan military, rather, he saw the military as an ally against communism and thus an outlet for continued aid (Carothers 1991, 71). Congress, however, particularly the Democrats, had yet to forget the reasons for halting aid only a few years prior and initially stymied Reagan’s attempts to resume direct military aid (Jonas 1996, 148). Covert aid funneled to the Guatemalan military through loopholes and the CIA continued, however,
resulting in a two-faced Washington (Meislin 1982). This is further characterized by Jonas 2000 as a ‘two-track policy’ in which

“Publicly, US policymakers paid lip service to human rights concerns and pushed the Guatemalan government to liberalize…but behind the scenes, the United States continued to view the Guatemalan army as a problematic but strategic and ‘reliable’ ally in Central America” (Jonas 2000, 121).

This mixed messaging not only demonstrates conflicts within the United States, but also points to the end of its automatic support for the Guatemalan military of military rule. No longer could it automatically endorse its old partners as such actions were becoming harder to justify.

The United States pressured the military to transition to civilian rule, heralding the transition as an emblem of democracy and justification for its prior military support. By now making aid contingent upon human rights improvements, the United States exerted financial pressure on the military and state to reform their operations (Schoultz 1981, 257). In doing so, it distanced itself from its formal partners whose actions no longer supported its priorities, priorities which they expressed through conditioning and severing military aid. This contributed to the plethora of pressures the military faced and signaled the end to the formal counterinsurgency state. Given the military’s inability to perpetuate the counterinsurgency state or maintain its tight alliance with the economic elites, the US’ pressure for liberalization added to its lessened viability. Reagan saw a transition to civilian rule as the political cover he needed to restore direct aid to the military (Carothers 1991, 71). Accordingly, the Reagan administration “acted as a virtual public relations firm for the Guatemalan government, celebrating its complete ‘democratization’” and demonstrating its support (Jonas 1991, 158). The transition also helped
the United States justify its own intervention in the coup and first stage of the war, seeming to validate the theory that “right-wing authoritarian regimes pose no threat to democracy because they ‘inevitably’ evolve toward democracy” (Jonas 1991, 158). Thus, while support for the transition helped Reagan continue to fund the military, it also illustrated the US’ tendency to manipulate Guatemala however best served American interests. Given the policy switches between Carter and Reagan, this support—and the interests it represented—was far from consistent, further demonstrating the US’ unreliability and “fickle” nature as an ally in the eyes of conservative Guatemalan sectors (Jonas 1991, 199).

This commitment to Guatemalan democratization persisted throughout Guatemala’s democratic transition and peace process, which further deteriorated relations between the United States and conservative sectors. After the Cold War’s end, President Bush pursued a new shift in American foreign policy, centering it around a proclaimed commitment to global transitions to democracy as the need for a hemispheric war against communism waned (Smith 2012, 284). Despite its scattered policy in the late 1970s-early 1980s, the United States remained a supporter of Guatemalan democracy and peace, even when doing so contradicted its former allies’ interests. The US also proved willing to defend its stance. For example, it threatened to impose sanctions on Guatemala if constitutional rule was interrupted during “Serranazo” in 1993, during which President Jorge Serrano triggered a constitutional crisis by staging an *autogolpe*, or self-coup (Williams and Ruhl 2013, 230). After “facing possible indictment for ‘illicit enrichment’, Serrano closed Congress, the Constitutional Court, the Supreme Judicial Court, and suspended all constitutional components relating to civil rights or checking the executive” (Stanley 2013, 23). The United States, along with the larger international community, strongly
condemned Serrano. It issued a travel advisory to threaten tourism to Guatemala and threatened to withhold trade, both staunch symbols of support for Guatemalan democracy and a sharp rebuke to Serrano’s challenge (Stanley 2013, 21). By extension, this signaled the US’ opposition and willingness to openly oppose any threats to constitutional order.

A second example came in the peace process. The US joined the ‘Group of Friends’ governments, “whose purpose was to facilitate the peace process and support the UN as its moderator” (Jonas 2000, 122). This contradicted the interests of the military and economic elite, both of whom resisted and deeply resented many of the peace accords’ proposed reforms. The US’ association then with the UN continued to foster the perception within Guatemala that the US was a foreign threat to Guatemala’s sovereignty. An example demonstrating the US’ commitment to the peace process amidst conservative opposition and the further deterioration of the military-economic elite-US partnership is the 1995 “Guategate” scandal. This revealed that a “high-ranking Guatemalan military officer on the CIA payroll (Colonel Julio Alpírez) had been involved in the early 1990s murders of an American citizen, Michael DeVine, and a guerrilla commander, Efraín Bámaca, who was married to American lawyer Jennifer Harbury” (Jonas 2000, 124). A bombshell revelation, the news exposed the US’ role in propelling the Guatemalan military’s human rights violations, prompting strong criticism from the US public, US lawmakers, and the international community. It triggered a realignment in US public opinion, dramatically weakening the CIA’s legitimacy in Congress’ and the public’s eyes and lessening support for further aid to the Guatemalan military. Especially given the end of the Cold War, any alignment with the Guatemalan military became almost impossible to justify (Carothers 1991, 75). Ultimately, the scandal and the domestic opposition within the US it provoked meant that
the US redoubled its support for the peace process. This alone alienated the Guatemalan military and economic elite, yet the proposed investigation US lawmakers called for was an especially offensive point of contention. The Guatemalan military bristled at this perceived invasion and humiliation of their sovereignty due to their larger belief that the “scandal” was a US problem (Jonas 1996, 155). This commitment to the peace process and further turn away from military support is further evidence of the US’s willingness to contradict the military and economic elites’ interests in support of its own goal, signifying that it was no longer an unconditional ally.

C. The US Supports the Rule of Law

By the 2000s, the United States’ dominant interest in Guatemala was curbing the flow of undocumented migrants and illegal drugs. This led it to pursue an array of other policies in Guatemala as components of this larger goal. The first was a focus on improving judicial structures and fighting impunity in an effort to combat drug trafficking and its corresponding violence. The second was a larger focus on impunity and corruption as obstacles to good governance, democracy, and stability, all of which the US believed to be important to promote in order to curb drug trafficking and migration alike. This priority propelled American foreign policy’s shift from a war on communism to a war on drugs. Taken in sum, the US acted to support rule of law promotion in Guatemala and solidify the judicial reforms that would come to threaten the elite. Not only does the US’ interest in migration represent differing interests with the Guatemalan elites, US actions to promote this policy demonstrate it advancing its own agenda within Guatemala. This agenda contradicted the generalized elite agenda of preventing reform and preserving corruption and impunity. Ultimately, then, the US continued to distance...
itself from conservative forces in Guatemala, further representing such forces’ loss of their international backing. The US’ focus on its agenda additionally meant it was resistant to attempts by elites to undermine its support for reform.

It is first key to understand how the United States understood rule of law promotion in Guatemala to be within its national interest. Two vestiges of the war, undocumented migration and narcotics trafficking persisted beyond the peace process. The US had already placed counter migration and narcotics trafficking efforts on its agenda by the end of the 1990s (Jonas 2000, 127). Escalating violence, organized crime, and the emergence of the CIACS, however, demonstrated that Guatemala’s weak state, weak judicial structures, and larger climate of impunity obstructed Washington’s goals (Jonas 2013). This provided the nexus for the US’ pursuit of rule of law reform, which could further its agenda in a myriad of ways. First, it could provide the legal mechanisms to hold drug traffickers and perpetrators of violence accountable. Secondly, it would bolster the Guatemalan state and consequently promote more liberal governance. Both changes would ideally lessen the flow of migrants and illicit drugs to the US, which remained its “central concerns” (Open Society Justice Initiative 2016, 79). Excerpts from Congressional proceedings evidence the American perspective. From 2007, Senate Resolution 155, aptly titled “EXPRESSING THE SENSE OF THE SENATE ON EFFORTS TO CONTROL VIOLENCE AND STRENGTHEN THE RULE OF LAW IN GUATEMALA” states, “the Senate reiterates its commitment to support the Government of Guatemala in its efforts to strengthen the rule of law in that country, including the dismantling of the clandestine groups, the purging of police and judicial institutions, and the implementation of key justice and police reforms” (Congress.gov 2022). By promoting the rule of law, the US committed itself to
supporting justice reform within Guatemala even as such reform countered elite interests. Such rule of law promotion directly clashed with Guatemala’s culture of impunity, underscoring the US’ continued divergence from elite support.

This framing then explains American motivations for supporting the CICIG, which marked a concrete emblem of its rule of law promotion in the region. As such, Senate Resolution 155 classifies the CICIG as an “innovative mechanism” and “calls on the Government of Guatemala and all sectors of society in Guatemala to unreservedly support the investigation and prosecution of illegal armed groups and clandestine security organizations” (Congress.gov 2022). Furthermore, US Government Representative C noted how support for the CICIG was sincere and bipartisan within the US, demonstrating its staunch backing (USGR C, 2022). The US accordingly provided the largest share (26.6%) of CICIG’s funding (Zamudio-González 2020, 76). The CICIG is a tangible example of the US’ advancement of its interests in Guatemala. It also solidifies the US’ commitment to rule of law promotion and judicial reform. Such goals, however, directly threatened elites’ impunity and the corrupt status quo they preferred. In backing the CICIG and judicial reform, the US placed itself as an adversary of elite interests so long as elite interests threatened migration. Its continued support for the CICIG and the Attorney General’s office, especially as both bodies presented stronger challenges to the illiberal status quo, demonstrates its willingness to combat elites. Its backing also helped ensure elites could not effectively undermine such reforms. The US’ support for rule of law promotion therefore obstructed elites’ ability to advance their own interests and helped to ensure liberalizing reforms could take effect.
Finally, the United States leveraged its aid to Guatemala to ensure cooperation with its agenda despite direct opposition from conservative sectors. One example is especially telling: the US’ intervention to ensure CICIG’s renewal in 2015. This support proved pivotal in ensuring CICIG’s survival, thus demonstrating how the United States propelled the justice movement and enabled it to counter elite influence. It would also mark the apex of American support for rule of law reform. Before La Línea was announced, while resentment against the CICIG built among the elites, support for rule of law and good governance mechanisms grew within the United States, propelled by a surge of undocumented child migrants in 2014 (Open Society Justice Initiative 2016, 79). This alignment between American foreign policy goals and the Guatemalan justice movement meant that American lawmakers viewed the CICIG and the Attorney General as “effective allies” and assets they were reluctant to lose (cite “the most decisive pressure, 79). When CICIG’s future looked tenuous, the US accordingly mobilized to ensure its renewal by Pérez Molina. An op-ed written by then-Vice President Biden in the NYT summarizes the Obama administration’s support for the CICIG as a strategic ally, writing that “the security and prosperity of Central America are inextricably linked with our own” and directly identifying this security’s threat as “institutional corruption [and] rampant crime” (Biden 2015). Biden then visited Guatemala to pressure Pérez Molina and make clear that future US aid would depend upon CICIG’s survival. This visit, according to a Guatemalan journalist, was absolutely essential in forcing Pérez Molina into signing his own political death sentence. In ensuring the CICIG’s survival, the US demonstrated it was prepared to leverage aid to ensure its agenda was followed, no matter the opposition from conservative sectors. Its support for the CICIG demonstrated that a) its interests clashed with those of justice opponents, b) it was prepared to advance its interests
regardless, c) in the face of American opposition, conservative attempts to undermine the justice movement were unlikely to succeed.

D. Conclusions

Ultimately, the US gradually withdrew its support from its wartime alliance with the military and economic elite because its own interests changed. No longer could it outwardly champion the military or military rule, and it thus joined the growing pressures pushing the military to transition to civilian governance. The wartime alliance thus lost its international backing, a major blow to its ability to sustain itself. Complicating matters, the US pledged support for reform and liberalization, which encroached upon the illiberal status quo elites demanded. Furthermore, US backing now supported the burgeoning justice movement, meaning that the support elites had enjoyed was now propelling their adversaries. By the end of the peace process, the US’ foremost goal had become curbing migration and narcotics trafficking from Guatemala. Its interests then aligned further with the justice movement as it sought to promote the rule of law and stymie corruption, a further blow to elite efforts to preserve impunity. Thus, the larger elite sector found that the United States’ support in the war era had been both self-serving and fair-weather. Washington would neither compromise its own interests nor preserve old alliances, leaving elites with less backing, maneuverability, and control than they had previously had. The loss of US support is thus the second explanation for elite disarray in the early 2000s.
Taken together, the elites’ internal fissures and their loss of international backing explain their inability to coalesce and mobilize during this period. This alone, however, does not entirely explain how Guatemala’s period of reform occurred. The prior two explanations evidence that elites’ ability to neutralize reform was hamstrung. The third component necessary to understanding how this reform coalesced is that the elites’ infighting and lessened control opened political space that was soon taken advantage of by liberalizing forces. A justice movement\textsuperscript{3} thus developed that elites could neither entirely control nor prevent. This is then the third explanation for elite disarray: the justice movement gathered more strength and unity than elites expected, catching them off-guard. These new actors found strength amidst elite weakness--the factors limiting elite control enabled the justice movement’s success. This section details how elites found themselves playing defense and identifies two developments that challenged their power. Firstly, elites underestimated the CICIG’s power to promote the rule of law, strengthen the judiciary, and challenge their impunity. As the CICIG gained strength, it strengthened Guatemala’s judicial institutions and created a system capable of fighting elite corruption. Second, they did not expect the rule of law to gain salience with the Guatemalan population and develop into a publicly-supported justice movement. This movement, coupled with the anti-corruption leadership from the CICIG and the MP’s office, created a formidable challenge the elites did not expect and could not entirely prevent.

Firstly, elites underestimated the CICIG’s potential to promote judicial reform or target them and therefore failed to seriously consider it as a threat during its creation process. This

\textsuperscript{3} See Methodology for an overview of the justice movement.
underestimation was widely cited by interviewees, including by US Government Representative B, who said that “no one thought CICIG would have the impact that it would” and by Business Community Representative C, who said that the CICIG was approved because elites failed to take it seriously (USGR B 2022; USGR C 2022). The first reason was its limited mandate, which meant that CICIG’s scope was limited to CIACS (organized crime groups) and that it could not instigate prosecutions on its own (Maihold 2016, 13). Elites negotiated this limited mandate, meaning that it was thus perceived as being relatively toothless and limited to crimes business and military elites cared little about. Accordingly, its mandate targeted neither large-scale corruption nor war crimes and consequently did not raise alarm among economic or military elites (Open Society Justice Initiative 2016 34). Secondly, the fact that the CICIG’s proceedings would have to go through the justice system lowered expectations among elites given that the justice system was both weak and under their control (WOLA 2015, 19; Guatemalan Journalist 2022). Thirdly, the CICIG seemed to be the newest iteration in a series of ineffective international reform bodies, particularly MINUGUA, further contributing to low expectations for its success (Beltrán 2003, 59). Business Community Representative B echoed this position, remarking that “no one really expected CICIG to be anything, because any UN mission was just a bunch of bureaucrats writing papers” (USGT B, 2022). Thus, elites were unconcerned with the CICIG’s international backing and potential to wield real power, likely expecting the body to stagnate or fall prey to their obstruction. Cumulatively, this demonstrates that elites did not perceive the CICIG to be a substantial threat and explains elite ambivalence to its creation.

Such low expectations proved misguided, however, when the CICIG and revamped MP’s office proved they could be a credible threat to elite power in cases such as those against
ex-interior minister Carlos Vielmann and general and former head of state Efrain Rios Montt. Both cases demonstrated that the CICIG and MP’s office had become stronger than expected, and both cases contributed to the justice movement’s growing momentum. They then signaled that the CICIG and the judicial reforms it garnered could diverge from their expected trajectories.

The Vielmann case marked the CICIG’s growing prowess and provided a staunch check to elite impunity, underscoring the misstep elites made in assuming CICIG could not threaten them. Spurred by a CICIG investigation into the 2006 execution of prisoners in the Pavón prison, the case implicated 18 individuals, including ex-interior minister Carlos Vielmann (BBC 2010). The CICIG found those implicated to have “allegedly ran a parallel security structure within the Interior Ministry, engaged in extrajudicial killings, ‘social cleansing’ operations, money laundering, drug trafficking, extortion, and drug thefts” (Open Society Justice Initiative 2016, 54). Arresting Vielmann, who had served under the Berger administration and was a member of the economic elite, demonstrated that CICIG and the MP’s office were willing and prepared to hold those beyond low-level narcotraffickers and organized crime members accountable. Furthermore, the case unearthed a complex network of criminal activity infiltrating state institutions. Two interviewees pointed to the Vielmann case as an early warning sign that the elites had been wrong about the CICIG. Business Community Representative B said that the case was the first time elites had been formally caught in a complex crime, while Business Community Representative C classified the case as one of the most consequential in provoking elite hostility to the reform movement (BCRB 2022; BCR C 2022). The elites’ hostile reaction to the case evidences that it was an outcome they had not expected, especially given that many of
the same Berger administration officials who championed the CICIG’s creation now became its most vocal critics (Open Society Justice Initiative 2020, 54).

The Ríos Montt case showcased the judicial system’s augmented strength and its potential to prosecute war crimes, posing a major threat to the military and once again demonstrating how the CICIG and reformist forces they had conditionally allowed now were veering out of their control. In 2013, former head of state and of the armed forces, Efraín Ríos Montt, was found guilty of genocide and crimes against humanity in a “conviction…handed down for crimes committed against Guatemala’s Maya Ixil indigenous population during his seventeen-month rule in 1982 and 1983” (Burt 2016, 143-144). The case marked the first time in Guatemala that a former head of state faced trial for human rights abuses and thus, according to Guatemalan Journalist, “put the entire army on trial” (GJ A 2022). The case and initial guilty verdict thereby represented a massive overhaul of elite impunity and that the justice movement intended to move beyond small, drug-trafficking related crimes. The case additionally demonstrated the strength of the justice movement in that it 1) employed a host of new judicial tactics and strategies procured by the CICIG’s reform advocacy and 2) produced a guilty verdict despite an extensive elite campaign to obstruct it (Burt 2016, 151). Never had elites, nor anyone in Guatemala, truly believed such a trial could be possible. Its existence thus showed elites’ grip had loosened, that in their false security they had inadvertently allowed a powerful adversary to form.

The degree to which the Ríos Montt trial triggered alarm with elite circles demonstrates the extent of their miscalculation as they hastened to perform damage control. Opposition sprang not just from the military, but also from the business and political elite. CACIF, for example,
argued that “justice had become a prisoner of ideological conflict” while the Foundation Against Terrorism, a small group of ex-military officers, paid for a series of ads calling “the genocide charges mere fabrications” (Burt 2015, 155; 152). Representing the business and military elite respectively, their claims were furthered and supported by the political elite, who published “a full-page paid advertisement signed by twelve highly respected politicians, including former vice president Eduardo Stein…asserting that the genocide trial represented an ‘end of the peace accords’ and would open a new phase of violence in Guatemala” (Burt 2016, 52). Pérez Molina expressed his support for the letter, echoing that no genocide had occurred, an unsurprising move given his own status as a wartime military officer (Burt 2016, 144). The breadth of severe opposition to the Ríos Montt trial and its ability to reverse the verdict only ten days after its issuance show the trial threatened elites of all sectors. Accordingly, the verdict’s reversal was “a huge relief for military leaders, who feared they might stand trial next, and for powerful business people who financed the country’s civil war” (Isaacs 2014). More specifically, the economic elite worried that the trial could hamper Guatemala’s international image (and thus their economic partnerships) and harbored a deeper fear that the trials might expand and implicate them. Thus, despite the reversal, the Ríos Montt trial displays elites scrambling to correct a serious challenge, one that had grown powerful during their complacency and now represented that the rule of law was growing stronger.

Another change that caught the elites off kilter was Iván Velásquez’ 2013 appointment as CICIG commissioner and his subsequent expansion of CICIG’s mandate. Velásquez broadened CICIG’s mandate to formally include Illicit-Political Economic Networks (Spanish acronym, RPEIs). Rather than the original narrower focus on organized crime, the “RPEIs [were] much
more complex phenomena, including clientelism, cronyism, or, as the Guatemalans themselves say, a whole culture of greed and corruption” (Zamudio-González 2019, 40). This change reflected Velásquez’ belief that the CIACS had evolved to penetrate the state in a variety of formal and informal relationships and networks (Zamudio-Gonzalez 2019, 29-40). This change enabled the CICIG to investigate large structures of corruption, structures that would infiltrate the political and economic elite (Zamudio-González 2020, 83). Interviewees widely cited this change as a ‘wake-up call’ for elites, dramatically reframing what CICIG intended to accomplish and placing elites within the potential line of fire (BCR A 2022; BCR B 2022; CICIG Rep 2021; USGR B 2022). Business Community Representatives A and C highlighted how once Velásquez widened CICIG’s scope, he triggered fractures within the elites’ conditional support for CICIG by provoking their opposition, marking “the beginning of the end” for CICIG (BCR C 2022; BCR A 2022).

La Linea exposed the scope of CICIG’s new focus, targeting the highest levels of politics and demonstrating how the rule of law had strengthened. La Línea emerged from this reframed mandate. The case specifically was “the result of a one-year CICIG investigation targeting the oldest sources of state corruption in the contemporary era: control of the movement of foods through Guatemala’s principal customs port” (Open Society Justice Initiative 2016, 81). The case also relied upon CICIG’s investigative tools it had accumulated throughout its earlier tenure, including 66,000 intercepted telephone conversations and 6,000 electronic messages, which both demonstrated the investigation’s technical sophistication and gave it its name, referring to the phone line the crime ring used. (International Crisis Group 2016, 7). On April 16, 2015, MP and reformist judge Teresa Aldana and the CICIG arrested 21 suspects--including high-level
officials—sending shockwaves across the country. More details would be revealed over the coming months, implicating President Pérez Molina and Vice President Baldetti, exposing the case’s reach and complexities and igniting a firestorm of public opposition. The case at once demonstrated that CICIG and the MP’s office sought to hold elites accountable and that they had the power to do so, mounting an unprecedented challenge to elite power and impunity. In its consequent exposure and condemnation of entrenched corruption networks, the case was “paradigmatic” (Zamudio-González 2020, 82-3). It posed a threat elites both were unprepared for and unable to neutralize—allowing them little choice but to watch Pérez Molina and Baldetti’s undoing and hope to remain out of the crossfire.

La Línea proved especially dangerous because of the public support it provoked, proving the rule of law had become unprecedentedly salient to the Guatemalan public. This growing salience was perhaps the foremost threat to the illiberal status quo elites demanded, signaling that the public would no longer permit such blatant corruption and join the forces working to hold elites accountable. A formidable social movement unfurled around the case, growing from sixty participants in front of the National Palace to thousands of protestors meeting weekly across Guatemala and embodying “a massive national outpouring rejecting the Pérez Molina government” (Open Society Justice Initiative 2016, 82). Outrage over corruption proved a point around which a large swath of participants could rally, demonstrating its salience and capacity to mobilize (International Crisis Group 2016, 7). Accordingly, one participant explained their reason to protest as because “all of the poorly executed public policies and corruption will affect us as citizens” (Flores and Rivers 2020, 9). The participants’ slogans also demonstrated their commitment to defending the rule of law. Beginning with “RenunciaYa!” (Resign Now!), the
slogans transformed into “JusticiaYa!” (Justice Now!) (International Crisis Group 2016, 9). This change signals that the protestors targeted impunity and corruption more broadly rather than just the removal of Pérez Molina and Baldetti. This expanded focus then posed a greater threat to the illiberal forces governing Guatemala, signaling that the public was becoming increasingly unwilling to tolerate their existence.

In sum, elites’ original failure to see the CICIG or the justice reforms it proposed as a serious threat amounted to a colossal miscalculation. Their apathetic allowance of the CICIG and justice movement’s existence meant the two forces quickly snowballed out of their control. This period thus showcases how elite disarray and distraction helped a burgeoning justice movement to develop. The CICIG and the MP’s office proved formidable opponents, augmented by their enhanced resources and backing. This movement proved it could threaten elite power and impunity in its case selection; the removal of Pérez Molina and Baldetti from office was a particular display of what the justice movement could bring. The momentum it accumulated in 2015 would continue to grow, soon to directly place elites of all sectors in its line of fire.
4

ELITE RESURGENCE: 2016-2019

The justice movement’s peak in 2015 seemed to signal that the status quo in Guatemala had changed, that elites were subject to the rule of law, and that Guatemala was experiencing a new democratic spring. Public support for the CICIG quickly surpassed that of any government body, with public trust levels reaching 70 per cent in 2017 (International Crisis Group 2018, 15). Yet opposition against the CICIG began to mount, spearheaded by President Jimmy Morales after he fell prey to CICIG’s investigations and backed by a large and growing contingent of elite sectors. The CICIG’s support and resources disintegrated and its personnel, advocates, and associated prosecutors were forced from the country. By the time of CICIG’s expiration in 2019, Guatemala’s justice movement and institutions were a far cry from those in 2015. Elite forces, including those from the economic elite, the military, and the political elite, had facilitated this decline, reasserting their power and influence and changing the environment in Guatemala from one of hope to one of fear.

How can elite resurgence be explained? How did elites so totally steer Guatemala back to an illiberal status quo? I argue that this reversal of reform occurred because of three reasons, the same that explain the elite coalition’s power in the war era. Firstly, elite sectors united upon a common interest, seeing CICIG and reformist sectors as their primary target around which to rally. Secondly, this coalition managed to co-opt the United States’ support for the justice movement, effectively working to ensure the US acted within their interests. Thirdly, the new elite coalition used their combined resources and influence to advance their will, returning to
historical patterns of perceiving justice advocates as subversives and using their formal power to criminalize individuals and institutions alike.

I. THE ELITE COALITION REEMERGES

As the justice movement via the CICIG and the MP’s office made more powerful prosecutions, they accrued more powerful enemies, provoking a wide swath of elite sectors. This provocation united political, military, and economic elites around a shared interest: to remove the CICIG, restore their impunity, and thus erase any progress or reform that had the potential to continue to threaten their power. Each sector now saw CICIG as a credible threat and saw the larger justice movement as something that had veered out of control and needed to be neutralized. No sector was willing to permit the continued attacks to its power, impunity, or influence, and this mutual hostility meant that each sector found willing partners in the other. While the CICIG and MP’s earlier prosecutions had angered elites of various sectors, the massive upsurge in prosecutions and expansion of who they targeted crossed a line beyond which elites of any sector could not tolerate. In sum, new cases against the economic elite, the military, and President Jimmy Morales fostered elite unification.

Morales, representing the political elite, turned against the CICIG and larger justice movement once he fell into their crossfire. Ironically, Morales campaigned in support of the CICIG, winning in the wake of Pérez Molina’s corruption scandal and running on the slogan “neither corrupt nor a thief” (Schwartz 2019). When prosecutors determined he was, in fact, corrupt, Morales’ tolerance of the CICIG vanished, pitting the government against the justice movement. The CICIG and MP targeted Morales in what he perceived to be personal attacks. Under Velásquez, CICIG indicted Morales’ brother and son “in a corruption case involving
$25,000 in false invoices, from which they did not personally benefit” (International Crisis Group 2018, 14). Later in 2017, prosecutors alleged that Morales’ party, the National Convergence Front (FCN Spanish acronym), had failed to report certain campaign contributions. The first case presented a personal and unjustifiable affront to Morales, eradicating his personal support for the CICIG. When the second was accompanied by the MP and CICIG’s attempt to strip Morales of his presidential immunity, Morales became blatantly hostile to the justice movement and openly began his campaign to destroy it. This opposition’s importance to the elite coalition’s formation was emphasized by two interviewees. CICIG Representative classified it as the turning point from which CICIG’s demise could not be stopped, given that Morales was “the only person who had in his hands the absolute power to let CICIG live or die” (CICIG Rep 2021). Business Community Representative C characterized Morales’ indictment as the ‘glue that brought everything together’” (BCR C 2022). This opposition not only signaled that the government would work to end CICIG and neutralize the justice movement, but also provided a nexus point around which the larger elite opposition could act.

Morales’ opposition represented broader elite opposition because of his backing by the military and economic elite. Morales thus linked the political, military, and economic elite and his willingness to openly oppose the CICIG thus retained backing from each sector as well. Velásquez’ framing of Morales as the political nexus of corruption wove these sector’s interests together. Morales’ party, the FCN, was “founded by hardline former military officers who fiercely opposed human rights trials” and who had gained prominence “during the darkest days of the internal armed conflict” (Schwartz 2019). Morales also rose to power with the backing of the economic elite and the case prosecuting his campaign’s financing thus implicated the business community as well. The case revealed that the FCN received approximately $2 million
“in illicit contributions from the Guatemalan business community” in the 2015 elections (Abbott 2018). This funding “came from the eight wealthiest families in Guatemala” -- the core of the economic elite (Abbott 2018). This link ensured that the attacks on Morales implicated the economic elite and thus fused their interests in preventing such threats from coming to fruition. Morales’ ties to the military and economic elite thus represented a unification of elite factions, which, when attacked, transformed into a unified coalition of opposition to the justice movement. Central to this coalition’s unification was their understanding, as the Morales case demonstrates, that impunity for one now meant impunity for all.

The economic elite decided to wage war against the justice movement after its implication in illicit campaign financing, the first time that the most powerful members of the business community had ever been held accountable or had their impunity threatened (Abbott 2018). This case, announced in 2017, found that the FCN had failed to report over $900,000 in campaign contributions to Morales’ 2015 campaign, “at least a portion of [which] came from prominent businessmen” (Asmann 2018). No longer could the economic elite sit idly by from the sidelines as it was content to do when drug traffickers, low-level politicians, and even the military were targeted. Now, it found itself threatened in a manner it had never seen imaginable; the justice movement it perceived to be both within its control and focused on those it cared little for was now encroaching upon its security. This was a reality it could never again permit, and it mobilized accordingly. Their immediate response showcases the extent to which they felt threatened. In response to the allegations, representatives from CACIF held a groundbreaking press conference in April 2018 in which they publicly admitted wrongdoing and asked for forgiveness, saying:
“As Guatemalans, we are here showing our faces, assuming whatever responsibility there is and aware of the consequences of our personal decisions. We recognize, with humility, that mistakes were made without knowing it” (Asmann 2018).

This admission was expected to be followed by a plea deal that would entail, according to Business Community Representative B, misdemeanor sentences and a record of wrongdoing that would affect their visas and business records (BCR B 2022). The deal never came to fruition as the case was successfully undermined, but the fact that the press conference occurred at all is a monumental testament to the CICIG’s power to check the economic elite. This case both at once then demonstrates the CICIG’s power and the elite campaign to undermine it, providing both the CICIG’s apex in prosecuting the economic elite and consequently the economic elite’s nexus in mobilizing to derail the CICIG. Never before had they been so close to accountability, and this proximity ignited their fervor to ensure they would never be in such a position again (USGR B 2022; BCR B 2022; Asmann 2018). Business Community Representative B labeled the photo of the press conference “the most important photo in Guatemalan history” because it pinpoints the moment when the economic elite were the most vulnerable and consequently the moment that sparked their ‘campaign of terror’ that was to come (BCR B 2022). The economic elite thus found themselves unprecedentedly targeted and thus fully committed to bringing down the CICIG and ensuring they could never face such risk again.
CACIF Leaders Apologize for Illicit Campaign Financing at a 2018 Press Conference

Thus, virtually every elite sector coalesced in opposition to the CICIG, the MP’s office, and the reforms they represented. The justice movement created a powerful network of enemies in its mounting prosecutions, who could now collaborate and attack the CICIG from all sides. The scope of this opposition is difficult to understate; “the effort to defame the commission [had] gathered strength from different fronts, including from many of those held on remand awaiting trial in anti-corruption cases, former and active members of the military seeking impunity for crimes committed during the civil war, and conservative sectors of Guatemalan society” (International Crisis Group 2018, 17-18). As mentioned, the military were already opposed to the CICIG/reform movement after the Ríos Montt trial, an opposition that had worsened when the MP arrested fourteen veterans in 2016 for crimes committed during the war (International Crisis Group 2016, 16). The case, labeled CREOMPAZ for the military site it references, specifically brought charges of crimes against humanity and forced disappearance after 550 bodies were

4 CACIF officials’ public apology. Paredes 2018, found in Cumes 2018
exhumed and found to have been “summarily executed” (NISGUA n.d., Olivier 2016). As the case relied unprecedentedly on forensic evidence and had the potential to “be a watershed moment in accountability for grave crimes”, it represented a particular threat to the military, who feared it could unleash an onslaught of similar cases (Olivier 2016). This, coupled with the campaign financing case, meant the impunity the military and economic elite alike enjoyed was at risk of disappearing. Morales’ opposition was key to mobilizing a unified response, given that he held the formal political power to sanction CICIG and prevent its renewal. He served as the political nexus for this anti-justice movement; “Morales’ indignation…provided an opening for corrupt exmilitary officers, economic elites, and congressional allies to push for something they had long sought: the obstruction and eventual removal of the CICIG” (Schwartz 2019). Thus, shared circumstances “united a coalition of people who were not really friends” (USGR B 2022). Such circumstances therefore incentivized them to work in tandem to advance their now aligned interests.

II. THE ILLIBERAL STATUS QUO RESTRICTED: ELITE TAKEOVER

Once the elite coalition had unified, it deployed an arsenal of attacks against the larger justice movement. Its combined strength and resources meant it had considerable leverage and influence, and the attacks employed consequently showcase the variety of actors involved. Ultimately, the elite coalition succeeded in procuring the CICIG’s expiration, undermining the judicial system, and ensuring any reform efforts were neutralized. How did this takeover occur? Firstly, the elite coalition co-opted the US’ support for the CICIG. While the US did not formally back the elite coalition as it had in the early coup and wartime ersa, its passive allowance of the elites’ agenda can be interpreted as a show of support Secondly, the elites launched a
multipronged attack on the CICIG, the MP’s office, and the larger justice movement, revoking visas, funding a smear campaign, and fostering fear and intimidation. These tactics enabled the elite coalition to ensure the CICIG’s expiration, reverse and neutralize established reforms, and foster fear and erode support for the justice movement. In sum, their mobilization facilitated Guatemala’s return to its illiberal status quo.

A. American Support Compromised

The elite alliance succeeded in neutralizing the CICIG’s primary ally: the United States, providing a massive blow to the CICIG’s support system and consequently enabling its expiration. The US had already proved itself influential in ensuring CICIG’s survival amidst hostile political environments when it intervened in 2015 to ensure its renewal by Pérez Molina. The US also remained the CICIG’s chief financial backer, contributing $49.5 million dollars between 2007-2017 (Taft-Morales 2019, 2). The elite coalition successfully sabotaged American support for the CICIG, effectively removing it from the CICIG’s allies and strengthening American-elite interests in the process. Two factors enabled this development: 1) the Trump administration’s transactional focus on migration, 2) the elites’ ability to foster Congressional opposition by spreading rumors that the CICIG was communist, radically progressive or a UN instrument. Ultimately, these culminated in the United States’ cessation of CICIG’s funding, lackluster support thereafter, and allowance of its expiration.

The Trump administration’s focus on migration and transactional approach to relations with Guatemala enabled Morales to win support and thus undermine CICIG’s American backing. Trump’s priorities regarding Guatemala were entirely limited to preventing migration and drug trafficking (International Crisis Group 2018, 26). According to US Government Representative C, the Trump administration gave Guatemala a “free pass” on outside of migration (USGR C
This narrow focus on migration was widely cited by nearly every interviewee as a reason why US support for the CICIG waned under Trump—Trump cared little for rule of law promotion (seen by the Obama administration as a key facet of migration prevention) and instead focused on forming partnerships for his own foreign policy agenda with Guatemala. US Government Representative B characterized Trump's foreign policy approach as “transactional” -- meaning that Morales was able to secure Trump’s support in exchange for a series of political favors (USGR B 2022). The most commonly cited is Guatemala’s quick response to the US moving its embassy in Israel to Jerusalem; Guatemala quickly followed suit, one of only two countries to do so (Schwartz 2018). This action, amounting to a “concerted play [by Morales] for US favor, ingratiated Morales and his agenda with the Trump administration (Weld 2018). Favorable policy from the US towards Morales continued, easing Morales’ ability to directly attack the CICIG. After Morales announced he would work to secure CICIG’s demise, Secretary of State Mike Pompeo refused to condemn Morales or his administration, instead only benignly tweeting “we greatly appreciate Guatemala’s efforts in counternarcotics and security” and thus evidencing the Trump-Morales partnership (Lynch 2019). The US also notably abstained from signing a statement supporting CICIG, the only CICIG-donor country to do so (Goldman 2018). The Trump administration thus proved willing to cooperate with Morales’ agenda so long as Morales remained a dependable ally to its own agenda.

The elite coalition effectively undermined American support for the CICIG by convincing members of Congress that CICIG was a political tool for the left, a puppet of the UN, and, most bizarrely, an arm of the Kremlin. This strategy proved incredibly effective, however, virtually eroding CICIG’s congressional support and ensuring that the US withdrew its financial backing. Firstly, Morales, “himself an evangelical Christian, [succeeded] in shattering the
political consensus [by] forging alliances with a coalition of US conservatives (Lynch 2019). According to US Government Representative B, Morales utilized his evangelical identity to spread alarm among conservative Congress members on the grounds that CICIG was promoting an array of radically progressive policies (USGR B 2022). He did so by “send[ing] envoys to convince Washington that Velásquez was a leftist bent on underm[ing]ing the Conservative government” (Sheridan 2019). This speaks to a larger strategy employed by Morales and the larger elite coalition of hiring American lobbying firms to advance their interests among American politicians. Financed by the Morales government and the economic elite, these firms undertook an influence campaign to undermine support for the CICIG (Lynch 2019; BCR B 2022). Elite sectors also worked to exploit conservative American opposition to the UN, convincing “conservative think tanks and pundits who share antipathy toward the United Nations and a preference for friendly sovereign states to be able to act as they please” that the CICIG represented the UN violating Guatemala’s sovereignty (Lynch 2019). US Government Representative A underscored how successful these efforts were, saying, “[the US] bought the line that this was an imposition by the UN, they bought the line that this was an attempt by leftists from overseas to impose their vision on Guatemala. And so that’s how [support for the CICIG] fell apart” (USGR A 2021).

The accusations that the CICIG furthered the interests of the Kremlin were a particularly effective tactic employed by the elite alliance, successfully raising old communist fears among US policymakers and thereby eroding support for the CICIG. The accusations surrounded the CICIG’s 2015 arrest of the Bitkov family—a Russian family who illegally immigrated to Guatemala using false passports—as part of a larger customs fraud scheme (Schwartz 2018). While Igor Bitkov had allegedly fled Russia after defrauding a Russian bank, the elite alliance
construed the narrative as an innocent man fleeing the political persecution (Malkin and Nechepurenko 2016). Under this narrative, the CICIG’s prosecution of the Bitkovs amounted to their support of Russian political persecution and larger infiltration by Russian interests. The resulting congressional hearing’s title illustrates the extent to which claims of Russian influence and UN puppetry had infiltrated American perceptions of the CICIG: “The Long Arm of Injustice: Did a UN Commission Founded to Fight Corruption Help the Kremlin Destroy a Russian Family?” (CSCE 2018). The hearing’s transcript also showcases this strategy’s success, with lauded anti-Russian-corruption activist Bill Browder recommending CICG’s funding be suspended because “the Russian government succeeded in compromising CICIG and the Guatemalan prosecutor for their own purposes”, Human Rights Attorney Victoria Sandoval remarking that “the evil within this case is shocking”, and Representative Christopher Smith suggesting that “CICIG acted as the Kremlin’s operational agent” (CSCE 2018, 9, 12, 2). As a result, Senator Marco Rubio suspended $6 million of CICIG’s funding in 2018, stating that “I am concerned that CICIG, a commission mostly funded by the United States, has been manipulated and used by radical elements and Russia’s campaign against the Bitkov family in Guatemala” (Malkin 2018). This smear campaign effectively reignited former fears of communism and created the political will for the US to abandon the CICIG, with “the Trump administration perfectly willing to play into it with nobody willing to save the day” (US Government Representative C).

Though the US ultimately resumed funding after Rubio suspended it, its support for the CICIG waned and it did little to reestablish its role as its primary backer. More specifically, “while Washington unfroze the funds, its public messaging in support of CICIG is more muted than in the past” (International Crisis Group 2018, 16). The US ultimately allowed CICIG to
expire in 2019, failing to intervene as it had previously and thus ending an era of its support for the rule of law in Guatemala. The consequences of this withdrawal cannot be understated; nearly every interview participant identified the US’ continued support as the one factor that could have prolonged the CICIG’s lifespan. For example, US Government Representative B said that CICIG “definitely would have survived” had US backing remained staunch. According to Business Community Representative B, since the US was “the one player that had the most impact on things”, its withdrawal “killed” the CICIG (USGR B). This underscores the devastating strategy of the elite coalition: by sabotaging its biggest backer, they effectively ensured CICIG’s demise. Unable to weather such a loss amidst the volley of attacks it was already facing domestically, the CICIG fell prey to the elites’ campaign.

B. The Elite Arsenal’s Launch

Concurrently, the elite coalition launched a volley of domestic attacks to sabotage the justice movement and neutralize its reforms. This represents the elite coalition steering Guatemala back to the illiberal status quo they had once enjoyed. Their tactics were multifaceted and employed resources from each allied elite sector, demonstrating the power of the elite coalition when aligned. These attacks demonstrate the elite coalition’s efforts to defame, subvert, and criminalize the justice movement, reversing the gains it had made and forcing its supporters into exile. Accordingly, Morals and the political elite issued a slew of legal challenges to members of the justice movement, such as revoking visas, defying constitutional order, and employing blatant cronyism. The most prominent cause was against Iván Velásquez, whom Morales attempted to label as a persona non grata and bar from the country in retaliation for the CICIG prosecutions (Schwartz 2018). The military elite backed Morales’ actions and embarked on an intimidation campaign, blatantly associating the Morales administration (and larger
anti-justice forces) with the military repression of the past. The economic elite continued to fund lobbying efforts and smear campaigns against individuals perceived to be their opponents, whether CICIG personnel, US government members, or anyone who supported reform. Finally, organized crime continued to erode the rule of law as narcotrafficking and violent attacks increased. Together, this culminated in a reversion of reform and reinstallation of the illiberal status quo as each attack reversed prior gains and further weakened democratic institutions and the rule of law.

Morales utilized his presidential office to unleash a series of political attacks on the CICIG and related members of the justice coalition. In doing so, he attacked the rule of law in two ways: by actively weaponizing his office against it and subverting constitutional institutions and norms. For example, Morales declared Velásquez *persona non grata* and barred him from reentering Guatemala despite “two Constitutional Court rulings that he lacks the authority to do so” (Taft-Morales 2019, 2). This open defiance of constitutional order proved effective – Velásquez remained outside Guatemala in a direct affront to CICIG’s operations. This weaponization of the presidential office continued as Morales announced the CICIG would not serve another term, requiring CICIG personnel to leave the country almost immediately and revoking their diplomatic immunity. The Constitutional Court overrode this order as unconstitutional, yet one investigator, Yilen Osorio, was denied reentry in 2019. This amounted to a “constitutional crisis”, demonstrating Morales’ willingness to subvert democratic norms to undermine the justice movement (Schwartz 2019). The Morales administration embarked on a slew of other such attacks designed to sabotage the justice movement’s political influence. According to anti-corruption prosecutor and former FECI head Juan Francisco Sandoval, one key tactic was “cutting the budget of the Human Rights Prosecutor’s Office” (Silva Ávalo and
Olaya, 2020). He also attacked government officials solely on the grounds of their association associated with the justice movement—“In January 2018, Morales sacked the interior minister, Francisco Rivas, and a month later the police chief, Nery Ramos, both diligent participants in the anti-corruption campaign” (International Crisis Group 2018, 14-15). Finally, Morales exploited the political blowback to his ousting of Velásquez by filling the offices of those who resigned in protest with “representatives of the crooked political and economic elite…to reclaim state agencies” (Schwartz 2019). Morales’ attacks on the CICIG and related justice personnel severely obstructed the justice movement and thus helped steer Guatemala towards an illiberal status quo.

Morales’ open defiance of constitutional and political norms in the process further eroded the rule of law, showing that illiberalism’s strides towards regaining dominance.

The military heightened the impact of Morales’ actions by fostering a climate of fear to further discourage reform. This mobilization implied a return to the military’s involvement in politics and thus the potential for future military repression. The military employed blatant intimidation to display opposition to the justice movement and help restore perceptions of elite control. Three instances demonstrate this tactic. Firstly, the military signaled its support for CICIG’s expulsion and for Morales by physically flanking him during his announcement. On August 31, 2018, as Morales announced he would not renew the CICIG he stood among “dozens of military officers…sixty-eight of [whom were] in uniform” (Isacson 2018). This display of strength, as seen below, emphasized the military’s ties to the Morales regime, its resurgence as a political actor, and that “the high command support[ed] Morales’ move against the CICIG in the strongest possible terms” (Isacson 2018). Such a display evoked a resurgence of the military dominance and repression of the war era, an association furthered by the military’s public mobilizing later that day and during the days to come. On the 31st, “a convoy of military
transport vehicles, helmeted gunners poised at their machine-gun turrets, drove through the CICIG’s prosperous, well-guarded Guatemala City neighborhood and circulated several times around its offices. Vehicles pulled up outside the US embassy and those of other countries known to support CICIG, and near the homes and offices of prominent human rights defenders” (Isacson 2018). This imagery “borrowed overtly and self-consciously from the military coups of the 1980s” and was a formidable tool to spread fear throughout the population (Weld 2018). An image is also displayed below. The display also evoked the US’ backing for Morales, and by proxy, for the military--the vehicles used were part of a US aid package and, according to US Government Representative C, their use coupled with no public statements from the United States were understood to be a signal that the US would not intervene in opposition (Isacson 2018, USGR C, 2022). The military continued to “menacingly” publicly occupy central areas within Guatemala City in an effort to assert its strength and dissuade protesters (Isacson 2018). Ultimately, the military’s use of blatant intimidation helped to provide backing to the Morales administration and visibly assert the dominance of the elite coalition and illiberalism.
Jimmy Morales announces CICIG’s expiration flanked by military officials on August 31, 2018

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5 Morales’ military backing. Oliver de Ros 2018, found in Isacson 2018
The economic elite funded a campaign to discredit key figures involved in the justice movement and sow opposition to the movement as a whole, illustrating their capacity to turn public opinion against both CICIG and reform. Through their ability to fund lobbying firms and their connections to the media, the economic elite funded a vitriolic campaign. This campaign included “criticism and attacks against CICIG and judicial officials…including death threats and public and anonymous attempts to discredit the head of CICIG and other officials, activists, and their organizations” (Taft-Morales 2019, 2). This campaign extended to anyone associated with the CICIG or reform. Attacks on the CICIG in the media derided it for “paralyz[ing] our civic

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*Troops Flank CICIG’s Headquarters* ⁶

⁶Tanks surrounding the CICIG’s headquarters. elPeriodico, found in Isacson 2018
life” and acting with “a dictator’s arbitrariness” with a staff whose behavior was “arrogant, ungrateful, arbitrary, and cruel” (De La Torre, 18). This article would go on to rally Guatemalan nationalism against the CICIG, painting the CICIG among oppressors such as the Nazis in Germani, the Belgians colonizing the Congo, and Dutch slave traders (De La Torre, 18). Both US Ambassadors to Guatemala during this period of resurgence were targeted for their support of CICIG. Ambassador Todd Robinson faced an “aggressive, million-dollar lobbying effort” funded by CACIF to oust him for vocally backing CICIG (Schwartz 2019; Flores and Rivers 2020, 11). Similarly, Ambassador Luis Arreaga faced mounting opposition for his refusal to support the elite agenda. One article criticizes him for leading a “massive fraud campaign” and “consolidat[ing] [a] socialist cabal” (Hecht 2020); another article advocates declaring Arreaga persona non grata for “imposing socialist judges on us” and allowing “socialists [to] control criminal investigations” (LaVoz 2020). Such attacks illustrate the economic elites' defamation efforts and attempts to convince the general Guatemalan public of a sensationalized narrative that the justice movement represented radical socialism that threatened their well-being. Such attacks extended to anyone associated with the justice movement, even if such an interloper came from elite circles. Alfonso Carrillo, a leading Guatemalan attorney, member of the economic elite, and advocate for the rule of law and the CICIG found himself the victim of similar vitriol even after he fled Guatemala with the departure of the CICIG. A smear campaign labeled him a “malevolent genius, [who] is very bad” and dismissed his departure from Guatemala as mere paranoia (Gonzalez 2022, my translation). These examples illustrate the pernicious strategy of the economic elite, who weaponized their resources to launch a volley of hateful propaganda against each facet of the justice movement.
C. Conclusions

In sum, once united, the elite sectors effectively launched a campaign on all fronts against the justice movement. The basis for this effort was that “everybody united against CICIG”, meaning that CICIG and the larger justice movement faced a war on all fronts (CICIG Rep 2021). With direct attacks from the government, military intimidation, and a vast smear campaign, the justice movement found itself with little capacity to maneuver. This volley of attacks eroded support for the rule of law and, in undoing judicial reform and securing the CICIG’s expiration, removed the rule of law’s key supports. The justice movement proved no match for a mobilized elite coalition, fracturing and dissipating too easily to maintain staunch support for the rule of law. An additional byproduct of these attacks that further eroded the rule of law is the rise in drug trafficking. This rise occurred because “drug trafficking had free reign” while most of Guatemala's attention was focused elsewhere (Silva Ávalo and Olaya, 2020). Elites from all sectors therefore worked to ensure the illiberal status quo returned, reversing prior advances and regaining their dominance once more.

III. CONCLUSIONS

The justice movement’s advances ultimately provoked a firestorm of elite opposition once it encroached upon elite impunity beyond a threshold elites could tolerate. A network of hostile forces thus mobilized with CICIG and the justice system as its primary target, united in their new common enemy and their desire to regain impunity. The elite coalition thereby overcame its prior fragmentation and saw itself as both united and multifaceted; each sector was now willing and able to collaborate with the others. The effects were devastating for the justice movement, showcasing the formidable power such an alliance wields. One severe consequence
was their cooptation of American support for the justice movement, effectively removing its largest backer and ensuring its removal would be uncontested. The elite coalition’s arsenal of attacks, including removing officials from public office, revoking visas, threatening military violence, and launching misinformation campaigns, hastened the justice movement’s departure. The elite coalition therefore removed its adversaries, the CICIG and reform-oriented prosecutors and supporters and created a climate in which reform and the rule of law were unpopular. By doing so, they re-established the illiberal status quo they demanded and ensured their impunity remained intact, illustrating their entrenched hold over Guatemala and severely dimming the prospect of any further reform. This period therefore marks elite resurgence: elites emerged victorious with their power and privileges intact.
CONCLUSIONS

“When you have organized crime that has understood how to manipulate and influence the political process, what it has done is actually capture the state”
--Business Community Representative C

To conclude, this thesis explains how elites exert influence in Guatemala and manipulate its society and politics to advance their own agenda. The past seven decades present a clear pattern: when elite sectors are unified, mobilized, and have international backing (or lack international opposition), they can most easily steer Guatemala according to their wishes.

The three time periods I provide underscore this argument. The first, from 1954-1985, illustrates how the military, economic elite, and the United States found a common interest in preventing the progressive reform President Arbenz enacted. The three actors used this agenda as a mutual rallying point, removing Arbenz from power and creating an illiberal regime to stifle any future reform or opposition. This created the counterinsurgency state, in which the military and economic elite formally co-opted the state apparatus to maintain an illiberal status quo and protect their interests.

The second period, from 1985-2015, demonstrates the consequences when elites were fragmented and without their international support. As the military and economic elite’s interests diverged, they ceased to share a common agenda and thus fragmented. The counterinsurgency state was no longer viable, losing both economic elite and American support. Furthermore, the military and economic elite’s interests remained divergent, leading to more conflict throughout the peace process and early 2000s. Their infighting and differing priorities distracted and distributed their focus and resources; instead of working to advance a singular goal, their efforts remained scattered and therefore less dominating. Their agendas were further hamstrung by the
United States’ support for the justice movement, meaning that the larger elite agenda had lost its international backing.

Once a common agenda emerged, however, elite sectors coalesced into a unified force once more. This represents the third period, from 2015-2019, in which the military, political, and economic elite allied themselves in their need to neutralize the justice movement and restore their impunity. Once mobilized, they found a partner in the United States, who was willing to forgo its support for the justice movement in exchange for elite support for its foreign policy initiatives.

Despite the decades between them, the first and third periods showcase remarkable similarities. In both, elite sectors were unified, mobilized, and able to operate without international opposition. They thus functioned as coalitions and did so most effectively when impunity was threatened. Two conclusions arise: that threats to impunity (and therefore promotion of the rule of law) provoke elites to form such coalitions and that elites are most likely to mobilize as such during periods of reform, as seen in both 1945-1954 and 1985-2015.

Elite hegemony and a paralyzed rule of law thus remain the status quo in Guatemala. Their dominance has persisted through such varied political shifts and tides that it can aptly be labeled chronic. It is elites who hold--and have always held--the upper hand in Guatemala, and their resurgence to politics’ forefront reinforces this status quo. An alternative reading of history would suggest that their influence can and has been countered, using the democratic spring from 1945-1954 and the momentum of 2015 as leading examples. I argue, in an undoubtedly more pessimistic analysis, that elite resurgence following each such period of apparent progress signifies that their influence works in cycles, never absent, but at times dormant. This dormancy is quickly awakened, however, prompting hostility, mobilization, and a reversal of any changes
made. Does such dormancy constitute a lack of influence? I do not believe it does; the events of the past seven decades illustrate that elites are always holding the political strings, always lurking in the proverbial shadows, and always willing to tip the balance in their favor. This form of influence essentially creates a feedback loop in which Guatemala remains stuck in elite-dominated limbo.

The cycle appears to function like so: Elites control the status quo to serve their interests → elites become content that their interests are secure → dissident reform contingents push for liberalization and threaten the status quo → elites mobilize to neutralize such reform and assume formal dominance. This latter stage of elite control is generally more repressive than the one it succeeds as elites seek to menacingly emphasize their own control and dissuade any hope of future reform. This model is conceptualized below:

![Figure 1: Elite Takeover Cycle (D’Ascenzo 2022)](image-url)
A second model incorporates my argument as to how elites are best able to mobilize and redirect the status quo, with this subprocess occurring before elites neutralize reform and reestablish the status quo they demand. This specified model is seen below.

Figure 2: Elite Takeover Cycle With Attention to Elite Mobilization Processes (D’Ascenzo 2022)

This ultimately explains why elites have and continue to wield dominance in Guatemala. Their network of influence is entrenched, pervasive, and easily mobilized, an apparatus that spans every facet of Guatemalan society and occupies formal and informal spaces alike. A helpful visualization is that of a net lying below Guatemala upon which everything rests. At a moment’s notice, this net can be gathered, ensnaring Guatemala within it. Part of what makes elite power in Guatemala both so entrenched and so dominant is its diffusive nature. Guatemala is not an authoritarian regime with a leading illiberal figure; specific villains are hard to pinpoint. Even the term ‘elites’ is nebulous, speaking to their varied identities and varied influence.
Cumulatively, however, they form a leviathan of power, one that retains links between its sectors even in times of conflict. The events of the past seven decades underscore elites’ stranglehold over Guatemala--sometimes looser, sometimes tighter, but always encircling. This gives elites the ability to enforce their agenda at will, meaning that so long as corruption, privilege, and impunity remain pillars of the elite agenda, they will remain the status quo in Guatemala.
EPILOGUE AND RECOMMENDATIONS: ELITE RESURGENCE CONSOLIDATED

I. ILLIBERALISM CONSOLIDATED

Elite takeover of Guatemala persisted beyond Morales’ presidency and the CICIG’s death, consolidating as a new era of illiberalism. In doing so, it revitalized military rule-era repression tactics, subverting the rule of law to criminalize reformers and its opponents. The elite attacks have consolidated, creating a highly illiberal status quo that protects elite interests and neutralizes opposition. President Giammattei, an adversary of justice, controls every aspect of the political sphere and is able to accomplish whatever he wishes. Prosecutors, reformers, and anyone associated with the justice movement have fled Guatemala, either formally expelled or intimidated into flight. The remaining judicial institutions promoting the rule of law have been severely weakened and effectively stymied. Contemporary Guatemala thus paints a grim picture of hope for future reform, instead representing consolidated elite rule.

Since assuming office in January 2020, Giammattei has further weaponized the presidency against reform, working to criminalize and intimidate reform and its supporters. His backing from the economic and military elite, coupled with his political control of Congress, the justice system, and the Supreme Court, enables him to undermine justice at will (O’Boyle 2021; BCR B 2022; USGR B 2022). According to Business Community Representative B, Giammattei controls all of Guatemala’s political sphere (BCR B 2022). Not only do his own ties to corruption illustrate his commitment to undermining reform, his administration’s actions contain a slew of attacks working to dismantle and sabotage any lingering reform persisting beyond Morales’ tenure. Giammattei’s corruption and identity as a justice adversary is blatant—not only was he “imprisoned for 10 months as a result of a CICIG investigation into seven extrajudicial...
killings during a prison raid in 2006” as part of the Pavon scandal, he also allegedly received $2.6 million in bribes during his presidential campaign (Menchu 2022d; Menchu 2022a; Sieff 2022). These ties to corruption both evidence his personal stake in preventing reform and contextualize his administration’s onslaught of attacks.

Much of Giammattei’s agenda relies on his MP, María Consuelo Porras, as a co-conspirator in obstructing justice. Porras’ office deems her a gatekeeper of justice, controlling the fate of corruption cases, reformist prosecutors and judges, and sham cases attempting to criminalize such figures. Much as the justice movement relied upon support from Paz y Paz and Aldana, Porras’ commitment to reversing justice reforms has been instrumental in dismantling the justice movement’s advances. Her protection of Giammattei has ensured he remains in office despite the mounting allegations against him--any investigations linked to Giammattei require her support, which she has refused to give (Papadovassilakis 2021). This alliance has made it virtually impossible for Giammattei’s presidential immunity to be revoked, which signals an incredible reversal in adherence to the rule of law. While the justice movement’s peak showcased that elites, including sitting presidents, were no longer untouchable, Porras’ guard of Giammattei entirely reverses such advances and places elites back into the untouchable category once more. Porras has also ensured that ongoing corruption cases targeting members of the elite (whether economic, military, or political) have been stymied, showing the pervasive reach of elite influence into the political-judicial network. Accordingly, Porras has transferred FECI (the Special Prosecutor Against Impunity court established by a CICIG reform) cases to different units where prosecutions are unlikely to advance (Cifuentes and Beltrán 2021). This speaks to Porras’ larger ability and desire to subvert the rule of law, falsely criminalizing reform while promoting corruption. This effort relies on her ability to manipulate Guatemala’s courts, ensuring
that they will advance the elite agenda and work against any lingering reforms. Heralded former prosecutor Juan Francisco Sandoval referenced Porras’ attempts to “block investigations into political mafias seeking to stack Guatemalan courts” (Papadovassilakis 2021). Former prosecutor Carlos Videz spoke further to Porras’ poisonous subversion, writing that her priority is “allowing criminal networks to go unpunished and to expedite cases against human rights defenders and independence justice operators” (Menchu 2022b). Together, these quotes speak to the advancement of the elite agenda by Giammattei as well as Porras’ importance in their ability to subvert the rule of law to protect their interests.

The impact of such attacks is seen in the mass exodus of judges and prosecutors from Guatemala, fleeing legal and physical threats lobbed by Porras and the larger elite coalition. This exodus has been devastating--and perhaps lethal--to any contemporary reform efforts, effectively barring any who attempted to continue CICIG’s legacy from the country. Such figures’ ousting embodies the subversion of the rule of law. Many fled after facing illegitimate criminal charges that attempted to paint them as enemies of the state--a clear weaponization of the law to advance illiberal interests. Many also fled after facing mounting threats to their physical safety, demonstrating how blatant intimidation and violence go unchecked and further erode Guatemala’s rule of law. Two of the most impactful such examples are former prosecutor and head of FECI Juan Francisco and crusading judge and head of Guatemala’s high-risk court, Erika Aifán. Both figures were crucial to the justice movement beyond CICIG’s demise, and both were forced from Guatemala by the elite resurgence and anti-justice crusade.

Sandoval’s expulsion signifies the elite coalition’s war on reform-oriented prosecutors and illustrates the risks such figures took in opposing the Giammattei administration’s attempts to subvert the justice system. After opposing Porras’ decision “days earlier to transfer a FECI
prosecutor to another unit and replace him with a prosecutor accused of obstructing justice”, Porras removed Sandoval from office on July 23, 2021 (Papadovassilakis 2021; Cifuentes and Beltrán 2021). Sandoval had also accused Porras of “obstructing investigations related to President Alejandro Giammattei” (Menchu 2022b). These blatant challenges to the illiberal regime, coupled with his position as head of FECI, made Sandoval an unacceptable threat to elite impunity. Prior to his ousting, Sandoval had remained one of the holdouts from the justice movement while FECI remained in operation as “the last vestige of the international push to root out corruption from inside the government” (Papadovassilakis 2021). His removal accordingly constituted a major blow to FECI and the justice movement’s future, while also itself constituting a breach of domestic and international law. Guatemalan law stipulates that prosecutors can only be removed from office after a significant internal disciplinary process, while international law via the Inter-American Court of Human Rights “has established that public prosecutors can’t be arbitrarily removed from office unless there is solid evidence of grave misconduct” (Cifuentes and Beltrán 2021). In Sandoval’s case, his offenses were his pursuit of accountability and promotion of the rule of law. Sandoval decried the blatant corruption involved in his departure, saying “I am the latest in a string of prosecutors who have suffered the consequence for seeking truth and justice” (Menchu 2021). In sum, Sandoval’s removal showcases deliberate attacks on remaining justice structures and supporters as well as the blatant disregard for the rule of law in launching such strikes.

After Sandoval’s departure, Judge Erika Aifán remained one of the few high-profile anti-corruption officials in power. Her court, the High-Risk Tribunal D, is a “court specialized in handling complex high-stakes criminal cases” and thereby operated to challenge elite impunity (Sanz 2022). Aifán accordingly faced a slew of attacks--legal, personal, and physical--attempting
to force her into exile. As I conducted my interviews, many interviewees labeled her as “justice’s last chance” (Guatemalan Journalist 2022; BCR B 2022). Her courtroom was widely perceived to be “one of the last bastions of judicial independence” (ElFaro 2022). As I continued writing, Aifán joined the long list of exiled prosecutors and judges, fleeing Guatemala on March 10th, 2022 and resigning her position on March 21st. This is a devastating blow for justice in Guatemala and a massive victory for illiberal elites. Aifán’s sins against the elites were substantial: her courtroom heard witness testimony of Giammattei’s illicit campaign financing and seven of Guatemala’s thirteen Supreme Court justices were implicated in the ongoing Parallel Commissions 2020 case in her courtroom (Sanz 2022). This latter case exacerbated attempts to criminalize her; Aifán had faced at least seven attempts to revoke her judicial immunity, which would certainly have seen her arrested and imprisoned, and knew that if the Supreme Court had to rule on the matter, the Parallel Commissions 2020 case gave a majority of the Court a vested interest in ensuring she was no longer able to continue the case (Sanz 2022). Aifán ultimately cited elite-based threats to her physical safety as a key reason for her departure, remarking, “I faced accusations, threats and pressure…Today I have decided to resign from my post because I do not have sufficient guarantees of protection for my life and my integrity, nor the possibility of defending myself with due process” (Menchu 2022d; Sieff 2022). Aifán also linked her ousting to the larger elite network, explaining that the elites perceived herself and Sandoval to be threats because they did not directly impede attempts to curb elite power (Sanz 2022). Aifán’s departure signifies a monumental victory for the elite coalition, showing the pervasiveness of elite influence and their ability to subvert judicial institutions at will.

Other justice-supporters have joined Sandoval and Aifán in exile, underscoring the hostility to justice that persists in Guatemala and how lightly reformers must tread. FECI remains
a target, with five members resigning in February 2022 after being targeted with unjust prosecutions. Rudy Herrera, one of the outgoing FECI officials, fled after a warrant was issued for his arrest and explained the reason he was targeted as “a campaign of persecution against independent justice operators with the aim of ‘guaranteeing impunity to criminal networks’” (Menchu 2022b). Other notable figures expelled include Leyly Santizo, a lawyer from the CICIG era, Eva Sosa, a former FECI prosecutor, and Pablo Xitumul, an anti-corruption judge and the justice who issued Ríos Montt’s guilty verdict (Menchu 2022a; Menchu 2022e). These departures are all instances of what Sandoval identifies as “a systemic attack against any who fight to stop impunity, such as prosecutors, FECI, and judges” (Papadovassilakis 2021). Their absence from Guatemala highlights illiberalism’s rise and the elite coalition’s continued ability to neutralize threats to its power. That all such figures, including Sandoval and Aifán, were forced to flee Guatemala simply for their promotion of the rule of law underscores that the law in Guatemala is now warped to serve the elites’ illiberal agenda.

Illiberalism’s consolidation extends beyond the judicial sphere, fostering a climate of intimidation, fear, and repression across Guatemala. Outward violence towards those associated with the justice movement has increased, targeting journalists and human rights defenders. According to the Journalists’ Association of Guatemala, there were 149 notable physical or verbal assaults on media workers in 2020 (Human Rights Watch 2021). This comes amidst outward criminalization of journalists, as 2020 and 2021 featured “repeated detentions of independent journalists from all over the country” (Front Line Defenders 2021). 2020 also reported 1,004 attacks (including 15 murders) of human rights defenders (Human Rights Watch 2021). Indigenous activists face particularly severe violence and harassment, the rates of which have also increased in the past three years (Front Line Defenders 2021). These statistics
complement the widespread environment of repression and fear of elite backlash. Business Community Representative C detailed what this backlash can look like, citing violence from private security forces, financial blacklisting, and social media defamation campaigns (BCR C 2022). US Government Representative B added ‘doxxing’ to the list, in which enemies of the elite find that their address and communication information has been made public, rendering them an accessible target to the dangerous forces that await (USGR B 2022). This climate is ultimately reminiscent of military rule -- widespread repression and fear, military mobilizations, and the elimination of political opposition harken memories of what now seems not a very distant past (BCR C 2022). My interviewees’ attitudes evidence this widespread fear of elite backlash--none would allow me to use their names or identify them in any way, and none would let themselves be recorded. Many asked me to communicate through encrypted messaging apps, though few were still living in Guatemala. Their experiences speak to Guatemala’s democratic decline--many interviewees were involved in the justice movement in some capacity, and every such individual had faced backlash and persecution for doing so. The elite coalition’s repressive reach thus stretches across Guatemala and beyond, underscoring how easily it can foster fear and intimidation.

Where has the United States been during Guatemala’s illiberal spiral? It is still primarily struggling to balance its agenda, rendering it an undependable ally for elites and justice supporters alike. Biden has attempted to take a hard stance on corruption, sending Vice President Harris to issue a strong message of a zero-tolerance policy in early 2021 (Rodriguez and Daniels 2021). He has struggled to balance this policy with his desire to curb migration, needing elites as partners in a collaborative effort. After announcing a “$4 billion regional strategy to address the root causes of migration,” Biden and Harris attempted to communicate to Giammattei that such
aid would be contingent upon demonstrated commitment to the rule of law (Rodriguez and Daniels 2021). The issue is that the Biden administration essentially “threw Giammattei a life vest in goodwill, assuming he was actually going to comply with everything from the Harris visit” but has yet to take substantial action against Giammattei once his failure to comply became apparent. (O’Boyle 2021). To an extent, Biden has placed some US backing behind the justice movement and condemned Giammattei. The US expressed public support for Sandoval after his ousting, inviting him to Washington and cutting aid to Porras’ office (O’Boyle 2021). Biden has also employed “Engel’s list” as a tactic to condemn corruption, adding Porras to its ranks. The list is essentially a public roster of Central America’s most undemocratic public officials, and those who appear on it often lose their American visas and become subject to sanctions (Rubio 2021). Business Community Representative B questioned the impact of this strategy, arguing that the loss of a US visa means little to a wealthy member of the elite who likely possesses EU citizenship and can thus circumvent the restriction (BCR B 2022).

What has most undermined Biden’s ‘crackdown’ on corruption is his focus on curbing migration. Pursuing this priority has left Biden somewhat reliant on collaborating with Giammattei and the Guatemalan government. Biden’s administration “is keenly aware that, while it hasn’t cut off cooperation with other leaders in Guatemala (the president or foreign minister, for example), its actions could eventually have an impact on the overall relationship, including cooperation on issues impacting migration” (Rodriguez and Daniells 2021). This has led Biden to tread more lightly in condemning corruption than his early declarations would have suggested. It seems the Biden administration is stuck, facing the reality that to promote anti-corruption means condemning the very government they need to partner with. Such a reality has largely resulted in inaction from Biden, leading most to dismiss his ability to affect change in Guatemala
(USGR C 2022, Guatemalan Journalist 2022, GBR B 2022). He is neither directly attacking elites nor enabling their efforts (as Trump did), instead taking an approach that results in little at all.

II. RECOMMENDATIONS

Given illiberalism’s consolidation and elites’ return to its helm, Guatemala’s path forward is murky. Elite influence has infiltrated every aspect of Guatemalan politics and society, and it seems unlikely that such influence can be effectively countered without a radical overhaul of Guatemala’s political and socioeconomic systems. A potential solution could lie in diverting such influence such that it is channeled to promoting the rule of law and reform. In this hypothetical Guatemala, elite influence would no longer work to advance illiberalism, but instead see a strong rule of law as beneficial to its interests. This solution requires fundamentally altering elite interests, however, as reform and rule of law promotion contradict the current elite agenda. Assuming such an alteration could be triggered would set Guatemala on the path to a liberal future, but maintaining such an alternation is the only solution for a lasting change that doesn’t fall prey to my modeled cycle of elite takeover once elites tire of conditionally allowing reform.

In addressing Guatemala’s immediate prospects, several potential solutions appear that could help begin its path away from illiberalism. Next summer’s presidential elections provide a venue for such solutions to be instituted, providing a crossroads at which Guatemala will either continue to spiral away from democracy or begin to make strides toward reform. Business Community Representative C underscored the gravity of these elections, remarking that “there is a sense that Guatemala might be starting to see as an option going to extreme positions again, either extreme right or left…and the electoral process will be a very
strong trial because I have my doubts that anybody is going to respect the results of the elections that are going to be held next year, and this is only going to push us into a higher level of conflict. If there’s not some type of unity that can balance the pressure that is coming through from the extreme, the consequences are going to be dear” (BCR C 2022).

If the elections proceed normally, they will at minimum bring an end to Giammattei’s presidency since Guatemalan presidents are term-limited. Were Giammattei to refuse to leave office, essentially enacting a self-coup, all facets of Guatemalan society would be tested in whether to accept this return to authoritarianism. Alternatively, assuming that electoral democracy will persist leaves several avenues for reform that could transform Guatemalan society and impact positive change. I draw these avenues from the factors that enabled Guatemala’s small pockets of reform over the past three decades combined with the assumption that there will be at least partial economic elite buy-in.

The first is a mobilized and engaged civil society and citizenry that are compelled to promote the rule of law. Protests, such as those in 2015, put domestic pressure on elites to adhere to the rule of law, foster public support for Guatemalan political institutions, and promote civic participation. To do so effectively, such mobilization must include ladino (non-indigenous) and indigenous groups alike. These groups have remained relatively distinct throughout Guatemala’s history, constituting a major fault line within the justice movement that reflects lasting scars from the war era (Isaacs 2010). Were the two sectors to unite around a common goal, they would both represent the majority of Guatemalans and effectively challenge the state.

Such mobilization needs to be staunchly supported by international backing. This backing would not only give resources to reform movements, it would also help insulate them from
potential repression or violence by lending their cause more visibility. The UN’s support was crucial to the success of the peace accords and the CICIG’s establishment, and the US’ support for the CICIG was instrumental in its survival in 2015. Ideally, as the nation with the most influence over Guatemala, the US would champion this effort (Karl 1995, 77). If the US continues to waffle (or support illiberal elites), this solution could still be obtained through substantial funding and support from other Group of Friends governments or the UN.

A replacement for the CICIG is also necessary to strengthen Guatemala’s judicial institutions and actually fight corruption. This is crucial to purging Guatemala of corruption--without doing so, the networks of collusion and impunity that stifle Guatemala will continue to do so. As with the CICIG, such a body will inevitably provoke elite hostility and backlash. It therefore needs to be able to withstand such an onslaught of attacks and continue to promote justice. The CICIG’s model, with leadership and funding coming from outside Guatemala, functioned well to prevent immediate cooptation or sabotage from illiberal Guatemalan networks. However, establishing a new similar body will require buy-in (and support) from elite and public sectors alike.

The most likely prospect for securing such elite buy-in, whether for a new CICIG-esque body or for a national pivot back towards democracy, is the business community. Their support is paramount--as this thesis has argued, they hold the strings from which everything in Guatemala dangles. They are also themselves fractured--a division yet to deepen but with the potential to do so. The younger generation of the economic elite, those running CACIF and representing a more modern business agenda, are perceived to be more moderate and more willing to collaborate with reform processes. This sector, prioritizing international business opportunities and relationships, is less willing to exchange Guatemala's international reputation for free-range corruption.
The problem is that the older generation of economic elites still exercise incredible influence over their younger counterparts, promoting an agenda that is deeply conservative and entirely resistant to reform.

Several interviewees discussed this dynamic. US Government Representative B theorized that the entire economic elite sector is being held hostage by Giammattei. They continue to support Giammattei because of how his power has expanded, and while they realize Guatemala is moving further from democracy, they feel there is little they can do to change it and thus are better off remaining allied with him (USGR B 2022). Guatemalan Journalist highlighted the generational divide, remembering that the younger generation used to be outwardly much more moderate and involved in pursuing a ‘newer’ Guatemala, but that once the older generation “sounded the alarm”, they withdrew their support for any such endeavors and are now acting just as conservatively (Guatemalan Journalist 2022). A member of this younger generation of the economic elite, Business Community Representative A, provided personal insight. In his perspective, more moderate economic sectors are unwilling to provoke their more conservative counterparts because they fear the backlash they would face. He referenced an “incredible amount of fear” that prevents anyone from opposing conservative interests, as they would likely become subject to the same financial blacklisting, threats of violence, and social media or journalism defamation as justice supporters (BCR A 2022). Were these obstacles not present, he believes that a large segment of the business community would support democratic reforms (BCR A 2022). His words also reveal an important distinction: this younger, potentially more reform-oriented generation are far from progressive. He emphasized, perhaps inadvertently, that “the younger generation has interest in something that’s moderate but not too radical…as long as there’s nothing too radical, the business community might support” (BCR A 2022). For such
sectors, ‘radical’ can mean taxation or business regulation. It certainly refers to most of the indigenous community’s agenda, and will likely also encapsulate large-scale justice reforms. This younger generation then may be the solution to pursuing a more democratic future in Guatemala, but is unlikely to champion social causes or massive reforms.

Nevertheless, the business community presents the most likely source of domestic strength against Giammattei and authoritarianism. If they can help reestablish democratic norms and strengthen institutions, they will be instrumental in redirecting Guatemala. Once Guatemala begins such a path, a new (and ideally much stronger) justice coalition could continue to push for reform and propel Guatemala towards justice and liberalism. My ultimate recommendation follows this path. Though my model from the section above is admittedly pessimistic, I hope to present a more optimistic path for Guatemala here. I thus hope my model will be broken by Guatemala pursuing and maintaining a liberal path. First, the US must incentivize the economic elite to take a stand against authoritarianism and promote judicial reform. Given the illiberal tendencies of the economic elite, I believe that harsh sanctions are the most reliable path to provoking their cooperation as they are too willing to co-opt and undermine friendly partnerships. Once on board, the economic elite will ideally sever their relations with the military and reverse the recent military mobilization, removing it from the political sphere. If a new CICIG-esque body is established with international backing, it can ensure Guatemala’s judicial institutions are strengthened and protected. Targeting illicit campaign finance should be a priority, and one that economic elites recognize will be prosecuted. This could, ideally, ensure more fair elections and less illiberal candidates. As faith in the state and the electoral process grows, so will public participation, supporting the government and the justice system alike. The public will thus feel a stake in promoting Guatemala’s rule of law, providing pressure for it to
survive. Illiberal actors will still exist, certainly, and try their best to undermine such advances. This is unavoidable, but with international and public backing, reforms will ideally remain strong enough to withstand such attacks.

The hope is that Guatemala would be able to maintain this path without getting waylaid or sabotaged. The CICIG era represents an attempt to do so, and that era’s successes stand as examples of what is possible. While the past seven decades have featured military rule, a genocide, and a pervasive co-optation of the state, they have also featured a peace process, the prosecution of a sitting president, and the conviction of genocide in a courtroom. Both forces remain present, both shape Guatemala’s past, and both have the power to shape Guatemala’s future. Guatemala’s next steps will depend upon which path its actors from all sectors choose to pursue.
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