

Mexico: judge quashes “genocide” indictment of former president Luis Echeverría

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On July 22, the Office of the Special Prosecutor for Past Social and Political Movements (FEMOSPP), headed by Ignacio Carrillo, ordered the arrest of former Mexican president Luis Echeverría and 11 others, charging them with genocide. Specifically, the indictment accused them of ordering an illegal paramilitary squad to shoot down dozens of students on June 10, 1971, in Mexico City, in what became known as the Corpus Christi Massacre.

Less than 48 hours later, on July 24, a Mexico City judge ruled the arrest warrants invalid, citing a 30-year statute of limitations under Mexican law. Carrillo promised to appeal the ruling quashing the warrants to the Mexican Supreme Court on the grounds that the statute of limitations does not apply to the crime of genocide, which, under Mexican law, includes mass killings of students. The prosecutor pointed out that international conventions on genocide require that such crimes be investigated and the culprits punished.

The quashing of the indictment is indicative of the Mexican ruling elite's fear of any accounting for the so-called “dirty war” of extra-legal killings and repression that began in 1964 and extended into the 1980s.

Mexico's traditional institutions of bourgeois rule, including two of its three main political parties, the Catholic Church, the army and the trade unions welcomed the court decision invalidating the indictment. Each of these institutions played a role in the dirty war.

The FEMOSPP indictment is the first against a former president. Echeverría, a leading figure in the PRI (Institutional Revolutionary Party), was president from 1970 through 1976. The PRI, formed in the aftermath of the Mexican Revolution (1910-1920), ruled Mexico from 1929 until 2000, based on a program of economic protectionism, state control over oil and other natural resources and, until the 1980s, limited concessions to the working class.

Since 2000, Vicente Fox, leader of the PAN (National Action Party), has been president. The PAN, established in 1939, is the party of more conservative layers of the Mexican bourgeoisie. At one extreme it includes members of the fascistic Catholic lay organization, Opus Dei. Fox represents a more pragmatic pro-business layer. The PAN supports the dismantling of state-owned enterprises and of many of Mexico's social programs. Since the 1980s, the positions of both the PRI and the PAN on economic issues have been nearly identical.

The PRI denounced the FEMOSPP indictment as being politically inspired. Attorneys for Echeverría and the other accused argued that no genocide occurred. The defense held that even if there was proof of genocide, to charge the defendants now violated the statute of limitations. Current PRI leader Roberto Madrazo called the arrest warrant “a smokescreen that aims to take us back to the past and puts national institutions at risk.”

The PAN similarly welcomed the court decision quashing the indictment, even though it was issued by Fox's own special prosecutor. President Fox, in a speech just one day after the court decision, praised the role of the judiciary.

Leonardo Rodriguez, head of the Confederation of Mexican Workers (CTM—the nation's biggest trade union federation) defended Echeverría. “In the first place,” said Rodriguez, “I don't believe that any are responsible. Echeverría defended national sovereignty and the Mexican state against bandits who killed their own comrades and buried them clandestinely.”

Throughout the 1970s and 1980s, the CTM supported and even collaborated with state repression and terrorism, which included the elimination of leaders of independent unions.

The Catholic Church also welcomed the quashing of the arrest warrants. It supported the military repression of the 1970s and now calls for conciliation. In 1981, Church spokesman Francisco Rodriguez informed *Proceso* magazine that the Catholic Church had given a blanket pardon to “the material and intellectual authors of the June 10 killing.” [1]

The Army also opposes the investigation headed by the special prosecutor. Defense Secretary General Clemente Vega, who in the past has recommended that society “forgive and forget” the dirty war, declared that his department would not “now” make a public comment either on the arrest warrants or the court decision, but would state its opinion “in the future.”

Echeverría, now 82 years old, denied personal guilt, but added that there must be a “distribution of responsibility.” He insists that he only issued general orders that were far removed from the brutality of the operations in Avenida San Cosme on June 10, 1971. Under the cover of these general orders, he maintains, the army may have exceeded its authority.

Only the PRD (Party of the Democratic Revolution), the third of the Mexican bourgeoisie's major parties, opposed the court's decision, on the grounds that the Constitution and other court decisions have established that there is no statute of limitations for genocide. The PRD declared that the case would continue to be pursued.

Mexico City Mayor and PRD leader Andrés Manuel Lopez Obrador charged that the indictment was quashed in return for the PRI's agreement to vote for the gutting of pension benefits for employees of the Social Security Institute. Former Presidential candidate Cuauhtémoc Cárdenas, who enjoys the support of a section of the military, declined to state whether those responsible for the dirty war should be pardoned, and expressed confidence that “justice would be done.” Both Cárdenas and Lopez Obrador are expected to run for president in 2006.

Calling for a popular mobilization against the court decision were human rights organizations and relatives of the thousands of victims of state repression. A spokesperson for the Eureka Committee of relatives of the disappeared declared that they would not rest until the fate of every disappeared person was made public.

The Eureka Committee and other groups of relatives have declined to work with FEMOSPP since its formation, on the grounds that it is subordinated to the PGR (Procuraduría General de la República—Mexico's Department of Justice), an agency led by the military.

The response of Fox and the PAN to the quashing of the indictment

raises the question of why Fox gave a green light for the investigation to proceed in the first place. In the 2000 election, under pressure from relatives of the victims and the broader public, Fox promised that there would be a full accounting for the dirty war, and that those responsible for the extra-judicial killing, disappearance and torture of students, peasants and workers would be brought to justice.

Fox's election expressed a popular repudiation of the PRI's policies of neo-liberalism as well as pervasive state corruption, best represented by the presidencies of Raul Salinas (1988-1994) and Ernesto Zedillo (1994-2000). During this period, a handful of families became billionaires while the vast majority saw their living standards plummet. The Salinas-Zedillo period marked the PRI's abandonment of policies of state intervention and regulation, aimed at curbing the worst excesses of Mexican capitalism.

Fox capitalized on voter discontent with the PRI's policies, even though they had come to coincide with the PAN's own economic program. He promised that he would take advantage of his ability to deal with the White House to promote the rights of Mexican immigrants in the United States.

The Mexican ruling class supported Fox and the PAN in 2000 in an attempt to revive sagging confidence in the political system. Now, with the economy in shambles, and with an immigration policy that depends on the unilateral decisions of US President George Bush, the revelations produced by FEMOSPP have further fueled an intense social and political crisis. Under these circumstances, the investigation by FEMOSPP has become a political liability for the current president.

Full disclosure of the events of June 10, 1971, would undoubtedly reveal the criminal role played by virtually every political institution in Mexico, and uncover the extent of US involvement in the dirty war, further destabilizing Mexican political institutions.

There is little doubt that Echeverría was deeply involved in the massacre of June 10, 1971, as well as the Tlatelolco Massacre of October 2, 1968, in which 300-500 students were killed. The investigation that led to the charges against Echeverría is also shedding light on the role of the military and its relationship with the government. FEMOSPP investigators, despite political pressures and serious budget shortfalls, have uncovered evidence of crimes against humanity carried out by the military and the police with the assistance of key political figures.

On June 10, 1971, 10,000 students marched in Mexico City in solidarity with a struggle of students in the city of Monterrey, who had fought to defend the political autonomy of their campus. The massive march was the first student protest since the 1968 massacre in Mexico City's Tlatelolco district.

As the demonstration moved down Avenida San Cosme at 5 p.m., it was attacked by 1,000 specially trained young men, members of a paramilitary squad known as the Falcons, who were armed with machine guns, tear gas, chains, truncheons and wooden poles. Police at the scene did nothing. The assault lasted several hours. Protesters were beaten, severely injured and killed. Human rights organizations estimate that 50 students were killed, 50 disappeared and are presumed dead, and hundreds were arrested.

The government of Vicente Fox acknowledges the death of 25 students. At the time, authorities turned over only six bodies to relatives. The incident is known in Mexico as the Corpus Christi Massacre, after the Catholic religious observance that fell on that day.

From the start, then-president Echeverría denied government involvement and attributed the assault to a battle between left-wing and right-wing students. In reality, the squads of armed "students," the Falcon Battalion, had been organized and trained by the Mexico City police with the knowledge and collaboration of the Mexican and US governments.

Evidence uncovered by FEMOSPP shows that the June 10, 1971, attack was only one episode in a protracted and brutal military campaign, the so-

called "dirty war" that began in 1964 with the repression of medical students. The high point of the campaign against students was the Tlatelolco Massacre.

Beginning in 1971, the dirty war assumed a new form, involving the kidnapping and physical elimination of left-wing militants and their supporters, including assaults on agricultural communities and working class neighborhoods.

The military, using the pretext of a war against Castroist guerrilla movements, carried out massive repression in the state of Guerrero and other parts of Mexico. The repression was particularly intense in Guadalajara and Mexico City, resulting in the disappearance and death of hundreds.

Many of those kidnapped died under military torture or at the hands of death squads. The tactics used included extensive infiltration of political groups, mass terror against peasant communities, and sadistic torture techniques such as near-drowning and electric shocks. In some cases, kidnapped suspects were thrown alive from Air Force planes over the Pacific Ocean, a technique that was also used by the dictatorships of Argentina and Chile. Some were forced to swallow gasoline and then set on fire.

Both stages of the dirty war involved joint military and police operations and the gathering of intelligence on an unprecedented scale on the activities of left-wing militants and parties. More than 3 million files were illegally assembled on Mexican citizens.

The military set up paramilitary brigades and death squads composed of special army and civilian personnel to act outside the boundaries of the Constitution. They bore such names as the Falcons, the Olympia Battalion and the White Brigade. [2]

Until the army opens its files, there will be only estimates of the number of victims of the dirty war. The Association of Families of the Detained and Disappeared (AFADEM) lists 1,225 missing people. The National Commission on Human Rights estimates that more than 1,300 were kidnapped and executed. Other human rights organizations estimate that the actual number of disappeared is close to 3,000.

A profile of one such activist, allegedly a supporter of the September 23rd Communist League, a Guadalajara-based urban guerrilla group, was provided in a 1999 letter by María de Jesús Caldera, president of the Mothers of Disappeared Children of the State of Sinaloa:

"My son, José Barrón Caldera, had an athletic build. He was devoted to sports and won several medals. He studied at the Technological Institute of Culiacán and civil engineering at the National Polytechnic Institute in Mexico City. He then moved back to Culiacán to work at his chosen profession.

"He was always a fighter for human rights. He would struggle against the exploitation of farm workers. This region gets many agricultural workers and sometimes the bosses take advantage of their lack of understanding to exploit them. They don't pay them well and force them to live in barracks.

"On a trip back from Mexico City, he was stopped at a military roadblock in Magdalena, State of Jalisco, on June 20, 1976, during the government of Luis Echeverría. He was sent to Military Camp 1 in Mexico City. I received a letter from him asking me to help free him, because it was very difficult to leave that place."

It now appears that Barrón Caldera was arrested by the Department of Federal Security and sent to Federal Security headquarters in Mexico City, and from there to Military Camp 1. There are reports that he spent two years there and is presumed dead. [3]

A White House tape from June 1972 of a conversation between President Echeverría and US President Richard Nixon reveals that the Mexican president was preoccupied with Fidel Castro's growing influence in Latin America. Echeverría had visited Chile, and was concerned that President Salvador Allende's electoral victory in Chile in

1970 would give rise to social democratic regimes throughout Latin America. [4]

The Nixon administration had initiated economic measures to destabilize the Allende regime and pave the way for the fascist coup of September 11, 1973. In one of the taped conversations, Echeverría appealed to Nixon for more US investment to help resolve economic conditions that fostered the growth of anti-capitalist movements.

In the taped discussion, Nixon praised Echeverría for his anti-Castro stand, and urged him to play a more public role.

In 2002, two Mexican generals were convicted of drug trafficking and complicity in the assassination of 22 individuals in the dirty war. One of them, Arturo Acosta, was a graduate of the Washington-run School of the Americas.

In fact, the Mexican Army and police had received training since 1953 at US military institutions, including the School of the Americas. The training included riot control, counterinsurgency and intelligence gathering.

Evidence indicates the US military trained hundreds of soldiers, including at least 75 Mexican Army officers, at its School of the Americas between 1964 and 1970. In 1971, the United States provided training to the Falcon Battalion.

Darrin Wood, a European journalist who investigated the School of the Americas, points out that “the Mexican government has the dubious honor of being the primary collaborator on issues of United States security on the continent.” [5]

In November of 2003, two years after the FEMOSPP investigation began, over 60,000 pages of police documents were released. At the time, Fox declared that those responsible would be prosecuted, no matter how high their political position.

However, in February of this year at a speech celebrating Mexican Armed Forces Day, Fox signaled that the army was off limits when he declared that the army was committed to the defense of human rights. “Mexicans must be proud of the army’s role in this democratic process to guarantee order,” he said.

Mexican presidents since Echeverría have cultivated good relations with the military by expanding its budget and defending its role in society. The army was given broad discretionary powers in the suppression of the Zapatista uprising in Chiapas in 1994 and in the military occupation carried out by hundreds of soldiers of Sonora’s Cananea copper mine in a 1988 strikebreaking operation.

Since he took office in 2000, Fox has had particularly close relations with the Army. Not only did he follow PRI precedent by appointing a general as secretary of defense, he also filled many appointments at the cabinet level and below with military officers, including in the PGR (Department of Justice), which oversees FEMOSPP.

This March, FEMOSPP ordered the arrest of Miguel Nazar, the commander of a secret police force that operated during the 1970s and 1980s. Nazar was charged in the disappearance of Jesús Piedra Ibarra, a leftist leader kidnapped by state security forces in 1975. Nazar’s arrest was made possible by a Supreme Court decision that categorized political kidnappings as “continuing crimes,” meaning the statute of limitations did not apply until the missing person, or his remains, were found.

Other suspects were able to elude arrest, in part because they received protection from the police, according to Human Rights Watch. The organization sent a letter on March 3 to President Fox reminding him that Nazar had been a CIA informant during the 1970s. The letter urged Fox to press on with the investigation.

Human Rights Watch has criticized Fox for not pursuing the investigation with the necessary resolve. [6] To do so, however, would pit the Fox government against the Mexican military, which holds, and has not released, the most important files that chronicle the dirty war.

The indictments were handed down within the context of collapsing

incomes and rising unemployment in Mexico. Since 1971, real wages have fallen from approximately 23 percent of US wages to less than 12 percent.

Since the 1970s, the purchasing power of the Mexican minimum wage has fallen by 60 percent, while manufacturing wages have fallen 16 percent. [7] The distribution of income, which had shown signs of improvement in the 1960s and 1970s, is now at the level it was in the 1950s.

In 1994, the top 10 percent of families received over 41 percent of the country’s income, while the bottom 10 percent received 1.01 percent, one of most unequal distributions of income in Latin America. (In 1982, those figures were 32.8 percent and 1.72 percent). [8]

Between 1984 and 1992, the bottom 80 percent of households saw their share of income drop from 50.5 to 45.6 percent of total income. More recent statistics indicate that conditions have worsened.

Poverty levels, particularly in the southern states of Mexico, increased brutally between 1992, and 1996. [9] Twenty percent of the population is in extreme poverty, unable to obtain the 2,100 calories that are required to meet minimal nutritional standards; 40 percent is below the official poverty line. During the first two years of Fox’s administration, the number of poor increased by 2 million (from 14.8 to 16.8 million), a growth rate five times the rate of population growth. [10]

The 524,000 jobs created each year since 1993 are less than one third the number of new jobs Mexico needs to keep up with the increase in the labor force. Each year, over one million entrants into the labor market find no positions.

These figures add up to an economic catastrophe, especially in rural areas of the southern states—a crisis that every year forces thousands of unemployed young people to seek work in Mexico City or the United States.

Far from addressing this social emergency, the PRI and PAN have formed a bloc in the Mexican congress to eliminate social security and privatize public health services.

Notes:

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2. Camp, Roderic Ai; “Generals in the Palacio - the Military in Modern Mexico;” Oxford University Press; New York, 1992. page 29.
3. *La Jornada*; August 9, 2004
4. Doyle, Kate; “*The Nixon Tapes: Secret Recordings from the Nixon White House on Luis Echeverría and Much Much More*;” National Security Archives; posted on August 18, 2003; <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB95/>
5. See: *Mexican forces trained in the US*; August 1988 {first published by *La Jornada*, a Mexico City Daily, on August 15, 1988. http://flag.blackened.net/revolt/mexico/usa/us_train_aug98.html
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7. Dussel Peters, Enrique; “Conditions and Evolution of Employment and Wages in Mexico;” *Jus Semper Global alliance*, April 2004; <http://www.jussemper.org/>
8. Colegio de Mexico (ed); “*Historia General de México*;” Colegio de Mexico Press; 2000; page 937
9. *La Jornada*; April 16th 1999; <http://www.jornada.unam.mx/1999/abr99/990416/boltvinik.html>
10. *La Crónica*; December 2nd, 2002; <http://www.cronica.com.mx/nota.php?idc=37460>



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