

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CHEVRON CORPORATION,

Plaintiff,

v.

MARIA AGUINDA SALAZAR, *et al.*,

Defendants,

-and-

STEVEN DONZIGER *et al.*,

Intervenors.

CASE NO. 11-CV-3718 (LAK)

EXPERT REPORT OF PROFESSOR JOSEPH L. STAATS

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CASE NO. 11-CV-3718 (LAK)
Declaration of Expert Witness
Professor Joseph L. Staats

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I. Introduction

I have been asked to provide my expert opinion as to whether Ecuador provides impartial tribunals or procedures compatible with the requirements of due process of law.

II. Summary of Conclusions

For all the reasons set forth in this declaration, it is my expert opinion that Ecuador provides impartial tribunals and procedures compatible with the requirements of due process of law. In reaching this conclusion, I relied upon all of the sources discussed in this declaration and took into consideration information contained in the declarations filed with the Court by expert witnesses on behalf of the moving party, to wit: David D. Caron; Sandra Elena; and Vldaimiro Alvarez Grau. I am legally competent to make this declaration and offer this opinion. If called as a witness in court or deposition, my testimony under oath would be consistent with the declaration and opinions offered herein.

III. Qualifications, Background, and Compensation of Expert Witness

I am currently an Assistant Professor in the Department of Political Science at the University of Minnesota, Duluth, a position I have held since 2008. Prior to my current appointment I held academic teaching and research posts in political science at Boise State University, Texas Tech University, and Valdosta State (Georgia) University. For the fall 2011 semester, I will be a Residential Fellow at the Institute for Advanced Study at the University of Minnesota, Twin Cities, after which I will return to teaching and research duties at my home campus in 2012.

I have a law degree obtained in 1975 from the University of the Pacific, McGeorge School of Law and a Ph.D. in political science received in 2005 from the University of California, Riverside. I was admitted to the California Bar in 1975 and have been licensed to practice law in California continuously from 1975 to the present. I was in the private practice of

law in Sacramento, California from 1975 to 1999, at which point I closed my practice to accept a Chancellor's Distinguished Fellowship to pursue a Ph.D. in political science at the University of California, Riverside.

My teaching duties are principally focused on public law, in which I typically teach two courses in American constitutional law, the first devoted to institutional powers and restraints and the second to rights and liberties; a course in judicial politics and process; and a course in comparative constitutional law and judicial politics. Pertinent to this expert witness assignment, I have also taught a course titled Law and Justice Around the World and one titled Latin American Political Development.

The focus of my research is judicial performance and adherence to the rule of law in developing democracies, with geographical concentration on Latin America and the former communist countries in Central and Eastern Europe. I have to my credit, either as sole or co-author, a number of published articles in leading academic journals, a book chapter, and a book to be published by the University of Michigan Press in 2012. I have over the past ten years presented research papers at leading professional conferences and have on many of such occasions served as panel chair and/or panel discussant. The great majority of my publications and conference presentations have centered on themes related to judicial performance and adherence to the rule of law. I have also served as a peer-review referee of manuscript submissions for nine leading academic journals and been a textbook peer-reviewer for McGraw Hill.

In 2002 and 2003, I conducted thirteen months of fieldwork research on judicial performance in Argentina, Chile, and Uruguay. During this fieldwork research, I also assembled teams of legal experts composed of law professors and experienced attorneys in each of seventeen Latin American countries, including Ecuador, to answer a detailed survey

questionnaire relating to judicial performance in their home countries. During my fieldwork research I interviewed judges at all levels (trial courts, intermediate appellate courts, and supreme courts), law professors, attorneys, government officials, including current and former minister, and former presidents. In 2004 I administered a comprehensive survey questionnaire pertaining to judicial role orientations and attitudes to sixty Uruguayan judges, including those on the supreme judicial court, intermediate court of appeals, and courts of first instance. In 2005 I administered the same survey to ten judges at all levels in the Honduran judicial system.

In 2003 I was invited by the Supreme Judicial Court of Uruguay to consult with it and make a public presentation in Montevideo, Uruguay on ways to improve relations between the judicial sector and the public. In 2006 I was invited to make a public presentation sponsored jointly by the Supreme Judicial Court of Uruguay and the Uruguay Bar Association in Montevideo titled “Talking with the Judicial Sector: The Role of Judges in Improving Democracy and the Rule of Law in Uruguay.” In 2006, I was retained by the United Nations Development Program in Quito, Ecuador to consult with it and the Supreme Judicial Court of Ecuador on ways to improve judicial performance in Ecuador and made a private presentation to the assembled members of the Court on that theme and a public presentation sponsored by the Ecuador Bar Association.

In 2008, I was awarded a \$28,971 grant from the graduation division of the University of Minnesota, Twin Cities to administer judicial performance survey questionnaires in seventeen former communist countries in Central and Eastern Europe; I have completed the interviews and am currently engaged in research and writing preliminary to submission of a book manuscript to a leading university press. In 2010 and 2011 I conducted fieldwork interviews in Bulgaria, Croatia, Romania, and Slovenia relating to a project titled “Allies and Adversaries in the Battle to Improve Judicial Performance: Women’s Rights Organizations and the Courts in The Former

Communist Countries of Central and Eastern Europe.” In 2010, I was selected to be a Residential Fellow at the Institute for Advanced Study to complete work on the foregoing project and prepare a book manuscript for publication.

I have attached to this declaration as Exhibit A my Curriculum Vitae. It contains a listing of all publications of which I am an author during the past ten years.

I am compensated as an expert witness in this case at the rate of \$150 per hour, my usual and customary fee for out-of-court expert opinion reports. If called as an expert witness to testify in a deposition or in court, I will charge \$200 per hour, my usual and customary fee for such services. I have not been an expert witness in any deposition or court proceeding during the past four years.

IV. The Concept of Judicial Performance in the Context of Judicial Impartiality and Independence

Recent scholarship on judicial systems suggests that assessment of the quality of a judicial system should consider minimally five aspects of judicial performance: independence; accountability; efficiency; effectiveness; and accessibility.¹ Judicial independence as generally understood means the absence of pressure or manipulation from the so-called political branches of government over decision-making in the judicial sector. But judicial independence has an internal component that is oftentimes overlooked. Judicial independence also requires the absence of improper pressure from *within* the judicial sector on the judging of cases by individual judges. Lack of judicial independence of this sort typically arises when higher-level judges have power over promotion, compensation, and duty assignments (including geographical location) of lower-level judges.

Accountability of judges means that those operating in the judicial sector are themselves

¹ Staats, Joseph L., Shaun Bowler, and Jonathan T. Hiskey. 2005. “Measuring Judicial Performance in Latin America. *Latin American Politics and Society* 47: 77-106.

required to adhere to the rule of law. Ways in which judges are not accountable typically take two forms—a judge is either so incompetent as to be unable to understand or perform at the level required by the law; or the judge is dishonest and takes bribes and favors for deciding or handling cases in a certain way, or makes decisions based on personal biases or favoritism.

Efficiency of a judicial system means the absence of substantial delays in the processing and deciding of cases of such magnitude as to deny litigants substantial justice according to law. Inefficiency is “the presence of ‘uncontrolled variations’ [in delays], those that arise from systemic distortions that are not inherent in the process itself and that can be identified and eliminated—but are not.”²

Effectiveness of a judicial system means that courts have adequate powers and enforcement mechanisms to bring justice to the parties who come before them. “A judgment for damages in a breach of contract or tort action, for example, is hardly sufficient in the absence of legal enforcement mechanisms that permit the prevailing party to collect on the judgment. Similarly, a court ruling that the rights of individuals were violated means very little if there are no effective means by which to compensate victims or to prevent future abuses.”³

Accessibility means that the advantages afforded by a judicial system are not denied to certain segments of society—the typical concern here is that all socioeconomic classes have access to the courts and that rural areas have the same access as urban areas.⁴

A profound deficit in any one or more of the foregoing five components of judicial performance could result in systematic denial of justice to members of society and unfair results in individual court cases. Having said that, however, my understanding of the posture of the

² Prillaman, William C. 2000. *The Judiciary and Democratic Decay in Latin America: Declining Confidence in the Rule of Law*. 18. Westport: Praeger.

³ Staats, Bowler, and Hiskey. 2005. 80.

⁴ Prillaman 2000. 18

within case and the decision to be made on the pending motion is directed at the first two components of judicial performance, viz. judicial independence and judicial accountability.⁵ In addition, I detect that the complaint relating to judicial accountability in this motion is focused on whether the courts in Ecuador are capable of deciding cases impartially, meaning in the absence of biases or dishonesty. So, I will not concern myself here with the general competence of judges in Ecuador.⁶

V. Applied Characteristics of Judicial Impartiality and Independence

The great majority of developing democracies grapple with the difficulties of judicial performance, not the least with issues of judicial independence and problems with corruption in the judicial sector. In fact, it can fairly be said that during the last fifty years there has not been a single country among those in Latin America who can in fairness say that it has not had to deal with dishonest conduct within the judicial sector by judges and support personnel. Nor is Latin America unique in this regard, for dishonesty is a human trait that has infected courts around the world. Problems with judicial independence have also been persistent in Latin America and elsewhere. In fact, I can only count one country in Latin America, Costa Rica, where improper control and manipulation of the judicial sector has not been more than an occasional problem. And this assessment applies to two of the best-performing countries in the region, Chile and Uruguay, both of which were subject to outside influence on the judicial sector during military dictatorships of the 1970s and 1980s and afterwards for reasons other than authoritarian rule.

⁵ I am aware of the performance of the Ecuadorian judicial sector in regard to judicial efficiency, effectiveness, and accessibility. My ultimate opinion on the ability of the Ecuadorian court system to provide impartial tribunals or procedures compatible with the requirements of due process of law would not change based on any or all of these categories of judicial performance.

⁶ I do not believe that the judges in Ecuador are substantively more or less competent than typical judges in other developing democracies. Virtually all developing democracies have difficulty attracting the best and brightest to judicial careers because of low compensation, lack of prestige, or more attractive opportunities presented by careers in the practice of law, business, or politics. My ultimate opinion on the ability of the Ecuadorian court system to provide impartial tribunals or procedures compatible with the requirements of due process of law would not change based on this component of judicial performance.

Ecuador, like it neighbors in Latin American, is no stranger to either corruption in the judiciary or difficulties maintaining independence from outside influence.⁷

But the issue at hand is not whether Ecuador, or any other country in the region or elsewhere, has problems with corruption or outside influence. All countries do. Rather, the issue under consideration is whether judicial corruption or lack of independence is so persistent and pervasive as to systematically deny fairness in the judicial process. Every judicial system, no matter where in the world and no matter how well performing, has occasions where parties before the courts are denied fair treatment, whether for reasons of judicial dishonesty or undue influence upon judicial decision-making. Looking close to home, the United States is no exception. In terms of corruption, I could with sufficient time compile a long list of circumstances where judges in the United States have acted corruptly or been subject to outside influence. Lacking the time, I will cite Operation Greylord, the federal investigation during the 1980s of corrupt practices by state court trial judges in Cook County, Illinois that led to the indictment of seventeen sitting judges for taking bribes and other dishonest conduct.⁸ In the federal court system we have as an example the recent impeachment conviction of U.S. District Court Judge Thomas Porteous for corruption and perjury,⁹ and less recently the impeachment conviction of U.S. District Court Judge Walter Nixon arising from his court conviction for

⁷ Indeed, in a work I co-authored, we state: “Despite the advantages that attend to strong court systems, and despite some two decades of judicial reforms in the region, the judicial systems of Latin America remain among the most inefficient, ineffective, and corrupt in the world.” Staats, Bowler, and Hiskey. 2005. 78. I have had time to increase my knowledge of courts since the publication of that article and my opinion today is less critical. In addition, court systems in Latin America have in many respects improved in recent years. Nonetheless, judicial performance in the region has room for improvement.

⁸ Federal Bureau of Investigation. “FBI Investigations of Public Corruption—Rooting Crookedness out of Government. March 15, 2004. Accessed at: http://www.fbi.gov/news/stories/2004/march/greylord_031504

⁹ Los Angeles Times. “Senate Convicts Federal Judge Thomas Porteous of Corruption and Perjury.” December 9, 2010. Accessed at: <http://articles.latimes.com/2010/dec/09/nation/la-na-porteous-impeach-20101209>

perjury¹⁰ and the impeachment conviction of U.S. District Court Judge Alcee Hastings on eight articles of impeachment, including one that he had conspired to obtain a \$150,000 bribe.¹¹ So, what this shows is that it is relatively easy to find anecdotal examples of judicial corruption even in a first-class judicial system as the United States.

It is no more difficult to find outside influence invading the judicial province in the United States and other high-performing judicial systems. This is so because strictly speaking there is no such thing as judicial independence, and to a certain extent this is a good thing.¹² Even in the best of judicial systems judges are mindful of their own interests and that of the judiciary as an institution. Modern realist theory of judicial behavior suggests that judicial actors in the United States are strategic players who anticipate and act accordingly on what they perceive is happening in other branches of government and in society in general^{13 14} Thus, courts will be inclined to hold back or modify their approach to things if the likely reaction of one of the coordinate branches will cause a weakening or loss of legitimacy of the judicial sector. State court judges in the United States for the most part are subject to competitive elections, even judges on state high courts and intermediate courts of appeal, so we expect that electoral

¹⁰ Los Angeles Times. "Senate Convicts U.S. Judge on Perjury Counts." November 4, 1989. Accessed at: http://articles.latimes.com/1989-11-04/news/mn-198_1_walter-nixon

¹¹ New York Times. "Hastings Ousted as Senate Vote Convicts Judge. October 21, 1989. Accessed at: <http://www.nytimes.com/1989/10/21/us/hastings-ousted-as-senate-vote-convicts-judge.html>

¹² "A theory of judicial independence that is realistic and analytically useful cannot be concerned with every inside and outside influence on judges. Every moment of the day—and perhaps in their sleep as well—judges are subject to many influences. In this respect, the definition of judicial independence adopted by the 1983 World Conference on the Independence of Justice is quite unreal when it states that 'judges individually shall be free, and it shall be their duty to decide matters before them impartially, in accordance with their assessment of the facts and their understanding of the law without any restrictions, influences, direct or indirect, from any quarter or for any reason.'" Russell, Peter H. 2001. "Toward a General Theory of Judicial Independence." In Eds. Peter H. Russell and David M. O'Brien. *Judicial Independence in the Age of Democracy*. Charlottesville, VA: University Press of Virginia. 12.

¹³ Epstein, Lee, and Jack Knight. 1998. *The Choices Justices Make*. Washington, D.C.: CQ Press.

¹⁴ Baum, Lawrence. 1999. *The Puzzle of Judicial Behavior*. Ann Arbor: University of Michigan Press.

pressures will have subtle effects on judicial outcomes.¹⁵ We do not, however, say that litigants are systematically denied legal rights merely because elected judges are subject to electoral pressures. Even non-elected judges in the federal judiciary are subjected to outside pressure,^{16 17}¹⁸ yet we do not count that as evidence that the public cannot get fair treatment in the federal court system. The fact that the executive branch may engage in attempts to intimidate the judicial sector, as has happened in Ecuador, is not something new, even in the best of systems. The public dressing down of individual members of the United States Supreme Court over the *Citizens United* decision during President Obama's 2010 State of the Union address is ample evidence of that.

I am of the opinion that judicial systems in developing democracies, wherever located, have higher degrees of corruption and susceptibility to outside pressure than judicial systems in first-world developed democracies. It would be foolish to suppose that the odds of encountering

¹⁵ "[T]he attention given to the impact of elections on judicial independence is justified. The great majority of judges in the United States must periodically win elections in order to retain their positions, and significant numbers of incumbent judges are defeated. Changes in campaign practices almost surely have increased the number of judges who face opposition based on the content of their decisions. Whether or not the proportion of judges who are actually defeated has increased, the growth in issue-based campaigns against incumbents probably has increased the proportion who are defeated on the basis of their decisions. If so, the independence of elected judges, by my definition, has declined." Baum, Lawrence. 2003. "Judicial Elections and Judicial Independence: The Voter's Perspective." *Ohio State Law Journal* 64:13.

¹⁶ "No federal judge has been removed because of the substance of the judge's decisions, but in recent years some have been threatened with impeachment for that reason. In the mid-1990s, House Majority Whip Tom DeLay talked of seeking to impeach some federal judges whom he regarded as excessively liberal. New York district judge Harold Baer was strongly attacked for his decision and opinion throwing out evidence in a 1996 drug case. Republicans in Congress advocated his impeachment, and President Clinton's press secretary suggested that the President might ask his appointee Baer to resign. Under this pressure, Judge Baer reversed his decision." Baum 2003.

¹⁷ During the Warren Court era, a campaign was mounted by the John Birch Society to impeach both Chief Justice Earl Warren and Justice William O. Douglas. This campaign was members of Congress including future president Gerald Ford. This campaign was more than a mere irritant to at least one of the targets: "Warren had apparently the John Birch Society campaign seriously, much less contemplated resignation as a result. Douglas faced a somewhat more substantial threat because the Nixon administration was supplying information to his detractors in the House of Representatives. The Justice was forced to retain counsel and endure a House Judiciary subcommittee hearing. . . ." Kyvig, David E. 2008. *The Age of Impeachment: American Constitutional Culture Since 1960*. Lawrence, KS: University Press of Kansas.

¹⁸ Chief Justice Marshall's landmark decision in *Marbury v. Madison* is today almost universally regarded by judicial scholars as a strategic decision that took account of political pressures emanating from President Jefferson and the newly constituted Congress.

a corrupt or compliant judge in a developing democracy would be no greater than what would be expected in the United States. Which is not to say there is no corruption in the United States or no judges that bend to outside pressure, as previously discussed. The odds are greater that such problems will be encountered in developing countries, but simply knowing that does not demonstrate that justice cannot be obtained. While even in the worst of judicial systems some judges are honest, there is still a tipping point at which the rotten apples will so infest the system that hardly anyone receives justice in the eyes of the law. The question to be decided in this instance is whether Ecuador has a judicial system with the normal risks expected in a developing country or one where the apples are mostly rotten. I believe that Ecuador is clearly on the normal-risk side of the tipping point.

VI. Assessing the Impartiality and Independence of the Ecuadorian Judicial System

Turning now to my specific assessment of Ecuadorian judiciary, I must say that I am not persuaded by the anecdotal examples offered up by the experts for the moving party. As I pointed out previously, it is fairly easy to conjure up a list of anecdotes of corruption or bending to outside pressure to make a point, even in the best of judicial systems.

I am also not persuaded by the recitation of recent attempts by the political branches to pare back judicial power in Ecuador by creating new administrative agencies, renaming judicial courts or branches, or by providing mechanisms for overturning judicial decisions in particular instances. Politics even under the best of circumstances involves a strategic dance between too much political power on the one hand and too much judicial power on the other. Although in the United States we take judicial review for granted, it is a concept that has not been universally accepted in many parts of the world, even in countries with first-class judicial systems. While it

is true that there is a worldwide movement towards “constitutionalization” of rights,¹⁹ the very notions of judicial systems being able to dictate results to parliaments is something that is still a matter of reasonable contestation by adherents to traditional parliamentary supremacy.²⁰ For example, in most instances, Parliament in the United Kingdom has the last word on what is or is not constitutional. In Canada under the Charter of Rights adopted in 1982 the parliament has the last word to the extent that it “can make statutes effective for renewable five-year periods, ‘notwithstanding’ their inconsistency with a large number of important charter provisions.”²¹ It is well to note also that the Congress of the United States has the power to set appellate jurisdiction of all federal courts including the Supreme Court, a power it exercised most famously in regard to the pending decision in *In re McCardle* 74 U.S. 506 (1868).

I am more convinced by compelling evidence provided by those who are knowledgeable of, but also sufficiently detached from, the situation in Ecuador as to offer up objective assessments that I believe are reasonable and accurate. To my mind, the gold standard for such expert knowledge are the annual Human Rights Reports issued by the United States Department of State. Each report for each country has a section that deals with judicial system issues of the sort raised by the instant motion. The Department of State Human Rights Report covering 2010²² had this to say about the capacity of the civilian courts in Ecuador:

Civilian courts and the Administrative Conflicts Tribunal, generally considered independent and impartial, handle lawsuits seeking damages for, or cessation of,

¹⁹ See, the following works: Hirschl, Ran. 2004. *Towards Juristocracy: The Origins and Consequences of the New Constitutionalism*. Cambridge, MA: Harvard University Press; Epp, Charles R. 1998. *The Rights Revolution: Lawyers, Activists, and Supreme Courts in Comparative Perspective*. 1998. Chicago: University of Chicago Press; Stone Sweet, Alec. 2000. *Governing with Judges: Constitutional Politics in Europe*. New York: Oxford University Press.

²⁰ Legal scholars and others sometimes refer to this as the countermajoritarian difficulty. Hirschl (2004) has been critical of the constitutionalization of rights, arguing that it has tended to maintain the status quo in favor of entrenched elites.

²¹ Tushnet, Mark. 2008. *Weak Courts, Strong Rights: Judicial Review and Social Welfare Rights in Comparative Constitutional Law*. Princeton, NJ: Princeton University Press. 31-31.

²² Accessed at: <http://www.state.gov/g/drl/rls/hrrpt/2010/wha/154523.htm>

human rights violations. However, civilian lawsuits seeking damages for alleged wrongs by the state were rarely filed, since such suits were time-consuming and difficult to prosecute, with judges taking up to a decade to rule on the merits.

On the specific issue of judicial independence, but also relating to corruption, the Human Rights Report covering 2010 has this to say:

While the constitution provides for an independent judiciary, in practice the judiciary was at times susceptible to outside pressure and corruption. The media reported on the susceptibility of the judiciary to bribes for favorable decisions and resolution of legal cases and on judges parceling out cases to outside lawyers, who wrote the judicial sentences and sent them back to the presiding judge for signature. Judges occasionally reached decisions based on media influence or political and economic pressures.

The operative words here are “at times,” as in “*at times* susceptible to outside pressure and corruption,” and “occasionally,” as in “*occasionally* reached decisions based on media influence or political and economic pressures.” These words are instructive because the authors of the Human Rights Reports quite readily omit qualifying words such as these when describing judicial systems that have had systemic failures. This point is made clear in the Human Rights Report on Nicaragua for 2010,²³ which had this to say:

Although the law provides for an independent judiciary, the judicial system remained susceptible to corruption and politicization and did not function independently. . .

In preparation my report, I reviewed all Department of State Human Rights Reports for the years 2004-2010 and compared them with Human Rights Reports for each of the sixteen other countries in the Latin American region. I note that 2006 was particularly problematic for the court system in Ecuador; the Human Rights Report for that year²⁴ says the following:

In September a former congressman involved in litigation before the Supreme Court accused three justices of soliciting a \$500,000 bribe to secure a favorable ruling. The three judges were expelled from the court, and at year's end the case remained under investigation by the Office of the Attorney General.

²³ Accessed at: <http://www.state.gov/g/drl/rls/hrrpt/2010/wha/154513.htm>

²⁴ Accessed at: <http://www.state.gov/g/drl/rls/hrrpt/2006/78890.htm>

I am not surprised that Ecuador had judicial problems in 2006. I was a consultant to the United Nations Development Program in Ecuador and the Supreme Court of Justice of Ecuador during that year and as part of my work at that time was made aware of the difficulties being faced by the judicial sector and the efforts to overcome them. However, the Department of State Human Rights Reports for the other years in the 2004-2010 sequence paint a more positive picture of things than found in the 2006 Report. Based on my review, Ecuador had problems but fared considerably better than many of its neighbors in the Latin American region. To validate my findings in this regard, I consulted the Cingranelli-Richards (CIRI) Human Rights Dataset reports for judicial independence in each Latin American country for 2004-2010. This dataset is constructed and maintained by political science and human rights scholars David Cingranelli of the State University of New York, Binghamton and David L. Richards of the University of Connecticut. The official site for the CIRI describes its reports as follows:²⁵

The Cingranelli-Richards (CIRI) Human Rights Dataset contains standards-based quantitative information on government respect for 15 internationally recognized human rights for 195 countries, annually from 1981-2009. It is designed for use by scholars and students who seek to test theories about the causes and consequences of human rights violations, as well as policy makers and analysts who seek to estimate the human rights effects of a wide variety of institutional changes and public policies including democratization, economic aid, military aid, structural adjustment, and humanitarian intervention.

The various measures contained in the CIRI are derived from systematic review by the CIRI scholarly raters of the information contained in the annual Department of State Human Rights reports. One of the measures contained in the CIRI dataset is labeled Independence of the Judiciary. Judicial systems in the CIRI dataset are rated at three levels, 2=Generally Independent, 1=Partially Independent, and 0=Not Independent. From the CIRI dataset, I have prepared a table

²⁵ Accessed at: <http://ciri.binghamton.edu/index.asp>

that reports on Independence of the Judiciary for 2004-2009²⁶ for each of the seventeen countries in the Latin American region, including Ecuador. This table is attached hereto as Appendix B. As can be readily seen, Ecuador scored a 1 (Partially Independent) for each of the years from 2004 to 2009 except for 2006, in which it scored a 0 (Not Independent). There are only three countries in Latin America, that being Chile, Costa Rica, and Uruguay, that scored 2 (Generally Independent) during each of these years. Only one other country, Peru, was rated as Generally Independent in any of the years covered, and then only for 2004-2006, after which it declined to Partially Independent for the remainder of the term. As mentioned, Ecuador was rated as Partially Independent for all years but 2006. No other country in the region scores as well as Ecuador, the next best being Argentina that was rated as Partially Independent for four of the covered years, but nevertheless dropped to Not Independent for both 2008 and 2009. Speaking of 2009, Chile, Costa Rica, and Uruguay were, of course rated Generally Independent, but *all* of the other countries except for Ecuador and Peru were rated as Not Independent. This pattern is little different for 2008, except that for this year Panama was also rated as Partially Independent.

Use of the Department of State Human Rights Reports and the CIRI datasets is a relatively direct manner in which to measure judicial independence and corruption and judicial performance generally. A more indirect way of doing so, but valuable nonetheless, is to inquire as to the level of respect for political rights and civil liberties in a country for any given year. Since courts typically have a role to play in protecting political rights and civil liberties, a dismal record in protecting these rights is often a sign that the judicial sector is weak and ineffectual. Next to the Department of State Human Rights Reports, the best measure of political rights and civil liberties comes from the Freedom in the World Report published annually by Freedom

²⁶ CIRI data for 2010 is not yet available.

House.²⁷ For this report I prepared a table showing Freedom in the World Report ratings for the Latin American countries covering the period 2004-2010. I have attached this table as Appendix C. Lower scores on the Freedom of the World Report represent higher respect for political rights and civil liberties. As can be seen, Ecuador scored 3 for each year on both the political rights and civil liberties metrics. Scores in this range allowed the Freedom of the World Report to designate Ecuador as Partly Free. The majority of Latin American countries (9 out of 17) were designated as Partly Free in 2010. Ecuador did reasonably well in 2010. It had a score on the Political Rights metric equal to four other countries and a score superior to that for four of the remaining countries. On the Civil Liberties scale for 2010, Ecuador scores equal to five countries and superior to five others. It is noteworthy that Venezuela, a country admittedly with problems, received scores of 5 on both Political Rights and Civil Liberties for 2010, two points lower than the scores for Ecuador. To see how Ecuador stacks up again all countries in the world, I consulted generalized data provided by Freedom House covering 2010. Out of 194 countries in the Freedom of the World Report, 87 (45%) were rated as Free, 60 (31%) as Partly Free, and 47% (24%) as Not Free.²⁸ What this means is that Ecuador was equal to or better than 55% of all the countries of the world.²⁹

VII. Conclusion

I have set forth above my report on the Ecuadoran judicial sector and my opinion on whether Ecuador provides impartial tribunals or procedures compatible with the requirements of due process of law. For all the reasons discussed above, it is my expert opinion that Ecuador

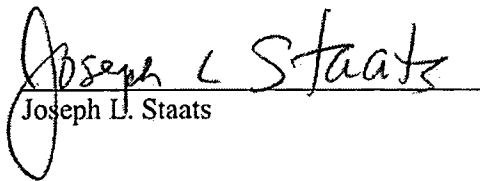
²⁷ Data from the Freedom House, Freedom in the World Report can be accessed at: <http://www.freedomhouse.org/template.cfm?page=439>

²⁸ Data accessed at: <http://www.freedomhouse.org/template.cfm?page=439>

²⁹ Data accessed at: <http://www.freedomhouse.org/template.cfm?page=439>

does in fact provide impartial tribunals and procedures compatible with the requirements of due process of law.

Executed on August 1, 2011 at Duluth, Minnesota.


Joseph L. Staats

Appendix A

Curriculum Vitae

Joseph L. Staats
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Academic

University of California, Riverside, Political Science, Ph.D., 2005 (Major Fields: American Politics (Public Law/Judicial Politics), Comparative Politics; Minor Field: Political Theory)

California State University, Sacramento, Government, M.A., 1999 (Major Fields: American Politics, Political Theory)

University of the Pacific, McGeorge School of Law, J.D., 1975

Ph.D. Dissertation

Title: The Politics of Judicial Development in Latin America

Based on 13 months of fieldwork, 120 interviews of government officials, legislators, judges, attorneys, and representatives of civil society organizations (especially women's rights organizations) in Chile, Uruguay, and Argentina, and a survey of legal scholars across 17 Latin American countries, this dissertation explores the determinants of improved judicial performance in Latin America. The principal findings center on the role political competition and an active civil society play in successful judicial reforms, challenging the current "top-down" approach to judicial reform currently pursued by the international development community.

Professional

Fall 2011—Residential Fellow, Institute for Advanced Study, University of Minnesota, Twin Cities

2008-present—University of Minnesota, Duluth, Assistant Professor

2006-2008—Valdosta State University (Georgia), Assistant Professor

2006—Consultant to the United Nations Development Program in Ecuador and the Supreme Court of Justice of Ecuador (recommendations for improving judicial performance)

2005-2006—Texas Tech University, Visiting Assistant Professor

2004-2005—Boise State University, Visiting Assistant Professor

2004—University of California, Riverside, Department of Political Science, Associate-in Instructor

2003—Consultant to the Supreme Court of Justice of Uruguay (a plan to improve relationship between the courts and civil society)

2002-2003—Dissertation fieldwork research in Argentina, Chile, and Uruguay

2002—University of California, Riverside, Department of Political Science, Associate-in Instructor

2001—University of California, Riverside, Department of Political Science, Research Assistant to Professor Jonathan T. Hiskey

2000—University of California, Riverside, Department of Political Science, Research Assistant to Professor David Pion-Berlin

1999-2002—University of California, Riverside, Department of Political Science, Teaching Assistant

1976-1999—Sacramento, California, private practice of law (civil litigation and criminal defense)

Courses Taught

Comparative Constitutional Law and Judicial Politics

Constitutional Law—Rights and Liberties

Constitutional Law—Institutional Powers and Restraints

Judicial Politics and Process

Introduction to Political Theory

American Political Parties

Politics of Central and Eastern Europe

Law and Justice Around the World

Administrative Law (graduate level)

Latin American Political Development

Introduction to American Government

American Public Policy

American Foreign Policy

Peer/Manuscript Review

2011—Manuscript review for *Latin American Politics and Society*

2011—Manuscript review for *Comparative Politics*

2010—Manuscript review for *International Studies Quarterly*

2010—Manuscript review for *American Journal of Political Science*

2010—Manuscript review for *Latin American Research Review*

2009—Manuscript review for *World Politics*

2009—Manuscript review for *American Politics Research*

2008—Manuscript review for *Latin American Research Review*

2007-2008—Textbook manuscript review for McGraw Hill (civil rights and liberties)

2004—Manuscript review for *The Latin Americanist Journal*

Publications

Lee, Hoon, Joseph L. Staats, and Glen Biglaiser. "A Comparative Analysis of the Effects of Common Law and Civil Law Systems on Portfolio Investment in the Developing World." Under review at *Political Research Quarterly*.

Biglaiser, Glen, and Joseph L. Staats. "Finding the 'Democratic Advantage' in Sovereign Bond Ratings: The Importance of Strong Courts and the Rule of Law." Revise and resubmit at *International Organization*.

Staats, Joseph L., and Glen Biglaiser. 2011, forthcoming. "The Effects of Judicial Strength and Rule of Law on Portfolio Investment in the Developing World." *Social Science Quarterly*.

Staats, Joseph L., and Glen Biglaiser. 2011, forthcoming. "Foreign Direct Investment in Latin America: The Importance of Judicial Performance and Rule of Law." *International Studies Quarterly*.

Jensen, Nathaniel, Joseph L. Staats, et al. 2011, forthcoming. *Politics and Foreign Direct Investment*. Ann Arbor: University of Michigan Press.

Biglaiser, Glen, and Joseph L. Staats. 2010. "Do Political Institutions Affect Foreign Direct Investment? A Survey of U.S. Corporations in Latin America." *Political Research Quarterly* 63(3): 508-522.

Elzweig, Brian, and Joseph L. Staats. 2008. "The Issue That Refuses to Die: The Intersection of Business, Politics, and Law in the Fairness Doctrine." *Southern Law Journal* 18: Fall 2008.

Staats, Joseph L., Shaun Bowler, and Jonathan T. Hiskey. 2005. "Measuring Judicial Performance in Latin America." *Latin American Politics and Society*. 47: 77-106.

Staats, Joseph L. 2005. "La Violencia Doméstica: De Problema Privado a Problema Publico." In *Violencia Doméstica ¿Sanción o Impunidad?* Ed. Teresa Herrera. Montevideo, Uruguay: Psicolibros.

Staats, Joseph L. 2005. Review of *The Rule of Law in Nascent Democracies: Judicial Politics in Argentina* by Rebecca Bill Chavez. *Comparative Political Studies* 38: 581-583.

Staats, Joseph L. 2004. "Habermas and Democratic Theory: The Threat to Democracy of Unchecked Corporate Power." *Political Research Quarterly* 57: 585-594.

Conference Presentations

2011—Biglaiser, Glen, and Joseph L. Staats. "The 'Democratic Advantage' and Sectoral Foreign Direct Investment: The Importance of Strong Courts and the Rule of Law." To be presented at Annual Meeting of American Political Science Association, Seattle, Washington.

2011—Biglaiser, Glen, and Joseph L. Staats. "Property Rights and Financial Capital in Latin America." Presented at the Annual Meeting of Western Political Science Association, San Antonio, Texas.

2011—Staats, Joseph L. "Judicial Performance in the Developing World: The Effect of Political Competition and the Electoral Cycle on Judicial Independence." Presented at the Annual Meeting of Midwest Political Science Association, Chicago, Illinois.

2010—Staats, Joseph L. and Glen Biglaiser. "The Effects of Judicial Strength and Rule of Law on Foreign

Portfolio Investment.” Presented at Annual Meeting, Midwest Political Science Association, Chicago, Illinois

2010—Staats, Joseph L., and Garrick Percival. “The Influence of Constituency Preferences on Elected State Trial Court Judges.” Presented at Annual Meeting, Western Political Science Association, San Francisco, California

2009—“The Role of Extra-Legal Factors on the Severity of Felony Sentences Imposed by Elected State Trial Court Judges.” Presented at Annual Meeting, Southwestern Political Science Association, Denver, Colorado

2009—Staats, Joseph L., and Brian Elzweig. “Applying Band-Aids to a Problem Requiring Surgery: Why Courts Can’t Make the Debate Over Affirmative Action in Higher Education Go Away.” Presented at Annual Meeting, Southwestern Political Science Association, Denver, Colorado

2009—Staats, Joseph L., and Christina Suthammanont. “Bringing Empirical Research into the Legal Academy: A Survey of Law School Professors and Administrators.” Presented at Annual Meeting, Western Political Science Association, Vancouver, Canada

2009—Staats, Joseph L., and Mary Caprioli. “The Pivotal Role of Courts in Explaining the Gap Between Women’s Legal and Actual Rights.” Presented at Annual Meeting, International Studies Association, New York City

2008—Staats, Joseph L., and Glen Biglaiser. “The ‘Race to the Bottom’ and U.S. Foreign Direct Investment in Latin America.” Presented at Annual Meeting, Western Political Science Association, San Diego California

2008—Staats, Joseph L., and Brian Elzweig. “The Effect of Judicial Audiences on the Behavior of State Trial Court Judges.” Presented at Annual Meeting, Southern Political Science Association, New Orleans, Louisiana

2007—Herrera, Teresa, and Joseph L. Staats. “Battle of the Sexes in a ‘First-World’ Latin American Country: A Qualitative Study of the Clash between Tradition and Modernity in Daily Life in Uruguay.” Presented at Conference on Women and Society, Valdosta State University.

2007—Staats, Joseph L., and Glen Biglaiser. “Determinants of Latin American Foreign Direct Investment Decisions: A Survey of American Corporations with Investments in the Region.” Presented at Latin American Studies Association Conference, Toronto, Canada

2007—“Measuring Judicial Performance in Former Communist Countries of Eastern Europe.” Presented at Annual Meeting, Midwest Political Science Association, Chicago, Illinois

2007—Staats, Joseph L., and Jonathon T. Hiskey. “Uneven Regime Transition and State-Level Judicial Development in Mexico.” Presented at Annual Meeting, Southern Political Science Association, New Orleans, Louisiana

2006—Supreme Court of Justice of Ecuador, conference presentation (in Spanish) in Quito, Ecuador: “Strategies to Improve Judicial Development in Ecuador”

2006—Bar Association of Ecuador, research presentation (in Spanish) in Quito, Ecuador: “Measuring Judicial System Performance: The Missing Piece of the Democratic Puzzle in Latin America”

2006—Bar Association of Uruguay, research presentation (in Spanish) in Montevideo, Uruguay: “Talking with the Judicial Sector: The Role of Judges in Improving Democracy and the Rule of Law in Uruguay”

2006—University of Uruguay, School of Law, lecture (in Spanish) in Montevideo, Uruguay: "Legal Education in the United States"

2006—"Role Orientations, Policy Preferences, and Attitudes Towards Democracy of Judges in Honduras and Uruguay." Presented at Latin American Studies Association Conference, San Juan, Puerto Rico.

2006—"New Directions for Latin American Judicial Research;" and "Assessing the Impact of Political Competition on Latin American High Court Independence, 1993-2003." Presented at Annual Meeting, Southern Political Science Association Conference, Atlanta, Georgia

2005—Vanderbilt University, Department of Political Science Colloquium on Comparative Judicial Politics, invited speaker for presentation of: "Achieving Improved Judicial Performance in Latin America: Democratic Tradition, Political Competition, and Neo-Liberal Reform"

2005—"Alternative Paths to Judicial Reform in Latin America." Presented at Annual Meeting, American Political Science Association, Washington, D.C.

2005—International Development Research Centre of Canada (IDRC)/Bar Association of Uruguay/Aire.uy Asociación Interdisciplinaria Conference on Domestic Violence/Child Abuse and the Legal System, Montevideo, Uruguay, invited expert/consultant report presented: "Recent Advances in Processing Domestic Violence/Child Abuse Cases in the United States"

2005—"Role Orientations of Judges in Latin America: A Pilot Project Survey of Judges in Uruguay." Presented at Annual Meeting, Southern Political Science Association, New Orleans, Louisiana

2004—Staats, Joseph L., and Teresa Herrera. "Civil Society and Judicial Reform: How Women's Rights Organizations in Argentina, Chile, and Uruguay are Helping to Improve Judicial Performance." Presented at Latin American Studies Association Conference, Las Vegas, Nevada

2004—"Achieving Improved Judicial Performance in Latin America: The Interplay of Civil Society and Political Elites in Judicial Reform." Presented at Annual Meeting, American Political Science Association, Chicago, Illinois.

2004—"The Demand Side of Judicial Reform: Interest Groups and Judicial Reform in Argentina, Chile, and Uruguay." Presented at Annual Meeting, Southern Political Science Association, New Orleans, Louisiana

2003—Supreme Judicial Court of Uruguay Conference in Montevideo, Uruguay, invited panelist-speech presented (in Spanish): "Methods for Improving Relations between the Judicial Sector and Civil Society"

2003—"An Analysis of Factors Contributing to Improved Judicial Performance in Latin America." Presented at Latin American Studies Association Conference, Dallas, Texas

2002—Staats, Joseph L., Shaun Bowler, and Jonathon T. Hiskey. "Measuring Judicial Performance in Latin America." Presented at Annual Meeting, Southern Political Science Association, Savannah, Georgia

Grants

2011—University of Minnesota, College of Liberal Arts Grant Award for Research, \$400. "Property Rights and Financial Capital in Latin America."

2011—University of Minnesota, Chancellor's Small Grant Award for Research, \$750. "Judicial Performance in the Developing World: The Effect of Political Competition and the Electoral Cycle on Judicial Independence."

2010—University of Minnesota, Duluth, Chancellor's Small Grant Award for Research, \$750. "Allies and Adversaries in the Battle to Improve Judicial Performance: Women's Rights Organizations and the Courts in Three Former Communist Countries in Eastern Europe."

2010—University of Minnesota, Duluth, Chancellor's Small Grant Award for Research, \$750. "The Influence of Constituency Preferences on Elected State Trial Court Judges."

2009—University of Minnesota, Duluth, Chancellor's Small Grant Award for Research, \$750. "Bringing Empirical Research into the Legal Academy: A Survey of Law School Professors and Administrators."

2008—University of Minnesota, Graduate Division, Grant-in-Aid for Research, \$28,971, "Measuring Judicial Performance in the Former Communist Countries of Central and Eastern Europe."

2008—University of Minnesota, Duluth, Chancellor's Small Grant Award for Research, \$750, "Bringing Empirical Research into the Legal Academy: A Survey of Law School Professors and Administrators."

2002—University of California, Riverside, Dissertation Research Grant

Awards and Honors

University of Minnesota, Institute for Advanced Study, Residential Fellowship

University of California, Riverside, Chancellor's Distinguished Fellowship

University of California, Riverside, Dissertation Research Grant

University of California, Riverside, Outstanding Teaching Assistant Award

University of California, Riverside, Block Grant Award for Academic Achievement

Phi Kappa Phi, National Honor Society

University of the Pacific, McGeorge School of Law, Lifetime Member of Traynor Academic Honor Society

University of the Pacific, McGeorge School of Law, winner of school-wide competition to serve on Moot Court Honors Board Executive Committee

University of the Pacific, McGeorge School of Law, winner of school-wide Moot Court Written Competition

University of the Pacific, McGeorge School of Law, runner-up in school-wide Moot Court Oral Competition

Bancroft-Whitney Publishing Co., American Jurisprudence Award for excellence in the study of Agency Law

University Service

2008 to present—Committee membership: College of Liberal Arts, Academic Affairs Committee

2008 to present—Pre-Law Advisor; M. Harry Lease Jr. Award Coordinator; co-faculty advisor, Pre-Law Society

2011—Guest lecture, University of Minnesota, Duluth anthropology course, on history and development of the common law

2009—Presentation to University of Minnesota, Duluth Pre-Law Society on preparing for law school

2008, 2009—Mock Trial Judge for University of Minnesota, Duluth Mock Trial Team in preparation for competition

2007-2008—Valdosta State University committee memberships: Council on Undergraduate Research, (university-wide, Chair Designate); Student Activities (university-wide); Curriculum; MA Development; Policies and Procedures Revision; Constitution Day (Chair); Search Committee, Legal Studies; Search Committee, American Politics

2007-2008 Valdosta State University—Pre-Law Advisor; faculty advisor to Pi Sigma Alpha Political Science Honor Society

2007-2008—Valdosta State University, lead investigator of pilot project to determine feasibility of campuswide use of electronic student response (“clicker”) technology in the classroom

2007—Valdosta State University, faculty panel member of student Constitution Day debates

2006—Guest lectures, Valdosta State University Honors Program

2006—Panel presentation, Valdosta State University forum on immigration: “The Constitution and Immigration”

2006—Valdosta State University, Constitution Day faculty panel presentation: “Presidential Signing Statements: Exploring the Boundaries of Presidential Power”

2006—Texas Tech University, presentation to Pre-Law Society meeting on preparing for law school

2005—Texas Tech University, Constitution Day faculty panel speech: “Civil Liberties in Wartime”

2004-2005—Boise State University, volunteer career counseling of pre-law students

2004-2005—Boise State University, panelist at Political Science Students Association meetings on law careers and political science research

2004—University of California, Riverside, technical assistance to founding members of student pre-law society

2000-2004—University of California, Riverside, volunteer career counseling of pre-law students

2000-2001—President, University of California, Riverside, Political Science Graduate Students Association

1999-2000—Vice President, University of California, Riverside, Political Science Graduate Students Association

1999-2004—University of California, Riverside, volunteer assistance to faculty in recruitment of new faculty and new Ph.D. students (transportation, dinners, correspondence, accompaniment to campus interviews)

Professional Membership

American Political Science Association

International Studies Association

Latin American Studies Association

Midwest Political Science Association

Southwest Political Science Association

Western Political Science Association

State Bar of California

Language Training (Spanish)

Instituto Mexico-Americano (IMAC), Guadalajara, Mexico, 2002 (three weeks of individual immersion instruction)

Bridge-Linguatec International, Santiago, Chile, 2001 (four weeks of individual immersion instruction)

Languages

English, Spanish

Appendix B

The Cingranelli-Richards (CIRI) Human Rights Dataset—Independent Judiciary

Independent Judiciary						
Years covered	2004	2005	2006	2007	2008	2009
Argentina	1	1	1	1	0	0
Bolivia	1	1	0	1	0	0
Brazil	1	1	1	1	0	0
Chile	2	2	2	2	2	2
Colombia	1	1	0	0	0	0
Costa Rica	2	2	2	2	2	2
Ecuador	1	1	0	1	1	1
El Salvador	1	1	0	0	0	0
Guatemala	1	1	0	0	0	0
Honduras	1	1	0	0	0	0
Mexico	1	1	1	1	0	0
Nicaragua	1	1	0	0	0	0
Panama	1	0	0	1	1	0
Paraguay	1	1	0	0	0	0
Peru	2	2	2	1	1	1
Uruguay	2	2	2	2	2	2
Venezuela	0	0	0	0	0	0
2=Generally Independent 1=Partially Independent 0=Not Independent						

Coding Scheme Description

TWO

In countries receiving a score of TWO, the judiciary exhibits the following attributes:

- 1) It has the right to rule on the constitutionality of legislative acts and executive decrees.
- 2) Judges at the highest level of courts have a minimum of a seven-year tenure.
- 3) The President or Minister of Justice cannot directly appoint or remove judges. The removal of judges is restricted (e.g. allowed for criminal misconduct).
- 4) Actions of the executive and legislative branch can be challenged in the courts.
- 5) All court hearings are public.
- 6) Judgeships are held by professionals.

Exceptions in practice include closed hearings of cases for national security reasons (if it seems reasonable) and sexual assault cases. If information is missing about some of the above attributes, but they are not mentioned as a problem, give the country a score of TWO.

ONE

In countries receiving a score of ONE, there are structural limitations on judicial independence. These typically involve limitations of judicial independence without active government interference or involve occasional or limited corruption and judicial intimidation from non-governmental actors. Examples include:

- 1) The ability of the chief executive or minister of justice to appoint and dismiss judges at will, even if they do not actually do so in the particular year being coded
- 2) Short periods of appointment (under seven years)

- 3) There is limited corruption or intimidation of the judiciary. The source of corruption and intimidation can be either inside or outside government.
- 4) Judges rule against the government in some, but not all potential cases, at times avoiding government-related cases or giving in to government pressure to rule in the government's favor.
- 5) The US State Department (USSD) report mentions a concern about the independence of the judiciary raised by another organization.

ZERO

In countries receiving a score of ZERO, there are active and widespread constraints on the judiciary. These typically involve limitations of judicial independence including active government interference in the decision of cases or widespread corruption and judicial intimidation from either inside or outside government. Examples include:

- 1) Active government interference in the outcome of cases
- 2) The dismissal of judges for political reasons
- 3) Widespread corruption and intimidation of the judiciary. The sources of corruption and intimidation can be either inside or outside government.

Appendix C

Freedom House, Freedom in the World Report--Political Rights and Civil Liberties

Years covered	2004			2005			2006			2007			2008			2009			2010		
	PR	CL	S	PR	CL	S	PR	CL	S	PR	CL	S	PR	CL	S	PR	CL	S	PR	CL	S
Argentina	2	2	F	2	2	F	2	2	F	2	2	F	2	2	F	2	2	F	2	2	F
Bolivia	3	3	PF	3	3	PF	3	3	PF	3	3	PF	3	3	PF	3	3	PF	3	3	PF
Brazil	2	3	F	2	2	F	2	2	F	2	2	F	2	2	F	2	2	F	2	2	F
Chile	1	1	F	1	1	F	1	1	F	1	1	F	1	1	F	1	1	F	1	1	F
Colombia	4	4	PF	3	3	PF	3	3	PF	3	3	PF	3	4	PF	3	4	PF	3	4	PF
Costa Rica	1	1	F	1	1	F	1	1	F	1	1	F	1	1	F	1	1	F	1	1	F
Ecuador	3	3	PF	3	3	PF	3	3	PF	3	3	PF	3	3	PF	3	3	PF	3	3	PF
El Salvador	2	3	F	2	3	F	2	3	F	2	3	F	2	3	F	2	3	F	2	3	F
Guatemala	4	4	PF	4	4	PF	3	4	PF	3	4	PF	3	4	PF	4	4	PF	4	4	PF
Honduras	3	3	PF	3	3	PF	3	3	PF	3	3	PF	3	3	PF	4	4	PF	4	4	PF
Mexico	2	2	F	2	2	F	2	3	F	2	3	F	2	3	F	2	3	F	3	3	PF
Nicaragua	3	3	PF	3	3	PF	3	3	PF	3	3	PF	4	3	PF	4	4	PF	4	4	PF
Panama	1	2	F	1	2	F	1	2	F	1	2	F	1	2	F	1	2	F	1	2	F
Paraguay	3	3	PF	3	3	PF	3	3	PF	3	3	PF	3	3	PF	3	3	PF	3	3	PF
Peru	2	3	F	2	3	F	2	3	F	2	3	F	2	3	F	2	3	F	2	3	F
Uruguay	1	1	F	1	1	F	1	1	F	1	1	F	1	1	F	1	1	F	1	1	F
Venezuela	3	4	PF	4	4	PF	4	4	PF	4	4	PF	4	4	PF	5	4	PF	5	5	PF

Lower scores represent higher respect for political rights and civil liberties

PR= Political Rights

CL= Civil Liberties

F=Free

PF= Partly Free

S= Status (as Free or Partly Free)