

A TWENTY-FIRST CENTURY COUP: HONDURAS AND THE UNITED STATES
DURING THE 2009 CONSTITUTIONAL CRISIS

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Veronica S. Blackford

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Veronica S. Blackford

APPROVED:

Charles V. Heath, PhD
Committee Director

Jadwiga M. Biskupska, PhD
Committee Member

Brian F. Domitrovic, PhD
Committee Member

Chien-pin Li, PhD
Dean, College of Humanities and Social
Sciences

DEDICATION

This thesis is first and foremost dedicated to my children, Michael, Matthew, Joseph, and Victoria. I could not have completed this project without the steadfast support and encouragement of my husband, Jason Blackford. Lastly, I dedicate this thesis to my parents, Matthew and Margaret Stewart, who instilled in me a love of history from an early age.

ABSTRACT

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After months of political turmoil, on the morning of 28 June 2009, the Honduran president Manuel Zelaya Rosales awoke in his residence to members of the Honduran military sent to arrest him. In his effort to start a process to change the Honduran constitution, Manuel Zelaya overestimated the level of support for his initiatives and created a coalition of Honduran government institutions and civil groups opposed to him. This cost him the presidency and led to his exile. The ensuing efforts to resolve the constitutional crisis involved major diplomatic efforts on the part of the United States and the Organization of American States. This thesis examines both the internal and external factors involved in the 2009 Honduran constitutional crisis, and the process leading to its resolution, with a particular focus on the diplomatic role of the United States. This thesis also examines the deterioration of the democratic order in regards to human and civil rights that took place under the governance of the de facto government. After Zelaya's removal, the policy of the United States focused on the restoration of the democratic order in Honduras. This policy gradually shifted from the demand that Zelaya be returned to the presidency to an effort to move forward without his restitution by relying on the outcome of the previously scheduled November 2009 presidential election. Manuel Zelaya never returned to power, and the aftereffects of the events of 2009 continue to the present day.

KEY WORDS: Honduras, Coup, United States, Diplomacy, Central America, Manuel Zelaya, Roberto Micheletti, Hillary Clinton, 2009

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CHAPTER I

Introduction

The morning of June 28, 2009 President Manuel Zelaya Rosales of Honduras stepped off his presidential plane in Costa Rica with the greeting, “Good morning. There has been a coup.¹” Hours before his arrival in Costa Rica, Zelaya awoke in the presidential palace in Tegucigalpa to members of his own military sent to arrest him. The end of his presidency was the culmination of a political crisis over an initiative that would have brought about a constituent assembly to change the Honduran constitution. A warrant, secretly issued two days earlier by the Honduran Supreme Court of Justice, called for the arrest of the president for actions against the Honduran government. After seizing the president, soldiers took Zelaya to a military airbase, put him aboard an aircraft, and deported him to neighboring Costa Rica.

His removal from his elected position by military force, and the interruption of constitutional order within Honduras, met with immediate condemnation from the international community. A new *de facto* government led by Roberto Micheletti accused Zelaya of seeking to alter the Honduran constitution to extend his term in office. This narrative emerged early in the media coverage of Zelaya’s removal. Much of the debate centered on whether the actions taken by the Honduran military could be classified as a *golpe de estado*, or coup, with the defenders of the *de facto* government adamantly maintaining that the president’s removal occurred through constitutional processes in an effort to preserve constitutional order. Over the next nine months, until the inauguration

¹Frances Robles, “Zelaya Plots New Strategy to Get Home to Honduras,” *Miami Herald*, July 7, 2009, accessed August 29, 2018, <https://infoweb-newsbank-com.ezproxy.shsu.edu/apps/news/document-view?p=WORLDNEWS&docref=news/12A99F8A7AF60A38>.

of a new president on 27 January 2010, Honduras remained a country in crisis, facing diplomatic and economic pressure to reinstate Zelaya. To this day there are conflicting interpretations of the events that took place in Honduras during the constitutional crisis of 2009.

This thesis examines both the internal and external factors involved in the 2009 Honduran constitutional crisis, and the process leading to its resolution, with a particular focus on the diplomatic role of the United States. President Zelaya derived his base of support primarily from sectors that traditionally did not wield a great deal of influence in Honduran politics. Through his efforts to cultivate a new populist base of support and to push through his preferred agenda in the final year of his presidency, Zelaya created a coalition of important institutions opposed to his policy agenda. Those who became opposed to his policies included the two major political parties, the *Partido Liberal* (Liberal Party, PLH) and the *Partido Nacional* (National Party, PNH), the military, business elites, and much of the Honduran media. It is essential to examine all of Zelaya's years as president from 2006 to 2009, as the alienation of these entities was a process of several years. By the time Zelaya attempted to force his agenda in his presidency's final year, his backing from these institutions had eroded to such an extent he no longer held enough support to maintain his hold on power.

A Central American country of 7.5 million, Honduras experienced unstable governance for much of its history. After its independence from the Federal Republic of Central America in 1838 to the year 1900 Honduras had sixty-two different presidential administrations.² The longest period of political stability in the country began in 1933

²Donald E. Schulz and Deborah Sundloff Schulz, *The United States and the Crisis in Central America*, (Boulder: Westview Press, 1994), 6.

when Tiburcio Carías Andino took power and ruled until he chose to allow elections in 1948.³ Coups organized and carried out by the military took place in 1956, 1963, and 1972. Aside from a brief return to a civilian president from 1971 to 1972, military officers occupied the office of the presidency from 1963 to 1982. Beginning in 1980 the military began to loosen its political grip and allow for elections. Elections for a constituent assembly were held in 1980. A civilian president, Roberto Suazo Córdova of the PLH, took office in 1982 under a new constitution. The removal of Zelaya from the presidency marked the first deviation since 1982 from a regular change of power through elections. The expulsion of duly-elected president created concern and condemnation in the United States and the international community.

Honduran party politics had long been dominated by the PLH and the PNH. The PLH and the PNH did not represent a division of political ideology, but rather differing factions within the Honduran land-owning and business elite.⁴ The political parties ultimately served as mechanisms to promote elite interests. As a result, most political disputes did not originate from policy differences between the two center-right parties, but instead from differences in personality.⁵ The PNH historically had a more cooperative relationship with the Honduran military, while the PLH had a much more contentious

³Walter LeFeber, *Inevitable Revolutions: The United States in Central America* (New York: W.W. Norton & Company, 1993), 133-4.

⁴Peter Peetz, “¿De Hacendado a Revolucionario? Mel Zelaya y el Giro Izquierda del Gobierno Hondureño,” *Iberoamerica* 9, no. 33 (March 2009): 182, accessed February 5, 2016, <http://www.jstor.org/stable/41676786>.

⁵Clayton M. Cunha Filho, André Luiz Coelho, and Fidel I. Pérez Flores, “A Right-to-Left Policy Switch? An Analysis of the Honduran Case Under Manuel Zelaya,” *International Political Science Review* 34, no. 5 (November 2015): 521, accessed November 30, 2015, <http://ips.sagepub.com.ezproxy.shsu.edu/content/34/5/519.full.pdf+html?q=ips519345>.

relationship.⁶ Since 1982, with the reinstatement of presidential elections and civilian rule, elected presidents came from either the PNH or the PLH.

José Manuel Zelaya Rosales was born September 20, 1952 in the Olancho Department of Honduras. The scion of a ranching family with four centuries of landownership, Zelaya dropped out of college to pursue a career in forestry and agriculture. Elected to the National Congress in 1985, he served as a congressman until he became the Minister of Investment in the administration of PLH president Carlos Roberto Flores from 1998 to 2002. During his term as Minister of Investment he focused on local investment. After he won the PLH nomination for president in 2004 the U.S. ambassador noted Zelaya's charisma and his support for CAFTA.⁷ Zelaya went on to narrowly win the election in November 2005 against PNH candidate Porfirio Lobo Sosa.

When Zelaya won the election in November 2005 as the nominee for the PLH, neither his rhetoric nor the platform of his party indicated the potential of a major leftward shift in policy. The election of 2005 centered on public security, the acceptable level of government intervention in the economy, and corruption.⁸ Zelaya's campaigned on the theme of citizen power, and his administration adopted the motto of *Gobierno del Poder Ciudadano*, the Citizen's Power Government. PLH party leader Patricia Rodas managed Zelaya's 2005 presidential campaign. The daughter of former PLH leader Modesto Rodas Alvarado, Rodas came from a connected family of the political elite and

⁶ James A. Morris, *Honduras: An Area Study in Government* (Boulder: Westview Press, 1984), 76.

⁷U.S. Department of State, "HONDURAN PRESIDENTIAL CANDIDATES: NATIONALS - PASTOR AND LOBO IMPRESSIVE; LIBERALS - ZELAYA CHARISMATIC, NUNEZ TECHNOCRATIC, AND ROSENTHAL PROBLEMATIC," C17693703, December 13, 2004, accessed September 12, 2018, U.S. Department of State Freedom of Information Act Virtual Reading Room.

⁸Filho, Coelo and Flores, 522.

had a reputation for left-leaning politics. Opponents of Zelaya singled Rodas out as a leftist close to Hugo Chávez of Venezuela and the Sandinista party of Nicaragua.⁹ She became Zelaya's foreign minister in 2009, and held the distinction as the only member of his administration to also be expelled from the country on June 28, 2009.

Historically political power in Honduras centered on the executive, with a weak legislature in the form of the unicameral National Congress.¹⁰ While this dynamic applied up until the 1980s when James A. Morris wrote his classic study of Honduran politics in *Honduras: Caudillo Politics and Military Rulers*, by 2009 the legislative branch in Honduras had become more assertive. The 1982 constitution changed a president's time in office from a single six to four year term, and sought to distribute power more evenly between the different branches of government.¹¹ In the 2005 election the PLH won 62 seats in the National Congress and the PNH won 55. The final 11 seats were won by three small political parties. These included the *Partido Innovación* (Innovation and Unity Party, PINU), *Unificación Democrática* (Democratic Unification Party, PUD), and the *Partido Democrática Cristiano de Honduras* (Democratic Christian Party of Honduras, PDCH). Manuel Zelaya could not count on a pliant congress to approve his agenda, or blanket support from members of his own party.

Zelaya's main opponent in the congress was Roberto Micheletti, the president of the National Congress and a powerful PLH politician. A seasoned politician at 63 years

⁹U.S. Department of State, SUBJECT: 10 DAYS TO HONDURAN ELECTIONS A FAIRLY CONFIDENT LOBO BARELY LEADS ZELAYA; COULD BE CLOSEST RACE EVER, Charles A. Ford, C17693709, November 18, 2005, accessed September 12, 2018, U.S. Department of State Freedom of Information Act Virtual Reading Room.

¹⁰Morris, 60-1.

¹¹Morris, 60.

old, Micheletti had served in five PLH administrations.¹² Micheletti was no stranger to political turmoil, and was present at key moments in recent Honduran history. He served as a member of the presidential guard of President Ramón Villeda Morales and spent twenty-seven days in prison after the 1963 military coup. Micheletti eventually went on to be elected to the National Congress, and helped draft the 1982 constitution.¹³

Micheletti and Zelaya at times had an antagonistic relationship, particularly over the reform of Hondutel, the state-owned telecommunications company. Nevertheless, Micheletti's leadership of the PLH in the National Congress enabled Zelaya to obtain his foreign policy ambitions to establish a closer relationship with Venezuela. Zelaya did not count on support from the PNH. The national party was led in the congress by Porfirio Lobo Sosa. Lobo and the PNH opposed Zelaya in his efforts to join the Venezuelan-led organizations.

Zelaya and the Military

When Zelaya took power he inherited a reformed military. During the 1990s the civilian government gained greater institutional control over the *Fuerzas Armadas de Honduras*, the Armed Forces of Honduras, or FFAA. U.S. military aid declined drastically following the end of the Cold War. Accompanying changing U.S. defense priorities were the public revelations of human rights abuses committed by the FFAA during the Cold War. The decline in both funding for and prestige of the military gave

¹²José de Córdoba, "Two Presidents Locked in a Flight for International Support," *Wall Street Journal*, June 30, 2009, accessed July 7, 2018, <https://www.wsj.com/articles/SB124632227606871269>.

¹³Jim Wyss, "Honduras: Honduras' De Facto President is Both Admired and Defiled," *Miami Herald*, July 10, 2009, accessed August 21, 2018, *NewsBank*, <https://infoweb-newsbank-com.ezproxy.shsu.edu/apps/news/document-view?p=WORLDNEWS&docref=news/1295B0EFB9458F60>.

civilian political leaders the opportunity to enact reforms.¹⁴ Serious reform began under President Carlos Roberto Reina who served from 1994 to 1998. Reina, a member of the PLH, cut the military budget and initiated the process of transferring control over the Honduran National Police (HNP) from military to civilian control. Reina's PLH successor, President Carlos Flores Facussé, completed the transition of the HNP to civilian control. Flores also successfully amended the Honduran constitution to place the military once more under complete civilian control for the first time since 1957.¹⁵

Zelaya's foreign policy goals more so than his domestic policy changes contributed to his break from the military. Many of the officers of the FFAA attended the U.S. Army's School of the Americas. Originally founded in the U.S. Panama Canal Zone, the school moved to Fort Benning, Georgia in 1984. The Honduran Chief of Defense, General Romeo Vásquez Velasquez, attended the School of the Americas on two occasions.¹⁶ The participation of U.S. officers and Honduran officers in joint training helped solidify the military relationship between the two countries. As Zelaya moved to align Honduras with the ALBA countries, the Honduran armed forces still possessed a military culture heavily influenced by the U.S. military. Colonel Herberth Bayardo Inestroza Membreño, a Honduran military lawyer with 34 years of service, acknowledged the difficulty for the military to adjust to a relationship with a leftist government because of previous training.¹⁷ In 1963 the military officers who led the coup justified their

¹⁴Mark Ruhl, "Curbing Central America's Militaries," *Journal of Democracy* 15, no. 3 (July 2004): 139, accessed December 1, 2018, <https://www.journalofdemocracy.org/articles/curbing-central-americas-militaries/>.

¹⁵Ruhl, "Curbing Central America's Militaries," 142.

¹⁶School of Americas Watch, "Most Notorious SOA Graduates," June 3, 2009, accessed September 1, 2019, <http://www.soaw.org/notorious-soa-graduates/>.

actions by claiming they sought to protect their country from communists.¹⁸ In 2009 the threat of Chávismo, the political ideology associated with Venezuelan president Hugo Chávez, was used as a justification for the deposal of Zelaya.

The relationship between General Vásquez and Zelaya became increasingly strained during the months leading up to the coup as the general received conflicting directives from the judiciary and the executive. However, prior to the political conflict over the referendum they maintained an amicable relationship. Vásquez was appointed chief of defense in 2004 by Zelaya's PNH predecessor, President Ricardo Maduro. Zelaya chose to reappoint Vásquez in 2007 to an additional three-year term. The U.S. ambassador at the time, Charles Ford, believed the continuation of a PNH appointee demonstrated the apolitical position of the military in Honduran politics.¹⁹ The position of the military became increasingly untenable as both sides of the political conflict sought to sway its leadership toward their side.

The Economy and the Business Community

At the time of Zelaya's expulsion Honduras had the third lowest per capita income in Latin America. By 2005 the country no longer relied on agriculture for its chief export products and the maquiladora industry accounted for sixty-five percent of all

¹⁷Frances Robles, "Top Honduran Military Lawyer: We Broke the Law" Miami Herald, 3 July 2009. Accessed August 5, 2018.

¹⁸Kirk Bowman, "Militaries and Modern States: The Comparative Evidence from Costa Rica and Honduras," in *Demilitarization in the Contemporary World*, ed. Peter N. Stearns (Urbana: University of Illinois Press, 2013), 206.

¹⁹U.S. Department of State, "SUBJECT: CHIEF OF DEFENSE ROMEO VASQUEZ VELASQUEZ TO STAY ON THREE MORE YEARS," C05183915, November 27, 2007, accessed April 1, 2018, U.S. Department of State Freedom of Information Act Virtual Reading Room.

exports.²⁰ Until a global economic recession began in 2008, the Zelaya administration oversaw a growing domestic economy in 2006 and 2007.²¹ In 2006 Honduras became a member of the Dominican-Republic-Central America-United States Free trade agreement (CAFTA-DR). CAFTA-DR was designed to facilitate trade and gradually eliminate tariffs between member countries on consumer goods and industrial products. The U.S. was already Honduras' largest trading partner prior to the agreement, and Zelaya continued to support that economic relationship.

After 2006 the domestic policies of Zelaya began to take on a more leftward populist tone, moving away from the elite-based center-right tradition. This alienated traditional sources of support from within the more conservative business community and its business organizations. The Zelaya administration conflicted with the business community over its push to raise the minimum wage. In November 2008 Zelaya sought a sixty percent increase in the minimum wage. Employers pushed back against any change, arguing that economic recession made it difficult to raise wages.²² After a month of failed discussions with no compromise within reach, Zelaya issued a presidential decree on December 23 increasing the minimum wage by the originally proposed 60 percent.²³ This decree was eventually upheld by the Supreme Court. Zelaya's actions during his conflict with the business community over the minimum wage was illustrative of his approach to

²⁰Jose Antonio Cordero, "Honduras: Recent Economic Performance," Center for Economic and Policy Research, November 2009, accessed 17 January 2019, <http://cepr.net/documents/publications/honduras-2009-11.pdf>.

²¹Cordero, 18.

²²Cordero, 1.

²³Filho, Coelho, and Flores, 525.

resolving political differences during his final year in office. His decision to act unilaterally, without the congress or buy-in from business leaders, foreshadowed his approach to the June 2009 national referendum. Additionally, he created animosity in the business community by failing to come to a compromise before taking action.

While the foreign and domestic policy choices of the administration rattled the business community, Zelaya took a confrontational stance against the Honduran media. The most important media outlets were controlled by businessmen with connections to the elite in Honduran politics, commerce, and society.²⁴ Government officials sought to influence the media through access and funding. Reporters friendly to a political administration received interviews, awards, and sometimes even financial compensation.²⁵ Zelaya tended to react negatively to criticism in the media. In 2006 he suggested of the newspaper *El Herald* be changed from “truth in your hands“ to “lies in your hands” when it covered alleged government corruption and published negative reports on his family.²⁶

In addition to attacking the press, Zelaya also sought to influence the public through government mandated broadcasts. Frustrated at the lack of positive coverage for his administration, Zelaya took a step that brought criticism from not only the media and the PNH but his own political party. In May 2007 Zelaya decreed privately owned

²⁴“2006 Human Rights Report: Honduras,” U.S. Department of State Bureau of Democracy, Human Rights, and Labor, March 6, 2007, accessed March 5, 2016, <http://www.state.gov/j/drl/rls/hrrpt/2006/78896.htm>.

²⁵“2006 Human Rights Report: Honduras,” U.S. Department of State Bureau of Democracy, Human Rights, and Labor.

²⁶“2006 Human Rights Report: Honduras,” U.S. Department of State Bureau of Democracy, Human Rights, and Labor.

television and radio stations broadcast ten separate two-hour reports detailing the accomplishments of his administration, although only three such programs eventually aired.²⁷ Roberto Micheletti urged Zelaya to remove any requirement that media broadcasters air the reports.²⁸ Zelaya justified the broadcasts as necessary to counter the negative coverage his government received from the press, although he did eventually bow to pressure and limit the number of broadcasts.²⁹ Left-leaning media outlets supported the president and would face repression after his ouster. Zelaya could not count on mainstream media support in his push for a referendum in 2009, and the major media outlets supported his ouster and the establishment of the de facto regime.

Social Reforms and Unions

Zelaya attempted to mitigate the political risks he took in antagonizing traditional sources of power in Honduran politics by developing a new base of support among Hondurans disenchanted with their government and the political process.⁷ He did this through both policy and rhetoric. The Zelaya administration increased programs for the rural poor, focused on improving environmental protection, and encouraged greater citizen participation.³⁰ Zelaya issued Decree Law 18-2008 in March 2009, granting land

²⁷“Freedom in the World 2007: Honduras Report,” Freedom House, 2008. Accessed March 15, 2016, <https://freedomhouse.org/report/freedom-world/2008/honduras>.

²⁸U.S. Department of State, SUBJECT: CONTROVERSY OVER MANDATORY HONDURAN GOVERNMENT BROADCASTS FADES BUT UNDERLYING PROBLEMS REMAIN, Charles A. Ford, C17645394, June 21, 2007, accessed October 25, 2017, U.S. Department of State Freedom of Information Act Virtual Reading Room.

²⁹“2007 Human Rights Report,” U.S. Department of State Bureau of Democracy, Human Rights, and Labor, March 11, 2008, accessed March 5, 2016, <http://www.state.gov/j/drl/rls/hrrpt/2007/1000644.htm>.

³⁰Filho, Coelho, and Flores, 523.

titles to peasants who had peacefully occupied and farmed land for more than ten years.⁹ The administration eliminated school fees, allowing an additional 450,000 children to gain access to the education system.³¹ Zelaya also aided teachers in gaining a major salary increase.³²

These reform measures were also accompanied by harsh rhetoric about the traditional elite. During the 2008 Independence Day celebrations Zelaya chose to publicly criticize the business community and political elite, blaming them for “our country’s two centuries of poverty.”⁸ Zelaya could count on the support of the unions and peasant organizations, and later these entities provided a key part of the organizational structure that protested his exile. However, his rhetorical approach alarmed those opposed to his agenda and contributed to the acquiescence to his removal.

The Honduran-U.S. Relationship

The U.S. ambassador at the beginning of Zelaya’s presidency, Charles A. Ford, did not foresee any major foreign policy shifts, and noted that the president and his advisors stressed the importance of the bilateral Honduran-U.S. relationship.³³ Zelaya made a state visit to the United States in 2006. While Honduras’ entry into the Venezuelan led organizations *Alianza Bolivariana para Los Pueblos de Nuestra América*,

³¹Cordero, 1-2.

³²Mark J. Ruhl, "Honduras Unravels," *Journal of Democracy* 21, no. 2 (April 2010): 99. Accessed November 28, 2015. http://muse.jhu.edu.ezproxy.shsu.edu/journals/journal_of_democracy/v021/21.2.ruhl.html.

³³U.S. Department of State, SUBJECT: A ZELAYA ADMINISTRATION - WHAT DOES THAT MEAN FOR THE USG ON POLITICAL ISSUES? Charles A. Ford, C17693712, December 13, 2005, accessed September 1, 2019, U.S. Department of State Freedom of Information Act Virtual Reading Room.

the Bolivarian Alliance for Peoples of Our America, or ALBA, and *Petrocaribe* in 2008 did not please U.S. officials, the two countries still maintained their close diplomatic, economic, and military ties. President Zelaya led a delegation to the state of Colorado in March 2009 for an exchange on renewable energy. During the constitutional crisis Zelaya and his opponents relied on the U.S. ambassador as a mediator, and it would be the U.S. that ultimately served as the primary leader for negotiations after his exile.

The Honduran-U.S. Military Relationship

The U.S. has a long history of involvement in internal Honduran politics. Donald E. Schulz and Deborah Sundloff Schulz note in their history of the relationship that during the early decades of the twentieth century that American private businesses maintained more influence in Honduras than did the U.S. government.³⁴ The United States intervened militarily in Honduras six times in the first three decades of the twentieth-century, and played the key role in the institutionalization of the Honduran military during the Cold War. The end of Carias' rule in 1948 took place during a period in which the United States instituted a foreign policy that emphasized the professionalization of allied militaries to prevent the spread of communism. In *Inevitable Revolutions: The United States in Central America*, Walter LeFeber argues that U.S. military training came at the expense of developing civil society, and as a result the military emerged as an organized political force.³⁵ This placed the military at an

³⁴Schulz and Schulz, 14.

³⁵LeFeber, 136.

advantage to its civilian counterparts, and contributed to the coups of 1956, 1963, and 1972.

From 1982 to 1990 the United States maintained a military presence in Honduras during the Contra War in Nicaragua. The mission of U.S. troops focused primarily on training and exercises with their Honduran counterparts. The U.S. held several large-scale exercises, including Operation Golden Pheasant which involved 17,000 combined U.S.-Honduran forces and took place near the Honduran-Nicaraguan border.³⁶ The end of the Cold War in 1991 did not bring a withdrawal of U.S. troops from Honduras. The unit at Soto Cano Air Base, Joint Task Force Bravo (JTF-B), fell under U.S. Southern Command (SOUTHCOM), one of the then ten Unified Combatant Commands operated by the U.S. Department of Defense. The SOUTHCOM Area of Responsibility (AOR) covers the Caribbean, Central America, and South America.³⁷ Approximately 600 U.S. military personnel were in-country at the time of the coup.³⁸ During the initial post-Cold War period the United States supported the reforms that brought the Honduran military under civilian control, and the two militaries continued their close relationship as U.S. interests shifted from counter-insurgency to counter-narcotics.

Foreign Policy Initiatives with Venezuela

³⁶Beau Downey, "A History of JTF-Bravo," *Joint Task Force-Bravo, U.S. Southern Command*, February 2020, 17-18, accessed July 1, 2020, <https://www.jtfb.southcom.mil/Portals/14/documents/A%20History%20of%20JTF-Bravo.pdf?ver=2020-04-07-122737-510>.

³⁷"About Us," Joint Task Force-Bravo, accessed March 21, 2019, www.jtfb.southcom.mil/About-s/.

³⁸Carol Rosenberg, "U.S. Forces Hang Tight in Honduras," *Miami Herald*, June 29, 2009, accessed August 25, 2018, <https://www.mcclatchydc.com/news/nation-world/world/article24543871.html>.

While Zelaya wanted to maintain a good relationship with the United States, he also sought to expand Honduras' relationship with its neighbors and other Latin American states. The most significant change in foreign policy was Zelaya's decision to seek a closer economic and diplomatic relationship with Hugo Chávez's Venezuela.³⁹ Prior to Zelaya's outreach to the Venezuelan government Honduras remained firmly in the U.S. orbit. This policy choice by Zelaya would later figure prominently in justifications for his removal from both domestic and foreign opponents.

Zelaya's outreach to Venezuela stemmed in part from a 2006 energy crisis brought on by record high oil prices. Honduras was dependent on imported oil to meet its energy needs, and operated no oil refineries.⁴⁰ An attempt to renegotiate contracts with transnational corporations Esso, Texaco, and Shell ended in failure with Zelaya accusing the companies of "energy terrorism."⁴¹ Zelaya alarmed the United States when he ordered the seizure of ports and storage facilities used by the foreign companies, but backed down when the U.S. ambassador officially protested.⁴² Zelaya began to look elsewhere to fulfill Honduras' energy needs.

In December 2007 Zelaya announced Honduras would join *Petrocaribe*, a Venezuelan initiative designed to provide oil to the participating member states at a reduced cost. Through *Petrocaribe* Honduras received some twenty thousand barrels per

³⁹Filho, Coelho, Flores, 524.

⁴⁰Filho, Coelho, and Flores, 523.

⁴¹Filho, Coelho, and Flores, 525.

⁴²Filho, Coelho, and Flores, 523.

day until the removal of Zelaya, when Venezuela suspended all oil shipments.⁴³ The National Congress ratified the agreement in March 2007, with the PNH abstaining, and the first fuel shipments began to arrive in June 2008.⁴⁴

A further policy move to align Honduras with Venezuela concerned members of the political elite as well as the business community. Zelaya announced in July 2008 that Honduras would join ALBA. Designed to counter the influence of the United States in Latin America, ALBA's membership in 2008 consisted of Venezuela, Cuba, Bolivia, Dominica, and Nicaragua. The PNH, mainstream newspapers, and business associations opposed Honduras joining ALBA.⁴⁵ Zelaya's rhetoric did little to assuage their concerns when he argued, "If the system [free market capitalism] had resolved the poverty for more than 4 million Honduras, we wouldn't be looking to the south and to socialism."⁴⁶

Zelaya's initiative for Honduran membership in ALBA also garnered divided support in the PLH, but political expediency paved a path to ratification. Roberto Micheletti, the President of the National Congress and highest ranking PLH congressional member, managed to provide the necessary PLH support in the congress. Zelaya endorsed Micheletti's run for the PLH presidential nomination just prior to the ratification vote on the ALBA treaty.⁴⁷ Honduras joined ALBA in November 2008, the same month as the presidential primaries for the 2009 election.

⁴³"Honduras: Walking Away from ALBA," STRATFOR Analysis, January 18, 2010, accessed December 3 2015, Business Source Complete, EBSCOhost.

⁴⁴Filho, Coelho, and Flores, 525.

⁴⁵Filho, Coelho, and Flores, 524.

⁴⁶Tim Rogers, "Honduras Joins ALBA Amid Protest Over Ortega," *The Tico Times*, August 29 2018, accessed 20 May 2019, <https://ticotimes.net/2008/08/29/honduras-joins-alba-amid-protest-over-ortega>.

Micheletti's support for the ALBA treaty demonstrated the transactional nature of PLH politics, as well as Micheletti's willingness to work with Zelaya on a controversial matter. Micheletti threw his political weight behind the ALBA treaty in an attempt to obtain his personal political ambition. He would eventually lose the PLH nomination to vice-president Elvin Santos Ordóñez. After his loss in the primary, Micheletti no longer needed to court Zelaya's political support, and went back to opposing the president's agenda.⁴⁸ Micheletti would later claim, for the benefit of foreign audiences, that Zelaya's removal as president protected Honduras from the danger of Hugo Chávez's influence. The same month Honduras joined ALBA, Zelaya proposed a national referendum on the question of holding a constituent assembly. This proposal by his administration, and the manner in which it sought to carry out the referendum, led to the political crisis that culminated in Zelaya's eventual exile and the elevation of Micheletti to the presidency.

⁴⁷U.S. Department of State, SUBJECT: TFH01: HONDURAN COUP POLITICAL WRAP-UP 8/26/09, Hugo Llorens, C05649438, August 27, 2009, accessed October 15, 2017, U.S. Department of State Freedom of Information Act Virtual Reading Room.

⁴⁸Filho, Coelho, and Flores, 525.

CHAPTER II

The Constitutional Crisis and Coup

Entering the final year of his presidency, Zelaya's push for a closer relationship with Venezuela, his rhetoric, and his domestic policies alienated previous supporters and set more conservative factions within Honduran society against him. On November 22, 2008, under these unfavorable political circumstances, Zelaya called for a referendum on the question of whether or not Honduras should convene a constituent assembly to revise the 1982 constitution. Article 5 of the constitution authorized the president to ask for a referendum, but required the approval of the national congress for the referendum to take place.⁴⁹ The constitution permitted the legislature, not the executive, to order the *Tribuna Supremo Electoral*, the Supreme Elections Tribunal, or TSE, to carry out a national referendum.⁵⁰ Zelaya, after alienating members of the political elite in both major parties, now needed to rally support in the congress for this initiative.

Initially the PLH and the PNH responded positively to the idea of a constituent assembly, but wanted a say in how the process would be carried out. Roberto Micheletti proposed the referendum wait until the next presidential term, ideally under the guidance of the PLH's Elvin Santos.⁵¹ However, Zelaya was determined to move forward with holding a referendum in his final year in office on the same day as the presidential

⁴⁹"Honduras' Constitution of 1982 with Amendments through 2013," https://www.constituteproject.org/constitution/Honduras_2013.pdf?lang=en.

⁵⁰"Honduras' Constitution of 1982 with Amendments through 2013."

⁵¹"Para que los hechos ne se repitan: Informe de la Comisión de la Verdad y la Reconciliación," Organization of American States, July 2011, accessed August 28, 2017, https://www.oas.org/es/sap/docs/DSDME/2011/CVR/HondurasInformeCVR_TOMO1.pdf, 121.

election, allowing him more control over the process. This timeline raised concerns in both major political parties, and opposition began to form in both the PNH and the PLH.

For the PNH, the potential of a PLH-led constituent assembly threatened their own political goals. If PNH presidential candidate Porfirio Lobo prevailed in the November election, his presidency could be cut short with the convening of a constituent assembly and the approval of a new constitution.⁵² In addition to PNH opposition, Zelaya could no longer count on the support of Micheletti to pull together PLH support. Fresh off his loss for the PLH presidential nomination and no longer in need of Zelaya's endorsement, Micheletti felt no pressure to accede to Zelaya's agenda.⁵³ The relationship between the two men reached such a low that Zelaya opposed Micheletti's appointment as the head of the PLH in April 2009.⁵⁴ Of the five political parties in the congress, only the PUD officially supported the referendum.⁵⁵ Due to the combined opposition from all other parties in the National Congress, Zelaya could not obtain the constitutionally required authorization for the TSE to carry out the referendum.

Finding no enthusiasm in the National Congress for his proposal, on March 23, 2009 Zelaya sought to bypass the requirement for legislative approval with executive decree PCM-05-2009, which called for a "popular consultation" to take place on the final

⁵²"Para que los hechos no se repitan: Informe de la Comisión de la Verdad y la Reconciliación," 123.

⁵³Filho, Coelho, and Flores, 525.

⁵⁴U.S. Department of State, SUBJECT: HONDURAN ELECTION UPDATE: LIBERAL PARTY CONVENTION, Hugo Llorens, C17693759, April 28, 2009, accessed September 1, 2009, U.S. Department of State Freedom of Information Act Virtual Reading Room.

⁵⁵"Honduran Political Situation," *International Debates* 7, no. 6 (September, 2009): 11, accessed December 2, 2015, MasterFILE Premier, EBSCOhost.

Sunday of June 2009.⁵⁶ The president chose to use his executive authority to get the referendum on the November ballot as a *cuatra urna*, or fourth ballot box, in addition to the three ballot boxes for the presidential, congressional, and mayoral elections. The June vote would not convene the constituent assembly, but its potential successful passage would demonstrate public approval for the addition of the fourth ballot box for the November ballot. The decision to convene a constituent assembly would then be decided in November. With this executive decree, Zelaya sought to go around the requirement for congressional approval for a national referendum and put popular pressure on his opponents.

Opponents of the president argued that Zelaya's push for the referendum meant he wanted to alter the *artículos petréos*, or unchangeable provisions, within the constitution in an effort to retain power. The *artículos petréos* included Article 237, which limited the presidential term to four years, and Article 239, which prohibited the reelection of the same person for president.⁵⁷ Any public official who attempted to alter presidential term limits faced removal from office in addition to a ten-year ban from holding any public position. A constituent assembly would allow for the alteration of the existing constitution, including term limits. Zelaya affirmed in public that a constituent assembly would address the issue of presidential reelection.⁵⁸

⁵⁶“Anexa del Corte Supreme de Justicia Comunicado Especial: Documentación de Soporte Punto No. 8, Luis Alberto Rubí, Requerimiento Fiscal,” Cato Institute, June 30, 2009, accessed February 17, 2016. http://www.elcato.org/pdf_files/ExpedienteJudicial-honduras.pdf.

⁵⁷“Honduras: Honduran Constitutional Crisis: Applicable Authorities,” November 2009, Law Library of Congress, Global Research Center, accessed December 5, 2015, <http://www.loc.gov/law/help/honduras/honduras-applicable-authorities.pdf>.

⁵⁸“Para que los hechos no se repitan: Informe de la Comisión de la Verdad y la Reconciliación,” 122.

These constitutional articles were designed to prevent the practice of *continuismo*, whereby changes are made to an existing constitution to influence political succession.⁵⁹ Critics of Zelaya pointed to Venezuela's decision to remove presidential term limits from its own constitution just one month earlier in February 2009.⁶⁰ Venezuela, Ecuador, and Bolivia all saw populist movements achieve power and make changes to term limits in their constitutions after convening constituent assemblies. This occurred in Venezuela in 1999, Ecuador in 2008, and Bolivia in early 2009.

At this point, the Honduran *Fiscalía General de la República*, the Office of the Attorney General, became involved. On March 25 Attorney General Luis Alberto Rubí's office issued a public pronouncement stating Zelaya did not have the power to order a popular consultation.⁶¹ Under the Honduran Constitution the National Congress bears the responsibility to appoint the Attorney General. The Attorney General acts as the guarantor of the constitution and possesses the authority to file lawsuits against civil and public employees.⁶² Two days after Attorney General Rubí's pronouncement *La Fiscalía Especial Contra la Corrupción*, the Special Office of the Attorney General Against Corruption, opened an investigation into Zelaya's actions.⁶³ Zelaya faced challenges to

⁵⁹Morris, 69.

⁶⁰Frank M. Walsh, "The Honduran Constitution is not a Suicide Pact: The Legality of Honduran President Manuel Zelaya's Removal," *Georgia Journal of International & Comparative Law* 38, no. 2 (Winter 2010): 347, accessed December 2, 2015, Legal Source, EBSCOhost.

⁶¹"Para que los hechos no se repitan: Informe de la Comisión de la Verdad y la Reconciliación," 132.

⁶²"Honduras: Honduran Constitutional Crisis: Applicable Authorities," November 2009, Law Library of Congress, Global Research Center, accessed January 10, 2016, <https://www.loc.gov/law/help/honduras/honduras-applicable-authorities.pdf>.

⁶³"Honduras: Honduran Constitutional Crisis: Applicable Authorities," Law Library of Congress.

his proposal from not only from the office of the attorney general, but his methods and rhetoric began to create concern in the military.

The Position of the Honduran Military

The political conflict drew in the FFAA because of the military's constitutionally mandated role to provide logistical support for Honduran elections. Under the constitution the president must put the military at the disposal of the *Tribuno Supremo Electoral*, the Supreme Electoral Tribunal (TSE), one month prior to an election.⁶⁴ Under the 1982 constitution, the TSE was intended to function as the sole independent entity responsible for all electoral functions. Zelaya's effort to have the TSE oversee the June 28 referendum met with legal challenges.

On April 27 a military legal audit found it was inappropriate for the military to participate in the June vote.⁶⁵ This placed Chief of Defense General Romeo Vásquez in a difficult position. He warned the president in April that the military would not logistically support the referendum.⁶⁶ Zelaya now risked a break with military leadership. Although his administration had increased military funding, the leadership of the Honduran military disliked the alliance with Venezuela and Hugo Chávez.⁶⁷ The concern in the military leadership over Zelaya's previous foreign choices coupled with his uncompromising stance over the referendum led to a shift in the military's apolitical position.

⁶⁴"Honduras' Constitution of 1982 with Amendments through 2013," https://www.constituteproject.org/constitution/Honduras_2013.pdf?lang=en.

⁶⁵"Para que los hechos no se repitan: Informe de la Comisión de la Verdad y la Reconciliación," 132.

⁶⁶Ruhl, "Honduras Unravels," 101.

⁶⁷Ruhl, "Honduras Unravels," 101.

Zelaya and the Judiciary

Zelaya found no support in the judiciary for his attempts to circumvent the role of the National Congress. On May 8 the Attorney General filed a lawsuit in the Court of Administrative Litigation and asked the court declare the proposed referendum illegal.⁶⁸ Attorney General Rubí argued the TSE did not have the authority to carry out the referendum. Zelaya attempt to skirt around this argument with another executive decree issued on May 26. This decree declared that the *Instituto Nacional de Estadística*, the National Institute of Statistics (INE) would conduct an opinion poll on June 28.⁶⁹ The administration changed the terminology of the vote from a referendum to a poll, and ordered another government entity to carry it out. Zelaya again ordered the Honduran military to assist the INE in the logistics of conducting the poll. Both the PNH and the PLH criticized Zelaya's attempt to evade the legal challenges to the referendum.

The next day the Court of Administration and Litigation ordered Zelaya to suspend his effort to conduct a national opinion poll. On May 29 the court issued an additional clarification intended to bar the Zelaya administration from carrying out any action that would result in a referendum.⁷⁰ The administration received another setback when the Office of the National Commissioner on Human Rights criticized efforts to

⁶⁸“Honduras: Constitutional Law Issues,” August 2009, Law Library of Congress Global Research Center, accessed December 5, 2015, <http://www.loc.gov/law/help/honduras-constitutional-law.pdf>.

⁶⁹“Para que los hechos no se repitan: Informe de la Comisión de la Verdad y la Reconciliación,” 134.

⁷⁰“Honduras: Constitutional Law Issues,” August 2009, Law Library of Congress Global Research Center.

require civil servants to collect signatures in favor of a referendum.⁷¹ The response from the president came in the form of Executive Accord 027-2009, which again ordered a national opinion poll be held on June 28. As May 2009 drew to a close, neither the president nor the congress showed any signs of compromise.

The crisis deepened as June began, the date of the referendum neared, and the military came under increased pressure to choose a side. The Court of Administration and Litigation sent three judicial communiqués to the office of the president. The first two, issued respectively on June 3 and June 19, asked the president to abide by its ruling.⁷² Zelaya filed an appeal through a private attorney against the court's rulings, which the court subsequently rejected. The court issued a final communiqué to Zelaya on June 19, which gave the president five days to reply on how his administration planned to comply with the court's ruling.⁷³ Honduras' ambassador to the Organization of American States (OAS), Carlos Sosa Cuello, later described Zelaya's attitude toward the courts as follows, "He decided to continue with the poll. He considered that the court had no jurisdiction in this matter, no more than if the president wanted to ask people if they liked a flavor of toothpaste over another."⁷⁴ The court never received a response to the final communiqué.

⁷¹"2009 Human Rights Report: Honduras," U.S. Department of State Bureau of Democracy, Human Rights, and Labor, March 11, 2010, accessed February 15, 2018.
<http://www.state.gov/j/drl/rls/hrrpt/2009/wha/136117.htm>.

⁷²"Anexa del Corte Supreme de Justicia Comunicado Especial: Documentación de Soporte Punto No. 8, Luis Alberto Rubí, Requerimiento Fiscal."

⁷³"Anexa del Corte Supreme de Justicia Comunicado Especial: Documentación de Soporte Punto No. 8, Luis Alberto Rubí, Requerimiento Fiscal."

⁷⁴Frances Robles, "Chronology of a Coup: How the Honduran Crisis Led to Ouster," *The Miami Herald*, July 1, 2009, accessed March 15, 2016, Newsbank, EBSCOhost.

The Role of the United States Prior to the Crisis

During the final month of the crisis the U.S. ambassador worked to avoid an outcome where the military became involved in a political conflict. Hugo Llorens, confirmed in 2008 to his position as U.S. Ambassador to Honduras, had served in the U.S. Foreign Service since 1981.⁷⁵ While the Honduran military sought to maintain a public position of political neutrality, its leadership began attempts to influence politicians behind the scenes, a change the U.S. ambassador wanted to mitigate. Llorens maintained contacts with all parties in the dispute including sources within the Honduran military. At a June 18 breakfast hosted by Llorens, the ambassador confronted General Vásquez and Chief of the Army General Miguel Garcia Padgett on rumors of a coup.⁷⁶ Llorens described the position of the generals “as between a rock and a hard place.”⁷⁷ He further reported that rumors were already circulating about the military planning to force the hand of the political parties to come to some sort of resolution.

Vásquez admitted to Llorens that threats of intervention had been made, including the threat of the establishment of a military junta to govern until the November elections, but assured the ambassador the military only sought to pressure the Zelaya administration to come to terms with their opponents.⁷⁸ Llorens took Vásquez at his word, and reported

⁷⁵“Biography: Hugo Llorens,” U.S. Department of State, accessed June 3, 2019, <https://2001-2009.state.gov/r/pa/ei/biog/111033.htm>.

⁷⁶U.S. Department of State, “AMBASSADOR WARNS HONDURAN MILITARY ON COUP RUMORS,” Hugo Llorens, C17682498, June 19, 2009, accessed November 9, 2017, U.S. Department of State Freedom of Information Act Virtual Reading Room.

⁷⁷U.S. Department of States, “AMBASSADOR WARNS HONDURAN MILITARY ON COUP RUMORS.”

to the U.S. Department of State his assessment that the military would not take action against Zelaya.⁷⁹ The threats signaled the military's move from a neutral position to a role as a political player in the conflict. Llorens' involvement also indicated the importance of the U.S. ambassador in internal Honduran politics.

Llorens sought to help bring about a resolution to the conflict between Zelaya and the National Congress. Ambassador Llorens became greatly concerned about possible extralegal actions by Zelaya's opponents. He called Micheletti on June 25 to ask the congressman not to do anything against Zelaya.⁸⁰ At Zelaya's request, meetings took place between the supporters of and opponents to the referendum at the residence of the U.S. ambassador. According to General Vásquez, who attended several of the meetings, Llorens insisted he was there to offer a neutral meeting place.⁸¹ Llorens efforts at mediation were unsuccessful. Ultimately Llorens' warnings to the military and Micheletti against taking action went unheeded, a reflection of a miscalculation on the part of coup leaders to the potential reaction in the United States.

Zelaya Moves Ahead

On June 24 Zelaya ordered the military to provide logistical support for the June 28 vote. That same day the National Congress passed legislation banning any referendum

⁷⁸U.S. Department of States, "AMBASSADOR WARNS HONDURAN MILITARY ON COUP RUMORS."

⁷⁹U.S. Department of States, "AMBASSADOR WARNS HONDURAN MILITARY ON COUP RUMORS."

⁸⁰Alexhonduras, "ON THE RECORD Complete Interview with Roberto Micheletti p 4 of 6," *YouTube* video, 9:57, September 17, 2009, <https://www.youtube.com/watch?v=m95gYTz-IOQ>.

⁸¹Romeo Vásquez Velásquez, *Ambiciones Peligrosas: Las tentaciones del Poder*, Editorial San Sebastian (Tegucigalpa: 2015), 399.

from being held 180 days before or after a scheduled national election.⁸² In an interview given after Zelaya's deposal, General Vásquez stated that he and the other commanders told the president they were prepared to comply with his order, but "had a problem in that it was illegal."⁸³ Vásquez refused to comply with the order, and Zelaya consequently dismissed the general from his position as Chief of Defense. The Defense Minister Edmund Orellana and the commanders of the Army, Air Force, and Navy all resigned in protest over the dismissal of Vásquez.⁸⁴ Although all submitted their resignations, they still remained in their official positions, and the president did not seek to replace them.⁸⁵

The next day, June 25, the Supreme Court ordered the president to reinstate Vásquez as Chief of Staff. Zelaya refused. The TSE and the Attorney General ordered the seizure of all materials for the referendum. The confiscated ballots were taken to the Hernán Acosta Mejía Air Base located in Tegucigalpa. Zelaya remained adamant the referendum take place, stating that "Congress cannot investigate me, much less remove me or stage a technical coup against me because I am honest, I'm a free president and nobody scares me."⁸⁶ On Friday, June 26, Zelaya rallied his supporters, and led a caravan of vehicles to the air base to demand the military hand over the seized materials. Two thousand of his supporters participated in this action, and Air Force Chief General Javier

⁸²Filho, Ceolho, and Flores, 525.

⁸³Frances Robles, "Chronology of a Coup: How the Honduran Crisis Led to Ouster."

⁸⁴Filho, Coelho, and Flores, 525.

⁸⁵U.S. Department of State, "Subject: Honduran Coup Timeline."

⁸⁶Frances Robles, "Anatomy of a coup: Honduran's ouster months in the making," *Miami Herald*, July 1, 2009, accessed September 2, 2019, <https://www.mcclatchydc.com/news/nation-world/world/article24544123.html>.

Prince handed over the referendum materials for distribution.⁸⁷ Zelaya planned to use his supporters to carry out the logistics for the vote.⁸⁸

At this time the National Congress and the Supreme Court came back into session. The National Congress began debate over whether or not to officially censure Zelaya for his actions.⁸⁹ The congress also began discussion of the possibility of impeaching the president.⁹⁰ However, the congress no longer held the power to conduct an impeachment of a sitting president due to the repeal of an impeachment law in 2005.⁹¹ The power to remove the president from office was relegated to the judiciary, with the Supreme Court holding final say. The Supreme Court began to move forward with an order of arrest against the president.

Zelaya Reaches Out to the OAS

At this stage in the crisis the Zelaya administration sought support from the OAS. Honduras' ambassador to the OAS, Carlos Sosa, invoked Article 17 of the Inter-American Democratic Charter (IADC) during a June 26 Permanent Council session held in Washington D.C.⁹² Article 17 allows OAS member states to request assistance from

⁸⁷Jóse de Córdoba, "Honduras Lurches Towards Crisis Over Election," *Wall Street Journal*, June 26, 2009, accessed August 21, 2018, <https://www.wsj.com/articles/SB124597369604957305>.

⁸⁸U.S. Department of State, "Subject: Honduran Coup Timeline."

⁸⁹U.S. Department of State, "Subject: Honduran Coup Timeline."

⁹⁰David Luhnow, "Honduras crisis opens regional rift," *Wall Street Journal*, June 27, 2009, accessed, August 15, 2018, <https://www.wsj.com/articles/SB124607117649864407>.

⁹¹ U.S. Department of State, Subject: Honduran Coup Timeline.

⁹²"Acta de la Sesión Extraordinaria Celebrada el 26 de Junio de 2009," Organization of American States, June 26, 2009, accessed February 3, 2016, <https://www.oas.org/consejo/sp/actas/acta1699.pdf>.

the OAS Secretary General or the Permanent Council when it considers its democratic political institutional processes or its legitimate exercise of power are at risk.⁹³ Sosa insisted the vote scheduled for June 28 did not constitute a plebiscite or a referendum, but instead a statistical measurement.⁹⁴ In response to Honduras' invocation of Article 17, the OAS adopted Permanent Council Resolution 952, also on June 26, and decided to send a *misión de acompañamiento*, an accompanying mission, to observe the June 28 "popular consultation" after receiving an invitation from the Zelaya government.⁹⁵ Opponents of the referendum saw the proposed OAS mission as tacit support for Zelaya. Despite the urgency of the situation, the OAS Secretary General, José Miguel Insulza, did not immediately travel to Honduras after the invocation of Article 17. Instead, Insulza acquiesced to Zelaya's request to wait until June 29 to come to the country, one day after the scheduled ballot.⁹⁶

The same day Ambassador Sosa addressed the OAS, the Supreme Court issued an order calling for the arrest of President Zelaya. Addressed to General Vásquez, the order identified four charges against the president, including crimes against the Honduran

⁹³"Inter-American Democratic Charter," Organization of American States, last modified September 11, 2001, accessed February 10, 2016, http://oas.org/charter/docs/resolution1_en_p4.htm.

⁹⁴"Acta de la Sesión Extraordinaria Celebrada el 26 de Junio de 2009." Organization of American States. June 26, 2009. Accessed February 3, 2016. <https://www.oas.org/consejo/sp/actas/acta1699.pdf>.

⁹⁵"Consejo Permanente RES 952 (1699/09) Situation in Honduras," Organization of American States, June 26, 2009, accessed January 25, 2016, <http://www.oas.org/consejo/resolutions/res952.asp>.

⁹⁶Thomas Legler, "The Democratic Charter in Action: Reflections on the Honduran Crisis," *Latin American Policy* 3, no. 1 (June 2012), 78, accessed November 28, 2015, <http://onlinelibrary.wiley.com.ezproxy.shsu.edu/doi/10.1111/j.2041-7373.2012.00057.x/epdf>.

government, treason against the state, abuse of authority, and usurpation of the functions of government.⁹⁷ General Vásquez received the order the evening of June 26 during a meeting with Attorney General Rubí and members of the Supreme Court.⁹⁸ The military and the judiciary kept the warrant sealed. Neither the president nor his administration would find out about the document prior to his detention and exile. This gave the military time to plan and prepare for Zelaya's removal from the presidency, and the prevention of the June 28 vote.

Zelaya Readies the Referendum

The de facto government and its supporters argued Zelaya intended to change the constitution to stay in power, posing an imminent threat to the Honduran democratic order, and therefore served as justification for his removal. The argument that the results of the June 28 vote would allow for Zelaya to remain in office would be used in hearings on the Honduras crisis in the United States Congress. This interpretation of Zelaya's intent stemmed in part from disapproval of his close relationship with Venezuelan president Hugo Chávez. Nevertheless, the vote to hold a constituent assembly would have been held the same day as the election of a new president, making it impossible for Zelaya to remain as president after his term expired.

Unlike Evo Morales of Bolivia or Hugo Chávez of Venezuela, Zelaya's effort to convene a constituent assembly began in the last year of his presidential term rather than

⁹⁷"Anexa del Corte Supreme de Justicia Comunicado Especial: Documentación de Soporte Punto No. 8," Cato Institute, June 30, 2009, accessed February 17, 2016. http://www.elcato.org/pdf_files/ExpedienteJudicial-honduras.pdf.

⁹⁸Frances Robles, "Chronology of a Coup: How the Honduran Crisis Led to Ouster," *The Miami Herald*, July 1, 2009, accessed March 15, 2016, Newsbank, EBSCOhost.

the first year. A successful vote for a constituent assembly during his presidency and at his initiative likely would have enabled Zelaya to be a powerbroker in any forthcoming convention. If the constituent assembly changed the constitution to remove presidential term limits or called for a new presidential election, only then would Zelaya have been able to run for an eventual second term in a future presidential election. Supporters of Zelaya told reporters after the coup the deposed president did want to immediately serve longer as president, but more likely sought to accomplish that goal with another presidential run in 2013 after reforms were made to the constitution.⁹⁹ Up until the end the two sides could not agree on the wording of the poll. Zelaya insisted the poll include phrasing for a constituent assembly, while the opposition wanted to have language that kept control of reform in the National Congress.¹⁰⁰ The June vote threatened to begin a process neither the PLH nor the PNH supported.

The Day before the Coup

Without the military to assist, Zelaya relied on his supporters and government employees to establish polling stations on June 27.¹⁰¹ That same day *Proceso Digital*, an online Honduran newspaper, published an article alleging Zelaya ordered a change to the meaning of the poll.¹⁰² Presidential decree PCM-020-2009, published June 25, called the

⁹⁹Marc Lacey, "Envoy Seeks Ousted President's Return," *New York Times*, July 4, 2009, accessed August 20, 2018, <https://www.nytimes.com/2009/07/04/world/americas/04honduras.html>.

¹⁰⁰U.S. Department of State, Subject: Honduran Coup Timeline.

¹⁰¹"LATIN AMERICAN BRIEFS," *Miami Herald*, June 28, 2009, accessed August 20, 2018, *NewsBank*. <https://infoweb-newsbank-com.ezproxy.shsu.edu/apps/news/document-view?p=WORLDNEWS&docref=news/129A7F23E79B09C0>.

vote an “*encuesta de opinión pública convocatoria asamblea nacional constituyente*,” a public opinion poll on the convening of a national constituent assembly.¹⁰³ The writer of the article took issue with the title of the poll, as it explicitly referred to the convening of a national constituent assembly rather than remaining limited to the question of the addition of a fourth urn. The title of the poll could be found in article two of the decree. Article one of the published decree included the question, “Are you in agreement that in the general elections of 2009, there be a fourth urn in which the people decide the convocation of a National Constituent Assembly?”¹⁰⁴ While the title of the opinion poll referred to a constituent assembly, the question Zelaya intended to put before the voters on June 28 did not contain language to set in motion the process. The question remained limited to the addition of the fourth box on the November ballot.

In an example of the close relationship between U.S. military personnel and the Honduran military, on the night of June 27 a U.S. military officer, Colonel Kenneth Rodriguez, met with General Vásquez at his home in a meeting requested by General Garcia Padgett. At the meeting, General Garcia told the officer there were two major concerns on the part of military. First, what actions President Zelaya might take after the completion of the referendum, and second, the potential of military intervention by Nicaragua and Venezuela.¹⁰⁵ Colonel Rodriguez told the Honduran officers they should

¹⁰²“Decreto PCM-020 convocando a una Constituyente, promueve ruptura del orden institucional,” *Proceso Digital*, June 27, 2009, accessed April 20, 2017, <http://www.proceso.hn/component/k2/item/74992.html>.

¹⁰³*La Gaceta: Diaro Oficial de la Republica de Honduras*, June 25, 2009, accessed May 12, 2018, <https://tzibalnaah.unah.edu.hn/bitstream/handle/123456789/3815/20090625.pdf?sequence=2&isAllowed=y>

¹⁰⁴*La Gaceta: Diaro Oficial de la Republica de Honduras*, June 25, 2009, accessed May 12, 2018, <https://tzibalnaah.unah.edu.hn/bitstream/handle/123456789/3815/20090625.pdf?sequence=2&isAllowed=y>

maintain their restraint and remain subordinate to civilian authority. In reply, General Vásquez said, “Estamos completamente de acuerdo,” that they were in complete agreement. In retrospect, it is now known General Vásquez had already received the arrest order on June 26 from the Supreme Court to arrest Zelaya when he met with Colonel Rodriguez. During the meeting, at approximately 10:00 pm, Vásquez received a call informing him of a meeting at the Supreme Court. The general invited the American officer to accompany him to this meeting, but Rodriguez declined.¹⁰⁶ Colonel Rodriguez, as with Ambassador Llorens, took the Honduran officers at their word that they planned to take no action against Zelaya.

The Coup

After General Vásquez received the call from the President of the Supreme Court, Jorge Rivera Avilés, he was directed to attend a meeting at the Supreme Court. At the meeting Avilés ordered Vásquez to halt the referendum and to arrest Zelaya. Vásquez was also told noncompliance with the order from the Supreme Court would make him complicit in crimes against the state.¹⁰⁷ After this call, Vásquez consulted military lawyers, who told him the Supreme Court order was legal.¹⁰⁸ The general then proceeded to make preparations to arrest the president and stop the referendum. The military

¹⁰⁵U.S. Department of State, “Subject: report of June 27 meeting,” C17682495, March 12, 2010, accessed June 1, 2018, U.S. Department of State Freedom of Information Act Virtual Reading Room.

¹⁰⁶U.S. Department of State, “Subject: report of June 27 meeting,” C17682495, March 12, 2010, accessed June 1, 2018, U.S. Department of State Freedom of Information Act Virtual Reading Room.

¹⁰⁷“Para que los hechos no se repitan: Informe de la Comisión de la Verdad y la Reconciliación,” 142.

¹⁰⁸“Para que los hechos no se repitan: Informe de la Comisión de la Verdad y la Reconciliación,” 142.

followed an eighteen-point plan devised by General Vásquez, which included the seizure of all ballot material from polling stations and the arrest of the president in a raid on the presidential residence in Tegucigalpa.¹⁰⁹

The arrest took place at dawn. The military called it a “clean operation” that lasted only minutes.¹¹⁰ Zelaya depicted a different scene, stating his personal guard resisted for at least ten minutes and that gun shots were fired.¹¹¹ The military then transported Zelaya to Soto Cano Air Base, placed him aboard the presidential plane, and had him flown to Costa Rica.¹¹² The removal of Zelaya complicated his efforts to form an effective resistance movement against the forces aligned against his continuation as president, and made it easier for the de facto government to consolidate control over the country. At 11:00 a.m. the Supreme Court publicly pronounced the illegality of the canceled poll. An hour and a half later the Secretary of the National Congress, José Alfredo Saavedra, read a letter of resignation allegedly written by Zelaya, later deemed a forgery, announcing the president’s resignation due to health problems.¹¹³ Officials proclaimed that the presidential elections would take place as scheduled on November

¹⁰⁹Frances Robles, “Chronology of a Coup: How the Honduran Crisis Led to Ouster,” *Miami Herald*, July 1, 2009, accessed March 15, 2016, Newsbank, EBSCOhost.

¹¹⁰Mark Lacey, “Leader’s Ouster Not a Coup, Says the Honduran Military,” *New York Times*, July 1, 2009, accessed August 21, 2018, <https://www.nytimes.com/2009/07/02/world/americas/02coup.html>.

¹¹¹AP Archive, “Honduran President calls his arrest military coup, CRican president,” *YouTube* video, 1:53, June 29, 2009, <https://www.youtube.com/watch?v=ZOFi5DmLg18>.

¹¹²U.S. Department of State, “Subject: Honduran Coup Timeline,” Hugo Llorens, C05660895, July 2, 2009, accessed November 9, 2017, U.S. Department of State Freedom of Information Act Virtual Reading Room.

¹¹³U.S. Department of State, “Subject: Honduran Coup Timeline.”

29.¹¹⁴ Zelaya faced a large majority in the National Congress that approved of his removal and resisted the prospect of his return.

The U.S ambassador learned of the seizure of Zelaya from the president's personal secretary. The Honduran military did not respond to calls from the U.S. embassy in Tegucigalpa the morning of Zelaya's removal.¹¹⁵ Later in the day Honduran officials told Ambassador Llorens they believed Zelaya wanted to convoke a constituent assembly based on the results of the June 28 vote and that he had planned to dissolve the congress and Supreme Court.¹¹⁶ The officials argued the published decree in the June 25 *Gaceta* backed up their claims. Ambassador Llorens questioned this assertion, noting that the question for the poll asked voters to choose whether or not to add a fourth ballot box for the November elections.¹¹⁷

A Civil-Military Golpe de Estado

While Zelaya's effort to conduct a referendum without the approval of the National Congress violated the constitution, his opposition took steps that also created constitutional violations. The president's opponents argued their actions protected the constitution, although Zelaya's expulsion from Honduras violated Article 102 of the

¹¹⁴U.S. Department of State, SUBJECT: HONDURAS COUP SITREP #2: DEVELOPMENTS AS OF 12:45PM LOCAL (14:45 EDT), Hugo Llorens, C05660886, June 28, 2009, accessed April 18, 2017, U.S. Department of State Freedom of Information Act Virtual Reading Room.

¹¹⁵U.S. Department of State, "Fw: Honduran President Zelaya Reportedly Seized by Armed Forces," C05762947, June 28, 2009, accessed November 9, 2017, U.S. Department of State Freedom of Information Act Virtual Reading Room.

¹¹⁶U.S. Department of State, Subject: Honduran Coup Timeline.

¹¹⁷U.S. Department of State, Subject: Honduran Coup Timeline.

constitution, which forbids the expatriation of Honduran citizens.¹¹⁸ Based on the order issued by the Supreme Court, the decision to remove Zelaya from the country went beyond the intent of the court. The military also deported Zelaya's foreign minister Patricia Rodas to Mexico. In a June 30 interview the chief lawyer for the Honduran Armed Forces, Colonel Herberth Bayardo Inestroza Membreño justified Zelaya's expulsion as an effort to avoid violence.¹¹⁹ In a separate interview, Colonel Inestroza admitted that "in the moment we took him out of the country, in the way he was taken out, there is a crime."¹²⁰ A military spokesman also defended the exile, describing it as a measure to prevent violent confrontations with Zelaya's supporters.¹²¹

The Truth and Reconciliation Commission concluded in 2011 the expatriation of Zelaya was a "spontaneous act" made by military leadership to avoid civil strife.¹²² However, General Vásquez contradicts this interpretation of events in his 2015 memoir. Vásquez alleges the expatriation of Zelaya came from a "consensus decision" that included the Attorney General, the Deputy Attorney General, and Judge Aviles.¹²³ This challenges the idea that Zelaya's deportation was a decision made in the moment. At the

¹¹⁸"Honduras' Constitution of 1982 with Amendments through 2013," https://www.constituteproject.org/constitution/Honduras_2013.pdf?lang=en.

¹¹⁹Marc Lacey, "Leader's Ouster Not a Coup, Says the Honduran Military," *New York Times* July 2, 2009, accessed August 20, 2018, <https://www.nytimes.com/2009/07/02/world/americas/02coup.html>.

¹²⁰Frances Robles, "Top Honduran Military Lawyer: We Broke the Law," *Miami Herald*, July 3, 2009, accessed August 21, 2018, <https://www.mcclatchydc.com/news/nation-world/world/article24544573.html>.

¹²¹Ruhl, 102.

¹²²"Para que los hechos no se repitan: Informe de la Comisión de la Verdad y la Reconciliación," 144.

¹²³Vásquez, 474.

same time, it benefited General Vásquez to attempt to diffuse responsibility, particularly as the general moved from a military to a political career after 2009.

While the military played a key role in the removal of Zelaya, the military did not take control of the government. Due to a ruling by the Supreme Court in 2008 that eliminated the position of Vice President, the President of the National Congress stood next in line succession to the presidency. By the afternoon of June 28 Roberto Micheletti became president of a new de facto government, and would govern until the inauguration of a new president on January 27, 2010. The military answered to the orders of the new regime, and its loyalty proved essential for successful the consolidation of political control over the country by Zelaya's opponents.

On June 29 the Supreme Court ordered Zelaya's case moved to the Unified District Trial Court to be carried out as an ordinary criminal proceeding.¹²⁴ The decision to move the case from the high court to a lower court implied Zelaya no longer held the office of the presidency and would be tried as an ordinary citizen. In the eyes of the judiciary, the military, and the major parties, Zelaya no longer held the presidency. His removal from the country, however, meant he could not be brought to trial. With Zelaya out of the country, the new regime now awaited the response from the international community, including the United States.

¹²⁴“Honduras: Constitutional Law Issues,” August 2009, Law Library of Congress Global Research Center.

CHAPTER III

Negotiations and the United States

Barack Obama's presidency was in its fifth month when the deposal of Zelaya presented the U.S. administration with its first foreign policy crisis in Latin America. The new administration had already announced its intention to redefine the U.S. diplomatic relationship with its southern neighbors. In March 2009 U.S. Vice President Joe Biden told Western Hemisphere heads of state at the Summit of the Americas in Trinidad and Tobago that, "We are not interested in putting together a policy for the hemisphere. We are putting together a policy with the hemisphere."¹²⁵ In the immediate aftermath of Zelaya's ouster U.S. diplomats worked through the OAS to formulate a response. The U.S. underestimated the resolve of Roberto Micheletti and his supporters to keep Zelaya out of office. The U.S. also struggled with determining how to use its influence in Honduras to shape events. Additionally, partisan politics in the legislative branch, national security concerns, and the influence of lobbyists impacted policymaking in Washington D.C. As a result, the policy of the United States shifted over the months following the events of June 28 from one of outright support for President Zelaya to an effort to move on from his deposal with recognition of the November presidential election.

The Initial U.S. Reaction to the Coup

¹²⁵Leland Baxter-Neal, "Biden Meets with Central American Leaders," *Miami Herald*, March 31, 2009, accessed August 20, 2018, <https://www.mcclatchydc.com/news/politics-government/article24531568.html>.

The U.S. administration responded extremely negatively to the news of Zelaya's removal and deportation. The official stance of the U.S. government immediately following the coup was characterized by support for Zelaya and condemnation of the Honduran military and Roberto Micheletti. President Barack Obama and U.S. State Department officials condemned Zelaya's ouster in official statements. Ambassador Llorens held a press conference outside the embassy in Tegucigalpa on June 28 at 11:00 a.m. to declare that President Zelaya remained the only democratically president of Honduras.¹²⁶ When Ambassador Llorens spoke to Roberto Michelletti he was informed Zelaya would not be allowed to return to Honduras. The next day, June 29, President Obama called the action a coup and stated that Zelaya remained the legitimate president of Honduras.¹²⁷

The United States now sought to formulate a response. In *Hard Choices: A Memoir* former Secretary of State Hillary Rodham Clinton wrote that in the days following the coup, "We strategized on a plan to restore order in Honduras, and ensure that free and fair elections could be held quickly and legitimately, which would render the question of Zelaya moot and give the Honduran people a chance to choose their own future."¹²⁸ While Zelaya's position as president would eventually be rendered moot, the plan described by Secretary Clinton in retrospect does not fully reflect the position of the

¹²⁶U.S. Department of State, "SUBJECT: Honduran Coup: SITREP 3, 06/28/09," C05660885, June 28, 2009, accessed November 9, 2017, U.S. Department of State Freedom of Information Act Virtual Reading Room.

¹²⁷Arshad Mohammed and David Alexander, "Obama says coup in Honduras is illegal," June 29, 2009, accessed September 1, 2019, <https://www.reuters.com/article/us-honduras-usa-sb-idUKTRE55S5J220090629>.

¹²⁸Hillary Rodham Clinton, *Hard Choices: A Memoir* (New York: Simon & Schuster, 2014), 266.

United States during the months-long negotiation process. In the immediate aftermath of the coup, and for two months afterwards, the repeatedly stated position of the United States was that Zelaya must be returned to the presidency.

The expectation that the de facto government would be unable to hold fast to its refusal to reinstate Zelaya pervaded early attempts to resolve the crisis. At the outset officials in the U.S. expressed confidence Honduras would have to accede to the demand for Zelaya return to the presidency. In a July 1 conference call with journalists a senior Obama administration official stated, “In the twenty-first century these kind of coups don’t last long. It’s very hard for a country like Honduras to maintain this kind of position in the face of overwhelming rejection by the world and especially by the region and its major trading partners.”¹²⁹ The U.S. attempted at several points to exert leverage through the revocation of visas and the withholding of aid. The Micheletti regime, in spite of rejection from most other states, did its utmost to avoid the repatriation of Zelaya and his restoration to the presidency.

Officials at the U.S. Department of State also reacted with disapproval and dismay. Thomas Shannon, the Assistant Secretary for Western Hemisphere Affairs, called Zelaya’s removal “an intolerable act by the armed forces and we are going to have to say this loud and clear.”¹³⁰ While the term “coup” was used by officials and by the U.S. president, the United States avoided the use of the term “military coup.” The official invocation of the term would have meant the U.S. government must abide by legal

¹²⁹“Background Briefing on the Situation in Honduras,” U.S. State Department Special Briefing, July 1, 2009, accessed March 15, 2016, <http://www.state.gov/r/pa/prs/ps/2009/july/125564.htm>.

¹³⁰U.S. Department of State, “Fw: Honduran President Zelaya Reportedly Seized by Armed Forces,” C05762947, June 28, 2009, accessed July 31, 2017, U.S. Department of State Freedom of Information Act Virtual Reading Room.

provisions dictating the U.S. response to a military coup of a duly elected head of government.

While other countries, such as France, Spain, Colombia, and Chile, chose to recall their ambassadors from Tegucigalpa to protest the actions of the new Honduran government, the U.S. ambassador remained in residence.¹³¹ The U.S. embassy adopted a policy of “no-contact” with the de facto regime and its leadership, and refused an invitation to a celebration at the National Congress for Roberto Micheletti’s ascendancy to the presidency.¹³² The U.S. government refused to recognize the Micheletti government as legitimate, although the American embassy still maintained contacts within the business community, the military, and the political elite. Ambassador Llorens was told not to take part in any action that would lend legitimacy or imply official recognition to Micheletti and his government.¹³³ The State Department directed Llorens to use his contacts in the Honduran military and the new regime to “explore options for President Zelaya’s peaceful resumption of his office.”¹³⁴

Honduran elites supportive of Zelaya’s removal were taken aback by the negative response from the United States. Llorens reported that embassy contacts within the political elite generally neither understood, nor appreciated, the U.S. approach to the

¹³¹Frances Robles, “Probe looks into leader’s treatment,” *Miami Herald*, July 2, 2009, accessed August 21, 2018, <https://infoweb-newsbank-com.ezproxy.shsu.edu/apps/news/document-view?p=WORLDNEWS&docref=news/12A99F866080E858>.

¹³²U.S. Department of State, “GUIDANCE REQUEST: DEALING WITH THE MICHELETTI REGIME IN HONDURAS,” Hugo Llorens June, C05660889 29, 2009, accessed November 9, 2017, U.S. Department of State Freedom of Information Act Virtual Reading Room.

¹³³U.S. Department of State, “GUIDANCE REQUEST: DEALING WITH THE MICHELETTI REGIME IN HONDURAS.”

¹³⁴U.S. Department of State, “GUIDANCE REQUEST: DEALING WITH THE MICHELETTI REGIME IN HONDURAS.”

crisis.¹³⁵ The contacts could not reconcile the U.S. position on Zelaya's behavior prior to the coup and U.S. support for the president after his removal. On June 28 Llorens met with three senior Honduran business leaders who argued that Honduras and the U.S. would have to wait for constitutional order to be restored with the November presidential elections.¹³⁶ The businessmen insisted their side enjoyed popular support and believed the new regime would resist international pressure to restore the president, while Llorens argued the only solution to the crisis was Zelaya's restoration.¹³⁷ The arguments of the business leaders would prove prescient. Llorens surmised in a diplomatic cable dated June 29 that the new Honduran leadership planned to hold fast against Zelaya's return and would try to wait for the already scheduled November presidential election to resolve the diplomatic crisis with its allies.¹³⁸

On June 30 Ambassador Llorens spoke with Archbishop Óscar Andrés Rodríguez Maradiaga, the leader of the *Conferencia Episcopal de Honduras*, the Honduran Conference of Bishops. Archbishop Rodríguez asked the Ambassador to help prevent Zelaya from returning to Honduras later that week when OAS Secretary General Insulza planned to travel to the country.¹³⁹ The Catholic bishops chose to side with the new

¹³⁵U.S. Department of State, "HONDURAN COUP: SITREP #4 06/29/09 AS OF NOON LOCAL (14:00 EDT), Hugo Llorens, C05660888, June 29, 2009, accessed November 9, 2017,

¹³⁶U.S. Department of State, "HONDURAN COUP: SITREP #4 06/29/09 AS OF NOON LOCAL (14:00 EDT)."

¹³⁷U.S. Department of State, "HONDURAN COUP: SITREP #4 06/29/09 AS OF NOON LOCAL (14:00 EDT)."

¹³⁸U.S. Department of State, "HONDURAN COUP: SITREP #4 06/29/09 AS OF NOON LOCAL (14:00 EDT), C05660888, Hugo Llorens, June 29, 2009, accessed November 9, 2017, U.S. Department of State Freedom of Information Act Virtual Reading Room.

¹³⁹U.S. Department of State, "HONDURAN COUP SITREP #6: EVENTS AS OF 06/30/09 13:00 LOCAL (15:00 EDT)," C05660893, Hugo Llorens, June 30, 2009, accessed November 9, 2017, U.S. Department of State Freedom of Information Act Virtual Reading Room.

government against Zelaya. Zelaya had courted the support of Catholic leadership and the leadership of Evangelical organizations. His efforts at outreach did not generate significant backing from the churches, as most balked at his approach toward reform.¹⁴⁰ The evangelical churches, due to their less hierarchical structure and greater institutional independence, exhibited a more varied response to Zelaya's removal, with some churches supporting the action and others joining the protest movement.

The hierarchy of the Catholic Church chose the side of the de facto government. On July 4 Archbishop Rodríguez gave a ten minute address on local Honduran television stations during which he called for unity in the country. He asked the international community to rethink its support for Zelaya and to avoid imposing punitive economic measures that would hurt the poorest Hondurans.¹⁴¹ In a later radio statement the archbishop warned Zelaya's return could result in a "bloodbath," and pleaded that the ex-President stay out of the country.¹⁴²

U.S. Position on the Military Coup Designation

What occurred the morning of June 28, 2009 led to a debate over whether Zelaya's ouster constituted a military coup. From the beginning the Obama administration rhetorically called the removal of Zelaya a coup, but never officially

¹⁴⁰"Para que los hechos no se repitan: Informe de la Comisión de la Verdad y la Reconciliación," 224.

¹⁴¹Laura Figueroa, "Archbishop asks Honduras ousted president to give up," *Miami Herald*, July 4, 2009, accessed August 4, 2018, *NewsBank: Access World News – Historical and Current*. <https://infoweb-newsbank-com.ezproxy.shsu.edu/apps/news/document-view?p=WORLDNEWS&docref=news/1293E25BE7140358>.

¹⁴²Marc Lacey and Ginger Thompson, "OAS Votes to Suspend Honduras Over Coup," *New York Times*, July 5, 2009, accessed August 5, 2018, <https://www.nytimes.com/2009/07/05/world/americas/05honduras.html>.

designated what had occurred as a military coup. In an email dated June 28, Thomas Shannon, the Assistant Secretary of State for Western Hemispheric Affairs, noted that the Supreme Court and the National Congress worked with the military to carry out Zelaya's removal from power.¹⁴³ While the U.S. disapproved of the removal of the Honduran president, it chose to freeze non-humanitarian funding without the additional measure of recognizing what took place as a military coup.

Throughout its diplomatic history the United States grappled with how to deal with governments that originated in military coups. The U.S. utilized diplomatic recognition as a foreign policy tool to express approval or disapproval of a government. The United States dealt with three coups in Honduras during the Cold War period. The first took place on October 21, 1956 when the Honduran military ousted President Julio Lozano Díaz. The administration of President Dwight D. Eisenhower judged that the new government met the criteria for recognition and extended recognition to the military junta on October 27 due to the regime's anti-communism.¹⁴⁴ The military held power until a 1957 constituent assembly resulted in the election of a new civilian president, Ramón Villeda Morales, who in the final months of his presidency was deposed in another *golpe de estado* in 1963.

In the case of the Honduran military coup of 1963, the U.S. condemned the coup and rescinded diplomatic recognition. On October 3, 1963 Colonel Osvaldo López

¹⁴³U.S. Department of State, "Fw: Honduras President Zelaya Reportedly Seized by Armed Forces," C05763053, June 28, 2009, accessed July 31, 2017, U.S. Department of State Freedom of Information Act Virtual Reading Room.

¹⁴⁴Ronald D. Landa, *U.S. policy toward Latin America: recognition and non-recognition of governments and interruptions in diplomatic relations, 1933-1974: a tabular summary*. (Washington D.C.: Dept. of State, Bureau of Public Affairs, Historical Office, 1975), 61, accessed September 30, 2019, <https://babel.hathitrust.org/cgi/pt?id=txu.059173018398965&view=1up&seq=57>.

Arellano toppled the government of President Ramón Villeda Morales prior to a new election. The U.S. broadcasted its support for a return to democratic governance, but ultimately restored diplomatic relations with the new regime.¹⁴⁵ On December 14, 1963 the John F. Kennedy administration granted recognition to the new government because the new regime issued a decree promising new elections and the respect for human rights.¹⁴⁶ No new elections were immediately forthcoming, although López did allow for the return of civilian rule in 1971. Shortly thereafter López overthrew the civilian government when he led another military coup against President Ramón Ernesto Cruz of the PNH on December 4, 1972. One week later the U.S. Ambassador to Honduras delivered a note to the Foreign Ministry of the new regime affirming the desire of the U.S. to maintain relations with Honduras.¹⁴⁷ Honduras remained under military rule until the adoption of the 1982 constitution and the inauguration of President Roberto Suazo Córdova of the PLH.

U.S. officials and legislators recognized the problematic nature of dealing with such regimes. The 1961 Foreign Assistance Act made U.S. foreign aid contingent on the behavior of recipient countries. In 1986 the U.S. Senate added language to a foreign assistance appropriations bill that barred foreign aid to countries whose government had been overturned through a military coup. Over the subsequent two decades numerous appropriations bills included the language from the 1986 legislation.¹⁴⁸ The 2009

¹⁴⁵Bowman, 207.

¹⁴⁶Landa, 88-89.

¹⁴⁷Landa, 103.

¹⁴⁸“Congressional Control of Foreign Assistance to Post-Coup States: Assessing executive compliance from Honduras to Egypt,” *Harvard Law Review*, 127, no. 8 (June 20, 2004): 2502, accessed

Omnibus Appropriations Act, signed by President Obama in March 2009, contained the language on military coups. Section 7008 reads in part, “None of the funds appropriated or otherwise made available pursuant to titles III through VI of this Act shall be obligated or expended to finance directly any assistance to the government of any country whose duly elected head of government is deposed by military coup or decree...”¹⁴⁹ The language specified that the deposal of a duly elected head of government occur through a military coup.

The Honduran crisis was not the first time the Obama administration faced the question of how to deal with a regime that took power through a coup. A military coup took place in Madagascar in March 2009 when the Malagasy military took the side of the political opposition and stormed the presidential palace, forcing the resignation of President Marc Ravalomanana. The United States revoked all non-humanitarian assistance, but did not designate what took place as a military coup. In the case of Madagascar the U.S. complied with the coup provision without the official designation.¹⁵⁰ In a directive sent to the American embassy in Tegucigalpa on July 2 the State Department tasked U.S. officials with suspending aid that would be impacted if Section 7008 was invoked.¹⁵¹ The Obama administration applied the same policy to

June 18, 2019, https://harvardlawreview.org/wp-content/uploads/2014/06/vol127_congressional_control_of_foreign_assistance.pdf.

¹⁴⁹H.R. 1105 (111th): Omnibus Appropriations Act, 2009, accessed February 1, 2019, <https://www.govtrack.us/congress/bills/111/hr1105/text>.

¹⁵⁰“Congressional Control of Foreign Assistance to Post-Coup States: Assessing executive compliance from Honduras to Egypt,” 2501.

¹⁵¹U.S. Department of State, GUIDANCE REQUEST: DEALING WITH THE MICHELETTI REGIME IN HONDURAS, C05660897, July 2, 2009, accessed November 9, 2017, U.S. Department of State Freedom of Information Act Virtual Reading Room.

Honduras as it did with Madagascar, following the regulations laid out in Section 7008 without officially designating a military coup.

The U.S. Diplomatic Effort Begins

The United States initially chose to take a multi-lateral approach to the crisis, and formulated an official response through the OAS. On July 2, after an extended session, the OAS issued a deadline of seventy-two hours for the Micheletti regime to reinstate Zelaya. Honduras faced expulsion from the OAS for non-compliance. On July 3 OAS Secretary General traveled to Honduras, stating beforehand he “was not going to Honduras to negotiate.¹⁵²” Insulza met with judicial and political leaders, but refused to meet with Micheletti.¹⁵³ The head of the Supreme Court, Jorge Rivera Avilés, refused to back down from his position. Insulza concluded at the end of his visit that the “conditions did not exist for Zelaya’s return.¹⁵⁴” His mission to Honduras did nothing to lessen the resolve of the Micheletti’s government.

After the de facto government failed to meet the seventy-two hour deadline to reinstate Zelaya, the OAS suspended Honduras’ membership on July 4, 2009 with the unanimous invocation of Article 21 of the Inter-American Democratic Charter. Article 21

¹⁵²Marc Lacey and Ginger Thompson, “Envoy Prepares to Visit Honduras, Warning of Obstacles,” *New York Times*, July 3, 2009, accessed August 5, 2018, <https://www.nytimes.com/2009/07/03/world/americas/03honduras.html>.

¹⁵³Frances Robles, “Don’t try to return, Zelaya warned,” *Miami Herald*, July 4, 2009, accessed August 20, 2018, <https://infoweb-newsbank-com.ezproxy.shsu.edu/apps/news/document-view?p=WORLDNEWS&docref=news/12A99F87428F74E0>.

¹⁵⁴Frances Robles, “Don’t try to return, Zelaya warned,” *Miami Herald*, July 4, 2009, accessed August 20, 2018, <https://infoweb-newsbank-com.ezproxy.shsu.edu/apps/news/document-view?p=WORLDNEWS&docref=news/12A99F87428F74E0>.

grants the OAS the option to suspend a member state in the event of an unconstitutional interruption in the democratic order, and if diplomatic initiatives failed to resolve the issue.¹⁵⁵ Thomas Shannon reported that the discussion of suspending Honduras from the OAS included the possibility of using the resolution to encourage member states to place economic sanctions Honduras. Representatives of the Zelaya government ultimately opted against any language encouraging economic sanctions.¹⁵⁶ The Micheletti regime responded to the expulsion by declaring Honduras' withdrawal from the OAS.¹⁵⁷

As the OAS and the United States sought to convince the Micheletti regime to reinstate Zelaya, the exiled president became increasingly determined to attempt a return to his country. U.S. diplomats, as well as representatives from Mexico and Costa Rica, tried to persuade the frustrated Zelaya to wait. On July 5 ten thousand pro-Zelaya protestors turned out in the streets in Tegucigalpa in anticipation of his promised return.¹⁵⁸ Military and police forces blocked vehicle traffic to the Tegucigalpa airport. Zelaya departed the United States aboard an aircraft provided by Venezuela with a filed flight plan for Managua, Nicaragua. The aircraft made two low passes over the Tegucigalpa airport, while Zelaya provided live updates to his supporters through *Telesur*. When Zelaya supporters attempted to scale the fencing at the Toncontin

¹⁵⁵“Inter-American Democratic Charter,” Organization of American States, last modified September 11, 2001, accessed February 10, 2016, http://oas.org/charter/docs/resolution1_en_p4.htm.

¹⁵⁶U.S. Department of State, Re: OAS Update, C05768879, July 4, 2009, accessed September 5, 2017, U.S. Department of State Freedom of Information Act Virtual Reading Room.

¹⁵⁷Marc Lacey and Ginger Thompson, “OAS Votes to Suspend Honduras Over Coup,” *New York Times*, July 5, 2009, accessed August 5, 2018, <https://www.nytimes.com/2009/07/05/world/americas/05honduras.html>.

¹⁵⁸Marc Lacey and Ginger Thompson, “OAS Votes to Suspend Honduras Over Coup,” *New York Times*, July 5, 2009, accessed August 5, 2018, <https://www.nytimes.com/2009/07/05/world/americas/05honduras.html>.

airport, Honduran soldiers fired live rounds, striking a 19-year-old male protestor in the head. Zelaya's aircraft, unable to land, continued to Nicaragua, and then on to El Salvador.

Zelaya returned to Washington DC on July 7, where he met with Secretary Clinton, Tom Shannon, and Dan Restrepo, the senior Director for Western Hemisphere Affairs at the National Security Council.¹⁵⁹ Zelaya's abortive attempt to return to Honduras prompted President Óscar Arias of Costa Rica to offer his services as a negotiator. On July 7, after consulting with the OAS General Secretary Insulza, Costa Rican president Óscar Arias volunteered to serve as the mediator between the Zelaya and the de facto government. The U.S. backed the participation of Arias. Serving his second term as the president of Costa Rica, Arias brought extensive experience in crisis negotiation in Central America. A recipient of the Nobel Peace Prize in 1987 for his role in peace negotiations in Central America, he became the preferred negotiator for Manuel Zelaya, the Micheletti-led government, and the United States.

Arias met separately with both Zelaya and Micheletti in Costa Rica on July 9. To increase pressure on the Michelletti government prior to the beginning of talks, the U.S. suspended 16.5 million dollars of military aid and warned the new regime risked losing an additional 180 million dollars in U.S. aid.¹⁶⁰ From the beginning the U.S. made it clear it did not intend to defund humanitarian programs, and instead sought to use military aid and direct aid to the Honduran government as leverage. Zelaya and Micheletti never met

¹⁵⁹U.S. Department of State, SCHEDULE FOR SECRETARY HILLARY RODHAM CLINTON TUESDAY, JULY 7, 2009, C05936832, July 7, 2009, accessed August 26, 2018, U.S. Department of State Freedom of Information Act Virtual Reading Room.

¹⁶⁰"US suspends military aid to Honduras before talks," *Reuters*, July 9, 2009, accessed July 10, 2017, <https://www.reuters.com/article/idUSN07351400>.

in person during any of the negotiations, or in any additional negotiations that took place through the remainder of 2009. After the initial set of meetings Arias declared, “This may take longer than we imagined.”¹⁶¹

Response in the United States Congress

While negotiations began in Costa Rica, a partisan divide began to form in the United States Congress over how to properly address the crisis in Honduras. Two competing resolutions introduced in the U.S. House of Representatives exemplified the policy conflict over Honduras. Forty-eight House Republicans co-sponsored House Resolution 619, entitled “Expressing support of the House of Representatives for the people of Honduras.” The resolution, introduced on July 8, focused on Zelaya’s relationship with Venezuela’s Hugo Chávez and ALBA, condemned Zelaya for his behavior, and called for a peaceful end to the crisis.¹⁶² The Democrats introduced their response on July 10 in the form of House Resolution 630. This resolution identified the removal of Zelaya as a coup d’état, called for Zelaya’s reinstatement as president, and urged the Obama administration to rescind all non-humanitarian aid.¹⁶³ While neither of

¹⁶¹Laura Figueroa, Miami Herald, “Mediation Attempts Stall at the Start” July 11, 2009, accessed August 18, 2018, <https://infoweb-newsbank-com.ezproxy.shsu.edu/apps/news/document-view?p=WORLDNEWS&docref=news/129A853037DE2B78>.

¹⁶²U.S. House of Representatives, H.Res.619 – Expressing the Support of the House of Representatives for the people of Honduras, <https://www.congress.gov/bill/111th-congress/house-resolution/619/text>.

¹⁶³U.S. House of Representatives, H.Res.630, Condemning the June 28, 2009, coup d’etat in Honduras, calling for the reinstatement of President Jose Manuel Zelaya Rosales, and for other purposes, <https://www.congress.gov/bill/111th-congress/house-resolution/630/text>.

the two simple resolutions were brought to a vote, they reflected the competing perspectives on what happened in Honduras in Washington D.C.

Republican congressional members opposed the approach of the Obama administration toward the newly installed Micheletti government. Supporters of the removal of Zelaya viewed his ouster as a setback to the agenda of Venezuelan president Hugo Chávez, an agenda that was explicitly anti-American. Republican Senator Jim DeMint of South Carolina emerged as one of the most vociferous critics of State Department policy, and championed the position of the de facto government in Honduras. In a confirmation hearing in the U.S. Senate for Arturo Valenzuela, the nominee for Assistant Secretary of State for Western Hemisphere Affairs, Senator DeMint argued that removing Zelaya from power safeguarded Honduran democracy.¹⁶⁴ On July 21 Senator DeMint asked for holds on the nominations for Arturo Valenzuela and Thomas Shannon as Ambassador to Brazil. DeMint continued to use the holds on nominations to exert influence over the direction of U.S. policy in Honduras.

Honduran officials and organizations supportive of the new regime sought to leverage connections in Washington D.C. to shape U.S. policy. A delegation of Hondurans representing the new regime traveled to Washington D.C. in early July to make their case with members of the U.S. Congress.¹⁶⁵ Several U.S. Republican senators gave speeches in the U.S. Senate denouncing Zelaya and criticizing the official U.S. response. Senator Tom Coburn of Oklahoma called Zelaya a “Chávez-type would-be

¹⁶⁴Jim DeMint, “DeMint Challenges Administration Nominee on Honduras,” *YouTube* video, 11:10, July 8, 2009, <https://www.youtube.com/watch?v=1kekjNNQ6E>.

¹⁶⁵Ginger Thompson and Marc Lacey, “Both Sides in Honduras Reach out to the U.S.,” July 7, 2009, accessed August 20, 2009, <https://www.nytimes.com/2009/07/07/world/americas/07honduras.html>.

dictator” and alleged that Venezuela sent 800 to 1,000 “thugs” to Honduras to cause riots.¹⁶⁶ Senator Coburn argued that the Honduran Supreme Court acted to prevent the creation of a presidency for life.¹⁶⁷ This characterization of the crisis, that the June 28 vote would have resulted in Zelaya’s permanent seizure of power, was repeated in both Congress and in major U.S. news sources.¹⁶⁸

Honduran Efforts to Shape U.S. Opinion

The Honduran business community sought to sway U.S. politicians and public opinion through U.S. lobbying firms. This effort began almost at the onset of the crisis, with lobbying registration paperwork submitted in early July 2009. The *Consejo Empresarial de America Latina, Capítulo Honduras*, the Honduran branch of the Latin American Business Council (CEAL), hired the lobbying firm Orrick, Herrington & Sutcliffe LLP. According to paperwork filed July 6, 2009, the Honduran branch of CEAL represented 21 private businesses.¹⁶⁹ Two additional organizations listed on the paperwork included the *Grupo Financiero Ficohsa* and *Organizacion Publicitaria*. The *Grupo Financiero Ficohsa*, formed in 1994, was a major banking and insurance firm in

¹⁶⁶Tom Coburn, “Coburn Supports Honduran Constitution,” *YouTube* video, 7:26, July 8, 2009, <https://www.youtube.com/watch?v=XloLTIZf7o4>.

¹⁶⁷Tom Coburn, “Coburn Supports Honduran Constitution,” *YouTube* video, 7:26, July 8, 2009, <https://www.youtube.com/watch?v=XloLTIZf7o4>.

¹⁶⁸“The Wages of Chavismo,” *Wall Street Journal*, July 1, 2009, accessed August 1, 2018, <https://www.wsj.com/articles/SB124640649700876791>.

¹⁶⁹Secretary of the Senate Office of Public Records, “Lobbying Report,” October 9, 2009, accessed September 1, 2018, <https://soprweb.senate.gov/index.cfm?event=getFilingDetails&filingID=2C193632-0147-4C93-8C9C-2F5E028D7241&filingTypeID=71>.

Honduras. The *Organizacion Publicitaria*, founded in 1964, was a media group that owned two of the leading Honduran newspapers, *La Prensa* and *El Heraldito*.

Orrick, Herrington & Sutcliffe named American lawyer Lanny Davis as its key lobbyist. The hiring of Lanny Davis reflected the value of his connections in Washington D.C. and the U.S. Department of State. Davis and Secretary Clinton first met in Yale law school in the early 1970s. Davis later served as special counsel to President Bill Clinton from 1996 to 1997. The Honduran branch of CEAL paid 210,000 dollars to Orrick, Herrington and Sutcliffe.¹⁷⁰ Davis testified on behalf of his clients on July 10 before the Subcommittee on the Western Hemisphere of the Committee on Foreign Affairs in the U.S. House of Representatives. After noting his personal friendships with several congressmen on the committee, Davis stated in his testimony that he sought to represent the views of the Honduran business community, which wanted to move on from debate over the constitutionality of Zelaya's removal and instead find a solution to the crisis.¹⁷¹ Davis described Honduran democracy and civil liberties as "flourishing" in the days following the coup.¹⁷²

In addition to his congressional testimony, Davis appeared for media interviews and wrote opinion editorials on behalf of his clients. Information on the interaction of lobbyists with the State Department is more limited, but there was contact between Lanny

¹⁷⁰Secretary of the Senate Office of Public Records, "Lobbying Report," October 9, 2009, accessed September 1, 2018, <https://soprweb.senate.gov/index.cfm?event=getFilingDetails&filingID=2C193632-0147-4C93-8C9C-2F5E028D7241&filingTypeID=71>.

¹⁷¹*Hearing before the Subcommittee on the Western Hemisphere of the Committee on Foreign Affairs, The Crisis in Honduras, 111th Cong., 1st Sess., July 10, 2009, 48-9.*

¹⁷²*Hearing before the Subcommittee on the Western Hemisphere of the Committee on Foreign Affairs, The Crisis in Honduras, 69.*

Davis and the State Department. Email records indicate Davis was in contact with State Department officials. On October 22 Craig Kelly, the Principal Deputy Assistant Secretary of State, reported that he spoke with Lanny Davis and planned to have a breakfast meeting with him. Secretary Clinton asked if Davis could help her talk with Roberto Micheletti.¹⁷³

Two lobbying firms received payments from the *Asociación Hondureña de Maquiladoras*, a private business group founded in 1991 to promote and develop maquiladora companies. The association hired the Cormac Group and Visión Américas to lobby on its behalf. The Cormac Group received 40,000 dollars for its lobbying services.¹⁷⁴ The *Asociación Hondureña de Maquiladoras* originally retained the Cormac Group on June 19, prior to the coup.¹⁷⁵ The stated purpose on the Cormac Group lobbying report was “U.S.-Honduran Relations.”

Visión Américas LLC was co-founded by Roger Noriega, who served as an ambassador to the OAS and as Assistant Secretary of State for Western Hemisphere Affairs under the George W. Bush administration. Noriega left government service in 2005 for employment as a lobbyist, and in 2008 co-founded his own firm, Visión Américas. Visión Américas reported 8,000 dollars in payments, with a stated lobbying

¹⁷³U.S. Department of State, “Re: Lanny Davis,” C05766436, October 22, 2009, accessed November 22, 2016, U.S. Department of State Freedom of Information Act Virtual Reading Room.

¹⁷⁴Secretary of the Senate Office of Public Records, “Lobbying Report” September 9, 2009, accessed September 1, 2018, <https://soprweb.senate.gov/index.cfm?event=getFilingDetails&filingID=57C70E4D-01DD-480C-B9EB-4DB2AD6E7F5B&filingTypeID=69>; Secretary of the Senate Office of Public Records, “Lobbying Report,” October 20, 2009, accessed September 1, 2018, <https://soprweb.senate.gov/index.cfm?event=getFilingDetails&filingID=A09DCC58-97C2-4045-AC6F-DA7C3C7CFF9F&filingTypeID=60>.

¹⁷⁵Elizabeth Dickinson, “Who’s Lobbying for the Coup?” *Foreign Policy*, August 4, 2009, accessed December 12, 2019, <https://foreignpolicy.com/2009/08/04/whos-lobbying-for-the-coup/>.

issue to “Support the efforts of the Honduran private sector to help consolidate the democratic transition in their country.”¹⁷⁶ Noriega leveraged his connections in Washington and coordinated a meeting between members of the de facto government and Republican members of the U.S. Senate less than ten days after Zelaya’s removal.¹⁷⁷ On July 8 U.S. Senators Jim DeMint, Mel Martinez, John Cornyn, and Tom Coburn met with the delegation and held a press conference voicing their support for the removal of Zelaya and for the new regime.¹⁷⁸

The San José Accord

When the first round of talks produced no results, the U.S. informed the Micheletti government it risked losing additional aid from the U.S.-run Millennium Challenge Corporation (MCC). Created in 2004, the MCC advertises itself as an agency that only works in countries “committed to good governance, economic freedom, and investing in their citizens.”¹⁷⁹ In 2005 Honduras signed a compact with the MCC for a total of 215 million dollars to be spent over five years on projects for increasing agricultural production and improving rural infrastructure. On July 17 the U.S. Embassy delivered a letter to the Honduran Foreign Ministry notifying them of the right of the U.S.

¹⁷⁶Secretary of the Senate Office of Public Records, July 20, 2009, accessed September 1, 2018, <https://soprweb.senate.gov/index.cfm?event=getFilingDetails&filingID=089A12E5-0426-4A03-8288-48239E41BD98&filingTypeID=60>.

¹⁷⁷Ginger Thompson and Ron Nixon, “Leader Ousted, Honduras Hires U.S. Lobbyists,” *New York Times*, October 8, 2009, accessed July 20, 2018, <https://www.nytimes.com/2009/10/08/world/americas/08honduras.html>.

¹⁷⁸Jim DeMint, “GOP Senators Speak Up for Honduras,” *YouTube* video, 6:41, July 8, 2009, <https://www.youtube.com/watch?v=pQC7ZBs0k9g>.

¹⁷⁹“About MCC,” Millennium Challenge Corporation United States of America, accessed January 5, 2019, <https://www.mcc.gov/about>.

to terminate or suspend MCC funding.¹⁸⁰ At the time of the coup ninety percent of the MCC funds were already spent.¹⁸¹ The cut-off of funds indicated the seriousness with which the United States viewed the behavior of the de facto government, but at the same time did not pose a harsh penalty.

Arias tried again to bring the two sides to an agreement during meetings held over July 18 and 19. Arias presented a seven-point plan that became known as the San José Accord (SJA). The plan included the reinstatement of Zelaya, the creation of a national unity government, and a general amnesty for political crimes committed both before and after Zelaya's ouster.¹⁸² The plan also required Zelaya to cease the pursuit of any constitutional reforms. The SJA called for moving up the date of the November elections, a condition the TSE stated would not be possible due to legal, logistical, and financial concerns. Micheletti maintained he was willing to step down, but only if Zelaya did not return to the power.¹⁸³

The two most contentious points of the proposed accord involved Zelaya's return to power and the temporary amnesty for actors on both sides. The representatives for Zelaya in the negotiations found the first iteration of the plan acceptable, but the Micheletti government balked at the requirement that Zelaya be reinstated. The

¹⁸⁰U.S. Department of State, TFH01: DELIVERY OF THE MILLENIUM CHALLENGE LETTER, C05649310, July 17, 2009, accessed November 9, 2017, U.S. Department of State Freedom of Information Act Virtual Reading Room.

¹⁸¹U.S. Department of State, TFH01: STATUS OF USG ASSISTANCE TO HONDURAS, C05634568, August 13, 2009, accessed November 22, 2016, U.S. Department of State Freedom of Information Act Virtual Reading Room.

¹⁸²"Honduran Political Situation," *International Debates*.

¹⁸³"One Side Makes Offer in Honduran Impasse," *New York Times*, July 16, 2009, accessed August 15, 2018, <https://www.nytimes.com/2009/07/16/world/americas/16honduras.html>.

Micheletti government, as evidenced in the move by the Supreme Court to continue Zelaya's case in a court for ordinary citizens, no longer considered Zelaya the legitimate leader of Honduras. The de facto regime rejected the terms of the SJA because if followed it allowed Zelaya to regain the presidency.

While he supported the negotiating process, Zelaya continued to apply pressure on his own to the de facto regime with symbolic attempts at return. He sought to rally his followers at the southern border with Nicaragua at the Los Manos border crossing. Roberto Micheletti ordered the military to arrest Zelaya on sight, and the de facto government did what it could to stymie the president's efforts. The government implemented a 24-hour curfew at border crossings, and roadblocks were set up in order to detain Zelaya supporters and prevent them from massing at the border. Zelaya stepped over the border on July 24 and remained in Honduras for fifteen minutes. Zelaya then stood along the border the next day. In the town of El Paraiso the Honduran military detained approximately 400 Zelaya supporters at a roadblock.¹⁸⁴ The United States responded negatively to the president's action, with Secretary Clinton calling the move "reckless."¹⁸⁵ The U.S. sought to maintain focus on the negotiation process, and found Zelaya's behavior counterproductive.

As the representatives of the Obama administration sought to support Arias and the SJA, Republican members of the United States Congress demonstrated their support

¹⁸⁴Jim Wyss, "Zelaya makes symbolic border visit," July 25, 2009, accessed August 29, 2018, <https://infoweb-newsbank-com.ezproxy.shsu.edu/apps/news/document-view?p=WORLDNEWS&docref=news/129AE869BB97E7B8>.

¹⁸⁵Jim Wyss, "Honduras' Zelaya crosses onto his native soil," *Miami Herald*, July 24, 2009, accessed August 25, 2018, <https://infoweb-newsbank-com.ezproxy.shsu.edu/apps/news/document-view?p=WORLDNEWS&docref=news/12D68E593A39EA10>.

for the de facto regime. On July 24 a U.S. congressional delegation comprising Republican representatives Brian Bilbray and Connie Mack traveled to Tegucigalpa to meet with regime officials, members of the Supreme Court, politicians, and human rights workers. In a sign of the divide between congressional Republicans and the Obama administration, the congressmen met with Roberto Micheletti at the Presidential Palace for ninety minutes without any U.S. embassy personnel.¹⁸⁶ The delegation then met with the president of the Supreme Court Jorge Rivera Avilés, who did acknowledge that the deportation of Zelaya exceeded the warrant issued by the court, and placed responsibility for that action with the military.¹⁸⁷ The delegation also met with six presidential candidates. By the end of their visit Representatives Mack and Bilbray expressed support for the negotiation process, but did not believe Zelaya's restitution should be included. Llorens reported back to Washington that the congressional delegation hurt rather than helped the situation, and their visit "sent a strong message of support for the Micheletti regime."¹⁸⁸

U.S. Policy on Restitution Begins to Shift

Back in Washington DC Secretary Clinton sought an update on the negotiations, and Craig Kelly reported they remained focused on getting both sides to accept the SJA framework, including the return of Zelaya to the presidency.¹⁸⁹ By the end

¹⁸⁶U.S. Department of State, "Fw: CODEL Mack," C05763950, July 26, 2009, accessed November 12, 2017, U.S. Department of State Freedom of Information Act Virtual Reading Room.

¹⁸⁷U.S. Department of State, "Fw: CODEL Mack."

¹⁸⁸U.S. Department of State, "Fw: CODEL Mack."

¹⁸⁹U.S. Department of State, "Honduras," C05763057, July 31, 2009, accessed September 15, 2017, U.S. Department of State Freedom of Information Act Virtual Reading Room.

of July the United States revoked the diplomatic visas of four officials, including the new president of the National Congress José Alfredo Saavedra and Defense Minister Adolfo Lionel Sevilla.¹⁹⁰ As of July 31, the official policy in the State Department still included the restitution of Zelaya. Over the next month this resolve began to change both in public and private.

The earliest public indication of a change in U.S. policy came in an early August letter to Senator Richard Lugar of Indiana from Richard Verma, the Assistant Secretary of State for Legislative Affairs. Senator Lugar had requested clarification on U.S. policy regarding the Honduran crisis. In the letter Verma stated U.S. policy did not support a specific individual, but instead focused on what was best for the Honduran people and their democracy.¹⁹¹ Richard Verma wrote, "We energetically condemn the actions of June 28. We also recognize that President Zelaya's insistence on undertaking provocative actions contributed to the polarization of Honduran society and led to a confrontation that unleashed the events that led to his removal."¹⁹² The letter signaled a change in rhetoric from the early unequivocal support for Zelaya after his deposal. The conflicting public messages being sent from the State Department mirrored the private debate within the agency over how to move forward.

As negotiations dragged into August with no signs of a break-through, U.S. officials began to contemplate scenarios in which the November elections could be

¹⁹⁰Marc Lacey, "Honduran Visas Revoked," *New York Times*, July 29, 2009, accessed July 10, 2018, <https://www.nytimes.com/2009/07/29/world/americas/29briefs-Honduras.html>.

¹⁹¹Susan Cornwell, "U.S. appears to soften support for Honduras' Zelaya," *Reuters*, August 5, 2009, accessed September 12, 2018, <https://www.reuters.com/article/us-honduras-usa/u-s-appears-to-soften-support-for-hondurass-zelaya-idUSTRE5744L120090805>.

¹⁹²David Luhnnow and José de Córdoba, "US Decides not to Impose Sanctions," *Wall Street Journal*, August 7, 2009, <https://www.wsj.com/articles/SB124952525314809919>.

recognized without Zelaya's restitution. In mid-August Anne-Marie Slaughter, the Director of Policy Planning for the U.S. Department of State, expressed her concern U.S. policy was "drifting"¹⁹³ Slaughter believed Secretary Clinton could miss an opportunity for her "first real diplomatic win on resolving a crisis."¹⁹⁴ She recommended the State Department officially pronounce the events in Honduras a military coup as defined under U.S. law. Slaughter also made note of Tom Shannon's "delicate position." Senator DeMint, upon learning of the debate of the coup determination and the possibility of new sanctions, warned State Department officials that Arturo Valenzuela's nomination was contingent on the outcome.¹⁹⁵

Óscar Arias also recognized the loss of momentum in the negotiation process. Arias told Llorens the U.S. needed to increase the pressure on the de facto regime to return to and complete negotiations.¹⁹⁶ In an August 16 email the U.S. Secretary of State expressed her willingness to take additional steps.¹⁹⁷ In response to this, the legal advisor of the State Department, Harold Koh, drafted an action memorandum calling for the cut-off of aid to Honduras. This memorandum was never made public, and its recommendations were not put into action. The State Department still had not made the

¹⁹³U.S. Department of State, "Note on Honduras8.15.docx," C05763762, August 16, 2009, accessed July 31, 2017, U.S. Department of State Freedom of Information Act Virtual Reading Room.

¹⁹⁴U.S. Department of State, "Note on Honduras8.15.docx," C05763762, August 16, 2009, accessed July 31, 2017, U.S. Department of State Freedom of Information Act Virtual Reading Room.

¹⁹⁵U.S. Department of State, "FW: Shannon & Valenzuela -- DeMint Staff Meeting," C05764973, August 31, 2009, accessed November 10, 2017, U.S. Department of State Freedom of Information Act Virtual Reading Room.

¹⁹⁶U.S. Department of State, "FW: Shannon & Valenzuela -- DeMint Staff Meeting."

¹⁹⁷U.S. Department of State, "Re: TIME-SENSITIVE: HONDURAS," C05759263, August 16, 2009, accessed July 31, 2017, U.S. Department of State Freedom of Information Act Virtual Reading Room.

determination of whether or not what took place officially constituted a military coup. When making its determination, the State Department also took the concerns of other executive agencies into consideration. The U.S. Department of Defense expressed concerns about potential repercussions to national security goals. The Under Secretary of Defense for Policy, Michèle Flournoy, told the State Department the DOD worried about the potential impact of the official finding of a military coup.¹⁹⁸

In a 2013 symposium for the American Society of International Law both Harold Koh and Anne-Marie Slaughter spoke about their experiences during the 2009 Honduran crisis. Slaughter observed that despite the power disparity between the United States and Honduras, the United States “could not actually change the situation on the ground.”¹⁹⁹ According to Slaughter, the State Department weighed the issue of limiting “freedom of action” for its diplomats during its deliberations over the military coup designation.²⁰⁰ Koh stated that the Honduran military “had not undertaken the kinds of measures that appeared to be required by the statute when a true military coup has occurred.”²⁰¹ While the Honduran military carried out the arrest and removal of Zelaya and facilitated the installation of a new government, it did not officially take power. However, this did not mean the dynamic of civil-military relations did not experience a shift during the

¹⁹⁸U.S. Department of State, “Fw: Honduras,” C05763972, September 1, 2009, accessed November 10, 2017, U.S. Department of State Freedom of Information Act Virtual Reading Room.

¹⁹⁹“Retrospective on International Law in the First Obama Administration,” April 4, 2013, accessed December 1, 2018, 136, https://scholar.princeton.edu/sites/default/files/slaughter/files/retrospective_on_intl_law_in_the_first_obama_administration2.pdf.

²⁰⁰“Retrospective on International Law in the First Obama Administration,” 136.

²⁰¹“Retrospective on International Law in the First Obama Administration,” 136.

Michelletti period. The military placed representatives in government ministries, up to and including the office of the President.²⁰²

Llorens, in an August 13 wrap-up of the current status of U.S. assistance programs, observed that the U.S. essentially followed the guidelines required by section 7008, although no official determination of a military coup had been made.²⁰³ The U.S. suspended assistance programs provided directly to the Honduran government. Humanitarian assistance for disease prevention, child survival, disaster assistance, and food aid remained in place.²⁰⁴ Llorens argued for a “gradual approach similar to peeling away the many layers of an onion” when it came to further defunding actions as not all U.S. aid directly supported the current government. He recommended programs supporting democratic elections, food aid, and health care for mothers and children be left unaffected.

In an effort to assert additional pressure on the de facto government, the U.S. State Department suspended all non-immigrant, non-emergency visa services in Honduras.²⁰⁵ After the rejection of the initial seven-point plan by the de facto government, Óscar Arias introduced changes on August 22, and declared he would put

²⁰²U.S. Department of State, “SUBJECT: Change in Military Leadership,” C17648753, March 18, 2010, accessed February 4, 2020, U.S. Department of State Freedom of Information Act Virtual Reading Room.

²⁰³U.S. Department of State, “SUBJECT: TFH01: STATUS OF USG ASSISTANCE TO HONDURAS,” Hugo Llorens, C057649390, August 13, 2009, accessed October 15, 2017, U.S. Department of State Freedom of Information Act Virtual Reading Room.

²⁰⁴U.S. Department of State, “SUBJECT: TFH01: STATUS OF USG ASSISTANCE TO HONDURAS,”

²⁰⁵“Temporary Suspension of Non-Immigrant Visa Services in Honduras,” U.S. State Department Press Statement, August 25, 2009, accessed March 16, 2016, <http://www.state.gov/r/pa/prs/ps/2009/aug/128349.htm>.

forth no further proposals.²⁰⁶ The revised proposal included the additional incentive of the end of international sanctions against Honduras. The de facto government continued to refuse any plan that included Zelaya finishing his term as president. Arias later said of the negotiations with the de facto government, “We’ve never found a willingness in the de facto government to carry out what originally was the San José Accord and later the Tegucigalpa-San José accord.”²⁰⁷

At an August 25 senior staff meeting at the State Department officials discussed whether to consider a scenario in which Zelaya did not return to power, and if he did not, whether the U.S. could still accept the results of the November elections as legitimate.²⁰⁸ During this meeting Cheryl Mills, the Counselor and Chief of Staff to Secretary of State Clinton, noted that meeting participants also discussed the topic at the Secretary’s meeting. The lengthy negotiation process, hampered in part by Zelaya’s behavior, led the U.S. to begin to consider a path forward without the restitution of the exiled Honduran president.

Zelaya’s Return to Honduras

While the U.S. State Department began to consider its options, the U.S. and the European Union continued to apply pressure on the Micheletti government. The U.S.

²⁰⁶“Honduran Political Situation,” *International Debates*.

²⁰⁷“Arias: Honduras’ coup regime blocking solution to crisis.” EFE News Service, November 7, 2009, accessed March 15, 2016, <http://infoweb.newsbank.com/resources/doc/nb/news/12BD947F364090A8?p=AWNB>.

²⁰⁸U.S. Department of State, “FW: 8/25 Senior Staff and [redacted],” C0576514, August 25, 2009, accessed November 10, 2017, U.S. Department of State Freedom of Information Act Virtual Reading Room.

terminated an additional 30 million dollars in aid on September 3 with the additional threat of withholding recognition of the future results of the November election.²⁰⁹ On September 14 the U.S. revoked the visas of an additional eighteen Honduran officials, including Roberto Micheletti, the remaining fourteen members of the Supreme Court, General Vásquez, and Attorney General Rubí. Despite these measures, the de facto government refused to move forward and agree to the SJA.

At this point in the stalemate Manuel Zelaya chose to make good on his promise to return to Honduras. The exiled president managed to evade all checkpoints during an alleged fifteen-hour journey along backroads in the Honduran mountains. On September 21 Zelaya spoke to the local TV station Channel 36 and told viewers he was back in the country.²¹⁰ The announcement of his unexpected return first met with denials from the Micheletti government, who believed Zelaya's statement was another stunt. Zelaya's return also caught the United States unawares, and a senior official declared his return an unhelpful development.²¹¹ Zelaya took refuge at the Brazilian embassy, which became a rallying point for several thousand of his supporters. The covert return angered the leaders of the de facto government, and Micheletti announced the termination of Óscar Arias' involvement as a mediator.²¹² The de facto government refused entry to OAS representatives seeking to defuse the situation and to

²⁰⁹José de Córdoba, "US Warns Honduras on New Vote," *Wall Street Journal*, September 4, 2009, accessed August 20, 2018, <https://www.wsj.com/articles/SB125202394425285239>.

²¹⁰Freddy Cuevas, *Associated Press*, September 21, 2009, accessed August 20, 2018, <https://www.heraldnet.com/news/obamas-lead-economic-adviser-leaving/>.

²¹¹Marc Lacey and Ginger Thompson, "Mystery in Honduran Leader's Return," *New York Times*, September 23, 2009, accessed August 21, 2018, <https://www.nytimes.com/2009/09/23/world/americas/23honduras.html>.

²¹²"Micheletti rejects further Costa Rican mediation in Honduras crisis," *Agence France-Presse*, September 22, 2009, accessed December 1, 2015, NewsBank, EBSCOhost.

restart negotiations. The government reinstated a nationwide curfew, shut down four airports, and closed its borders with El Salvador, Nicaragua, and Guatemala.²¹³ The de facto government also briefly targeted the Brazilian Embassy, cutting off power and water, but ceased such activity on September 22 after the United States intervened.

The Tegucigalpa-San José Accord

With the de facto government's refusal to work with President Arias, negotiations continued with no real progress. The OAS stepped in to serve as mediator, and throughout October worked with both sides on a new accord. However, as before, negotiations continued to stall over the question of Zelaya's return to the presidency. The United States revoked a further six visas of supporters of Micheletti.²¹⁴ This new round of OAS-led negotiations became known as the Guaymaras Talks, but no major breakthroughs occurred until a U.S. negotiating team arrived in late October.

Prior to the arrival of the U.S. delegation, Secretary Clinton spoke with Roberto Micheletti by phone. The State Department determined a direct call from Secretary Clinton could provide additional pressure. Micheletti called Clinton's vocabulary limited because she continually reemphasized the restitution of Zelaya in their forty minute phone conversation.²¹⁵ Thomas Shannon believed this phone call helped bring the regime

²¹³Juan Ramón, Durán. "Tensions Rise as Troops Fire on Zelaya Supporters," *Inter Press Service*, September 22, 2009, accessed March 17 2016, NewsBank, EBSCOhost.

²¹⁴U.S. Department of State, "FW: 10/20 Senior Staff and Deputies Meeting," C0564437, October 20, 2009, accessed November 22, 2016, U.S. Department of State Freedom of Information Act Virtual Reading Room.

²¹⁵U.S. Department of State, "FW: 11/2 Senior Staff and Assistant Secretaries Meetings," C05765090, November 2, 2009, accessed November 22, 2016, U.S. Department of State Freedom of Information Act Virtual Reading Room.

around to accepting the new agreement. In a news interview Micheletti stated Secretary Clinton asked him during the call to find a way to return Zelaya to the presidency, but that his answer was no.²¹⁶ Nevertheless, the call from the Secretary of State, the arrival of a U.S. diplomatic team, and the looming November election compelled the Micheletti negotiating team to concede to an agreement. On October 23 the Micheletti government proposed the Honduran National Congress decide the question of Zelaya's reinstatement.²¹⁷ Previously the Micheletti government wanted the decision to be made by the Supreme Court.

The negotiations surrounding what became the Tegucigalpa-San José Accord (TSJA) received additional weight with the arrival of a U.S. delegation led by Thomas Shannon, the U.S. Assistant Secretary of States for Western Hemisphere Affairs and Dan Restrepo, the senior presidential advisor on western hemisphere affairs.²¹⁸ The arrival of the U.S. delegation marked the first time the United States took an active lead in the negotiating process, and provided additional pressure on the de facto government to finally agree to terms. Tom Shannon reported that finding a way to manage Zelaya's insistence on his return to the presidency, and determining which Honduran institution would make that decision, remained a challenge.²¹⁹ The U.S. delegation arrived on

²¹⁶Alexhonduras, "ON THE RECORD Complete Interview with Roberto Micheletti p 3 of 6," *Youtube* video, 10:23, September 17, 2009, <https://www.youtube.com/watch?v=cXrETCUqVi0>.

²¹⁷"Zelaya's Reinstatement Might go to Lawmakers," *Miami Herald*, October 24, 2009, accessed August 25, 2018, *NewsBank: Access World News – Historical and Current*, <https://infoweb-newsbank-com.ezproxy.shsu.edu/apps/news/document-view?p=WORLDNEWS&docref=news/12BE806B6E04F9B0>.

²¹⁸Ruhl, "Honduras Unravels," 103.

²¹⁹U.S. Department of State, "FW: 10/29 Senior Staff Meeting," C05767471, October 29, 2009, accessed November 10, 2017, U.S. Department of State Freedom of Information Act Virtual Reading Room.

October 28, and by the late evening of October 29 a new deal was announced that both sides agreed to. The U.S. diplomats threatened non-recognition of the results of the presidential election to get the Micheletti government to agree to terms.²²⁰ As non-recognition of the outcome of the presidential election by the United States would negate the Micheletti strategy of waiting out Zelaya's return until after November, the de facto regime capitulated.

Both sides accepted the TSJA on October 29. The accord called for the recognition of the November presidential elections by all sides, and for the formation of a Government of Unity and National Reconciliation. The agreement required the establishment of an independent Truth and Reconciliation Commission. Most significantly, the TSJA placed the decision of whether or not to reinstate Zelaya with the National Congress, and did not include any timeline for when the vote should be held. Although the National Congress voted nearly unanimously in favor of Zelaya's removal in June, U.S. officials believed its members would vote in favor of restitution in order to ensure recognition of the November election and to end Honduras' international isolation.²²¹ The U.S. delegation celebrated its breakthrough, and returned to the United States. In an email dated November 2 Secretary Clinton mentioned President Óscar Arias' concern over implementation of the agreement.²²² Secretary Clinton also noted she

²²⁰Ginger Thomas and Elizabeth Malkin, "Deal Set to Restore Ousted Honduran President," *New York Times*, October 31, 2009, accessed March 5, 2017, <https://www.nytimes.com/2009/10/31/world/americas/31honduras.html>.

²²¹David Luhnnow and José de Córdoba, "Honduras Deal Hands Crisis to Honduran National Congress, Supreme Court," *Wall Street Journal*, October 31, 2009, accessed 20 August, 2018, <https://www.wsj.com/articles/SB125688491140918183>.

²²²U.S. Department of State, "Hilda Solis," C05760124, November 2, 2009, accessed November 10, 2017, U.S. Department of State Freedom of Information Act Virtual Reading Room.

told OAS Secretary General Insulza that the U.S. fully backed the November presidential election. The United States began to encourage other countries to recognize the November presidential election now that an agreement had been reached.

The de facto regime began to test the accord provisions of the TSJA within a week of the agreement. Zelaya expressed frustration at the lack of specificity over the restitution process. The TSJA set November 5 as the date for the formation of the unity government, and both sides failed to reach an agreement by that date. The Micheletti government missed the deadline, and did not consult with Zelaya supporters for the formation of a new government. Ambassador Llorens, who worked with both sides during the attempt to form the unity government, reported that Zelaya balked at agreeing to a national government while the question of his restitution remained ambiguous.²²³ The creation of a government of national unity was intended to bring both sides together and remove Micheletti as the head of the government before the November election. The regime went through a process of rearranging the cabinet, with Micheletti still as president.²²⁴ A representative for Zelaya subsequently declared the TSJA “null and void.”²²⁵ The two sides returned to the same positions they held prior to their agreement to the TSJA. Zelaya remained in the confines of the Brazilian Embassy, and Micheletti remained in power at the presidential palace.

²²³U.S. Department of State, “Fw: Honduras Update,” C05765223, November 6, 2009, accessed November 10, 2017, U.S. Department of State Freedom of Information Act Virtual Reading Room.

²²⁴“Arias: Honduras’ coup regime blocking solution to crisis,” EFE News Service, November 7, 2009, accessed March 15, 2016, <http://infoweb.newsbank.com/resources/doc/nb/news/12BD947F364090A8?p=AWNB>

²²⁵“Arias: Honduras’ coup regime blocking solution to crisis,” EFE News Service.

Coinciding with the failure to form a government of national unity, the United States' position on the restitution of Zelaya to the presidency publicly changed. In a November 4 interview with CNN en Español, Thomas Shannon told a reporter the United States would recognize the November elections whether or not the national congress voted in the affirmative to return Zelaya to power.²²⁶ This marked a public change in U.S. policy from an emphasis on Zelaya's restitution to an emphasis on moving forward with elections. So long as the National Congress voted on Zelaya's restitution, U.S. recognition of and support for the November election no longer was dependent on a majority "yes" vote for restitution.²²⁷ In a November 5 floor speech at the U.S. Senate, Senator DeMint announced he would lift his hold on Thomas Shannon's nomination for the ambassadorship to Brazil. DeMint stated that in a meeting with Shannon the previous day, and in a phone call on November 5 with Secretary Clinton, both officials assured him the United States planned to recognize the November election without the condition that Zelaya return to the presidency.²²⁸

Shortly after the collapse of support from Zelaya for the TSJA, the United States sent Craig Kelly, principal deputy assistant secretary of the State Department, to Honduras in an effort to salvage the situation. The focus for U.S. diplomatic activity

²²⁶Presidenciahn, "Entrevista Thomas Shannon en CNN 04-Nov," *YouTube* video, 6:16, November 4, 2009, <https://www.youtube.com/watch?v=asbYkOMvbj8>.

²²⁷U.S. Department of State, "FW: 11/9 Senior Staff and Assistant Secretaries Meeting," C05765586, November 9, 2009, accessed November 11, 2017, U.S. Department of State Freedom of Information Act Virtual Reading Room.

²²⁸U.S. Senate, COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010—Resumed; Congressional Record Vol. 155, No. 164, November 5, 2009, accessed <https://www.congress.gov/congressional-record/2009/11/5/senate-section/article/s11145-1?q=%7B%22search%22%3A%5B%22honduras+jim+demint%22%5D%7D&r=5>.

shifted from the reinstatement of Zelaya prior to the presidential election, to ensuring free and fair elections. The U.S. State Department viewed the elections and the inauguration of a new president as a potential exit from the crisis. The United States focused on getting Micheletti to step aside temporarily while the November presidential elections took place. Meanwhile, the President of the National Congress, José Alfredo Saavedra announced the legislature planned to vote on Zelaya's restitution on December 2, the week after the presidential election. In a letter dated November 14 President Zelaya made his views clear to President Barack Obama on the legitimacy of the upcoming election. Zelaya asked the U.S. president to recall a July 8 meeting with Secretary Clinton during which the U.S. administration affirmed its support for Zelaya's restitution.²²⁹

The Election

The presidential election took place as scheduled on November 29. Observers deemed the election as fair and transparent. Porfirio Lobo, the nominee for the PNH, won with 57 percent of the vote.²³⁰ Most of the international organizations previously insisting on the return of Zelaya seemed satisfied to move on from the crisis with Lobo's election. The selection for members of the TSE and the vote for the presidential nominees occurred prior to the June 28 coup. Proponents for the election contended that as the selection process for the nominees and members of the TSE overseeing the election were not influenced by the coup, the election deserved legitimacy. Nevertheless, OAS member

²²⁹U.S. Department of State, "Letter from Zelaya to Obama," C05649610, November 18, 2009, accessed November 10, 2017, Department of State Freedom of Information Act Virtual Reading Room.

²³⁰Ruhl, "Honduras Unravels," 104.

states, including the United States, still withheld recognition pending the December vote in congress on the question of reinstating Zelaya.

On December 2 the National Congress voted 111 to 14 against reinstating Zelaya. The United States interpreted this action as still abiding by the TSJA.²³¹ Unlike the San José Accord, the TSJA did not stipulate Zelaya's reinstatement as a requirement, only that a vote be held. The international efforts to have Zelaya reinstated came to an end. At this point the United States determined Zelaya could make his own decisions as to how to proceed.²³² The United States, Colombia, Costa Rica, Guatemala, Peru, and Panama recognized the November election results. Countries that withheld recognition included Argentina, Brazil, and ALBA members Bolivia, Ecuador, and Venezuela.²³³

Even after the presidential election, the de facto government continued to dismantle some of Zelaya's policy decisions. On January 12, 2010, 122 out of 128 Honduran congressional members ratified the Micheletti government's decision to leave ALBA.²³⁴ The decision to leave ALBA cost the Honduran government \$185 million for social programs.²³⁵ Although the government eliminated the ALBA ties, Honduras did not distance itself completely from Venezuela. Honduras chose not to withdraw from the Petrocaribe agreement, even as Venezuela continued to withhold oil shipments.

²³¹Arturo Valenzuela, "Remarks on Recent Developments in Honduras," U.S. State Department Press Release, December 3, 2009, accessed March 20, 2016, <http://go.usa.gov/3pTzw>.

²³²Thomas Legler, "The Democratic Charter in Action: Reflections on the Honduran Crisis," *Latin American Policy* 3, no. 1 (June 2012), 81, accessed November 28, 2015, <http://onlinelibrary.wiley.com.ezproxy.shsu.edu/doi/10.1111/j.2041-7373.2012.00057.x/epdf>.

²³³Legler, 81.

²³⁴"Honduras: Walking Away from ALBA," STRATFOR Analysis.

²³⁵"Honduras: Walking Away from ALBA," STRATFOR Analysis.

For most international observers, the crisis came to an end when Porfirio Lobo took office on January 27, 2010. As one of his first acts as president he signed legislation granting amnesty to all who took part in Zelaya's removal.²³⁶ As for Zelaya, he received safe passage from the Brazilian embassy to the Dominican Republic, where he remained for two years before returning to Honduras. The Lobo administration appointed a new defense minister and a new commander of the armed forces. The new president organized a truth and reconciliation commission to examine the events of 2009. The United States later facilitated the process for Honduras' readmission to the OAS in 2011, viewing Lobo's election and his subsequent actions as president sufficient signs of the restoration Honduran democracy.

²³⁶*Hearing before the Subcommittee on the Western Hemisphere of the Committee on Foreign Affairs, Next Steps for Honduras, 11th Cong., 2nd Sess., Second Session, December 18, 2015, 77.*

CHAPTER IV

Human Rights and Protest under the Micheletti Government

Honduras struggled with its record on human rights prior to the ouster of President Manuel Zelaya. While reforms had been made to the military and the national police since the end of the Cold War, the government still suffered from corruption in all branches of government, faced challenges to freedom of the press, and had an ongoing problem with extrajudicial killings committed by members of the security forces.²³⁷ Supporters of the de facto government in Honduras and in the United States argued that Zelaya's removal protected the constitution and rule of law in Honduras. However, the political environment after Zelaya's deposal created opportunities for human rights abuses and the excessive use of force by members of the military and the national police. The de facto government proved nonresponsive to the mistreatment of its political opponents, and violated freedoms guaranteed by the Honduran constitution.

Zelaya's removal divided the Honduran population. Prior to June 28 his approval rating hovered at about 30 percent.²³⁸ Following his exile a CID-Gallup poll of Hondurans, commissioned by the newspaper *La Prensa*, reported that 41 percent of Honduras believed Zelaya's actions justified removal while 28 percent disapproved.²³⁹ A statistic *La Prensa* failed to include in its report on the poll was that 46 percent of

²³⁷“2008 Human Rights Report: Honduras,” U.S. Department of State Bureau of Democracy, Human Rights, and Labor, February 25, 2009, accessed March 5, 2016, <http://www.state.gov/j/drl/rls/hrrpt/2008/wha/119164.htm>.

²³⁸Marc Lacey, “Envoy Seeks Ousted Honduran President’s Return,” *New York Times*, July 3, 2009, accessed July 21, 2018, <https://www.nytimes.com/2009/07/04/world/americas/04honduras.html>

²³⁹José de Córdoba and David Luhnnow, “Honduran Officials Begin Talks on Country’s Political Future,” *Wall Street Journal*, July 10, 2009, accessed August 23, 2018, <https://www.wsj.com/articles/SB124718543706320515#CX>.

Hondurans in the poll disagreed with the actions taken to remove Zelaya from power, while 41 percent approved.²⁴⁰ In this polarized environment the Micheletti regime worked to consolidate its rule and prepare the country for the November election, and Zelaya's supporters sought to make their voices heard in opposition to the president's ouster.

Human Rights in Honduras

In spite of the return of civilian governance in 1982, during the 1980s the military exercised a high level of autonomy which allowed it to carry out illegal activities without accountability. The military disappeared 179 Hondurans during a campaign against leftists that lasted from 1980 to 1992.²⁴¹ The political crises and government abuses in Central America during this period galvanized the creation of non-governmental human rights organizations in Honduras. The *Comité para la Defensa de Derechos Humanos de Honduras*, the Committee for the Defense of Human Rights in Honduras, or CODEH, was founded in 1981. The *Comité de las Familias de los Detenidos y Desaparecidos Hondureños*, the Committee of the Families of the Detained and Disappeared in Honduras or COFEDEH, a human rights group dedicated to those who went missing during the anti-leftist campaign, was founded in 1982. Both organizations reported on human rights violations committed during the de facto government period.

²⁴⁰José de Córdoba and David Luhnnow, "Honduran Officials Begin Talks on Country's Political Future," *Wall Street Journal*, July 10, 2009, accessed August 23, 2018, <https://www.wsj.com/articles/SB124718543706320515#CX>.

²⁴¹Ellen L. Lutz and Kathryn Sikkink, "International Human Rights Law and Practice in Latin America," *International Organization* 54, no. 3, (2000): 648 accessed December 1, 2019, www.jstor.org/stable/2601347.

While civil society organizations fought to hold the government accountable, the Honduran government struggled to protect human rights. The Inter-Institutional Commission on Human Rights was created in 1987, but the commission lacked any real power, and neither the military nor the judiciary cooperated in investigations.²⁴² In 1992 President Rafael Leonardo Callejas Romero issued an executive decree to create the *Comisionado Nacional de Los Derechos Humanos*, the National Commissioner of Human Rights, or CONADEH. While the role of human rights commissioner was eventually codified in the constitution, the success of the government in investigating and prosecuting human rights violations committed by government security forces remained mixed.

Beginning in the 1990s the United States embassy and the U.S. ambassador increasingly became an advocate for human rights in Honduras. This was a marked contrast to U.S. policy carried out by the U.S. embassy in the 1980s, which downplayed the human rights abuses committed by the Honduran government.²⁴³ This policy changed in 1990 with the arrival of U.S. Ambassador Crescencio Arcos. Coinciding with major cuts to the Honduran military, Arcos publicly criticized its human rights record.²⁴⁴ The emphasis on human rights in U.S. diplomacy in Honduras would continue, and the U.S. State Department issued annual reports on human rights concerns in the country. During the crisis the U.S. embassy and Ambassador Hugo Llorens monitored human rights

²⁴²Tim Merrill, and Library of Congress, Federal Research Division, *Honduras: A Country Study*. Washington, D.C.: Federal Research Division, Library of Congress: For sale by the Supt. of Docs., U.S. G.P.O, 1995, 192.

²⁴³Merrill, 245.

²⁴⁴Ruhl, "Redefining Civil-Military Relations in Honduras", 44-45.

abuses, and contacted the Honduran human rights commissioner Ramon Custodio, the head of CONADEH, to express his concerns.²⁴⁵

El Frente Nacional de Resistencia Popular

Zelaya's supporters responded to his removal with protests. Zelaya's base of support came primarily from the federation of teachers' unions, trade unions, peasant groups, grassroots and popular organizations, members of the PLH, PUD, and a faction of PINU.²⁴⁶ The PLH fractured over the removal of the president between supporters of Zelaya and Micheletti, but an organization that mobilized Honduran citizens stepped into action to coordinate protests to demand the return of Zelaya. This organization, the *Coordinadora Nacional de Resistencia Popular* (National Coordinating Committee of Popular Resistance, CNRP), was founded in 2003. Beginning in the 1990s activist organizations began coordinating with one another, culminating in the creation of the CNRP. The CNRP brought together regional activists and labor organizers, and opposed NAFTA and government privatization.²⁴⁷ While Zelaya may have been removed from the country, his supporters could use a preexisting activist infrastructure that could coordinate protests.

²⁴⁵U.S. Department of State, "HONDURAN COUP SITREP #8: EVENTS AS OF 07/02/09 NOON LOCAL (14:00 EDT)," C05660892, July 2, 2009, accessed November 9, 2017, U.S. Department of State Freedom of Information Act Virtual Reading Room.

²⁴⁶Juan Ramón Durán. "Tensions Rise as Troops Fire on Zelaya Supporters," *Inter Press Service*, September 22, 2009, accessed March 17 2016, NewsBank, EBSCOhost.

²⁴⁷Eugenio Sosa and Paul Almeida, "Honduras: A Decade of Popular Resistance," *NACLA Report on the Americas* (Winter 2019): accessed June 1, 2020, 324, <https://doi.org/10.1080/10714839.2019.1692928>, 324.

In the days following the coup the CNRP designated itself as *El Frente Nacional de Resistencia Popular*, the National Popular Resistance Front, or FNRP. The organization made the decision to pursue peaceful protest, and its coordinating committee affirmed this commitment a week after the coup.²⁴⁸ The FNRP demanded Micheletti's resignation, Zelaya's return, and wanted to move forward with the process for a constituent assembly. Teachers went on strike, shutting down schools across the country. Protests were organized. Over the next several months the FNRP struggled with a new regime determined to minimize protest and resistance to the change in government.

Regime Interference with Media Outlets

The de facto government prioritized the control of information, and took measures the morning of Zelaya's removal. Despite leaving governance to civilian authorities, the military took steps to ensure a successful transition to a new de facto government. The new authorities sought to control the narrative of the events by interrupting the broadcasts of media outlets deemed hostile to the new regime. Soldiers were sent the morning of June 28 to radio and news stations considered sympathetic to the Zelaya administration. Cable provider *Cable Color* (Color Cable), television stations *Canal 8*, *Canal 11* (Channel 11), and *Canal 36* (Channel 36), and radio stations *Radio Progreso* (Progress Radio) and *Radio Globo* (World Radio), all experienced censorship or interruption of their transmissions.²⁴⁹ State-owned *Canal 8*, Channel 8, briefly went off the air before

²⁴⁸Dana Frank, "Out of the Past, a New Honduran Culture of Resistance," *NACLA Report on the Americas* (May/June 2020): accessed June 1, 2020, 7, <https://nacla.org/news/out-past-new-honduran-culture-resistance>.

²⁴⁹"2009 Human Rights Report: Honduras," U.S. Department of State Bureau of Democracy, Human Rights, and Labor, March 11, 2010, accessed February 15, 2011. <http://www.state.gov/j/drl/rls/hrrpt/2009/wha/136117.htm>.

returning with an entirely new set of news anchors.²⁵⁰ The government also restricted access to international media and temporarily suspended broadcasts from CNN en Español and Venezuelan based Telesur.²⁵¹

On June 29 the military returned to Radio Globo, where a reported 60 soldiers destroyed doors and windows. Radio Globo contacted the U.S. embassy to report the incident, and told the embassy's political officer the soldiers broke the arm of an employee. The soldiers told the station they could only continue transmitting if they did not mention protests, did not allow call-ins, refrained from criticizing Micheletti or mentioning Zelaya, and did not report coverage from the international press.²⁵² Several days later, soldiers turned off the transmitter at Radio Globo during an interview with Zelaya.²⁵³

In July pro-Zelaya media stations reported continued interference and intimidation, including targeted power outages.²⁵⁴ Radio provided an important form of alternative media for the pro-Zelaya movement.²⁵⁵ In early August the general manager of Radio Globo claimed the National Telecommunications Commission told him that the

²⁵⁰Nicholas Casey, "Honduras Takes Control of Some Media," *Wall Street Journal*, July 3, 2009, accessed August 3, 2018, <https://www.wsj.com/articles/SB124658463338890161>.

²⁵¹Mica Rosenberg, Gustave Palencia, and Armando Tovar, "Honduran government smothers media after coup," *Reuters*, June 29, 2009, accessed March 15, 2016, <https://www.reuters.com/article/us-honduras-media-sb/honduran-army-smothers-media-after-coup-idUSTRE55S5W120090629>.

²⁵²U.S. Department of State, "HONDURAN COUP: SITREP 5, 06/29/09, 18:30 LOCAL TIME," C05660891, June 29, 2009, accessed August 25, 2018, U.S. Department of State Freedom of Information Act Virtual Reading Room.

²⁵³U.S. Department of State, "HONDURAN COUP: SITREP 5, 06/29/09, 18:30 LOCAL TIME."

²⁵⁴U.S. Department of State, "TFHO1: HONDURAS COUP SITREP #24 07/20/2009 AS OF 15:30 LOCAL (17:30 EDT)," C05649309, July 20, 2009, accessed November 9, 2017, U.S. Department of State Freedom of Information Act Virtual Reading Room.

²⁵⁵Frank, 8.

government planned to cut off the station's radio frequencies. The special rapporteur who specialized in press freedom for the United Nations Human Rights commission confirmed with Ambassador Llorens that the de facto government gave the order.²⁵⁶ Armed masked men attacked both *Radio Globo* and Canal 36 and damaged transmission equipment with a corrosive chemical.²⁵⁷ This action took Canal 36 off the air for over a week, while Radio Globo made use of its backup transmitter to continue broadcasting.

The First Emergency Decree

In addition to restricting media coverage, the Micheletti government established measures to control the Honduran population. The new regime declared a state of emergency on June 30 with Decree 011-2009. The decree established a curfew and suspended rights protected under the constitution. Suspended rights included freedom of association, freedom of assembly, and freedom of movement.²⁵⁸ The decree also empowered the government to detain citizens for up to twenty-four hours without the filing of any charges. Additionally, the decree allowed for warrantless searches conducted during curfew hours.²⁵⁹ The enforcement of the decree continued far past its

²⁵⁶U.S. Department of State, C05649358 TFH01: HONDURAS COUP: POLITICAL WRAP-UP 08/04/09," August 4, 2009, accessed November 9, 2017, U.S. Department of State Freedom of Information Act Virtual Reading Room.

²⁵⁷U.S. Department of State, C05649425, TFH01: HONDURAS COUP SITREP #49 08/24/2009 AS OF 14:00 LOCAL (16:00 EDT) August 24, 2009, accessed November 9, 2017, U.S. Department of State Freedom of Information Act Virtual Reading Room.

²⁵⁸"2009 Human Rights Report: Honduras," U.S. Department of State Bureau of Democracy, Human Rights, and Labor, March 11, 2010, accessed February 15, 2011. <http://www.state.gov/j/drl/rls/hrrpt/2009/wha/136117.htm>.

²⁵⁹"2009 Human Rights Report: Honduras," U.S. Department of State Bureau of Democracy, Human Rights, and Labor.

original limit of 72 hours.²⁶⁰ Article 187 of the Honduran constitution allows for the suspension of civil liberties in the event of an invasion or “a serious disturbance of the peace.”²⁶¹ Article 187 also outlines the process through which such a decree must be issued. The process the de facto government used lacked transparency, and the government did not officially publish the decree until July 17.

The suspension and restriction of constitutional rights gave the de facto government more leverage to contain any pro-Zelaya and anti-coup activities within Honduras. The government ended the curfew on July 12, but reinstated it on July 15 when Rafael Alegría, a leader of a peasant organization, announced his intention to hold nationwide protests against the de facto government.²⁶² The FNRP held almost daily marches and protests, primarily in Tegucigalpa and San Pedro Sula, throughout the months of July, August and September. The de facto government reinstated and rescinded curfews as needed to contain protest activity.

The Protests

²⁶⁰“Report of the United Nations High Commissioner for Human Rights on the violations of human rights in Honduras since the coup d’état on 28 June 2009,” United Nations Human Rights Council, March 3, 2010, accessed August 1, 2019, <https://www2.ohchr.org/english/bodies/hrcouncil/docs/13session/A-HRC-13-66.pdf>, 6.

²⁶¹“Honduras’s Constitution of 1982 with Amendments through 2013,” Constitute Project, May 12, 2020, accessed June 1, 2020, https://www.constituteproject.org/constitution/Honduras_2013.pdf?lang=en.

²⁶² Reuters, “Honduras reimposes curfew amid protest threat,” Times of Oman, July 16, 2009, accessed April 1, 2016, <http://infoweb.newsbank.com/resources/doc/nb/news/1297DE40C6BB28E8?p=AWNB>.

On June 28 protestors congregated around the presidential palace, with a gathering of 1,000 to 1,500 people.²⁶³ Overall the situation remained calm on the morning of June 28 with no major unrest reported by the Honduran minister of security to the U.S. Embassy.²⁶⁴ The power outage that coincided with the transition in government made it difficult for information to be shared and disseminated. The new regime established a national curfew of 9 p.m to 6 a.m. that evening, intended to be in effect for 48 hours. Micheletti issued a statement on June 29 supporting protestors' rights to express themselves, so long as there were no threats.²⁶⁵ The tolerance for protests quickly changed as the day progressed. The police used tear gas to disperse crowds, and by 4 p.m police and military units removed protestors near the presidential palace.²⁶⁶ Protests were also reported in San Pedro Sula and protestors began to use roadblocks on highways.

The police and military prevented Zelaya supporters from rural areas from traveling to cities to carry out protests. On June 30 the military stopped three buses transporting indigenous citizens from La Esperanza to Tegucigalpa.²⁶⁷ The new regime extended the curfew past the original 48 hours, with new hours from 10 p.m through 5

²⁶³U.S. Department of State, "Honduran Coup: SITREP 3 06/28/09," C05660885, June 28, 2009, accessed November 9, 2017, U.S. Department of State Freedom of Information Act Virtual Reading Room.

²⁶⁴U.S. Department of State, "Honduran Coup: SITREP #4 06/29/09 as of Noon Local (14:00 EDT)," C05660888, June 29, 2009, accessed October 21, 2017, U.S. Department of State Freedom of Information Act Virtual Reading Room.

²⁶⁵U.S. Department of State, "Honduran Coup: SITREP #4 06/29/09 as of Noon Local (14:00 EDT)."

²⁶⁶U.S. Department of State, "HONDURAN COUP: SITREP 5, 06/29/09, 18:30 LOCAL TIME)," C05660891, June 29, 2009, accessed November 9, 2017, U.S. Department of State Freedom of Information Act Virtual Reading Room.

²⁶⁷U.S. Department of State, "HONDURAN COUP SITREP #6: EVENTS AS OF 06/30/09 13:00 LOCAL (15:00) EDT," C05660893, June 30, 2009, accessed November 9, 2017, U.S. Department of State Freedom of Information Act Virtual Reading Room.

a.m. The National Congress affirmed the curfew in a congressional decree issued July 1. Ambassador Llorens expressed his concern over the congressional decree to the Honduran Human Rights Commissioner Ramon Custodio due to its reported suspension of civil rights during curfew hours.²⁶⁸ The congressional decree included the arrest and detainment of up to 24 hours of those in violation of the curfew, warrantless searches, and limitations on the right of association.²⁶⁹ The congressional decree demonstrated the support of the National Congress for the measures taken by the de facto government. Nevertheless, protests took place throughout the country, first in Tegucigalpa and then in San Pedro Sula. As the military and police confronted protestors, instances of abuse of power increased.

An estimated 288 Hondurans received injuries from security forces during protests from June 28 through early November.²⁷⁰ The government detained an estimated 3,000 Hondurans from June 28 through November 2009.²⁷¹ At least five individuals were tortured by police forces. Several protests ended with mass detentions. The Inter-American Commission on Human Rights recorded mass detentions after twelve separate demonstrations from June through August.²⁷² On July 30 in Comayagua the police

²⁶⁸ U.S. Department of State, "HONDURAN COUP SITREP #8: EVENTS AS OF 07/02/09 NOON LOCAL (14:00 EDT)," C05660892, July 2, 2009, accessed November 9, 2017, U.S. Department of State Freedom of Information Act Virtual Reading Room.

²⁶⁹ U.S. Department of State, "HONDURAN COUP SITREP #8: EVENTS AS OF 07/02/09 NOON LOCAL (14:00 EDT)," C05660892, July 2, 2009, accessed November 9, 2017, U.S. Department of State Freedom of Information Act Virtual Reading Room.

²⁷⁰ "Report of the United Nations High Commissioner for Human Rights on the violations of human rights in Honduras since the coup d'état on 28 June 2009," 8.

²⁷¹ "Report of the United Nations High Commissioner for Human Rights on the violations of human rights in Honduras since the coup d'état on 28 June 2009," 8.

arrested 98 protestors.²⁷³ The police then released tear gas in the cells holding the protestors.²⁷⁴ The military and police forces were not held accountable for their behavior.

Extrajudicial Killings

Security forces committed a series of extrajudicial killings during Roberto Micheletti's short tenure as president. The 2011 Truth and Reconciliation Commission identified 79 separate cases of possible extrajudicial killings that occurred between June 28, 2009 and 27 January, 2010.²⁷⁵ The commission detailed 20 of these cases, ranging from the deaths of protestors from the use of live ammunition, to killings at military checkpoints, to killings of protest leaders. The U.S. Department of State human rights report for 2008 stated that extrajudicial killings continued to be a problem in Honduras.²⁷⁶ The de facto government had even less incentive to carry out proper investigations of such killings as it sought to maintain its control of the country and prevent Zelaya's return to the presidency.

²⁷²“Honduras: Human Rights and the *Coup d’État*,” Inter-American Commission on Human Rights, Organization of American States, December 30, 2009, accessed May 1, 2020, 22, <http://www.cidh.org/pdf%20files/HONDURAS2009ENG.pdf>, 47-8.

²⁷³“After the Coup: Ongoing Violence, Intimidation, and Impunity in Honduras,” Human Rights Watch, December 20, 2010, accessed March 1, 2020, https://www.hrw.org/sites/default/files/reports/honduras1210webwcover_0.pdf, 22.

²⁷⁴“After the Coup: Ongoing Violence, Intimidation, and Impunity in Honduras,” Human Rights Watch, 22.

²⁷⁵“Para que los hechos no se repitan: Informe de la Comisión de la Verdad y la Reconciliación,” 288.

²⁷⁶“2008 Human Rights Report: Honduras,” U.S. Department of State Bureau of Democracy, Human Rights, and Labor, February 25, 2009, accessed March 5, 2016, <http://www.state.gov/j/drl/rls/hrrpt/2008/wha/119164.htm>.

A United Nations report on the human rights situation during the de facto government period noted the “lack of competence of the military authorities to exercise law enforcement functions.²⁷⁷” This lack of competency became clear on July 5, the day the exiled president first sought to return to the country. Zelaya’s endeavor to return to Honduras by aircraft at the Toncontin International Airport galvanized his supporters in Tegucigalpa. Thousands of protestors gathered at the airport and sought to gain access to the runway where the military blocked the runway with vehicles. Protestors attacked the soldiers with rocks and attempted to tear down a fence. During this attempt, live ammunition was used against the crowd.²⁷⁸ Isis Obed Murillo, an 18 year old taking part in the protest, died when members of the military fired on the crowd from either the airport runway or the vicinity of the airport.²⁷⁹

La Fiscalía Especial de Derechos Humanos, the human rights unit of the Attorney General’s Office, investigated the death of Isis Obed Murillo. The military did not cooperate with the investigation, and no charges were brought in the case. The 2011 Truth and Reconciliation Commission report declared Murillo’s death an extrajudicial killing due to the lack of immediate danger to the military at the airport.²⁸⁰

²⁷⁷“Report of the United Nations High Commissioner for Human Rights on the violations of human rights in Honduras since the coup d’état on 28 June 2009,” 17.

²⁷⁸José de Córdoba and David Luhnnow, “Honduras Standoff Heats Up,” *Wall Street Journal*, July 6, 2009, accessed August 10, 2018, <https://www.wsj.com/articles/SB124676841557395603>.

²⁷⁹“Para que los hechos ne se repitan: Informe de la Comisión de la Verdad y la Reconciliación,” 291.

²⁸⁰“Para que los hechos ne se repitan: Informe de la Comisión de la Verdad y la Reconciliación,” 292.

Another suspected extrajudicial killing occurred when Zelaya sought to rally his supporters at the border with Nicaragua in El Paraíso at Los Manos. Pedro Magdiel Muñoz Salvador traveled from Tegucigalpa to the Alauca municipality to join the pro-Zelaya protests. Muñoz participated in protests on July 24, the same day Zelaya briefly returned to Honduran soil. He was detained by the military and then handed over to the police, who created no record for his detention.²⁸¹ His body was discovered in a field the next day covered in stab wounds.²⁸² The government alleged protestors had planned to murder one of their own to discredit the security forces. The investigators of the Truth and Reconciliation Commission discounted the government theory, and included Muñoz's death as an extrajudicial killing in their report.²⁸³

On July 29 police and protestors clashed in El Lolo when demonstrators sought to block off the main highway from Tegucigalpa to San Pedro Sula. Police sources told the U.S. embassy that the HNP now had a policy of breaking up roadblocks due to their impact on the economy and “the diminishing size of protestors, reflecting what the HNP perceives as an effort by a few hardliners to continue to convey a now-false image of Honduras as a country in civil chaos.”²⁸⁴ The HNP used live ammunition in the dispersal

²⁸¹Para que los hechos ne se repitan: Informe de la Comisión de la Verdad y la Reconciliación,” 303.

²⁸²Jim Wyss, “Zelaya makes symbolic border visit,” *Miami Herald*, July 25, 2009, accessed August 29, 2018, <https://infoweb-newsbank-com.ezproxy.shsu.edu/apps/news/document-view?p=WORLDNEWS&docref=news/129AE869BB97E7B8>.

²⁸³“Para que los hechos no se repitan: Informe de la Comisión de la Verdad y la Reconciliación,” 304.

²⁸⁴U.S. Department of State, “TFHO1: HONDURAS COUP SITREP #32 07/30/2009 AS OF 12:00 LOCAL (14:00 EDT),” C05649345, July 30, 2009, accessed October 21, 2017, U.S. Department of State Freedom of Information Act Virtual Reading Room.

of the protest. Middle school teacher Róger Abraham Vallego Soriano, age 38, received a gunshot wound to the head, and died of his injury on August 1.²⁸⁵

Violence also occurred at military checkpoints meant to enforce curfews. Beginning in July the military and police established roadblocks and checkpoints across the country, inhibiting the movement of Hondurans. Soldiers at a military checkpoint in the El Paraíso Department fired on a car the afternoon of August 2, killing Pedro Pablo Hernández.²⁸⁶ The de facto government did not hold the security forces accountable for their actions.

In addition to the extrajudicial killings of participants in pro-Zelaya protests, leaders of the protest movement were also targeted. Environmentalist Sergio Eliseo Hernández Juárez, a leader for the protest movement in the Santa Barbara Department, was killed on October 19, 2009 when unknown assailants blocked his vehicle and shot him to death.²⁸⁷ The initial investigation by authorities into his death concluded he was murdered in a crime of passion. However, the Truth and Reconciliation determined Sergio Eliseo Hernández Juárez likely was a victim of an extrajudicial killing by the police based on his interactions with police at protests.²⁸⁸

Walter Orlando Tróchez was kidnapped on December 4, 2009, but managed to escape. The twenty-seven year old LGBT activist had previously worked with First Lady

²⁸⁵“Para que los hechos no se repitan: Informe de la Comisión de la Verdad y la Reconciliación,” 300.

²⁸⁶“Para que los hechos no se repitan: Informe de la Comisión de la Verdad y la Reconciliación,” 302.

²⁸⁷“Para que los hechos no se repitan: Informe de la Comisión de la Verdad y la Reconciliación,” 304.

²⁸⁸“Para que los hechos no se repitan: Informe de la Comisión de la Verdad y la Reconciliación,” 304.

Xiomara Castro de Zelaya on projects related to HIV. After Zelaya's removal Tróchez became active in the protest movement and investigated human rights abuses committed by the de facto government.²⁸⁹ On December 14, 2009, ten days after his kidnapping, unknown assailants shot Tróchez in Tegucigalpa while he was in his vehicle.

The Failure of Honduran Institutions

These deaths represent a partial accounting of the cases collected by human rights groups. A commonality between all of the cases was the lack of accountability for security forces. The security forces acted with impunity because the institutions designed to safeguard Honduran human rights were ineffective. The vast majority of human rights violations went unpunished. The near unanimous support in the National Congress and in the two major national parties made accountability for the behavior of the military and police difficult. The government institution dedicated to the protection of human rights lacked funding and support, and its leadership publicly picked a side in the political conflict. On June 29 Dr. Ramon Custodio, the Human Rights Commissioner, voiced his support on the radio for Zelaya's removal.²⁹⁰ Dr. Custodio declined to investigate reported abuses.²⁹¹ A United Nations report concluded that Dr. Custodio failed in his duties as the human rights commissioner.

²⁸⁹“Para que los hechos no se repitan: Informe de la Comisión de la Verdad y la Reconciliación,” 302.

²⁹⁰U.S. Department of State, “HONDURAN COUP: SITREP #4 06/29/09 AS OF NOON LOCAL (14:00 EDT), C05660888, Hugo Llorens, June 29, 2009, accessed November 9, 2017, U.S. Department of State Freedom of Information Act Virtual Reading Room.

²⁹¹“Report of the United Nations High Commissioner for Human Rights on the violations of human rights in Honduras since the coup d'état on 28 June 2009,” 17.

Despite the failures of Dr. Custodio, the UN recognized some regional human rights commissioners who attempted to perform their mission, particularly in the San Pedro Sula Office.²⁹² However, the human rights prosecutors in the office of the Attorney General faced a logistical challenge in carrying out investigations. The prosecutors were allotted two government vehicles, one in San Pedro Sula and one in Tegucigalpa, to carry out investigations for the entire country.²⁹³ Fifteen prosecutors faced a caseload of 400 cases each.²⁹⁴

In addition to the lack of material support, the Human rights prosecutors in Honduras did not have their own independent investigators and relied on the HNP to investigate violations of human rights.²⁹⁵ This created a clear conflict of interest, as the police were asked to investigate members of their own forces. The same issues occurred with investigations into abuses by members of the military. Both the military and police were disinclined to investigate abuses committed by their fellow members. Additionally, Honduras lacked an effective witness protection program, which in turn discouraged Hondurans from giving evidence against security forces.²⁹⁶

²⁹²“Report of the United Nations High Commissioner for Human Rights on the violations of human rights in Honduras since the coup d’état on 28 June 2009,” 17.

²⁹³“After the Coup: Ongoing Violence, Intimidation, and Impunity in Honduras,” Human Rights Watch, 2.

²⁹⁴“After the Coup: Ongoing Violence, Intimidation, and Impunity in Honduras,” Human Rights Watch, 2.

²⁹⁵“Report of the United Nations High Commissioner for Human Rights on the violations of human rights in Honduras since the coup d’état on 28 June 2009,” 14.

²⁹⁶“After the Coup: Ongoing Violence, Intimidation, and Impunity in Honduras,” Human Rights Watch, 2.

The lack of judicial independence in Honduras presented another challenge once a case was brought before the judiciary. Members of the judiciary deemed unsupportive of the new government contended with threats and harassment.²⁹⁷ Human rights prosecutors managed to gather enough evidence to bring charges in twenty cases. By December 2010 eight of the cases brought to the courts by human rights prosecutors ended in acquittals.²⁹⁸ Anti-coup groups eventually filed fifty-two motions before the Supreme Court alleging human rights violations by the de facto government or security forces, but received no response.²⁹⁹

Zelaya's Return and the Election

The de facto government responded to Zelaya's return to Honduras on September 21 with a decree that again curtailed constitutional rights. Micheletti argued that Zelaya's calls for insurrection justified the drastic steps taken in the decree. Decree 016-2009, announced on September 21, was not published until September 26. The decree placed additional restrictions on movement, permitted the detention of anyone violating curfew, and limited the right to privacy.³⁰⁰ The decree was intended to remain in force for 45 days, ending less than three weeks before the scheduled November election. On

²⁹⁷"Honduras: Human Rights and the *Coup d'État*," Inter-American Commission on Human Rights, 47-8.

²⁹⁸"Honduras: Human Rights and the *Coup d'État*," Inter-American Commission on Human Rights, Organization of American States, 1.

²⁹⁹"Honduran coup regime blamed for 14 deaths," *EFE News Services*, October 01, 2009, accessed April 1, 2016, <http://infoweb.newsbank.com/resources/doc/nb/news/12B11D32F54CF560?p=AWNB>.

³⁰⁰"2009 Human Rights Report: Honduras," U.S. Department of State Bureau of Democracy, Human Rights, and Labor.

September 28 the military and national police closed Radio Globo and Canal 36. Two Guatemalan journalists received minor injuries at the hands of police during the closure of the Canal 36 office.³⁰¹

The new limitations on freedom of assembly discouraged many pro-Zelaya demonstrators from turning out to protest.³⁰² Decree 016-2009 garnered a negative response from both internal and external critics of the de facto government. However, unlike their supportive response to the June 28 emergency decree, members of the National Congress asserted themselves and condemned the Decree 016-2009. The new President of the Congress, José Alfredo Saavedra of the PLH, asked Micheletti to cancel the decree. Other congressional members countered that the congress possessed the ability to either ratify, modify, or deny the decree under Article 187 of the Honduran constitution.³⁰³ The government rescinded the decree on October 5, although Decree 011-2009, issued earlier in June, remained in force.

On the same day as the rescindment of Decree 016-2009 the government issued Executive agreement 124-2009, announced on October 5 and published on October 7, gave *La Comisión Nacional de Telecomunicaciones*, the National Telecommunications Commission (CONATEL), the authority to cancel broadcast licenses to media entities the

³⁰¹U.S. Department of State, “TFHO1: HONDURA COUP SITREP #66 09/29/2009 AS OF 14:00 LOCAL (16:00 EDT),” C0564952, September 29, 2009, accessed November 10, 2017, U.S. Department of State Freedom of Information Act Virtual Reading Room.

³⁰²Elizabeth Malkin, “A Promise to Restore Civil Liberties is Slow to Become a Reality in Honduras,” *New York Times*, October 2, 2009, accessed January, 30 2016, http://www.nytimes.com/2009/10/03/world/americas/03honduras.html?_r=0.

³⁰³U.S. Department of State, “TFHO1: HONDURAS COUP SITREP #67 09/30/2009 AS OF 15:00 LOCAL (17:00 EDT),” C05649520, September 30, 2009, accessed August 25, 2018, U.S. Department of State Freedom of Information Act Virtual Reading Room.

government considered a threat to national security.³⁰⁴ It was in this atmosphere that the country moved towards the November elections. The resistance called on its followers to boycott the presidential election if the Congress delayed its decision on Zelaya's restitution until after the vote.³⁰⁵ In November, after the collapse of the San Jose-Tegucigalpa Agreement, Zelaya himself urged his supporters to boycott the election. Division in the PLH over Zelaya left Elvin Santos, the PLH candidate, in a weakened position going into the election.

From the day of Zelaya's removal on June 28, 2009 through the presidential election on November 29, 2009 the de facto government failed to uphold and protect the rights of Honduran citizens. The de facto government utilized the military and the national police to curtail the effect of any protests. Additionally, the government used the military in police functions for which it lacked the discipline and training to carry out effectively and professionally. The lack of accountability for human rights violations demonstrated the de facto government's interest in keeping Zelaya out of power, and its lack of interest in upholding the constitutional rights of its citizens.

³⁰⁴Report of the United Nations High Commissioner for Human Rights on the violations of human rights in Honduras since the coup d'état on 28 June 2009," 7.

³⁰⁵U.S. Department of State, "PRO-ZELAYA RESISTANCE FEARS ELECTIONS MAY BE VIOLENT," Hugo Llorens, C05649619, November 25, 2009, accessed November 10, 2017, U.S. Department of State Freedom of Information Act Virtual Reading Room.

CHAPTER V

Conclusion

The same day as Porfirio “Pepe” Lobo Sosa’s inauguration on January 27, 2010, President Zelaya left the country for what became a two-year exile in the Dominican Republic. Manuel Zelaya eventually returned to his country, and would see his wife run as a presidential candidate in 2013 and as a presidential running mate in 2017. President Lobo signed an amnesty decree for the deposed president during his inaugural speech.³⁰⁶ Lobo called for a truth commission to examine the events of 2009. This independent commission published its report in July 2011. The investigation involved the review of 50,000 files, interviews with principle participants in the coup, and fact-finding trips to all Honduran departments.³⁰⁷ The document produced provides an exhaustive account of the circumstances that led to the coup. The commission found Manuel Zelaya committed both constitutional and legal violations in how he handled his conflict with the judiciary over the referendum.³⁰⁸ The commission found that Zelaya did not violate the constitution when he dismissed General Vásquez from his position as Chief of Staff of the FFAA.³⁰⁹ The commissioners concluded Zelaya’s chose method of constitutional reform violated Honduran law, as there was no mechanism in Honduran law that allowed

³⁰⁶José de Córdoba, “New Honduran president calls for fresh start,” *Wall Street Journal*, January 28, 2010, accessed August 5, 2017, <https://www.wsj.com/articles/SB10001424052748703410004575029491921019032>.

³⁰⁷“Para que los hechos no se repitan: Informe de la Comisión de la Verdad y la Reconciliación,” 4.

³⁰⁸“Para que los hechos no se repitan: Informe de la Comisión de la Verdad y la Reconciliación,” 178.

³⁰⁹“Para que los hechos no se repitan: Informe de la Comisión de la Verdad y la Reconciliación,” 180.

for the convention of a constituent assembly through a popular consultation.³¹⁰ The use of the INE and the FFAA to carry out the referendum also created a conflict of interest because unlike the TSE, the INE and FFAA fall under executive authority.³¹¹ Zelaya's attempt to use the military to carry out the referendum was unconstitutional.³¹²

Aside from the questionable legal and constitutional standing for Zelaya's efforts, the president simply failed to gain enough support to carry out his goal. His attempt to force the referendum, or "popular consultation," during the final year of his term demonstrated his overestimation of the level of support he could generate from his base. The hostile relationship Zelaya developed with major news outlets in the country, and with the business elites who owned those news outlets, meant that the de facto government would have a sympathetic press reporting on its actions. He also seriously underestimated the lengths to which his political opponents, both in his own political party the PLH and in the PNH, would go to stop the referendum. His refusal to heed the Attorney General and the Honduran judicial system, as well as the legislature, eventually led to high-ranking members of the Honduran military choosing the side of his opposition.

The de facto government needed the cooperation of the military and security forces to remove Zelaya, prevent the referendum, stifle dissent, and quell demonstrations. The military provided that support. The intervention of the military in a political dispute

³¹⁰“Para que los hechos no se repitan: Informe de la Comisión de la Verdad y la Reconciliación,” 181-2.

³¹¹“Para que los hechos no se repitan: Informe de la Comisión de la Verdad y la Reconciliación,” 184.

³¹²“Para que los hechos no se repitan: Informe de la Comisión de la Verdad y la Reconciliación,” 188.

damaged its reputation and represented a setback in progress made in civil-military relations since the 1990s. Roberto Micheletti and his supporters pointed to Zelaya's violations of the law to justify the steps they took in the days leading up to June 28 and the measures they took afterwards to govern the country. In a February 2010 diplomatic cable Ambassador Llorens called the events of June 28 "a coup d'état with a difference, shrouded in its advocates' claim of adherence to the Honduran constitution and body of law."³¹³ Llorens believed the coup supporters "lacked sufficient confidence" in Honduran institutions to manage Zelaya's attempts to overstep his authority.³¹⁴ This lack of faith in Honduran institutions led the opponents of Zelaya to take steps that also violated the Honduran constitution. The truth and reconciliation commission found that the removal and expulsion of Zelaya violated Honduran law and the constitution.³¹⁵ As noted in Chapter 4, the commission also reported in detail the failure of the de facto government to protect the constitutional rights of Honduran citizens.

President Lobo made some steps to rectify the events of 2009. He removed military commanders involved in the coup, as well as allowed for the truth and reconciliation commission to conduct its inquiries. He granted amnesty to both sides of the political conflict.³¹⁶ However, the Lobo administration, in conjunction with the

³¹³U.S. Department of State, "SCENESETTER FOR CODEL DODD," Hugo Llorens, C17610553, February 18, 2010, accessed February 4, 2020, U.S. Department of State Freedom of Information Act Virtual Reading Room.

³¹⁴U.S. Department of State, "SCENESETTER FOR CODEL DODD."

³¹⁵"Para que los hechos no se repitan: Informe de la Comisión de la Verdad y la Reconciliación," 190.

³¹⁶U.S. Department of State, "Lobo Administration [redacted] At One-Year Mark," Hugo Llorens, Case No. F-2011-02922, December 20, 2010, accessed February 4, 2020, U.S. Department of State Freedom of Information Act Virtual Reading Room.

National Congress, damaged the independence of the Honduran judiciary. In 2012 the Constitutional Chamber of the Supreme Court ruled against a security decree issued by the Lobo administration. In response, the National Congress voted to remove and replace four of the five members of the Supreme Court.³¹⁷ This intervention in the membership of the Supreme Court was a setback for the judicial reforms of the previous decade, and generated protests.

Human rights in Honduras under both President Lobo and his successor Juan Orlando Hernández did not improve. Members of the security forces carried out extrajudicial killings of Honduran citizens, typically young men. In 2019 security forces committed 307 arbitrary or unlawful killings.³¹⁸ Killings of activists also continued. Secundino Vallecillo and Pedro Salgado, leaders of field worker collectives, were killed in 2011.³¹⁹ That same year gunmen killed Alfredo Landaverde, a former government advisor for counter narcotics who had called for reform of the national police.³²⁰ The 2016 killing of environmental and indigenous activist Berta Carceres garnered international attention. Honduras continues to struggle with maintaining oversight over its security forces.

³¹⁷U.S. Department of State, “Honduran Congress Removes Supreme Court Magistrates,” Matthias Mitman, C05889882, December 20, 2010, accessed February 4, 2020, U.S. Department of State Freedom of Information Act Virtual Reading Room.

³¹⁸“2019 Country Reports on Human Rights: Honduras,” U.S. Department of State Bureau of Democracy, Human Rights, and Labor, accessed July 31, 2020, <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/honduras/>.

³¹⁹“Country Reports on Human Rights Practices for 2011: Honduras,” U.S. Department of State Bureau of Democracy, Human Rights, and Labor, accessed August 1, 2018, <https://2009-2017.state.gov/j/drl/rls/hrrpt/2011humanrightsreport//index.htm>.

³²⁰“Country Reports on Human Rights Practices for 2011: Honduras,” U.S. Department of State Bureau of Democracy, Human Rights, and Labor.

The impact of the 2009 political crisis also manifested in Honduran politics for the 2013 presidential election. This included the appearance of new political parties with a more diverse set of ideologies and policy goals. The emergence of these parties provided the Honduran electorate more electoral options, and marked end of the two-party non-partisan political system dominated by the PLH and the PNH. The PNH ultimately benefited the most from Zelaya's removal in 2009 as it divided its traditional opponent the PLH.

Groups comprising the pro-Zelaya, anti-coup FNRP split into two new political parties, *Libertad y Refundación* (Liberty and Refoundation, Libre) and *El Frente Amplio Político Electoral en Resistencia* (The Broad Political Electoral Resistance Front, FAPER).³²¹ The PLH, with the prolonged conflict between Micheletti and Zelaya, its two most powerful members, came out of the crisis a weakened political party.³²² A new conservative party, *La Alianza Patriótica Hondureña* (Honduran Patriotic Alliance) formed under the leadership of General Vásquez after he left the military. An anti-corruption party, *El Partido Anti-Corrupción* (The Anti-Corruption Party, PAC) also formed under the leadership of sportscaster turned politician Salvador Nasralla.

The impact of these new parties became apparent in the 2013 presidential election. Unlike previous elections, where the PLH and PNH candidates dominated votes from the electorate, the 2013 presidential election saw a division of votes between eight different parties. The PNH's Juan Orlando Hernández prevailed with a plurality of 36.89 percent of the votes. The Libre candidate, former President Zelaya's wife, Xiomara

³²¹Patricia Otero Felipe, "El sistema de partidos de Honduras tras la crisis política de 2009 ¿El fin del bipartidismo?" *Colombia Internacional* 79 (2013): 252, accessed December 3, 2015, EBSCOhost.

³²²Felipe, 252.

Castro, receiving the second-largest percentage of votes at 28.78 percent.³²³ The PLH, once one of the major parties, placed third with 20.3 percent of the vote.

In 2015 the Supreme Court of Justice ruled the *artículo petreo* Article 239 unconstitutional, and eliminated the limit on presidential terms.³²⁴ The five judges who ruled in favor of eliminating term limits were appointed during Hernández's term. The justification for the removal of Zelaya rested heavily on the allegation that he intended to change this particular *artículo petreo*. Unlike in 2009, the business community and the political elite did not protest this alteration of the constitution. President Hernández took advantage of this change to run for reelection in 2017.

Honduras experienced another period of political and social tumult following the 2017 presidential election. Hernández claimed victory with 42.95 percent of the vote against his opponent Salvador Nasralla's 41.42 percent.³²⁵ The PLH finished with an even smaller portion of the vote than in 2013 at 14.74 percent. Salvador Nasralla headed a ticket with Xiomara Castro as his running mate, running as the candidate for an alliance of *Libre* and PINU. On November 26, 2017 Nasralla led Hernández by five percentage points with 57 percent of polling sites reporting their tallied votes.³²⁶ The TSE ceased releasing live updates of the vote count. Thirty-six hours later the TSE released the final

³²³“Resultados Presidenciales,” Tribunal Supremo Electoral, 2013, accessed April 1, 2016, <http://www.tse.hn:8085/escrutinio/>.

³²⁴“Latin America Monitor: Central America.” *Latin America Monitor: Central America Monitor* 32, no. 7 (July 2015): 5, accessed February 23, 2016, EBSCOhost.

³²⁵“Resultados Presidenciales,” Tribunal Supremo Electoral, 2017, accessed September 1, 2019, <https://eleccionesgenerales2017.tse.hn/>.

³²⁶Elisabeth Malkin, “In Honduras Election, Ex-Sportscaster Takes Lead Over President,” *New York Times*, November 28, 2017, accessed January 19, 2020, <https://www.nytimes.com/2017/11/27/world/americas/honduras-election-salvador-nasralla-juan-orlando-hernandez.html>.

results, with Hernández as the victor. Protests began, and Nasralla did not concede. Twenty-two protestors were killed during the period of unrest after the election, and these killings remained under investigation in 2019.³²⁷ On December 17, the OAS, based upon a report compiled by an OAS electoral observation mission, called for new elections. The election observers reported issues with the TSE computer servers and the preservation and protection of election data.³²⁸ The observation mission could not state with certainty who won the election.

Despite the OAS findings, a new election was not forthcoming for Honduras. While the United States withheld recognition of the 2017 presidential election results until December 22, on that date the State Department issued a press statement congratulating President Hernández on his reelection. The State Department acknowledged the controversy surrounding the electoral result, and called upon the Honduran government to pursue electoral reform and to respect the right to protest.³²⁹ Salvador Nasralla conceded that same day, saying “Now with the decision of the United States, I am out of the game.”³³⁰ U.S. recognition of governments in Honduras still continued to be a significant source of legitimacy in Honduran politics.

³²⁷U.S. Department of State, “2019 Country Reports on Human Rights: Honduras.”

³²⁸Organization of American States, “SEGUNDO INFORME PRELIMINAR DE LA MISIÓN DE OBSERVACIÓN ELECTORAL EN HONDURAS,” December 17, 2017, accessed January 20, 2020, <http://www.oas.org/fpdb/press/Segundo-Informe-Preliminar-MOE-Honduras-18dic-FINAL.pdf>.

³²⁹U.S. Department of State, “Statement by Heather Nauert, Spokesperson, on the Presidential Elections in Honduras,” December 22, 2017, accessed January 12, 2020, <https://www.state.gov/on-the-presidential-elections-in-honduras/>.

³³⁰José de Córdoba, “Honduras Opposition Candidate Concedes Election After U.S. Backs President Juan Orland Hernández,” *Wall Street Journal*, December 22, 2017, accessed January 12, 2020, <https://www.wsj.com/articles/u-s-backs-re-election-of-honduras-president-juan-orlando-hernandez-1513962001>.

The U.S. held and continues to hold a substantial level of influence in Honduras. Nevertheless, in 2009 the United States proved unable to achieve its initial goal of restoring Zelaya to the presidency. Participants on both sides of the political conflict in Honduras found fault with U.S. diplomatic efforts. Manuel Zelaya stated his belief in various interviews that the United States backed his removal. In a 2011 interview Zelaya called the United States an empire. He stated that he believed the U.S. wanted his removal because of his relationship with Hugo Chávez and his decision for Honduras to join ALBA, and believed there was a conspiracy to remove him that predated the Obama administration.³³¹ In a 2015 interview Roberto Micheletti criticized the U.S. government for pushing the restoration of Zelaya, stating, “The *gringos* don’t have friends, they have interests.”³³² According to Micheletti, Dan Restrepo, the White House Special Assistant for Western Hemisphere Affairs, told him that the U.S. government did not care if a government was socialist or Communist so long as it was willing to negotiate.³³³ Based on current available sources, the United States government did not possess foreknowledge of Zelaya’s removal. As noted in this thesis, the U.S. ambassador was aware of rumors of potential military involvement in the political conflict, and warned the Honduran military leadership to not get involved.

In the immediate aftermath of Zelaya’s deposal the U.S. condemned his removal, but this support attenuated as the negotiations process dragged on. From June 28 to the

³³¹Amy Goodman, “Exclusive Interview with Manuel Zelaya on the U.S. Role in the Honduran Coup, Wikileaks and Why He Was Ousted,” Democracy Now!, May 31, 2011, accessed January 12, 2020, https://www.democracynow.org/2011/5/31/exclusive_interview_with_manuel_zelaya_on.

³³²Elena Toledo, “Ex-President Micheletti: The US Asked Me to Return Power to Zelaya,” *Panam Post*, May 4, 2015, accessed June 7, 2017, <https://panampost.com/elena-toledo/2015/05/04/ex-president-micheletti-honduras-hellbent-on-repeating-2009-crisis/?cn-reloaded=1>.

³³³Elena Toledo, “Ex-President Micheletti: The US Asked Me to Return Power to Zelaya.”

election on November 29, the de facto government counted on support for Zelaya's return to diminish, and Zelaya's own behavior and rhetoric contributed to his loss of support. The Micheletti regime, as predicted by Oscar Arias, successfully stalled long enough to avoid that outcome. As Ambassador Llorens acknowledged in 2010, the United States "avoided imposing devastating trade, investment, or financial sanctions."³³⁴ August 2009 proved a turning point as the State Department made the decision against the designation of a military coup and began to consider scenarios that did not include Zelaya's restitution. In a 2016 interview Secretary Clinton defended the U.S. position in 2009, arguing that the United States did not want to punish the Honduran people through economic sanctions, and observed, "So I think we came out with a solution that did hold new elections, but it did not in any way address the structural, systemic problems in that society."³³⁵ The U.S. sought to stabilize the political situation without creating further economic instability in Honduras. The United States chose a stable outcome over the greater uncertainty that would have occurred if the United States withheld recognition of the November presidential election over Zelaya's restitution. The normalization of relations between the two countries progressed quickly during the Lobo administration. After a diplomatic effort by the United States, the OAS lifted its suspension of Honduras in 2011.³³⁶

³³⁴U.S. Department of State, "SCENESETTER FOR CODEL DODD."

³³⁵Hillary Clinton and the Daily News Editorial Board, "TRANSCRIPT: Hillary Clinton Meets with the Daily News Editorial Board, April 9, 2016," *New York Daily News*, April 9, 2016, accessed July 15, 2018, <https://www.nydailynews.com/opinion/transcript-hillary-clinton-meets-news-editorial-board-article-1.2596292>.

³³⁶U.S. Department of State, "FW: Update on Honduras and the OAS," C05785457, May 13, 2011, accessed December 13, 2019, U.S. Department of State Freedom of Information Act Virtual Reading Room.

Eleven years after the events of 2009, what happened in Honduras that year remains controversial. The United States is viewed as culpable for failing to fully back Zelaya and pressure the de facto government to return Zelaya to power. The U.S. government chose a path it believed allowed for the return of normalcy to Honduran politics and society. The crisis created a new political environment in the country, but also revealed the limits of Honduran elite support for the rule of law. Manuel Zelaya violated the law in his effort to change the constitution, and his deposeders violated the law and the constitution in their efforts to stop him. While opponents of Zelaya in the U.S. believed the de facto government defended the Honduran constitution, the Micheletti regime further undermined the rule of law in their efforts to control the country and suppress opposition to their rule. The relationship between the U.S. government and the Honduran government continues to this day to focus on security and internal stability, and the Honduran political elite continue to focus on their own interests rather than the interests of the Honduran people.

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VITA

Veronica Blackford

OBJECTIVE Obtain a Master's of Arts degree in history.

EDUCATION

Sam Houston State University
Master of Arts in History, 4.0

Huntsville, TX
December 2020

Coursework:

- Latin American History
- Central American History
- Empires and World History
- The American West
- European Fascism
- Chinese Revolutionary History

Norwich University
Bachelor of Arts in Political Science, 3.9
Minor in History

Northfield, VT
May 2009

Coursework:

- Political Revolutions
- U.S. Foreign Policy
- International Relations
- Comparative Politics
- U.S. Politics
- 3 Years Spanish Language

EXPERIENCE

U.S. Air Force, National Air and Space Intelligence Center Wright-Patt AFB, OH
Intelligence Officer, Captain May 2012-May 2014

- Researched and authored in-depth intelligence reports and studies
- Led and mentored team of six analysts on analysis of foreign military forces

U.S. Air Force, Fort Meade Fort Meade, MD
Intelligence Officer, 1st Lieutenant January 2011-May 2012

- Programmed and managed resources and personnel for Wing level programs
- Led a team of five airmen in development of training plans and doctrine

U.S. Air Force, Goodfellow Air Force Base San Angelo, TX
Intelligence Officer, 2d Lieutenant March 2010-January 2011

- Trained to employ intelligence at tactical, operational and national levels

HONORS & ACTIVITIES

- U.S. Air Force Commendation Medal, First Oak Leaf Cluster
- Distinguished Graduate, Air Force Reserve Officers Training Corps
- Distinguished Graduate, Intelligence Officer Course
- St. Vincent de Paul Society Volunteer
- Religious Education Instructor
- St. Luke's Culinary Club Leader