

ABSTRACT

Drug Trafficking in Mexico: Causes and Consequences of the Militarization of Mexico

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During the period of one party rule within Mexico, drug trafficking organizations (DTOs) funneled narcotics through Mexico virtually unobstructed. Throughout this period, the Institutional Revolutionary Party (PRI) protected DTOs, regulated drug trafficking, and prevented infighting between competing DTOs. However, with the transition to a more democratic political system Mexico's counternarcotic policy changed. The PRI lost power and could no longer regulate drug trafficking or control DTOs. As a result, violence between DTOs intensified, posing a significant threat to Mexico's nascent democracy. In response to this threat, both President Vicente Fox and President Felipe Calderón chose to militarize their counternarcotic policy. This study explores why Felipe Calderón and Vicente Fox chose to pursue a confrontational,

militarized approach and reveals some of the consequences of this policy on the drug trade and Mexico's democratic consolidation. The study finds that the new political arrangement within Mexico, incompetence of other security forces, high levels of violence, and increased pressure from the United States all contributed to Mexico's choice to militarize. The militarization of Mexico has produced varied results and its implications are being felt on both sides of the United States-Mexican border.

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Drug Trafficking in Mexico: Causes and Consequences of the Militarization of Mexico

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PREFACE

Since Felipe Calderón began a militarized assault on drug trafficking organizations (DTOs), the estimated number of deaths due to drug related violence is 47,500.¹ Violence in Mexico has escalated significantly over the past decade as competing criminal organizations fight over territory and trafficking routes, referred to as *plazas*. However the sheer number of victims only tells part of the story. The extreme brutality of Mexico's drug related violence is often beyond description. Daily, there are reports of executions, beheadings, gunfights, and massacres. While the majority of drug related victims are believed to be associated with drug trafficking in some way, there is no way to accurately assess how many victims were innocent bystanders. While the explosion of violence over the last decade has drawn international attention, the cause of the violence is deeply rooted in Mexico's political history. This paper will address some of the origins of Mexico's security crisis and will draw parallels between Mexico's democratic transition and the escalation of violence.

Chapter 1 and 2 address the 70-year period in which Partido Revolucionario Institucional (PRI) had semi-authoritarian control over Mexico. This period, known as the PRI hegemony, was a time of one-party political dominance in which the PRI controlled all facets of the Mexican political system. Chapter one will explain how the PRI maintained its power and how it subverted the democratic principles of Mexico's 1917 Constitution. It will also explain the counternarcotic policy of the PRI and provide a brief overview of the historical development of the drug trade in Mexico. In addition,

¹ Cave, "Mexico Updates Drug War Death Toll, but Critics Dispute Data."

Chapter 1 addresses corruption within the PRI regime and how corruption facilitated the rapid growth of criminal organizations. Chapter 2 builds on Chapter 1 and provides the context for Mexico's transition to democracy. Chapter 2 explains how the PRI consolidated political and party leadership under the executive, and how executive dominance, *presidencialismo*, undermines democracy. Chapter 2 also analyzes the historical weakness of the judiciary and legislature and explains how vestiges of the PRI hegemony endured after Mexico's democratic transition. Chapter 2 concludes with a brief analysis of the effect of Mexico's democratic transition on the legislature, judiciary, and the executive. Drug trafficking, the growth of organized crime, widespread corruption, and Mexico's democratic transition all relate to the outbreak of violence in the last decade. Chapter 1 and 2 provide an overview of some of the most important factors that contribute to Mexico's current security crisis during the PRI hegemony.

Chapter 3 and 4 explain and critique elements of Mexico's counternarcotic policy and provide a brief history of the security crisis as it relates to the democratic transition. Chapter 3 starts by explaining some of the economic factors that relate to the security crisis. It then continues to explain the increased role of the military in domestic public security operations and provides some reasoning for why Mexico chose to pursue a militarized strategy. Chapter 3 concludes by listing some of the consequences of using the military to provide public security. Chapter 4 explains and analyzes specific counternarcotic policies of Mexico and the United States. The chapter then lists some of the consequences of these policies, explains specific reforms of Mexican police forces, and ends with policy recommendations for Mexico and the United States.

Chapter 5 is a brief conclusion that ties Chapter 1 and 2 with Chapter 3 and 4. The conclusion explains how Mexico's recent democratic transition and the almost simultaneous explosion of violence are no accident. Chapter 5 ends with the conclusion Mexico's democratic transition exacerbated DTOs threat to public security.

CHAPTER ONE

Counternarcotic Policy During the PRI Hegemony

For over 67 years Mexico experienced a period of one-party, semi-authoritarian rule under the Partido Revolucionario Institucional (PRI).¹ During this period, systematic corruption, a lack of governmental accountability, and reluctant law enforcement agencies all enabled major Drug Trafficking Organizations (DTOs) to increase their power and influence within Mexico.² However, the position of DTOs was threatened when the Mexican political structure shifted to a more democratic system. In the early 1980's opposition candidates won municipal and local elections throughout Mexico. During the 1990's the influence of opposition parties grew, winning gubernatorial and congressional elections. In 1997 the diminishing power of the PRI and shift to a more democratic system in Mexico became evident when the PRI lost their first majority in the Chamber of Deputies in 67 years.³ In 2000, opposition candidate, Vicente Fox won the Mexican presidential race. This historic victory by Fox and his subsequent peaceful transition into power signified the final act of Mexico's prolonged transition to

¹ Kenneth J Greene, "Dominant Party Strategy and Democratization," *American Journal of Political Science* 52, no. 1 (January 18, 2008): 16–31.

² Robert Bonner, "The New Cocaine Cowboys: How to Defeat Mexico's Drug Cartels," *Foreign Affairs* (August 2010): 35–47.

³ Greene, "Dominant Party Strategy and Democratization."

democracy.⁴ The end to one-party rule did not only mark a seismic political shift in Mexico, but also a major turning point in the counternarcotic policy of Mexico.⁵

The year 2000 was an important year for Mexican politics and counternarcotic policy. When Vicente Fox, candidate of the National Action Party (Partido Acción Nacional, PAN) won the Mexican presidency he brought considerable expectations for a new and better future. The period of PRI dominance was marked by a dominant party system in which elections were regular, but also manifestly unfair.⁶ The victory by an opposition party ended the era of one-party dominant rule and ended the period of impunity for corrupt government officials and criminal organizations, resulting in a more democratized and effective government with a better capacity to combat DTOs.⁷ However, this change in political structure did not come as rapidly as most Mexicans had hoped. Fox's effectiveness was severely limited by the reduction of the executive's informal powers, the executive's relatively weak formal constitutional powers, and by a legislative branch that was in deadlock due to a plurality in Congress. The change in Mexican political structure during the two decades prior to Fox led to this decentralization of the decision-making process and the reduction of the informal meta-

⁴ Caroline C. Beer, "Institutional Change In Mexico: Politics After One-Party Rule," *Latin American Research Review* 37, no. 3 (2002): 149–161.

⁵ Shannon O'Neil, "The Real War in Mexico: How Democracy Can Defeat the Drug Cartels," *Foreign Affairs* 88, no. 1: 63–77.

⁶ Yvon Grenier, "'Why Dominant Parties Lose: Mexico's Democratization in Comparative Perspective' Book Review," *Canadian Journal of Political Science* 41, no. 3 (October 9, 2008): 787–788.

⁷ David A. Shirk, *Mexico's New Politics: The PAN and Democratic Change*, 1st ed. (Boulder, Colorado: Lynne Rienner Publishers, Inc., 2005).

constitutional powers of the president.⁸ This new political landscape created by the new multi-party system made it more difficult for Fox than his predecessors to enact his policies and exercise control over the government.

In the past, Mexican presidents had experienced a broad range of informal presidential powers due to the centralized organization of the Mexican political structure. The political model of the dominant party system under the PRI was characterized by *presidencialismo* (Presidentialism). *Presidencialismo* is the concept that the president held the majority of the political power of the state. Mexican *presidencialismo* had relevant consequences for the Mexican legislature. The legislature was remarkably weak and ineffectual during this time. The informal powers of the executive allowed it to control the legislative process. Even with the advent of a multiple party system in the period from 1994 to 1999, legislation proposed by the president had a 99 percent passage rate. In contrast, during the first three years of the Fox administration legislative approval for executive initiatives dropped to 67 percent.⁹ The political structure of the period of one-party dominant rule allowed the president to control the legislature, because the ruling party dominated the majority of the seats in both the upper and lower houses of the legislature. This resulted in a dominating executive branch and two subordinate branches. Throughout this era Mexican presidents were able to maintain semi-authoritarian rule by using the informal and excessive executive powers to subject the other two branches.

⁸ Roderic Al Camp, *Politics in Mexico: The Democratic Consolidation*, 5th ed. (New York: Oxford University Press, Inc., 2007).

⁹ Ibid.

The executive controlled the weak judicial branch during the period of PRI dominance, as well. The court was reluctant to rule against the executive and stayed neutral on politically charged issues. Supreme Court justices did not serve life-long terms and were appointed by the executive with no legislative oversight. This enabled the president to control the judicial branch by only appointing judges willing to further the interests of the PRI. The constitutional powers of the judicial branch were also extraordinarily weak. The Supreme Court did not have the power to easily establish binding precedent or to practice judicial review. Precedent was only established through several almost identical rulings on several almost identical cases. Because of this, in most cases, court decisions would only affect the appealing party. The absence of judicial review prevented the court from ruling on the constitutionality of actions by the president or laws passed by the legislature. These powers were not granted to the court until a series of judicial reforms were implemented in 1994 under President Ernesto Zedillo. These judicial reforms enabled the court to establish precedent when a certain number of justices support a decision. The reforms also subjected executive judicial nominations to legislative oversight, and granted the court authority to declare laws unconstitutional by giving it the power of judicial review. More recent judicial reforms have granted the judicial branch more power in the Mexican political system by limiting the control of the executive over it. However, prevailing corruption within the criminal justice system and law enforcement have limited its effectiveness.¹⁰

Corruption was able to pervade the branches of Mexican government so easily during the period of one-party dominance, much in part to the corporatist model of the

¹⁰ Ibid.

state. Corporatism is the formal relationship between selected groups or institutions and the state.¹¹ Under the corporatist model Mexico maintained a formal relationship with various institutions, interest groups, and social groups. The relationship the government had with labor and agriculture exemplifies this corporatist model. Afraid of a popular uprising, the PRI brought agriculture and labor under the umbrella of PRI control. In exchange, labor and agriculture had increased political access. The notion of corporatism is to preserve a relationship of political reciprocity between the state and institutions. While labor and agriculture were granted access to the political system through this relationship, the PRI was the most notable benefactor of this model. During the time of PRI dominance there was virtually no separation between the state and the party.¹² This enabled the PRI to use corporatism as a mechanism for rewarding friends and punishing enemies.¹³ Under the corporatist model the PRI used the state to provide economic and political benefits to its allies and supporters. This spoils system of sorts engrained corruption and maintained the dominance of the party.

In many ways during the period of PRI dominance the PRI and DTOs had a relationship that resembled the formal corporatism that governed state interaction with other interest groups. The PRI would protect DTO's interests in exchange for financial incentives, on the condition that DTOs worked within the framework of the institutionalized and centralized organization of the state and the Institutional

¹¹ Ibid.

¹² Ibid.

¹³ George W Grayson, "Mexico, the PRI, and López Obrador: The Legacy of Corporatism," *Orbis* 51, no. 2 (2007): 279–297.

Revolutionary Party.¹⁴ Engrained corruption in all branches of the federal government enabled and ensured that the interests of DTOs were considered in Mexican policy initiatives. This unique partnership became a fundamental and prevailing characteristic of the party, and also enabled DTOs to have a say in the counternarcotic policy and enforcement of the state.

Executive dominance coupled with the corporatist state model granted the PRI nearly absolute power. The PRI used this centralized authority and the informal meta-constitutional powers of the President to enforce their will. The authoritarianism, discriminatory application of the law, centralism, corruption, and impunity of criminal organizations within Mexico during the period of PRI dominance were all byproducts of *presidencialismo*.¹⁵ As a result of this system of hyper-centralized authority under the executive, the president and political leadership of the PRI held nearly limitless control of every facet of the government. This created a hierarchical system of power in which adherence to the party rules, party leaders, and presidential will was not just necessary, but mandatory for government officials. Consequently, the political structure and government institutions served basically as the devices of the executive. This eliminated the system of checks and balances between government institutions allowing rampant corruption to occur throughout the state and federal government. DTOs used their financial means to protect their interests by bribing government officials. Without checks and balances it was harder for politicians and government officials to be held accountable

¹⁴ Peter Andreas, “The Political Economy of Narco-corruption in Mexico,” *Current History* (April 1998): 160–166.

¹⁵ Stanley A. Pimintel, “Mexico,” *Trends in Organized Crime* 4, no. 3 (1999): 9–28.

and discouraged them from combatting drug trafficking. Contributing to the corruption, the ban on reelection for several governmental posts encouraged politicians working within the PRI to reap the benefits of their office throughout their brief time in office.¹⁶ Politicians, who were not running for reelection, did not have to worry about the consequences of corruption. Presidentialism did not only encourage corruption, but in many ways facilitated it throughout the one-party rule of the PRI.

The corporatist model of Mexico organized around executive authority had meaningful implications on the locus and pervasiveness of corruption within Mexico. The PRI had a monopoly on the political structure of Mexico and was the sole administrator of law enforcement. It used its social control forces to control tax and extort DTOs in exchange for money for development, investment, campaign-funding, and personal enrichment.¹⁷ During this time the highly centralized PRI was not only permissive, but also protective of DTOs. There was virtually no conflict between any governmental agency and DTOs.¹⁸ While, the PRI was not openly tolerant of crime, corrupt government officials often tolerated criminal offences in exchange for payoffs. Corruption was systematic and blatant and transcended every level of the political system.¹⁹ This created a blanket of impunity for DTOs that could afford to pay for protection. However, if

¹⁶ Ibid.

¹⁷ Roy Godson, ed., “Mexico’s Legacy of Corruption,” in *Menace to Society: Political-criminal Collaboration Around the World*, 2nd ed. (Piscataway, New Jersey: National Strategy Information Center, 2004), 174–178.

¹⁸ David A Shirk and Robert A Donnelly, *Police and Public Security in Mexico, Organized Crime and Official Corruption in Mexico* (San Diego: San Diego, Trans-Border Institute, 2009).

¹⁹ Camp, *Politics in Mexico: The Democratic Consolidation*.

DTOs refused to pay or cooperate with the PRI, then the PRI would use their coercive powers to pursue and disband their criminal organization.²⁰ These conditions allowed DTOs to operate free of obstruction and gain a formidable amount of power, providing they acted in congruence with PRI guidelines. This informal agreement, between the political elite and the DTOs to sustain each other's interests, defined the political system until the agreement was breached in the mid 1980s.

During the late 1970s up to the mid 1980s several circumstances enabled DTOs to expand their power and influence within Mexico. The extraordinary increase in United States demand for cocaine and other narcotics increased the financial capabilities of Mexican DTOs. Successful US interdiction efforts in the Gulf drove Colombian and South American cocaine traffickers to shift their distribution routes from ocean routes around Florida to avenues along the US-Mexican border.²¹ This resulted in a massive inflow of cocaine and financial resources to Mexican DTO's.²² New financial means granted DTOs resources that surpassed federal institutions budgets by a substantial margin. This enabled DTOs to escalate the level of corruption within Mexico.²³ Local and federal officials supplemented their minimal government salaries with generous bribes from motivated DTO's. Eventually, corruption transcended every level of political authority and undermined government agencies' ability to stop drug trafficking. This

²⁰ Roy Godson, "Mexico's Legacy of Corruption."

²¹ Bonner, "The New Cocaine Cowboys: How to Defeat Mexico's Drug Cartels."

²² Elsa Treviño, *A Perspective on President Calderón's Militarized "Drug Conflict"* (Council of Hemispheric Affairs, February 22, 2011).

²³ Shirk and Donnelly, *Police and Public Security in Mexico*.

period of drug trafficking within Mexico was defined by an extensive and protected coalition of drug traffickers that achieved substantial impunity and experienced relative harmony among competing DTOs.

Corrupt government institutions played a considerable role in the protection of Mexican drug trafficking organizations. Notably the Federal Security Directorate (Dirección Federal de Seguridad, DFS), which supervised anti-drug policy from 1947 to 1985, aided in the development of the drug trafficking industry. During this period, the extensive powers of the DFS empowered it to act as the sole proprietor of social and political control. The DFS used these broad, virtually unchecked powers to ensure that DTOs were well protected and well regulated.²⁴ The DFS was the primary maker of anti-drug policy and acted as the mediator between the political class and criminal organizations. The DFS ensured that the state received a portion of the drug trade and contained the degree of violence to a socially acceptable level.²⁵ The unchecked nature of their powers enabled officials to extort criminal organizations operating within their jurisdiction.²⁶ DTOs were forced to act in compliance with guidelines stated by the DFS. By complying with DFS guidelines, DTOs were allowed to continue their lucrative enterprise unobstructed. The DFS also established *plazas*, which are regions in which particular DTOs were permitted to operate. This prevented competition between DTOs from turning into violent altercations. The informal agreement between the DFS and

²⁴ Luis Astorga, “The Limits of Anti-Drug Policy in Mexico,” *International Social Science Journal* 53, no. 169 (September 2001): 427–434.

²⁵ Ibid.

²⁶ Shirk and Donnelly, *Police and Public Security in Mexico*.

DTOs resulted in a period of relative harmony between the DTOs and the Mexican political structure until the mid 1980s.

Corruption infected nearly every segment of the state apparatus prior to 1985. Although the military is regarded as the most stable, uncorrupted government institution, it also was compromised by corruption during the PRI hegemony. The imperfect control of Mexico's territorial entirety and strong state institutions enabled the upper echelon of the government and military to extort organized crime throughout the 1960s and 1970s. At this time the Mexican army could not readily access all of Mexico to enforce anti-narcotic policy. This imperfect territorial control encouraged corruption and was to the advantage of military officers constrained by numerous financial and institutional limitations. Often poorly compensated soldiers were required to pay for their own transportation and supplies. Corruption provided a means to supplement their meager salaries.²⁷ Soldiers, also, lacked the resources or manpower to enforce antinarcotic policy in isolated, virtually inaccessible regions. Instead, they allowed drug traffickers to operate in these regions in exchange for bribes. Although the national government lacked control over Mexico's territorial entirety in the 1960s and 1970s, it is important to note that the centralized and powerful state security institutions of the late 1970s and 1980s did have the ability to enforce counternarcotic policy. DTOs were not a threat to the state's use of force or governance during this time. This gave government officials an advantage in the informal agreement with DTOs. The considerable investment of DTOs in paying corrupt officials is evidence of the state's power.²⁸ It was more advantageous for DTOs to pay

²⁷ Ibid.

²⁸ Ibid.

corrupt officials then risk the suppression of their illegal operations. Even though the state did not have perfect control over the entirety of its territory, DTOs recognized the capability of the state to regulate their illegal activities and acted in congruence with the state's informal guidelines.²⁹

Until Mexico made the first steps towards democratization in the late 1980s, the state had in place a centralized hierarchical political structure that was protective of particular criminal enterprises. The emergence of drug trafficking within Mexico during this time period allowed DTOs to operate virtually unchallenged by the state. This favorable environment lasted until the late 1980s enabling the rapid expansion of the drug trade. The DTOs of this time period were remarkably different from the transnational criminal organizations of today. This is, partly, due to the change in circumstance. Drug traffickers did not operate on the same scale before the mid 1980s. The state was neither an active or effective opponent, and violence was not as necessary to protect their interests. Corruption, reluctant law enforcement agencies, and a political structure that employed corporatist and presidentialist concepts enabled DTOs to operate freely before 1985.³⁰ However, during the next two decades major institutional changes, the decentralization of power, and the shift to a multiparty system complicated and destabilized the system in which DTOs operated.

²⁹ Ibid.

³⁰ Luis Astorga and David A. Shirk, "Drug Trafficking Organizations and Counter-Drug Strategies in the U.S. Mexican Context.," in *Shared Responsibility: U.S.-Mexico Policy Options For Confronting Organized Crime*, ed. Eric L. Olson, David A. Shirk, and Andrew Selee (Mexico Institute, Trans-Border Institute, 2010), 31–47.

The organized retaliatory assassinations of United States Drug Enforcement Agency (DEA) agent, Enrique “Kiki” Camarena, and his pilot, Alfredo Zavala Avelar, signified the end of the cooperative and diplomatic relationship between the government and drug traffickers. Camarena was the architect of a key drug bust of a marijuana plantation that generated an estimated \$8 billion annually.³¹ In retaliation to the raid, drug kingpin Felix Gallardo orchestrated the assassination of Camarena. It is suspected that several top-level defense and interior ministry personnel aided Gallardo and were instrumental in the decision to torture and murder Camarena.³² Even though it was never proven that state officials played a role in the assassination, the implications of the allegations still had significant effects on the counternarcotic policies of the state. Mexico experienced increased pressure from the United States and was forced to address the corruption that pervaded its law enforcement agencies.

Camarena’s murder revealed a structural linkage between the PRI and DTOs and led to the dissolution of the DFS and the fragmentation of the coalition of DTOs.³³ The “Kiki” Camarena fiasco had implications that neither the Mexican political system nor the highly motivated coalition of DTOs could reverse. The once formidable hierarchical system, that controlled, protected, and facilitated coordination amongst competing DTOs,

³¹ Malcom Beith, *The Last Narco: Inside the Hunt for El Chapo, the World’s Most Wanted Drug Lord*, 1st ed. (London: Penguin Group, 2010).

³² Astorga and Shirk, “Drug Trafficking Organizations and Counter-Drug Strategies in the U.S. Mexican Context.”

³³ Astorga, “The Limits of Anti-Drug Policy in Mexico.”

was compromised.³⁴ Until the Kiki Camarena disaster, violence was constrained by the informal arrangement between the state and drug traffickers. The State and DTOs mutually benefited from their informal arrangement. The extraordinary and highly centralized powers of state social control forces had ensured the protection of DTOs because the higher levels of the social control forces and government institutions were not directly at risk.³⁵ However, after the Camarena disaster the PRI was no longer able to operate with such blatant corruption evident. President De La Madrid was forced to act in acquiescence with US pressure. The DFS was disintegrated and the extraordinary powers of other institutions were limited. The DTOs had clearly violated the terms of their informal agreement by attracting international attention. The relative harmony between the state and DTOs ended and the PRI took new measures to suppress DTOs.

After 1985, Mexican DTOs increased their influence through the use of corruption but also increasingly stepped outside of the informal guidelines of the state to protect their interests. This began a period in which DTO's actions were met with increasing resistance by a government experiencing significant institutional and political reform. The state was no longer was willing to sustain a favorable environment for DTOs or committed to an openly cooperative relationship with drug traffickers. While DTOs still received limited protection from the state, there was no longer blanket impunity for DTOs. Leadership within existing DTOs was ousted in favor of a new order in which

³⁴ Astorga and Shirk, “Drug Trafficking Organizations and Counter-Drug Strategies in the U.S. Mexican Context.”

³⁵ Jorge Chabat, “Mexico’s War on Drugs: No Margin for Maneuver,” *The Annals of the American Academy of Political and Social Science* 582, no. 1 (2002): 134–148.

increased discipline was enforced as a condition of those in political control.³⁶ Even arguably the most powerful drug lord of the 1980s, Felix Gallardo, lost influence and power, and new kingpins like Joaquín “El Chapo” Guzman Loera emerged.³⁷ The turnover resulted in a new system that lasted throughout the administration of Carlos Salinas de Gortari (1988-1994). DTOs operated under new leadership and increased discipline as drug trafficking boomed. With the DFS disintegrated, the Office of the Attorney General (PGR) became the new governmental institution charged with the implementation of counternarcotic-policy. Corruption still existed in the highest levels of government but was not as evident until after Salinas left office. The leadership of DTOs was still in constant and direct collusion with upper level officials and law enforcement agents. The new operational model under the Salinas administration was highly beneficial for high-level corrupt officials. Often government officials would wage phony wars with lower level officials or criminal organizations to give the impression that they were pursuing organized crime. The objective of these officials was still to protect the systematic corruption and the interests of DTOs, even at the expense of other participants.³⁸ This system was to the advantage of the upper echelon of DTO leadership and public officials and protected the drug trafficking industry throughout the Salinas administration.

³⁶ Shirk and Donnelly, *Police and Public Security in Mexico*.

³⁷ Marjorie Miller, “New Bosses Taking Over Cocaine Traffic : Mexico: With Many ‘Desperados’ in Prison or Dead, Drug Agents Shift Their Sights in the Effort to Curb the Flow from South America to U.S.,” *Los Angeles Times* (Los Angeles, February 20, 1993).

³⁸ Shirk and Donnelly, *Police and Public Security in Mexico*.

Throughout the Salinas presidency drug traffickers achieved unprecedented access to high levels of the state and national government. Raúl Salinas, President Carlos Salinas's brother, and Deputy Attorney General Mario Ruíz Massieu, a member of Salinas's inner circle, were both implicated for their involvement in the drug trade. Raúl was convicted but later acquitted for the murder of his former brother in law and party leader José Francisco Ruíz Massieu. President Salinas selected the brother of Massieu, Mario Ruíz Massieu, to lead the murder investigation. Mario Ruíz Massieu publicly accused the PRI of trying to cover up the murder, and then mysteriously fled to the United States where he was later arrested and convicted on charges of money laundering. Mario Ruíz Massieu remained in the US fighting extradition for the supposed cover up of his brother's murder until his apparent suicide in 1999.³⁹ Raúl Salinas was also implicated for charges of money laundering when his wife and brother-in-law were arrested in Geneva after attempting to withdraw \$84 million from an account linked to one of Raúl's aliases.⁴⁰ The Raúl Salinas and Mario Ruíz Massieu debacles plummeted public confidence in the PRI and contributed to the eventual decline of the party.⁴¹

While the Salinas administration was tainted by allegations of corruption after his term ended, Salinas did initiate some institutional and legal reforms that improved Mexico's capacity to combat organized crime. Salinas continued the policy of Miguel De La Madrid by classifying drugs as a national security initiative. This classification was

³⁹ Rick Stare, *Policing Corruption: International Perspectives*, ed. Dilip K Das, n.d.

⁴⁰ Louise Shelley, "Corruption and Organized Crime in Mexico in the Post-PRI Transition," *Journal of Contemporary Political Justice* 17, no. 3 (August 2001): 213–231.

⁴¹ Stare, *Policing Corruption: International Perspectives*.

mostly rhetorical and was a mechanism to improve US-Mexican relations, but also justified the measures Salinas took to revitalize the national security apparatus. Although his measures were often sporadic and halfhearted, Salinas' policies granted Mexican law enforcement a greater capacity to combat organized crime. He created a national security council, founded a specialized drug enforcement unit within the PGR, and developed new drug task forces within the federal judicial police. These policies exhibited an increased commitment to combat drug trafficking, even though their effectiveness was limited by systematic corruption. One of Salinas's lesser initiatives proved to be a highly influential policy during subsequent administrations. This policy was an increasingly militarized approach in combatting drug trafficking. Salinas intended to achieve this policy by increasing the role of the military played in enforcing counternarcotic policy.⁴² In the 1970s, only around 5,000 soldiers were involved in drug control operations. By the late 1980s, approximately 25,000 soldiers participated in counternarcotic efforts. In addition, Salinas formed a new army staff section that focused on drug control and devoted a higher percentage of the military budget to counternarcotic efforts.⁴³ However many of his policies were quickly abandoned and the military's focus promptly returned to the eradication of drugs.⁴⁴ This regression displayed the conflicting nature of many of Salinas's policies. It is unclear whether Salinas's policies really intended to initiate change or were implemented to promote a bilateral relationship between the US and

⁴² Andreas, "The Political Economy of Narco-corruption in Mexico."

⁴³ Ibid.

⁴⁴ Astorga and Shirk, "Drug Trafficking Organizations and Counter-Drug Strategies in the U.S. Mexican Context."

Mexico. Many of his policies had a limited scope and are tainted by the systematic corruption within his administration

Salinas was largely concerned with economic issues throughout his presidency and enacted stronger counternarcotic policy in hopes of developing stronger economic ties with the United States. Despite his questionable intentions, Salinas's counternarcotic policies were moderately successful and influential on latter presidents. Much of the counternarcotic policy Salinas enacted intended to foster a more cooperative relationship with the United States. Salinas created a joint task force between the Drug Enforcement Agency (DEA) and the Procuraduría General de la República (PGR) called the Northern Border Task Force, which increased the use of US helicopters and radar on the US Mexico border. He also allowed for a United States military investigative unit to investigate drug trafficking within Mexico and authorized the US military to monitor drug activity within Mexico.⁴⁵ These measures were met with criticism from within his administration but also began a more cooperative relationship with the US that proved invaluable to future Mexican administrations in the fight against drug trafficking.

Ernesto Zedillo's presidency (1994-2000) was in many ways a transitional period for Mexican counternarcotic policy. His administration was not plagued by the same level of corruption as his predecessor, and Zedillo did demonstrate an honest desire to eliminate corruption by enacting some influential and effective counternarcotic policy. However, Zedillo's position and ties to the PRI limited his effectiveness in fighting

⁴⁵ Silvana Patenostro, "Mexico as a Narco-Democracy," *World Policy Journal* 12, no. 1 (Spring 1995): 41–47.

corruption within his party.⁴⁶ Zedillo continued many of the policies of the Salinas administration by improving the institutional and legal capacity of Mexico to combat DTOs. This was evidenced by several instrumental institutional reforms and legislative victories aimed at eliminating organized crime and corruption. In 1996 Zedillo enacted a law that was directed at criminal organizations by increasing the penalties for drug trafficking. This law is comparative to the Racketeering Influence and Corrupt Organizations (RICO) legislation of the United States. The Special Unit against Organized Crime and Special Unit against Money Laundering were created to enforce this new law.⁴⁷ Zedillo continued Salinas's cooperation with the United States by establishing the High Level Contact Group (HLCG). This new partnership forged a more effective relationship between the US and Mexico.⁴⁸ Like Salinas, Zedillo also incorporated the military into the enforcement of counternarcotic policy.⁴⁹ Zedillo continued Salinas's militarized approach in order to bypass the corruption that severely limited the effectiveness of local law enforcement. The military also enabled the state to maintain more control over the enforcement of counternarcotic policy, instead of having to rely on corrupt state officials to enforce policy.

⁴⁶ Shelley, "Corruption and Organized Crime in Mexico in the Post-PRI Transition."

⁴⁷ Chabat, "Mexico's War on Drugs: No Margin for Maneuver."

⁴⁸ Luis Astorga and David Shirk, *Drug Trafficking Organizations and Counter-Drug Strategies in the U.S.-Mexican Context* (Center for U.S.-Mexican Studies, the Mexico Institute of the Woodrow Wilson Center, El Colegio de la Frontera Norte, El Colegio de México, January 2010).

⁴⁹ Shirk and Donnelly, *Police and Public Security in Mexico*.

Although his ties to the PRI limited Zedillo, he still attempted to root out corruption. Zedillo enacted and enforced new legislation aimed at ending the period of impunity for corrupt government officials and arrested Raúl Salinas, the brother of former Mexican president Carlos Salinas. Although Zedillo's policies were slightly successful in decentralizing the systematic corruption within the government, Zedillo's legacy will also be tainted by his appointment of Jesús Gutiérrez Rebollo.⁵⁰ Gutiérrez Rebollo was a career soldier that rose to the rank of general and was subsequently appointed as the top ranking drug interdiction officer as head of the Instituto Nacional para el Combate a las Drogas (INCD). Shortly after being appointed head of the INCD, General Gutiérrez Rebollo was arrested and convicted of multiple corruption charges.⁵¹ The Gutiérrez debacle was dually disastrous because it occurred during the United States' annual certification process.⁵² Zedillo's attempts to root out corruption lacked an organized structure and were limited by his ties to the PRI but he did make some progress in reducing the ties between upper level government officials and DTOs.

The period of PRI hegemony in Mexico was a time of unprecedented power for DTOs. Mexican counternarcotic policy was either limited or ineffective. Corruption restricted the power and effectiveness of the state to enforce counternarcotic policy. Poor economic conditions also encouraged the growth of the drug trade. Limited job opportunities encouraged individuals to participate in the trade and trafficking of illicit

⁵⁰ Bonner, "The New Cocaine Cowboys: How to Defeat Mexico's Drug Cartels."

⁵¹ Tim Golden, "US Officials Say Mexican Military Aids Drug Traffic," *New York Times* (Washington D.C., March 26, 1998), World edition, sec. World.

⁵² Susan E Reed, "Certifiable: Mexico's Corruption, Washington's Indifference," *The New Republic* (1997).

narcotics. The allure of the lucrative industry was undeniable and the corrupting power of the criminal organizations enabled the industry to continue and grow throughout this period. While high levels of corruption and tolerance of organized crime tainted this time period, it also was a time of relative peace in comparison to the last decade. Informal guidelines set by the Mexican political elite regulated competition and violence between DTOs. However as Mexico transitioned to a more democratized political system and its economic partnership with the United States strengthened, DTOs fractured, violence escalated, and tolerance of organized crime ended.

Conclusion

The repercussions of corruption during the PRI hegemony continue to haunt Mexico to this day. The current security crisis can be partly attributed to the policies of the PRI and the influx of corruption in local, state, and federal institutions. During the PRI hegemony, corruption transcended every level of Mexico's political system, enabling the rapid growth of criminal enterprises. Neither organized crime nor rampant corruption posed a considerable threat while the PRI exclusively controlled the political system, because the PRI had enough power to regulate organized crime. However when PRI influence diminished with the emergence of relevant political opposition, the PRI no longer had sufficient power to regulate organized crime. Consequently, the shift to a more democratic political system coincided with an escalation in violence. Corruption, in particular, poses a significant threat to democratic progress because it retards the government's ability to enforce its policies. The effectiveness of counternarcotic efforts is lessened by corruption within security forces and political institutions. In response to the escalation of violence and prevalence of corruption, President Vicente Fox (2000-2006)

and President Felipe Calderón (2006-2012) have turned to the military to bypass much of this corruption. However as explained in chapter 3 and 4, this policy has several negative consequences of its own. Corruption is a corrosive influence on the democratic development of Mexico and it inhibits the ability of the government to properly enforce its counternarcotic policy. Widespread corruption within Mexico's political system has influenced Mexico's counternarcotic policy and complicated the suppression of the mounting security crisis within Mexico.

CHAPTER TWO

Implications of Organized Crime on Democratization

In the waning years of PRI (Institutional Revolutionary Party) hegemonic rule, Mexico began the daunting process of democratizing its institutions. The implementation of various institutional reforms and the demise of one-party political dominance facilitated the emergence of a new era of constitutionalism.¹ However, the democratic progress made during the development of a new constitutional order coincided with the escalation of drug-related violence. The conflict between drug traffickers and the state intensified, quickly evolving into a mounting security crisis. This inconvenient escalation, not only, threatens institutional development, but also undermines genuine democratic progress through the promotion of authoritarian practices and institutions.² The insidious nature of the conflict and Mexico's rigorous pursuit of drug trafficking organizations (DTOs) complicates the institutionalization of democracy and undermines real democratic progress.³

The celebrated victory by opposition candidate Vicente Fox inaugurated a new era of constitutionalism in Mexico. The end of one-party dominance, and electoral and judicial reforms established a more balanced division of power and effectively ended the

¹Stephen Zamora and Jose Ramon Cossio, "Mexican Constitutionalism After Presidencialismo," *International Journal on Constitutional Law* 4, no. 2 (November 2, 2006): 411–437.

²Juan D. Lindau, "The Drug War's Impact on Executive Power, Judicial Reform, and Federalism in Mexico," *Political Science Quarterly* 126, no. 2 (Summer 2011): 177–200.

³Ibid.

era of executive supremacy.⁴ Increased electoral competition facilitated the demise of the PRI hegemony and allowed for the creation of a new, more balanced political system. The executive lost its stranglehold on the Mexican political structure and the judiciary and legislature regained some formal constitutional powers.

Implications of Presidencialismo on Democratization

During the PRI hegemony, the PRI dominated electoral politics and limited the access of opposition parties to the political system. Without viable opposition, the PRI exploited Mexico's political institutions and subverted the democratic elements of Mexico's 1917 constitution. The PRI consolidated party and political leadership in the executive, providing the president with various informal powers and control over other constitutional organs.⁵ As party leader and chief executive, the president compelled strict party discipline, reduced the influence of the legislature, restrained an already ineffective judiciary, and virtually eliminated all federalist principles. This allowed the executive to exercise control over the entirety of Mexico's political structure and resulted in a period of executive dominance, called *presidencialismo*.⁶

During this period of *presidencialismo*, executive dominance undermined federalist principles of Mexico's 1917 constitution. The consolidation of power under the executive allowed the president to improperly influence or negate policies of state and

⁴Zamora and Cossio, "Mexican Constitutionalism After Presidencialismo."

⁵ Benito Nacif, "The Fall of the Dominant Presidency: Lawmaking Under Divided Government in Mexico," *CIDE División De Estudios Políticos* (2005).

⁶Camp, *Politics in Mexico: The Democratic Consolidation*.

municipal governments. This contradiction of federalist principles was more the result of the centralization of power and one-party dominance than a reflection of constitutional design.⁷ Article 124 of the constitution grants all powers not expressly granted to the federal government to the states.⁸ Article 73 enlists the powers of exclusive authority of the federal government. However during the PRI hegemony, frequent amendments to Article 73 virtually eliminated federalist principles of Article 124. Article 73 grants the federal government broad and exclusive authority to legislate on specific segments of industry, trade, commerce, and the economy. Amendments to Article 73 undermined federalist principles by enlisting additional segments of trade, commerce, and industry to the exclusive authority of the federal government.⁹ The broad allocation of powers under Article 73 grants tremendous power to the federal government and confines state powers by subjecting them to overwhelming federal authority. The constitution intended to limit federal authority through Article 124, but frequent amendments to Article 73 virtually eliminated the federalist principles of Article 124.

In addition, the combination of various formal and informal executive powers allowed the president to restrain federalist principles during the PRI hegemony.¹⁰ The Mexican president's position as the dominant party leader allowed him to discipline uncooperative government officials. Consequently, every politician within the political

⁷Zamora and Cossio, “Mexican Constitutionalism After Presidencialismo.”

⁸ Ibid.

⁹ Jose Gamas-Torruco, “The Presence of the Federal System in Mexico,” *Duquesne Law Review* 44, no. 1 (2006 2005): 35–52.

¹⁰Jorge Schiavon, “The Central-local Division of Power in the Americas and Renewed Mexican Federalism: Old Institutions, New Political Realities,” *International Journal on Constitutional Law* 4, no. 2 (April 2006): 392–410.

hierarchy was obligated to adhere to strict party discipline.¹¹ As party leader, the president also used his informal powers to handpick PRI candidates for state legislatures and gubernatorial offices and had the ability to remove elected officials.¹² Article 76 Section V empowers the Senate to remove state governors when, in the opinion of the majority of senators, the governor has lost control of the state.¹³ Executive control of the senate enabled the president to compel the senate to remove obstinate governors that challenged executive authority. This encouraged governors and state officials to adhere to party discipline and abide by presidential authority. The president's position as de-facto head of the PRI enabled the president to control the political hierarchy of both the federal and state governments, virtually eliminating federalism.

While *presidencialismo* undermined federalism within Mexico, the constitutional division of institutional powers actually provide for a relatively balanced political structure. In fact, the formal powers of the Mexican president are relatively weak in comparison to the formal constitutional powers of other Latin American presidents. Nevertheless, the Mexican president preserved decisive control over the Mexican political structure during the PRI hegemony due to his informal, meta-constitutional powers. The most powerful constitutional power the Mexican president is afforded is the package veto power. The package veto grants the president the power to veto any

¹¹Scott Morgenstern, ed., “Understanding Party Discipline in the Mexican Chamber of Deputies: The Centralized Party Model,” in *Legislative Politics in Latin America* (Cambridge: Cambridge University Press, 2002), 254–283.

¹²Zamora and Cossío, “Mexican Constitutionalism After Presidencialismo.”

¹³“1917 Mexican Constitution”, February 5, 1917.

legislation in its entirety but prevents the president from vetoing only parts of a bill.¹⁴ The Mexican President, also, lacks significant agenda-setting powers. Besides the budget, congress has no constitutional obligation to give precedence to any bill initiated by the president; and the executive's only real authority over the budget is to introduce the bill. Once in congress, the president's formal power to affect the outcome of the budget is limited.¹⁵ The constitutional powers of the Mexican president are unspectacular, yet throughout the period of PRI dominance the informal powers of the president enabled the president to control the Mexican political structure.¹⁶

The Mexican executive's constitutional powers are surprisingly ordinary. In fact, many of the Mexican president's enumerated powers are similar to those of the United States president. The ability to appoint a cabinet, determine and define foreign policy, veto legislation, enforce law, and command the armed forces¹⁷ are analogous to powers enlisted to the United States president. Nevertheless, during the PRI hegemony, the Mexican executive was afforded various informal meta-constitutional powers that exceed United States executive power by reducing the influence of other branches. These informal powers enabled the executive to undermine the democratic aspects of the Mexican political structure.

¹⁴Nacif, “The Fall of the Dominant Presidency: Lawmaking Under Divided Government in Mexico.”

¹⁵Ibid.

¹⁶Chappell Lawson, “Mexico’s Unfinished Transition: Democratization and Authoritarian Enclaves in Mexico,” *Mexican Studies* 16, no. 2 (Summer 2000): S67–287.

¹⁷Jose Torruco, “The Separation of Powers in Mexico,” *Duquesne Law Review* 47, no. 1 (2009): 761–802.

Mexican *presidencialismo* was primarily dependent on informal executive power and lacked significant constitutional support. The 1917 Mexican constitution intended to form a democratic form of government. However, during the PRI hegemony, the lack of electoral competition and hierarchical structure of the PRI facilitated an era of executive dominance and semi-authoritarian rule. Until 1994, PRI leadership was organized under the president; and, as head of the PRI, the president possessed various partisan powers that allowed him to enforce rigid party discipline. The informal powers of the executive during the PRI hegemony subverted the democratic principles of the 1917 constitution.

Various idiosyncrasies of electoral laws restricted the ability of politicians to cultivate a personal vote and compelled politicians to observe party guidelines. In Mexico, many of the state and national offices are elected based on a closed ballot; meaning that voters do not know who they are voting for beyond the party label. There was no incentive for a legislator to forge a distinctive or effective political voice. Furthermore, the prohibition of consecutive reelection limited the accountability of legislators to their constituents and increased the role of the party. Instead of competing for the support of their constituency, politicians competed for nominations from the PRI.¹⁸ Promotion and advancement depended on the will of party elites, not the support of voters. This encouraged a system of reversed accountability, in which the legislature's loyalty lied primarily with the party.¹⁹ The system created a particularly egregious type of politician with no loyalty to his constituents, and an indifferent perspective towards

¹⁸Alberto Díaz Cayeros, *Federalism, Fiscal Authority and Centralization in Latin America* (Cambridge: Cambridge University Press, 2006).

¹⁹Luis Carlos Ugalde, "The Transformation of Mexican Presidentialism, 1929-2000," *Fletcher Forum of World Affairs* 25, no. 1 (2001): 115–126.

policy. Ultimately these electoral idiosyncrasies fostered a system in which PRI candidates and representatives were rewarded for party loyalty and punished for breaking party lines. This political culture had an adverse effect on Mexican democracy and made it practically impossible to bring about meaningful legislation without the direct support of the party head, the president.

The informal partisan powers of the executive heavily constrained other constitutional institutions by empowering the president to act as supreme nominator. As supreme nominator, the president determined his successor and played a dominant role in determining appointments for influential governorships, judicial positions, senate seats, and other relevant political offices. Logically, there was a high degree of party discipline during this period. Few if any legislators ever voted in opposition to the party.²⁰ If politicians wanted to sustain their career, they needed to observe executive directives. There was no room for politicians to build a personal following outside party lines. Party discipline was requisite and enforceable. Consequentially, executive influence over policy transcended the divisions of government. The partisan powers of the president granted the executive various informal powers that exceeded his enlisted constitutional powers, restricted federalism, and hindered other democratic institution.

The partisan power of the presidency also enabled the executive to virtually eliminate the system of checks and balances intended to prevent any branch from overpowering another. The hierarchical structure of the PRI and the president's position as party leader afforded the executive the necessary power to coerce the legislative and

²⁰Morgenstern, “Understanding Party Discipline in the Mexican Chamber of Deputies: The Centralized Party Model.”

judicial branches.²¹ The PRI monopolized access to elective offices and to appoint positions in the federal, state, and municipal governments.²² During the height of executive authority in Mexico, the PRI held a majority in both houses of congress, all state legislatures, and all gubernatorial offices.²³ Consequently, the legislative branch served primarily as a rubber stamp on executive initiatives²⁴ and federalism was virtually eliminated.²⁵ No state or federal authority dared to check executive power. PRI electoral dominance virtually abolished the separation of powers, because the president's position as party leader granted the executive control over Mexico's institutions.

Excessive executive partisan powers restricted Mexico's bicameral legislature from playing a significant role in Mexican politics, as well. The Mexican constitution gives legislators ample power to check executive authority and to enact legislation. Formally, the Mexican president cannot dissolve the legislature nor compel it to action. Financially, the legislature controls the administration and funding of the federal government. The Chamber of Deputies levies taxes, has final oversight of the budget, creates and abolishes public offices, and fixes their salaries.²⁶ The legislature has all the

²¹Ma. Amparo Casar, "Executive-Legislative Relations: The Case of Mexico (1946-1997)," in *Legislative Politics in Latin America* (Cambridge: Cambridge University Press, 2002).

²²Nacif, "The Fall of the Dominant Presidency: Lawmaking Under Divided Government in Mexico."

²³Zamora and Cossio, "Mexican Constitutionalism After Presidencialismo."

²⁴Ibid.

²⁵Ma. Amparo Casar Perez, "Executive-Legislative Relations: The Case of Mexico," in *Legislative Politics in Latin America*, ed. Scott Morgenstern and Benito Nacif (Cambridge: Cambridge University Press, 2002), 114–116.

²⁶Ibid.

necessary power to be an effective, if not dominant, branch in the Mexican government. However, the hierarchical structure of the PRI and partisan powers of the president undermine the legislature's ability to check executive authority and act as chief legislative body. The ineffectiveness of the Mexican legislature is not due to a lack of formal powers but to the meta-constitutional powers of the executive.

The president's partisan powers permitted the executive to act as the de facto legislative body during the PRI hegemony. Formally, the constitution of 1917 allowed for the separation of executive and legislative powers. Officially the president cannot legislate without the cooperation of congress. Executive initiatives are required to pass through congress, and Articles 29 and 49 of the 1917 constitution ensure that the president cannot exercise extraordinary decree powers, unless in times of emergency.²⁷ However, because the PRI had a supermajority in congress, the president was able to take an active and primary role in legislation.²⁸ As party leader, he could compel party discipline within the legislature and circumvent legislative checks on executive power. Consequently, congress was subservient to the executive and virtually any checks on executive authority were eliminated. Executive legislative initiatives almost always garnered enough support to pass congress.²⁹ Due to informal presidential partisan power, congress simply played an ornamental role and was merely a mechanism to validate

²⁷Scott Mainwaring and Matthew Soberg Shugart, eds., "The Political Sources of Presidencialismo in Mexico," in *Presidentialism and Democracy in Latin America* (Cambridge: Cambridge University Press, 1997), 225–252.

²⁸Nacif, "The Fall of the Dominant Presidency: Lawmaking Under Divided Government in Mexico."

²⁹Camp, *Politics in Mexico: The Democratic Consolidation*.

executive proposals.³⁰ The partisan powers of the executive allowed the president to act as chief legislator and forgo any separation of powers, subjecting Mexico to semi-authoritarian rule.

End of Executive Dominance and the Transition to Democracy

As Mexico transitioned from authoritarianism to democracy, the political hegemony of the PRI turned into a competitive three party system. The advent of a new pluralistic party system decentralized PRI control of the electoral process and allowed for institutional reform. With increased access to the political system and more opposition victories, the partisan powers of the president lessened resulting in the reduction of informal executive power. Party discipline relaxed and political parties now had an incentive to nominate electable politicians. Institutional and electoral reforms facilitated the transition to democracy and a sharp decrease in informal executive powers.

Electoral reforms allowed for increased competition and loosened the executive's control over elected officials. Party discipline relaxed and the PRI lost much of its ability to punish rebellious politicians within the PRI. During the PRI hegemony, the PRI disciplined or expelled politicians that did not follow party guidelines. However with the advent of viable opposition parties, dissenting politicians can avoid party discipline by defecting and joining a different party. The rise of opposition parties presented new opportunities for politicians. The PRI no longer exclusively controlled access to the political system and PRI leadership no longer could enforce as strict of party discipline.

³⁰Francisco Cantú and Scott Desposato, “The New Federalism of Mexico’s Party System”, March 25, 2011.

Furthermore, the democratic transition expanded the power of the legislature by incorporating it into the decision making process and increasing its resources. Due to the political transition, the PRI no longer held a majority in the legislature. This restrained the informal powers of the executive and decentralized the political structure. Consequently, the passage rate for executive legislation dropped from 99 percent in 1994-1997 to 67 percent in 2000-2003.³¹ The decrease in executive power and rise of opposition parties enabled the legislature to defy executive leadership without significant repercussions. Furthermore, the legislature no longer conceded its role as primary lawmaker to the executive. The number of bills presented by legislators increased from 223 bills in 1994-1997, to 1128 bills in 2000-2003.³² Increased competition provided new incentives and opportunities for the legislature to acquire resources, as well. Throughout the PRI hegemony, resources were grossly misappropriated.³³ The executive monopolized resources limited the access of the legislature to resources. However, since the end of PRI dominance, aggregate congressional resources have increased and opposition parties now receive a more equal distribution of resources.³⁴ The transition to a multi-party pluralist system greatly contributed to the expansion of legislative influence and the institutionalization of the legislature.

³¹ Camp, *Politics in Mexico: The Democratic Consolidation*.

³²Ibid.

³³Caroline C. Beer, “Assessing the Consequences of Electoral Democracy: Subnational Legislative Change in Mexico,” *Comparative Politics* 33, no. 4 (2001): 421–440.

³⁴Frederick Solt, “Electoral Competition, Legislative Pluralism, and Institutional Development: Evidence from Mexico’s States,” *Latin American Research Review* 39, no. 1 (November 1, 2004): 155–167.

Judicial Reform

During the PRI hegemony, the judiciary was a weak and relatively ineffective institution virtually incapable of checking executive power. The executive controlled the judiciary and corruption threatened the judiciary's effectiveness. A lack of federalism also limited its effectiveness and bogged down the federal court system. However over the past two decades, judicial reform strengthened the judiciary and the institution now plays a vital role in Mexico's political process.

The overwhelming supremacy of the federal government and overpowering executive authority extends to the judiciary. The absence of federalist principles allows the federal courts to assert broad authority over interpretation of state laws through application of *amparo* protections. *Amparo* literally means “protection” in Spanish and grants federal courts original jurisdiction over any petition filed by any private person challenging the constitutionality of any action by an official or agency at any level of government.³⁵ These fundamental protections are found in articles 103 and 107 of the Mexican constitution and are intended to protect the human rights in both state and federal courts.³⁶ Federal *amparo* protections prevent some abuse of government authority but also enabled the federal court control over the development of state law. Since state court decisions are considered official government actions, federal courts have the authority to overturn state interpretations of state laws. Consequently, federal supremacy over state courts grants it influence in the development and interpretation of state law.

³⁵Zamora and Cossio, “Mexican Constitutionalism After Presidencialismo.”

³⁶Bruce Zagaris, “The Amparo Process in Mexico,” *United States-Mexico Law Journal* 6, no. 1 (1998): 61–70.

This is detrimental to the strengthening of state judicial systems.³⁷ *Amparo* laws of the Mexican constitution centralize judicial power under the federal government and inhibit any system of federalism in the judiciary.

While the troubling *amparo* law reduced the effectiveness of the judiciary, over the past two decades the judicial branch has experienced a dramatic increase in power. Meaningful judicial reform magnified the importance of the Supreme Court and established the judiciary as an influential component in the formation of law and policy.³⁸ This is due to significant judicial reforms that altered the composition and role of the Supreme Court and established the court as a more independent body.³⁹

Shortly after his inauguration in 1994, PRI president Ernesto Zedillo introduced a major judicial reform that radically changed the judiciary. The 1994 judicial reforms demonstrated a significant effort to balance institutional power and awarded the judiciary the power to overcome decades of judicial subordination.⁴⁰ The reforms increased the independence of the Mexican Supreme Court and entrusted the court with the power of judicial review. Before the judicial reforms of 1994, the judicial branch merely functioned as a validation of executive initiatives and was hesitant to rule against

³⁷Zamora and Cossio, “Mexican Constitutionalism After Presidencialismo.”

³⁸Ibid.

³⁹Jodi Finkel, “Judicial Reform as Insurance Policy: Mexico in the 1990s,” *Latin American Politics & Society* 47, no. 1 (2005): 87–113.

⁴⁰Jodi Finkel, “Supreme Court Decisions on Electoral Rules After Mexico’s 1994 Judicial Reform: An Empowered Court,” *Journal of Latin American Studies* 35, no. 1 (2003): 777–799.

executive authority or the ruling party.⁴¹ The 1994 reforms, however, restructured the federal judiciary, cultivating a more independent branch.

The reform empowered the Supreme Court to review executive and legislative actions and made the judiciary more transparent and independent. It reduced the number of Supreme Court justices, increased senatorial oversight of presidential judicial nominations, and made the criteria for nominating justices more stringent. The Federal Judicial Council (CFJ) was established in order to regulate and manage the judiciary and the powers of the Supreme Court were explicitly codified.⁴² The CFJ relieved Supreme Court justices of the responsibility of judicial administration, creating a more independent judiciary. The seven-member council is in charge of appointments, promotions, and discipline of all judges below the Supreme Court level.⁴³ It also reviews court cases where there is suspicion of corruption and upholds professionalism within the judiciary by setting prerequisites for judges and judicial advancement. The 1994 judicial reforms exhibited a substantial movement towards a more independent and effective judiciary.

One of the most significant reforms in 1994 gave the supreme court the power to resolve constitutional controversies and to render laws or government actions unconstitutional.⁴⁴ Before the reform the court only considered cases of *amparo* protections of individual guarantees. *Amparo* protections did not allow the court to rule

⁴¹Ibid.

⁴²Finkel, “Judicial Reform as Insurance Policy: Mexico in the 1990s.”

⁴³Ibid.

⁴⁴Ibid.

on the constitutionality of laws, but only allowed the court to review the application of a law in regards to a specific case. Rulings did not establish a national precedent or render a law unconstitutional. However, the 1994 reforms empowered the court to act as a constitutional court, to resolve constitutional controversies, and to check executive power. The ability to rule on issues of constitutionality established the court as a mechanism of constitutional control and created a check on executive and legislative power.

Before the 1994 judicial reform, the constitutional weakness of the judiciary and lack of professionalism limited the effectiveness of the judiciary. Corruption reduced the effectiveness of the judiciary and protected the progression of the narcotic trade. Organized crime bribed law enforcement and judicial officials in exchange for protection. The 1994 reform addressed the problems afflicting the branch by strengthening the judiciary and increasing its independence. The tenure of Supreme Court justices increased from 6 years to 15 years. Before the reform Supreme Court justice's terms coincided with presidential elections. The change to 15 years distanced the court from the political pressures of other government institutions and increased the court's capability of checks and balances.⁴⁵ The independence of the court

Continued judicial development in the past decade did not always continue the democratization of the judiciary. While the 1994 reforms heightened the prestige of the

⁴⁵Julio Riós-Figueroa, “Fragmentation of Power and the Emergence of an Effective Judiciary in Mexico, 1994–2002,” *Latin American Politics & Society* 49, no. 1 (April 2007): 31–53.

upper levels of the judiciary, they failed to result in better administration of justice.⁴⁶

Recent reforms sought to resolve this problem by increasing transparency and accountability. These continued reforms introduced public proceedings, presumption of innocence rather than guilt; based sentencing on material evidence presented in the trial, and founded a panel of judges, whose sole responsibility is to rule on search warrants.⁴⁷ The foundation of an independent panel charged with expediently ruling on search warrants is a direct result of the conflict with drug traffickers. Human rights abuses and unlawful search and seizures by Mexican security forces attracted criticism from international humanitarian groups. Recent reforms also enabled law enforcement to hold individuals suspected of organized crime affiliation for 80 days before charging them with an offence. While other judicial reforms promote democratic development, the reform regarding the suspicion of organized crime affiliation is a blatant retreat from the democratic ideal of due process. Recent judicial reforms are structured around the conflict with DTOs and do not necessarily promote democratic ideals.

Thus far, reforms intended to increase professionalism and transparency have been unsuccessful in eliminating the systematic corruption that plague law enforcement and judicial officials. Furthermore, federal reforms are inconsistent with state reforms. State judiciaries lack the professionalism of their federal counterparts. Neither federal nor state institutions are rid of corruption. Corruption continued after the PRI demise and continues to contaminate the judiciary and law enforcement today. However the lesser

⁴⁶Pilar Domingo, “Judicialization of Politics or Politicization of the Judiciary? Recent Trends in Latin America,” *Democratization* 11, no. 1 (February 2004): 104–126.

⁴⁷Lindau, “The Drug War’s Impact on Executive Power, Judicial Reform, and Federalism in Mexico.”

progression of democratization in state judiciaries and the more widespread influx of corruption in state rather than federal law enforcement lead to the increased use of federal forces to combat DTOs.⁴⁸

The conflict with DTOs threatens democratic progress in the judiciary. Corruption undermines the administration of justice and fosters a culture of impunity. Extensive institutional reform is difficult to implement in normal circumstances, and Mexico's extraordinary circumstances make implementation all the more difficult.⁴⁹ Ideally, the judicial reforms of the last two decades were intended to transform the judiciary, elevate the institution, and grant it the capability of checking executive power. However, the conflict with DTOs has complicated the institutionalization of the judiciary by promoting the very practices that the reforms attempt to eradicate. Corruption continues to afflict the judiciary and has not yet been eradicated. The vestiges of one-party semi-authoritarian rule are engrained in the institutional character of the system and are not easily jettisoned. The coercive capacity of DTOs and vestiges of the PRI hegemony undermine the institutionalization of judicial reforms and threaten the judiciary's democratic development.

Implications of Violence and Organized Crime on Democratization

Throughout the period of one-party authoritarian rule, the PRI employed a system of cooption and coercion to control the political apparatuses of the state.⁵⁰ Mexican drug

⁴⁸Stare, *Policing Corruption: International Perspectives*.

⁴⁹Lindau, "The Drug War's Impact on Executive Power, Judicial Reform, and Federalism in Mexico."

⁵⁰Ibid.

traffickers were also bound by this system and were forced to abide by unwritten guidelines of the PRI. During the twilight of PRI dominance, a successful crackdown on major drug traffickers and dismantlement of prominent criminal enterprises resulted in a sharp escalation of violence. The crackdown resulted in the nullification of the unwritten rules of the PRI. Prominent DTOs fragmented into smaller entities and the once diplomatic relationship between the state and drug traffickers deteriorated. The relative and forced tolerance between competing DTOs also ended. DTOs were no longer compelled to follow PRI guidelines and the disintegration of large DTOs into smaller entities fostered violence as competing DTOs sought to secure and extend their market and territory.⁵¹ The concurrent escalation of drug related violence and institutionalization of democracy was not an accident. The institutional void left by the reduction of executive authority facilitated the expansion of legislative and judicial powers, but also abolished the centralized authority that regulated the conduct of DTOs.

The pervasive nature of the conflict between Mexico and DTOs preserves certain semi-authoritarian proclivities of the PRI hegemony.⁵² The conflict perpetuates systematic corruption, cultivates a culture of impunity, preserves distinct authoritarian practices, fosters the expansion of executive power, undermines federalism, and diminishes the efficacy of true institutional reform.⁵³ The conflict encourages the expansion of non-democratic principles and practices, through the expansion of executive authority and the concentration of power under the federal government. The lingering

⁵¹Ibid.

⁵²Ibid.

⁵³Ibid.

vestiges of the PRI hegemony reinforce this concentration of power and inhibit federalism. Persistent and extensive corruption within state police forces compelled the federal government to assume the principal role as enforcer of counternarcotic policy. Consequently, states are now subjected to increased federal oversight in matters relative to counternarcotic policy and drug trafficking. Increased federal oversight and the federal government's role as primary enforcer of counternarcotic policy undermined the system of federalism and Mexican institutional development. The conflict does not just threaten Mexican national security, but also undermines institutional development by preserving certain authoritarian practices of the PRI hegemony.

The end of the PRI's political hegemony signified an important democratic advance, but also facilitated a sizeable reduction in executive power. Centralized political control ended, facilitating a more democratic separation of power, but Fox and the newly initiated Partido Acción Nacional (PAN) failed to immediately reconcile or comprehend the new limits of executive influence. A more balanced division of power among federal institutions and the elimination of informal, extra-constitutional executive powers prevented any unified federal body or institution from filling the void left by the reduction of executive power. The absence of centralized control offered new opportunities for criminal activity and resulted in the emergence of new criminal enterprises and an increase in violence.⁵⁴

The escalation of violence accommodated the partial restoration of executive supremacy and undermined the democratization of the state. The executive is afforded

⁵⁴Sam Quinones, "State of War," *Foreign Policy*, no. 1 (February 16, 2009): 76–80.

extraordinary powers by the Constitution in times of emergency, authorizing the suspension of certain constitutional rights. The mounting conflict with DTOs encourages the suspension of these constitutional guarantees, granting the executive excessive powers. Also, the conflict with DTOs allows the executive to command the central role in forming and enforcing counternarcotic policy. Mounting security concerns enable the executive to endorse the security agenda as the paramount concern of the Mexican state, above all other functions and priorities. This has resulted in the steady expansion of power of one of the least-accountable and least-transparent institutions of the state, the Mexican military.⁵⁵ Every president, since Zedillo has further empowered the military to combat DTOs and currently the military is the chief instrument in enforcing counternarcotic policy and dismantling DTOs. This militarized approach is troubling because the military has maintained much of its institutional independence.⁵⁶ In general, the Mexican military forces are not tainted by the same corruption that pervades local police forces.⁵⁷ The military is also far less transparent but avoids corruption through internal discipline and institutional coherence.⁵⁸ The increased role of the military in dismantling DTOs centralizes power under the federal government, and specifically the executive, as well.

⁵⁵Lindau, “The Drug War’s Impact on Executive Power, Judicial Reform, and Federalism in Mexico.”

⁵⁶Camp, *Politics in Mexico: The Democratic Consolidation*.

⁵⁷Katherine E. Bliss, “Party Politics in Mexico’s Midterm Elections: The PRI Celebrates While the PAN and PRD Regroup,” *Center for Strategic & International Studies* 17, no. 3 (August 27, 2009).

⁵⁸Lindau, “The Drug War’s Impact on Executive Power, Judicial Reform, and Federalism in Mexico.”

While Mexico has made significant institutional development, the pervasive nature of DTOs threatens to undermine democratic progress. Institutional reforms and the demise of one-party political dominance facilitated the emergence of a new era of constitutionalism.⁵⁹ However, the democratic progress made during the development of a new constitutional order coincided with the escalation of drug-related violence. The conflict hinders institutional development by promoting undemocratic practices. Institutions have been forced to employ increasingly undemocratic practices in the pursuit of DTOs. The increasing conflict complicates institutional development within Mexico and threatens to reverse democratic progress.

⁵⁹Zamora and Cossio, “Mexican Constitutionalism After Presidencialismo.”

CHAPTER THREE

The Militarization of Mexico

Mexico's mounting security crisis is complex and is deeply rooted in its recent political transition and its economic struggles.¹ In the 1980s, in an attempt to modernize their economy, Mexico began the transition to a free market. This transition produced mixed results and had significant implications on Mexico's criminal enterprises. The transition occurred gradually and forced some Mexicans into the underground market. Enterprises like pirate taxis, street vendors, the sale of stolen goods, and, most notably, the trafficking of illicit narcotics expanded.² Mexico's unstable economic landscape led to high unemployment and diminished market opportunities, making employment in the underground market more appealing.

In the 1980s, the Mexican underground market expanded substantially due to increased US interdiction efforts in Colombia. Drug production and trafficking routes shifted in response to the US crackdown, and the US border with Mexico became the primary entry point for drugs. Although Mexico had long been involved in the production and trafficking of marijuana and synthetic drugs, the influx of cocaine and high demand for the drug in the United States created a profitable new opportunity for drug traffickers. Colombian crime syndicates funneled cocaine from Colombian coca plantations to Mexican cartels who smuggled the narcotics to distribution networks in the United

¹ David A. Shirk, *The Drug War in Mexico: Confronting a Shared Threat*, Special Report (New York: Council on Foreign Relations, March 2011).

² Ibid.

States.³ When Mexico tied its economy to the United States economy with the North American Free Trade Agreement, the opportunities for drug traffickers and black market entrepreneurs expanded. Drug trafficking created a broad range of diverse and specialized jobs. Pilots, lookouts, truck-drivers, enforcers, laborers, accountants, and logistics experts are all needed to drive the multi-billion dollar criminal enterprise. The poor economic conditions and burgeoning criminal element in Mexico facilitated the rapid growth of drug trafficking organizations.

In the 1990s, a severe economic crisis coupled with the victory of opposition candidates in state and federal elections changed the manner in which DTOs were allowed to operate. The economic crisis resulted in drastic increases in robbery and property crime. Mexican citizens were desperate and turned to alternative means of acquiring money. The United States eventually bailed out the Mexican economy and the market stabilized but the economic turmoil had a lasting effect. DTOs continued to fight over *plazas* and diversified their criminal endeavors. Kidnapping, human trafficking, extortion, and robbery were incorporated into their criminal enterprises.⁴ Violence escalated and drew international attention. DTOs no longer operated under the direction and in cooperation with the PRI and threatened the domestic security of the state.

As opposition parties gained influence and the semi-authoritarian rule of the PRI ended, the counternarcotic policy of the state changed. The government distanced itself from criminal organization and no longer regulated the operation of DTOs. Under the

³ Bonner, “The New Cocaine Cowboys: How to Defeat Mexico’s Drug Cartels.”

⁴ Shirk, *The Drug War in Mexico: Confronting a Shared Threat*.

PRI, DTOs had been allowed to operate freely and often worked in collusion with state and government officials. The PRI and DTOs had an informal agreement, which allowed DTOs to operate under conditions set by the PRI. However, when heinous and horrific acts of violence gained international attention and threatened the security of the state, this agreement ended. Unregulated, the DTOs fought over *plazas*. Violence between drug traffickers eventually spilled over and began to affect innocent civilians, evolving into a national security crisis. The violence was embarrassing to government officials, and politicians no longer could afford to openly support DTOs. The government began a campaign against DTOs and actively pursued some of Mexico's most infamous drug lords.

The worsening of the security crisis has in many ways overshadowed the democratic and economic advances of Mexico. The office of Mexico's Attorney General estimated on January 11, 2012 that 47,515 people had been killed in drug-related violence since President Felipe Calderón began a military assault on criminal cartels in late 2006.⁵ This rampant escalation of violence corresponds with a similar increase in the brutality of the violence perpetrated by DTOs. Torture, castrations, kidnappings, decapitations, hangings, and vicious slayings have become a routine part of life in the most effected regions of Mexico.⁶ While in the past this brutal violence was mostly limited to drug traffickers, now the violence regularly victimizes innocent civilians, law

⁵ Damien Cave, "Mexico Updates Drug War Death Toll, but Critics Dispute Data," *New York Times* (Mexico City, January 12, 2012), New York edition, sec. A.

⁶ Grayson, George W, *Mexico: Narco-violence and a Failed State?* (New Brunswick, New Jersey: Transaction Publishers, 2010).

enforcement and government officials, politicians, and journalists.⁷ DTOs are systematically persecuting or killing any official against their interests. The democratic and economic transition over the last three decades is threatened by the security crisis because the government has not found a way to contain the violence.⁸

Mexico has attempted to protect their democratic progress by pursuing an increasingly militarized approach in combatting DTOs. The origins of Mexico's current counternarcotic strategy can be traced to 1987 and the policies Mexican President Miguel De La Madrid. De La Madrid was the first to declare drug trafficking a national security issue and to expand the influence of the government in regulating drug trafficking and production.⁹ President De la Madrid increased military involvement in counternarcotic policy by including representatives of the armed forces in the newly created Special Anti-Narcotics Prosecutor (INCD). Although the INCD was eventually disbanded in favor of the Special Prosecutor for Drug Crimes (FEADS),¹⁰ the INCD represented a significant increase in the role of the armed forces in the creation and enforcement of counternarcotic policy.

The increased use of the military is a strategy that each president since De La Madrid has continued. Zedillo, Fox, and Calderón have each expanded the role of the

⁷ Shirk, David A., "Drug Violence in Mexico: Data and Analysis from 2001–2009," *Trends in Organized Crime* 13, no. 2–3 (2010): 167–174.

⁸ Raul Benitez Manaut, "Reforming Civil-Military Relations During Democratization," in *Mexico's Democratic Challenges: Politics, Government, and Society* (Washington D.C.: Woodrow Wilson Center Press, 2010), 162–186.

⁹ Andreas, "The Political Economy of Narco-corruption in Mexico."

¹⁰ Jordi Diez and Ian Nicholls, *The Mexican Armed Forces in Transition* (Kingston, Ontario: Strategic Studies Institute, January 2006).

military in enforcing counternarcotic policy.¹¹ However, while Zedillo, Fox, and De La Madrid increased military participation in counternarcotic policy minimally, Calderón increased military participation monumentally when he took office in 2006. One of Calderón's first actions as president was to deploy thousands of troops and federal police to suppress drug related violence. Federal security forces and the military have become the primary tools of Calderón's counternarcotic strategy. This is partly due to the weakness and corruption of intelligence agencies, state and municipal police, and the justice system. Calderón has implemented a military intensive approach in order to give time to the government in its establishment of various institutional reforms. Ultimately the goal of Calderón's strategy is, that while the armed forces dismantle DTOs, Mexico will be able to implement reform, root out corruption, and strengthen police and judicial systems.¹²

Mexico's current counternarcotic strategy is highly controversial. While military deployment to some of Mexico's most affected regions has resulted in significant strategic accomplishments, these accomplishments have proven to be short-lived. New drug traffickers emerge in the place of ousted leaders and new organizations are formed as old DTOs are dismantled. Calderón's institutional reform will take years to be completely implemented and short-term military solutions do not provide a long-term solution. In addition, violence and competition between DTOs has intensified since Calderón implemented his strategy. Mexican officials have worked to dismantle large

¹¹ O'Neil, Shannon, "Mexico-U.S. Relations: What's Next," *Americas Quarterly: The Policy for Our Hemisphere*, Spring 2010.

¹² Katrina M Weeks, "The Drug War in Mexico: Consequences for Mexico's Nascent Democracy" (Claremont McKenna College, 2011).

powerful DTOs into smaller more manageable organizations. However, this strategy has only exacerbated the violence. Factions within fragmented DTOs fight for control of *plazas* for smuggling drugs into the United States. In the 1990s there were only four major DTOs. Now, there are seven competing for the same plazas.¹³ This has lead to an increase in violence because more DTOs are fighting for the same small area.

The effectiveness of the Mexico's militarized approach to the influx of violence has produced erratic results. Violence in the state of Tamaulipas initially dropped significantly after Calderón deployed federal forces there in 2007. However, as the conflict between Los Zetas and the Gulf cartel escalated in 2010 sharp increases in violence occurred. Other states, like Chihuahua, Guerrero, and Nuevo Leon still experienced high levels of violence after the deployment of federal troops.¹⁴ The military also has a high rate of desertion and is under the microscope for numerous accusations of human rights abuses.¹⁵ The military has yet to prove that its role as the primary source of law enforcement in counternarcotic strategy is warranted or working.

The relationship between civilian and military authorities in Mexico has drastically changed due to the democratization of Mexico's institutions. In the past Mexico's military was allowed to remain a fairly independent branch and was purposefully designed as a weak governmental institution. Civil military relations were characterized by an implicit pact that resulted in little civilian oversight and a high level

¹³ Peter Chalk, *Profiles of Mexico's Seven Major Drug Trafficking Organizations* (West Point: Combating Terrorism Center at West Point, January 18, 2012).

¹⁴ Shirk, *The Drug War in Mexico: Confronting a Shared Threat*.

¹⁵ Ibid.

of military autonomy. In exchange, the military abstained from military intervention in the political system.¹⁶ The military was always subordinate to civilian control. Its loyalty to the PRI and weakness prevented the armed forces from staging any military coups.¹⁷ However, the relationship between the government and the military changed with the democratic transition. The political framework outlined by the PRI was discarded and the suddenly weakened executive branch forged a new role for the military. Mexico's democratization and the simultaneous escalation of violence forced the government to grant more power to the military.

Mexico's transition to a more democratic political structure has coincided with a drastic increase in the use of the military. The military is no longer restricted to crop eradication, as it was in the 1970s and early 1980s. Under President Zedillo, the major role of the military was to eradicate drug productions and prevent the free flow of drugs through Mexico.¹⁸ However, currently the military is the dominant tool in counternarcotic strategy and is being employed in a variety of ways. Calderón has used the military to hunt and capture drug traffickers and to suppress unremitting violence in the most devastated regions. Calderón has increased military personnel by 133 percent since he came into office.¹⁹ In addition, increased training and funding towards counternarcotic

¹⁶ Jordi Diez, "Legislative Oversight of the Armed Forces in Mexico," *Mexican Studies* 24, no. 1 (Winter 2008): 113–145.

¹⁷ Benitez Manaut, "Reforming Civil-Military Relations During Democratization."

¹⁸ Roderic Camp, "Armed Forces and Drugs: Public Perceptions and Institutional Challenges," in *Shared Responsibility: U.S.-Mexico Policy Options for Confronting Organized Crime*, ed. David A. Shirk, Eric Olson, and Andrew Selee (Washington D.C.: Woodrow Wilson Center, 2011).

¹⁹ Ibid.

efforts have increased with the Mérida initiative. Current counternarcotic strategy has given the Mexican military unprecedented power and further incorporated the military into the political structure.

The military has been elevated to address the security conflict in part because it has better resources than state or federal security forces. Mexican police forces suffer from significant limitations. State and municipal law enforcement agencies lack institutional capacity.²⁰ The consolidation of power by the federal government during the PRI hegemony has yet to be fully rectified. State security forces are not as well funded and lack the resources necessary to challenge powerful, highly coordinated criminal organizations. Moreover, most crimes connected to the drug war are under federal jurisdiction making it harder for the judiciary to coordinate with local police forces.²¹ In addition, local law enforcement is woefully unprepared to address this substantial of a threat to public security. Police academies offer minimal training and frequently lack education requirements for applicants.²² The police are also highly disjointed, corrupt, and uncoordinated. Police forces are historically unprofessional and corrupt, breeding public distrust. Using a highly coordinated, professional, and capable security force like the military is a better short-term option than fixing the institutional weakness of Mexico's police forces.

²⁰ Astorga and Shirk, "Drug Trafficking Organizations and Counter-Drug Strategies in the U.S. Mexican Context."

²¹ Lindau, "The Drug War's Impact on Executive Power, Judicial Reform, and Federalism in Mexico."

²² Moloeznik, Marcos Pablo, "The Militarization of Public Security and the Role of the Military in Mexico," in *Police and Public Security in Mexico*, ed. Robert A. Donnelly and Shirk, David A. (San Diego: University Readers, 2009), 65–90.

Mexico's militarization also includes the appointment of military personnel to various high level positions. Supreme Court decisions during the 1990s authorized the military and its personnel to participate in civilian activities to protect public security in support of civilian authorities.²³ These decisions granted the government the ability to expand the role of the military into domestic public security. For example, there has been a substantial integration in the Ministry of Public Security (SSP). In 2005, more than 5,300 military personnel were added to the SSP's chief operational component, the Federal Preventative Police (PFP), as auxiliary forces.²⁴ The military has not just been integrated on a federal level. Mexican states have also named mid-level military officers to domestic law enforcement. The Military has been thoroughly incorporated into domestic public security by granting military personnel prominent roles within state and federal domestic law enforcement agencies.

There are three primary reasons that Mexico chose to integrate the military into domestic public security. First, the military has not been exposed to the high level of corruption as police forces in Mexico. The historical independence of the branch and high level of discipline in the armed forces safeguarded the military from corruption. Secondly, the military is better coordinated than police forces. The executive does not have to coordinate different agencies across state lines because the military is empowered to address the issue on a national level. In addition, Mexican police forces are highly disjointed and inconsistent. Newly elected politicians in Mexico have the habit of disbanding or restructuring police forces when they come to office. This incessant change

²³ Ibid.

²⁴ Ibid.

has not rooted out corruption or solved the institutional problems plaguing police forces. Instead, it has resulted in inconsistent and uncoordinated law enforcement agencies on the state and federal level. The final reason for Mexico's militarization is simply because the military is better suited to address the conflict. The military has the resources and capability to combat drug traffickers. Drug traffickers easily overpowered law enforcement with assault rifles and military grade weaponry. The use of the military takes away this advantage. Mexico chose to militarize because realistically it was their only real option to immediately address the conflict.

Repercussions of Militarization

In response to the rampant escalation of violence, Mexico has relied heavily on the armed forces to dismantle DTOs and quell intensifying violence. While the use of the military in public security has bypassed much of the corruption and dysfunction perverting local police forces, several disturbing trends have risen as a result of this strategy. Increased human rights violations, corruption , defection among the armed forces, and the intensification of violence are unfortunate byproducts of militarization and display the hazards of this militarized approach.

The autonomous nature of the military safeguarded the institution from the pervasive forces of corruption during the PRI hegemony, but also made the branch less transparent and harder to regulate. Because of its history as Mexico's least corrupt institution, Fox and Calderón substantially increased the power of the military and used the institution as the primary source of law enforcement. While the use of the military has

circumvented much of the corruption present in state and local police forces, it also has the potential to conflict with the democratization of Mexico.

Military involvement in counternarcotic efforts may threaten democratization by decreasing civilian control over the military.²⁵ Increased counternarcotic missions by the military increases the military's role in politics and weakens Mexico's democracy. Increased political influence and autonomy of the military subsequently reduces the state's ability to develop democratic procedures and institutions. As Mexico shifts funding and resources from police and political institutions to the military, the military inherently gains political power. Also increased militarization diverts funding and resources from political and institutional reform aimed at nurturing Mexico's nascent democracy. A militarized approach is a short-term solution for a long-term problem and endangers democracy by increasing the influence of Mexico's least transparent institution.

A militarized approach also focuses Mexico's military on internal security and broadens the scope of their power. While the Mexican military is authorized to protect public safety under Article 21 of the Mexican Constitution,²⁶ the increased role of the military in the drug war grants the military a dangerous amount of power. Defending public security grants the military extensive powers, and the autonomous nature of the armed forces makes the military virtually unaccountable to the Mexican people. The legislative branch has little oversight of the military and is limited to assigning budget

²⁵ Shirk and Donnelly, *Police and Public Security in Mexico*.

²⁶ Moloeznik, Marcos Pablo, "The Militarization of Public Security and the Role of the Military in Mexico."

appropriations to the Ministry of National Defense (SEDENA), which includes the army and air force, and the Ministry of the Navy (SEMAR).²⁷ While the legislature has the power of the purse, it has been reluctant to restrain spending on the military. The military is historically one of the most trusted branches, because its autonomous nature preserved its integrity and shielded it from corruption.²⁸ The legislature has placed a high degree of trust in the military by continuing to increase military funding. However with increased resources and an increasing role, the military is now more susceptible to corruption than ever. The use of the military threatens the democratic consolidation of Mexico by placing extensive power in an institution that is virtually unaccountable to the Mexican people.

The military took an active role in the enforcement of counternarcotic policy, partly because of the rampant corruption afflicting police and federal forces. The loyalty of the armed forces and their discipline and professionalism in comparison to police forces made militarization a viable option. However, increased involvement in counternarcotic domestic security issues has further exposed the military to corruption. In recent years proof of corruption within the military has surfaced.²⁹ Heightened corruption within the military is all the more threatening because of the military's heightened capacity and lack of transparency. If the military is corrupted no security force in Mexico has the capacity to intervene. Civilian control of the military stems solely from the rule of law. If the armed forces are corrupted, civilian control of the military ceases and DTOs

²⁷ Ibid.

²⁸ Camp, *Politics in Mexico: The Democratic Consolidation*.

²⁹ Lindau, "The Drug War's Impact on Executive Power, Judicial Reform, and Federalism in Mexico."

could impose their will on Mexico. Corruption within the armed forces could have disastrous consequences.

Democratic consolidation is also threatened by the appointment of active duty personnel in the armed forces to civilian government leadership positions. Over the past decade, military officers have increasingly filled civilian government posts.³⁰ The positioning of military officers at top-level positions in the government increases the military's political influence and limits democratic accountability. Military officials are now in the position to make decisions that affect policy. This conflicts with the nature of Mexico's democratic principles, because the military is being further empowered to influence and enforce policy within Mexico. The amplified role of the military in counternarcotic strategy and the increased presence in Mexico's civilian government forgoes democratic principles and threatens democratic development.

Public perception might also impose a future threat to Mexican democracy. As of August 31, 2011, only 45 percent of Mexicans polled by the Pew Global Attitudes Project believed the government's campaign against traffickers was making progress, with 29 percent believing that the current strategy was losing ground.³¹ Violence related to DTOs, crime, and illegal drugs were still viewed as the major concerns for Mexico, and over 70 percent believed that these issues remain a "very big problem".³² Interestingly the

³⁰ Laurie Freeman and Jorge Luis Sierra, "Mexico: The Militarization Trap," in *Drugs and Democracy in Latin America: The Impact of U.S. Policy*, ed. Coletta A Youngers and Eileen Rosin (Boulder, Colorado: Lynne Rienner Publishers, Inc., 2005), 263–272.

³¹ Fewer Than Half See Progress in Drug War: Crime and Drug Cartels Top Concerns in Mexico (Washington D.C.: Pew Research Center, August 31, 2011).

³² Ibid.

government's principal instrument in the current counternarcotic strategy, the military, still maintains convincing public support: 83 percent of those polled supported the use of the military in counternarcotic policy.³³ The militarization of the conflict has not lowered public trust in the institution and may have conversely improved perception of the current regime's policies.³⁴ The reapportionment of power and resources from the police forces, which are historically one of the least trusted government institutions, to the military; increases public approval of counternarcotic policy. By placing counternarcotic strategy in the hands of one of Mexico's most trusted institutions, the government has garnered support for its policies.

High public opinion in the military also has the potential to undermine democratic development. The armed forces are regarded with such high esteem that many might actually prefer military rule to a more democratic system.³⁵ The more trust in the military might actually facilitate an eventual coup. In 2009, 64 percent of people in Mexico agreed that a military take over might be justified if there was a significant amount of crime.³⁶ This troubling statistic displays the lack of trust Mexicans have in their nascent democracy and supports a military takeover. In the past the military was allowed to keep its autonomy but did not participate in the politics of the PRI regime.³⁷ However, the

³³ Ibid.

³⁴ Camp, "Armed Forces and Drugs: Public Perceptions and Institutional Challenges."

³⁵ Ibid.

³⁶ Orlando J Perez, *Crime and Support for Coups in Latin America*, Latin American Public Opinion Project (Vanderbilt University, 2009).

³⁷ Freeman and Sierra, "Mexico: The Militarization Trap."

military now is gaining influence in the political structure, but still maintains much of its autonomy. With increased political power, more resources, and the public's support, the military is in position to overthrow the democratically elected government if conditions worsen.

Human Rights Abuses, Corruption, and Desertion in Mexico's Armed Forces

The militarization of Mexico's counternarcotic strategy has two unintended adverse effects. Firstly, corruption and desertion within the armed forces threatens democratic development. Secondly, human rights abuses discredit the government and its policies. These two unintended consequences threaten to halt democratic progress and strengthen DTOs.

Perhaps the most pressing threat to democratization, resulting from a militarized counternarcotic strategy, is the numerous allegations of human rights abuses of the military. The threat to human rights discredits the armed forces and reduces the legitimacy of counternarcotic efforts. Human rights abuses have increased as military involvement in counternarcotic policy increased. From 2006 to 2008 the number of reported human rights complaints against Mexican armed forces by the National Human Rights Commission increased from 182 to 1,230.³⁸ Serious human rights violations, like torture, rape, unwarranted detention, and forced disappearances undermine counternarcotic efforts, damage the image of the armed forces, and alienate citizens.³⁹

³⁸ Camp, "Armed Forces and Drugs: Public Perceptions and Institutional Challenges."

³⁹ Tamara Taraciuk, *Uniform Impunity: Mexico's Misuse of Military Justice to Prosecute Abuses in Counternarcotics and Public Security Operations* (New York: Human Rights Watch, 2009).

These abuses are contradictory to the government's goal of improving public security and could derail Mexico's militarized counternarcotic strategy.

Human rights abuses have been allowed to continue, much in part, to the level of impunity within the military. The autonomous nature of the military allows the military to investigate and prosecute human rights abuses itself. The military court even has jurisdiction over crimes committed by members of the armed forces against civilians.⁴⁰ The opaque nature of the military justice system facilitates a culture of impunity and a lack of professionalism within the armed forces. The Mexican military is not obligated to publicly report the outcome of most cases. The military justice system lacks impartiality or independence, and, in effect, safeguards military officers accused of human rights abuses.⁴¹ This impunity betrays the principles of natural justice by limiting oversight and also discourages discipline with the armed forces.

Human rights abuses by the military undermine democratic development in Mexico. When armed forces disregard the rule of law and instead act with their own prerogative; these forces are displaying disrespect for the democratic procedures and safeguards in place. Institutions must act in accordance with democratic norms in order for democracy to be consolidated. The sudden influx of human rights abuses represent a decreasing rule of law with the armed forces and threaten the democratic consolidation of all of Mexico's institutions. Failure to prosecute human rights violations also fosters a culture of impunity within the armed forces and elevates military officers above the law.

⁴⁰ Lindau, "The Drug War's Impact on Executive Power, Judicial Reform, and Federalism in Mexico."

⁴¹ Taraciuk, *Uniform Impunity: Mexico's Misuse of Military Justice to Prosecute Abuses in Counternarcotics and Public Security Operations*.

Human rights abuses threaten the public security of the state and contradict counternarcotic goals.

Corruption and desertion endanger institutional growth in the same manner as human rights concerns. Los Zetas serve as a glaring reminder of the danger of corruption. Los Zetas were a highly trained, specialized unit in the armed forces that was sent to capture the head of the Gulf cartel in Tamaulipas. Instead, the unit deserted and was incorporated into the Gulf cartel, using their specialized training against law enforcement. Eventually, Los Zetas took over much of the cartel's operations and now are one of the most ruthless and dangerous DTOs in Mexico.⁴² Corruption and desertion are inevitable at the lower levels of military personnel, but the high level of desertion by officers is especially disconcerting. Not all of these desertions join DTOs, but some of the deserters undoubtedly are lured by the higher pay and extravagant lifestyle of drug traffickers. While the example of Los Zetas is an extreme example, the problem of desertion and corruption affects all levels of military forces and threatens the democratic consolidation of the state.

Corruption, desertion, and human rights abuses all adversely affect democratic consolidation. Human rights abuses contradict counternarcotic policy goals by threatening public security and delegitimizing government policies. Corruption and desertion threaten the institutional development of the state. These threats to Mexico's nascent democracy could undermine democratic development by exploiting Mexico's militarized counternarcotic strategy.

⁴² Moloeznik, Marcos Pablo, "The Militarization of Public Security and the Role of the Military in Mexico."

Mexico's militarization was a necessary evil for Mexico. The military was Fox and Calderón's only viable option. No other security force was strong or coordinated enough to address this magnitude of a threat to public security. However, the repercussions of this strategy undermine many of Mexico's recent democratic achievements. Moving forward, Mexico must develop a long-term strategy to protect its democratic progress.

CHAPTER FOUR

Counternarcotic Policy Evaluation and Recommendations

As the conflict between drug traffickers and the Mexican government escalates, it is increasingly evident that a change in counternarcotic policy is necessary for both Mexico and the United States. Mexico's democratic transition coincided with a shift in counternarcotic strategy. Vicente Fox and Felipe Calderón no longer tolerated organized crime and cracked down on drug trafficking more viciously than ever before. They expanded the role of the military and accepted US military aid to help finance counternarcotic operations. Mexico chose to militarize hoping to suppress the violence leaving time to institutionalize its democratic development.

Both Fox and Calderón authorized the military to handle law enforcement issues that were historically reserved for state, municipal, and federal police forces. The aim of the administrations was to increase public security and restore social order. Fox and Calderón turned to the military, because the military is historically the least corrupted institution, the military is the most coordinated and professional force, and the military has the resources to suppress insurgent violence. While this militarized strategy has bypassed much of the corruption in the police forces and resulted in increased seizures and arrests, it does not adequately address the causes of the conflict. In many ways the achievements of militarization are overshadowed by increases violence. The short-term solution of militarization is not a long-term solution to the public security problem and threatens Mexico's nascent democracy.

Mexico is not entirely at fault for its problem with drug trafficking. While the PRI facilitated the growth of DTOs under its hegemonic rule, the United States demand for drugs drives the drug trade. Mexico holds the unfortunate position of being the United States southern neighbor. Profirio Díaz stated it best: “Poor Mexico, so far from God and so close to the United States”. When smuggling routes around Florida were blocked, interdiction and eradication efforts increased in Colombia, and Colombian cartels fragmented; Mexican drug traffickers took a larger role in trafficking drugs.¹ The high demand in the US, high profit margins, and poor market conditions in Mexico made drug trafficking appealing to many Mexicans. Over the next three decades the drug trade grew into a multibillion-dollar enterprise and Mexican DTOs developed into sophisticated multi-national organizations. The informal agreement between the PRI and DTOs allowed DTOs to operate under the direction of PRI leadership. However when the PRI lost control of the political system, DTOs fragmented and infighting between competing DTOs increased. As the violence escalated and US interests were affected, the US started to put pressure on Mexico to control drug trafficking. The United States consumption problem became Mexico’s problem, because Mexico’s poor economy, strategic geographic location, and corrupt government provide a perfect environment for DTOs to flourish.

While the United States has contributed billions of dollars in aid to Mexican counternarcotic efforts, the United States has proven reluctant to implement better counternarcotic policy within the United States. US gun laws remain weak along the border and weapons purchased in the United States provide Mexican DTOs with

¹ Bonner, “The New Cocaine Cowboys: How to Defeat Mexico’s Drug Cartels.”

sufficient firepower to combat Mexico's armed forces. The United States also has done little to limit demand for the illegal narcotics that fuel the drug trade. Mexico is fighting an uphill battle. While the US has provided Mexico with financial and military aid, it has refused to implement policy that will relieve pressure on Mexico.

Mexico and the United States are at a crossroads. Mexico can no longer afford to pursue policy that is not working and the US can no longer rely on Mexico to solve a problem caused, in part, by US demand. The mounting security crisis within Mexico threatens the political and economic stability of Mexico. Public security, economic development, and democratic consolidation are at risk. New policy that addresses the source of the problem must be implemented for the betterment of both Mexico and the United States. The US can no longer simply throw money at Mexico's problems and hope that drug trafficking and violence subside. To win this war it is going to take a concerted effort by both Mexico and the United States. In this chapter, I will analyze many of the counternarcotic policy decisions made by both the US and Mexico and propose specific policy changes that will address the conflict more adequately.

As discussed in chapter three Mexico's reasoning behind using the military was justifiable. However, the repercussions of this policy inadvertently challenged some of the democratic progress made throughout the last three decades. Government opposition to corruption and organized crime coupled with increased interdiction efforts led to an intensified threat to public security. Ironically, some officials also view this threat to public security positively. Vicente Fox and other high-ranking Mexican officials have

openly embraced violence as a sign of progress.² They believe that the escalation of violence and sheer brutality of crimes committed means that DTOs are threatened by Mexican counternarcotic efforts. However, while consistent violence between DTOs and government forces verifies that the government is making an effort to dismantle organized crime, it does not necessarily translate into fewer drugs entering the United States. DTOs have successfully met US demand despite increased counternarcotic efforts.³ On the other hand, violence threatens the legitimacy of the government, because counternarcotic efforts have thus far failed to resolve the threat or achieve its objectives. Although the end of the informal agreement between the political elite and organized crime resulted in a significant threat to public security, this threat cannot diminish the democratic progress of the last three decades.

Likewise, the very fact that the PRI no longer has the power to regulate drug trafficking verifies the democratic transition. Previous PRI administrations tolerated organized crime, but with the transition to democracy a fragmented PRI no longer had the ability to collude with or control DTOs.⁴ The election of opposition parties to state and federal offices prevented the PRI from providing DTOs the same level of protection. Predictably, because the PRI was unable to provide protection to DTOs, it no longer held

² Laurie Freeman, *State of Siege: Drug-Related Violence and Corruption in Mexico* (Washington D.C.: Washington Office on Latin America, June 2006).

³ Ibid.

⁴ Katherine Michaud, “Mexico’s Militarized Anti-Drug Policy: Understanding Its Origins Through Examination of Institutional Legacies, Democratization, and Public Opinion,” *Sanford Journal of Public Policy* 2, no. 1 (August 11, 2011).

the power to regulate organized crime.⁵ Violence confirms the transition to a pluralist political system and the political will to end drug trafficking. The fact that DTOs now operate unregulated by the government verifies increased competition in the political system.

The new political landscape effects counternarcotic policy in different ways. The shift to a multi-party system shifted the relationship between organized crime and the state. The advent of the multi-party system and end to widespread government cooperation with organized crime produced conflicting results across Mexico. In some regions, a more diverse political system promoted transparency, good governance, and a stronger stance against organized crime and drug trafficking.⁶ However, in other regions, political change facilitated the government favoring one DTO over others.⁷ Although political pluralism ultimately resulted in increased competition and conflict between DTOs, it also promotes good governance, transparency, and democratic progress on both the state and federal level.

The transition to political pluralism also has significant implications on the executive. Many of the undemocratic informal powers that enabled PRI presidents to respond decisively to threats and to implement policies vanished with the advent of a multiparty system. President Vicente Fox did not have the same ability to implement

⁵ Richard Snyder and Angela Duran-Martinez, “Does Illegality Breed Violence? Drug Trafficking and State-sponsored Protection Rackets,” *Crime, Law, and Social Change* 52, no. 3 (2009): 253–273.

⁶ Lindau, “The Drug War’s Impact on Executive Power, Judicial Reform, and Federalism in Mexico.”

⁷ Ibid.

policy as previous administrations. Increased competition led to legislative paralysis and a de facto decrease of his executive power.⁸ Under the PRI, the will of the president was the will of the party. The president had no difficulty passing legislation because the party controlled every facet of the political system and was subservient to the president. Fox did not have this luxury. Congress was no longer willing to blindly pass executive initiatives and the executive passage rate dropped significantly. The informal weakening of the executive constrained many of Fox's policies because he was not able sufficient support in a gridlocked legislature. However, the use of the military to enforce counternarcotic policy allowed Fox to forgo many of the entrapments involved with passing legislation. His policies tightened the leash on DTOs by aggressively pursuing drug kingpins and minimizing the effects of corruption by bypassing the use of corrupt law enforcement agencies.

Upon taking office, Calderón built upon Fox's counternarcotic strategy and amplified counternarcotic operations by further expanding the military's role. The increased measures initially bolstered public confidence in the new political system and dispelled the perception that violence was undermining the state.⁹ Calderón's strong displays of military power reflect his strong political will to combat organized crime.¹⁰ Calderón deployed nearly 50,000 troops to troubled regions in his first year in office. Employing the military in large-scale operations demonstrated that Calderón was the

⁸ Ibid.

⁹ Michaud, "Mexico's Militarized Anti-Drug Policy: Understanding Its Origins Through Examination of Institutional Legacies, Democratization, and Public Opinion."

¹⁰ Ami C. Carpenter, "Beyond Drug Wars: Transforming Factional Conflict in Mexico," *Conflict Resolution Quarterly* 27, no. 4 (July 9, 2010): 401–417.

commander and chief and sent a message to organized crime.¹¹ Unfortunately while Calderón's increased efforts display a will to dismantle DTOs and have resulted in the capture of several top drug lords and record seizures of drugs, arms, and cash,¹² it has also intensified violence and is not a long-term solution.

While it is easy to criticize Calderón's militarized approach because of the rampant increase in violence, Calderón's policy is logical considering Mexico's historical tolerance of organized crime. Calderón no longer could afford to let DTOs powerful influences in government institutions threaten democratic progress and chose to expand Fox's confrontational policy. Calderón's choice of using the military as the primary enforcer of counternarcotic policy is partly due to the vestiges left from the PRI hegemony. During the 70 years of PRI control, the PRI centralized power and purposely kept state and municipal governments weak. The PRI concentrated government expenditures at the federal level and specifically in the executive.¹³ Local governments were poorly funded, dysfunctional, and susceptible to corruption.¹⁴ State and municipal law enforcement lacked adequate resources or training and were uncoordinated, making them incapable of combatting professional, organized drug trafficking organizations.¹⁵

¹¹ Francisco E. Gonzalez, "Mexico's Drug Wars Get Brutal," *Current History* 108 (February 2009): 72–76.

¹² Ibid.

¹³ Lawson, "Mexico's Unfinished Transition: Democratization and Authoritarian Enclaves in Mexico."

¹⁴ Quinones, "State of War."

¹⁵ Shirk and Donnelly, *Police and Public Security in Mexico*.

The military was the only branch with the resources and training that was capable of enforcing a multifaceted coordinated assault on DTOs.

In addition to being poorly funded, local law enforcement is also infamously corrupt and regarded as untrustworthy by the Mexican public. It is the widespread belief of Mexicans that the police may be in collusion with drug traffickers.¹⁶ The Federal Security Directorate (DSF) and the Federal Judicial Police (PJF) exemplify this corruption. The PRI controlled the DSF and PJF and used them as a political tool to achieve their political agendas. This often included using the DSF and PJF to control their adversaries.¹⁷ These agencies were systematically corrupt and allowed officers to supplement their poor salaries with drug trafficking, extortion, and private security.¹⁸ These agencies also had a high turnover rate. After training and learning about criminal enterprises, agents would often leave and join the more lucrative criminal underworld.¹⁹ Although these two agencies were eventually disbanded, other civilian law enforcement agencies are similarly corrupt and have been discredited for criminal activity. As mentioned in the previous chapter the military is regarded as one of the least corrupted government institutions and is a better alternative to other police forces in Mexico. Calderón did not have the luxury of relying on federal or state police forces to enforce

¹⁶ Grayson, George W, *Mexico: Narco-violence and a Failed State?*.

¹⁷ Ibid.

¹⁸ Michaud, “Mexico’s Militarized Anti-Drug Policy: Understanding Its Origins Through Examination of Institutional Legacies, Democratization, and Public Opinion.”

¹⁹ Grayson, George W, *Mexico: Narco-violence and a Failed State?*.

counternarcotic policy. Corruption within these forces made the military the only viable option.

The nature of the drug trafficking problem influenced Calderón's decision to employ a militarized policy. The influence of drug trafficking is deeply rooted, and DTOs are well organized and capable of overpowering police forces. DTOs use sophisticated weaponry and tactics and employ merciless strategies in pursuing their agendas. To combat these forces, Calderón needed a highly trained and organized institution that he was capable of controlling. The armed forces in Mexico are highly disciplined and trained, and are answerable to the President, who also serves as commander and chief. The use of the military as the primary enforcer of counternarcotic policy enables Calderón to exercise more control over the actual implementation of his policy. In addition, the military is one institution and is better organized than the myriad of state and municipal police forces. In reality, the military was the best available option for Calderón.

Police Reform as an Objective of Counternarcotic Policy

Arguably the most convincing argument for militarization involved the institutional weakness and corruption of Mexico's police forces. Police reform is a key component of Calderón's counternarcotic policy, but the police still suffer from institutional weaknesses. Professionalizing police forces by improving accountability measures and training is necessary to root out corruption and improve public security. While employing the military in domestic security initiatives might be a better option

now, strengthening Mexico's police forces is a key component of Mexico's long-term strategy.

Calderón complimented his militarized strategy with efforts to purify its domestic police forces. "Operation Cleanup" was an operative lasting from 2008 to 2009 aimed at exposing corruption among high-level government officials. The operation exposed several high-ranking law enforcement officials, including Mexico's drug czar in the 1990s, two former directors of Interpol, and personnel in the Attorney Generals office.²⁰ While Calderón's strategy of purging police forces of corrupt officials is an effort to limit the amount of corruption in law enforcement, it is not sufficient to eradicate corruption and criminality.²¹ Purging police forces does not account for the historic weaknesses of the institution or address the root of the problem. Increased training and professionalization of security forces through fundamental police and judicial reform is the only way to address institutional weakness.

Over the last two decades, attempts at police reform have resulted in several noteworthy advances. First, there has been a major increase in public security budgets. The increased allowed the government to substantially improve its equipment and technology.²² Police forces are now equipped with the tools necessary to operate as a professional, modern police force. Additionally, the law enforcement capacity of the

²⁰ Astorga and Shirk, *Drug Trafficking Organizations and Counter-Drug Strategies in the U.S.-Mexican Context*.

²¹ Freeman, *State of Siege: Drug-Related Violence and Corruption in Mexico*.

²² Daniel Sabet, "Police Reform in Mexico: Advances and Persistent Obstacles," in *Shared Responsibility: U.S.-Mexico Policy Options For Confronting Organized Crime* (Woodrow Wilson Center, 2010), 256–267.

federal government has improved vastly. Federal police officers have more than tripled over the last decade.²³ Furthermore, the government is more capable of coordinating and controlling law enforcement than ever before. Institutional mechanisms, like the National Public Security Council, allow government to form policy based on the expert advise of some of law enforcements most experienced and respected individuals. Likewise, increased communication systems and the advent of various databases facilitate better coordination between law enforcement.²⁴ However, the most notable advance in policing over the past two decades relates to the shift of approach by policymakers. There is a consensus on the federal and state level for the need to professionalize police forces.²⁵ The federal government has made a concerted effort to recruit better qualified officers, improve training and operational procedures, and provide the funding necessary to enact these changes in states and municipalities. In all, advances in policing have provided law enforcement with the tools necessary to become a professional police force.

While the capability of law enforcement improved drastically over the past two decades, evidence of continued corruption and ineffectiveness overshadows these advances. Organized crime's pervasive influence and the nearly unlimited resources at DTOs disposal provide persistent temptation for law enforcement. Corruption, to this day, affects all levels of law enforcement and transcends politics, class, and ideology. Police reform has been relatively ineffective, partly because the police are one fragment of a larger systematic problem. Toleration of organized crime persists on local, state, and

²³ Ibid.

²⁴ Ibid.

²⁵ Ibid.

federal levels of the government. This counteracts police reform, because political leaders are responsible for appointing law enforcement leadership and holding them accountable.²⁶ When the president, mayor, or governor, who appoints law enforcement leadership, tolerates or is in collusion with organized crime; it eliminates the sense of accountability within the police forces. Corruption is a systematic problem and police reform will never professionalize if corruption persists in government leadership.

Executive power, police dependence on the executive, and a lack of continuity between administrations undermine police reforms. Executive appointments of police chiefs and control of policy is intended to make law enforcement more accountable and allow for rapid reform. However in practice, the appointment power has resulted in patronage and executive control of policy has only made institutionalization more difficult.²⁷ Institutionalization of reforms suffers because of the discontinuity of policy objectives and priorities among administrations. There is a tendency among Mexican politicians to discard previous administration's policies and implement new policy. Frequently, these policies prioritize different objectives, and valuable political, financial, and human capital is lost in the transition.²⁸ Calderón and Fox are similarly guilty of lacking continuity in their police reform. Both leaders chose to disband and reorganize federal security forces instead of addressing the real problems that made these forces corrupt and ineffective.

²⁶ Ibid.

²⁷ Ibid.

²⁸ Ibid.

Police reform has also been limited because it fails to sufficiently address the causes of corruption. Especially on the local level, reforms have primarily focused on improving equipment, technology, training, and the quality of recruits. Security forces still lack sufficient accountability mechanisms to discourage corruption. An efficient mid-level command structure is necessary to increase accountability. However, Mexico still does not require a civil service exam for its police officers, in order to ensure promotion and hiring is based on merit. Police leaders have opted to impose less intrusive reforms instead of putting in place these mechanisms.²⁹ By not implementing accountability mechanisms into police reform, Mexico has limited the professionalization of its law enforcement.

Implementation of reform has been slowed by the challenges of building accountability mechanisms. Policy outlining merit-based reform is difficult to implement because of internal opposition to reform. Law enforcement undermines reform by finding ways around policy. New standards and performance evaluations are easily manipulated, reducing the effectiveness of merit based reforms.³⁰ Reform is blocked by the difficulty to implement successful accountability mechanisms. Accountability measures aim to eliminate corruption by improving oversight. However thus far, the difficulty of implementing accountability mechanisms sabotages successful reform efforts. Until it is more advantageous for officers to work honestly within the confines of the law and mechanisms are in place to supervise conduct, reform will be unsuccessful.

²⁹ Ibid.

³⁰ Ibid.

Police reform is a long process and it is unrealistic to expect radical results in a short period of time. In the last two decades, significant advances in the capability of law enforcement have been made. Corruption, ineffectiveness and abuse persist in law enforcement but the desire for reform is increasingly evident. Moving forward, Mexico must further insulate its law enforcement from the executive while making the branch more accountable to its citizens. Through the improvement of accountability measures and the strengthening of a mid-level command structure, Mexico can root out the vestiges of the PRI era and reduce the influence of organized crime. Reform will take a sustained effort, outlasting the politicians and police officers that made and implemented it, but is a key to reducing violence and dismantling DTOs.

Consequences of Militarization and Recommendations for the Future

Calderón's militarized approach has some blatant deficiencies and unfortunate consequences that need to be addressed. Mexican counternarcotic efforts will continue as long as the demand in the US offers high profit margins for Mexican DTOs. Calderón's strategy has achieved several notable short-term goals, yet thus far lacks a long-term strategy. Mexico cannot afford to spend excessive amounts on counternarcotic and interdiction efforts and ignore other facets of society. The escalation of violence, threat to the democratic consolidation of Mexico, and overemphasis on short term and highly visible drug operations all limit the effectiveness of Mexican counternarcotic efforts.

Militarization threatens democratic principles and the ability of state and municipal to function properly. States most severely affected by the conflict face challenges to their power and independence because of the existence of *estados de*

*excepción.*³¹ *Estados de excepción* allow the executive to suspend civil rights and constitutional protections in certain regions. In *estados de excepción* the military has the power to depose state and municipal police forces and can ignore local authorities. This virtually eliminates federalism by making state and local officials subordinate to their counterparts in the federal government. It also constrains democratic principles by allowing non-elected personnel to take a lead role in decision-making.³² Calderón's militarized approach threatens the democratic principles that he is trying so hard to protect.

Militarization further exposes the armed forces to corruption and uses the military in an unnatural role. The military is not immune to corruption. Its lack of transparency and independence may actually foster corruption while hiding it from public attention.³³ Moreover, the independence of the military poses a greater threat than corruption within the police, because the military is more powerful and independent. In addition, the military is not trained in preserving evidence, respecting due process, or serving warrants in the same manner as law enforcement. Consequently, the use of the military as a police power has resulted in increased accusations of violations of human rights. The independence and lack of transparency of the armed forces makes the increase in human rights violations more troublesome as well. Little civilian oversight allows the armed forces to act without repercussions for abuse. By empowering the military both Calderón

³¹ Ibid.

³² Lindau, "The Drug War's Impact on Executive Power, Judicial Reform, and Federalism in Mexico."

³³ Freeman, *State of Siege: Drug-Related Violence and Corruption in Mexico*.

and Fox further exposed the military to corruption and put the institution in an unnatural role.

Moving forward, Mexico must address the causes of drug trafficking, instead of merely trying to control drug trafficking and reduce violence. In times of crisis pursuing a quick fix is understandable, but at this point Mexico needs to pursue more long-term strategy aimed at: strengthening its institutions, developing its economy, enhancing the rule of law, intensifying pressure on the US to decrease demand, and increasing the capability of its law enforcement. If Mexico employs these changes it will not only reduce violence and the influence of DTOs, but will also better equip Mexico to institutionalize its democratic consolidation.

Strengthening state and municipal law enforcement will take time, but is the best long-term strategy for increasing domestic security. Magnifying the role of the military is not a long-term solution. In fact, even many of the Mexican military elite worries about the use of the military as a civilian police force in the long term.³⁴ Calderón's strategy is to use the military initially to restore public safety while simultaneously strengthening civilian police forces and rooting out corruption. However, the consistent violence has forced Calderón to devote the majority of his resources to the military. Police reform cannot be put off any longer. As stated earlier, Mexico has improved the capability of its police forces but has not addressed many of the institutional problems that plague Mexican police forces. Mexico needs to professionalize its police forces and root out corruption by improving accountability mechanisms and improving the training and

³⁴ Fernando Celya Pacheco, "Narcofearance: How Has Narcoterrorism Settled in Mexico?," *Studies in Conflict and Terrorism* 32, no. 12 (December 2009): 1021–1048.

vetting of police forces. In addition, Mexico needs to improve local police forces. 90 percent of crimes occur on the local level, yet the majority of reforms have occurred on the federal level thus far.³⁵ Strengthening and eventually integrating police forces into counternarcotic policy avoids many of the drawbacks of using the military for domestic security.

Mexico must also address economic conditions to make the drug trade less appealing. The lucrative nature of the drug trade provides DTOs with unimaginable wealth. Drug traffickers use their extravagant wealth to threaten the legitimacy of governing forces and attract a work force. Poverty provides DTOs with a wealth of human capital. The poor economic conditions in Mexico provide the opportunity for DTOs to be heroes instead of villains. Defense secretary during Fox's presidency, General Clemente Vega, recognized the threat of poverty to national security and even stated that poverty is the fundamental security problem.³⁶ Drug cultivation and participation in the drug trade provides the potential for a better life for many of Mexico's poorest and most marginalized. The allure of the drug trade is often too great for many poor Mexicans to resist. As one farmer stated "for every peso that I invest in maguey, I earn seven pesos the following year... For every peso that I invest in *mota*, I get 500 pesos the following year".³⁷ If Mexico cannot find a way to improve its economy

³⁵ Astorga and Shirk, "Drug Trafficking Organizations and Counter-Drug Strategies in the U.S. Mexican Context."

³⁶ Camp, "Armed Forces and Drugs: Public Perceptions and Institutional Challenges."

³⁷ Maureen Meyer and Dave Bewley-Taylor, *WOLA-BFDPP: At a Crossroads: Drug Trafficking, Violence And The Mexican State* (Council on Foreign Relations, November 1, 2007).

and provide opportunities for the poor, organized crime will continue to have a wealth of human capital at its disposal.

Mexico must also transform its judiciary by implementing recent judicial reforms and modernize its prison system. Mexican prisons suffer from overcrowding, riots, crime among inmates, and escapes.³⁸ To rectify these problems Mexico must invest in the judiciary and criminal justice system. Police reform is irrelevant if the criminal justice system is incapable of successfully prosecuting criminals or detaining them.

There is no easy solution to Mexico's problems. It will take a major investment by the Mexican government and people to correct many of the fundamental issues at the heart of Mexico's security crisis. Leadership needs to plan and implement a long-term strategy that invests in Mexico's future and does not solely seek out a short-term solution. Militarization might provide some short-term answers by bypassing the institutional weaknesses of Mexico's police forces, but is not a permanent solution. Mexico's police forces and prisons are still in need of significant reform. On the other hand recent reforms of the judiciary must continue to be implemented. The urgency of Mexico's crisis demands attention and Mexico will need to garner international support to fund and address many of these problems. Moving forward, Mexico has to change its counternarcotic policy and invest in the future even if it compromises some short-term policy objectives.

The United States' Role in Mexican Counternarcotic Policy

³⁸ Astorga and Shirk, "Drug Trafficking Organizations and Counter-Drug Strategies in the U.S. Mexican Context."

Mexico is not entirely at fault for its seemingly interminable conflict with drug-traffickers. The United States demand for illicit narcotics fuels the conflict by providing DTOs with a substantial and consistent market. Drug trafficking is a profitable enterprise and offers lucrative job opportunities in a poor Mexican economy. While US aid has alleviated some of the financial toll of Mexico's conflict with DTOs, much of current US policy still reflects an antiquated and impractical strategy that has been detrimental to Mexico.

Drug related violence in Mexico is dependent on and inseparable from US drug policy. US prohibition of drugs and its inability to reduce demand drive the drug trade and make drug trafficking a lucrative enterprise. Violence is a natural and unfortunate byproduct of prohibition.³⁹ Legal goods do not cause similar conflict. Rules and regulations manage the markets for legal goods like tobacco and alcohol. Disputes are settled in the justice system and do not spill over into the streets. The illicit nature of drugs makes it a more lucrative enterprise. In addition, the consequences of prohibition in the US are far worse than in Mexico. Strong US institutions and proficient security forces are capable of suppressing the pervasive influence of the drug trade north of the border. Conversely, Mexican institutions and law enforcement are not yet capable of enforcing US laws or living up to US standards. The US and Mexico are bound together in this conflict and must cooperate in an attempt to minimize the violence and bring drug traffickers to justice.

³⁹ Freeman, *State of Siege: Drug-Related Violence and Corruption in Mexico*.

The US can no longer afford to ignore the security dilemma plaguing Mexico. Since the US is intent on keeping prohibition as the centerpiece of its drug policy, it has a responsibility to aid Mexico increase public security and dismantle organized crime. It is in the long-term interests of the US to invest in the future of Mexico. Mexico only recently made the transition to a democratic political system and violence in Mexico undermines the legitimacy of the new democracy. US economic interests are also threatened by the strong presence of organized crime. Mexico is a major trading partner of the United States. NAFTA bound our economies together and instability in Mexico, like it or not, has an effect on the US economy. Increased violence also has the potential to increase illegal immigration from Mexico to the US, as Mexicans flee to safer conditions in the United States. In the long and short term, the US has an obligation and interest in helping Mexico resolve its security dilemma.

Reducing Demand

The primary way the US can aid Mexico is by reducing US consumption of illegal drugs. Developing more comprehensive policy aimed at reducing US demand will alleviate pressure from Mexico and hurt Mexican DTOs. Demand drives the drug trade, but through better drug prevention strategies, improved access to high-quality treatment, and closer supervision of drug related offenders; the US can decrease demand.⁴⁰

A minority of individuals account for the majority of drug consumption in the United States. A 2010 RAND study estimates that two-thirds of US marijuana

⁴⁰ Ibid.

consumption in 2009 is attributed to 4 percent of heavy users.⁴¹ If the US targeted this small minority of individuals, it would cut a significant portion of drug trafficker's revenue. However, the US has not done enough to educate and treat this small percentage of drug users. Instead, the US is intent on treating drug addiction as solely a criminal act, refusing to acknowledge that addiction is a disease. As a result, many of these individuals end up in jail instead of adequate treatment centers. The core philosophy of US drug policy is negligent in that its central focus is to control consumption rather than addressing it.

Increasing evidence states that drug addiction is treatable, yet many drug addicts never receive adequate treatment. Instead, most drug addicts end up in the criminal justice system due to participation in illegal activities stemming from drug addiction. Treating these individuals is a unique opportunity for the US to decrease overall drug demand, improve public health, and reduce criminal behavior.⁴² Integrating treatment into the criminal justice system improves the medical outcomes of incarcerated addicts and decreases their rate of re-incarceration. Treating addiction as a disease addresses the issue of drug consumption instead of merely trying to control it. It is in the best interest of the United States to invest in treating addiction instead of solely treating drug addiction as a criminal offence.

⁴¹ Beau Kilmer et al., *Reducing Drug Trafficking Revenues and Violence in Mexico: Would Legalizing Marijuana in California Help?* (Santa Monica, CA: Rand Corporation, 2010).

⁴² Redonna K. Chandler, Fletcher W. Bennett, and Nora D. Volkow, "Treating Drug Abuse and Addiction in the Criminal Justice System," *The Journal of the American Medical Association* 301, no. 2 (2009): 183–190.

The US also needs to increase their investment in drug prevention efforts to prevent widespread drug addiction from a young age. Although prevention is a long-term strategy and will most likely not significantly reduce demand over the next five years, prevention programs are cost-effective even if they are only moderately successful.⁴³ A small reduction in usage over the lifespan of many individuals can, in the aggregate, have a significant effect on demand. While some of the most widely used prevention programs, like the Drug Abuse Resistance Education (DARE) have mixed reviews and little to no evidence of effectiveness.⁴⁴ Certain school prevention programs have been moderately successful in reducing the rate of usage of illicit drugs, tobacco, and alcohol.⁴⁵ Prevention programs are a worthy investment because of their potential to relieve pressure on the criminal justice system and treatment centers.

Drug use overburdens the US criminal justice system because of the destructive nature of addiction. Drug addicts are more likely to be incarcerated and since 1980 dramatic increases in incarceration are attributed primarily to the increase in drug related crimes.⁴⁶ Preventing addiction is a worthwhile investment because it decreases demand by preventing drug use. Drug treatment and prevention are long-term strategies that must

⁴³ Reuter, Peter H., “How Can Domestic US Drug Policy Help Mexico,” in *Shared Responsibility: U.S.-Mexico Policy Options For Confronting Organized Crime* (Woodrow Wilson International Center for Scholars, 2011), 127–138.

⁴⁴ Ibid.

⁴⁵ Richard Midford, “Drug Prevention Programmes for Young People: Where Have We Been and Where Should We Be Going?,” *Addiction* 105, no. 19 (October 2010): 1688–1695; Freeman, *State of Siege: Drug-Related Violence and Corruption in Mexico*.

⁴⁶ Redonna K. Chandler and Wilson M. Compton, “Mental Health in Public Health: The Next 100 Years,” in *Mental Health in Public Health: The Next 100 Years*, ed. Linda B. Cottler (Oxford University Press, 2010), 23–35.

accompany good law enforcement but have the potential to significantly reduce drug consumption. Implementing these strategies will indubitably lessen the profitability of the drug trade by decreasing demand for organized crime's most lucrative enterprise.

United States Firearm Regulations

The US also has a responsibility to improve the regulation of firearms. Easy access to sophisticated firearms and ammunition contributes to the violence in Mexico. The Mexican government reports that 97 percent of arms used by Mexican DTOs were purchased in the United States.⁴⁷ While this statistic is probably inflated, the majority of guns used by DTOs can be traced to US gun dealers. Strengthening US firearm regulations and improving the ability of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), US Immigration and Customs Enforcement (ICE), and US Customs and Border Patrol (CBP) to trace and prosecute offenders of US gun laws would have an important impact on the availability of lethal weapons to DTOs.

Historically, Mexican DTOs used firearms to establish control over their controlled territory. However, over the last two decades DTOs have more regularly used firearms in open combat with competing DTOs and Mexican security forces.⁴⁸ This shift resulted in the need for more sophisticated weaponry and larger quantities of ammunition. US gun dealers met this need and DTOs increasingly purchased US guns, explosives, and

⁴⁷ Carpenter, "Beyond Drug Wars: Transforming Factional Conflict in Mexico."

⁴⁸ Colby Goodman and Michel Marizco, "US Firearms Trafficking to Mexico: New Data and Insights Illuminate Key Trends and Challenges," in *Shared Responsibility: U.S.-Mexico Policy Options For Confronting Organized Crime* (Woodrow Wilson International Center for Scholars, 2011), 167–201.

ammunitions through various surrogate or “straw” buyers. Mexican DTOs use a wide variety of firearms but lately their weapons of choice have been high-caliber handguns, and AK-47 and AR-15 assault rifles.⁴⁹⁵⁰ United States gun dealers are a convenient purchase point for DTOs, because approximately 10 percent of US gun dealers are located along the US-Mexico border and loopholes in US regulations allow DTOs to easily purchase firearms.⁵¹ The US needs to patch up these loopholes and strengthen US gun laws to prevent DTOs from easily purchasing US firearms.

Over the past decade, the US and Mexican governments have increased their efforts to address firearm trafficking from the US to Mexico. Mexico and the US are seizing increased numbers of firearms and ammunition. In addition, the US has convicted hundreds of individuals for purchasing and trafficking firearms to Mexico.⁵² However, these efforts can only go so far without significant increases in federal funding to ICE, ATF, and CBP, and the strengthening of US firearm regulations. In Mexico, many municipal police forces are no match for the increased firepower of DTOs. Most state and municipal police forces carry far less sophisticated firearms, do not have bulletproof vests, and have little firearm training. Firearm trafficking is a key to the drug war, because the sophisticated weaponry of DTOs gives them an advantage over state and municipal police forces.

⁴⁹ Shirk, David A., *The Drug War in Mexico: Confronting a Shared Threat*, Special Report (Council on Foreign Relations, March 2011),

⁵⁰ Goodman and Marizco, “US Firearms Trafficking to Mexico: New Data and Insights Illuminate Key Trends and Challenges.”

⁵¹ Shirk, David A., *The Drug War in Mexico: Confronting a Shared Threat*.

⁵² Ibid.

Although the US and Mexico have increased efforts to combat firearm trafficking, the US is still, inadvertently, the major supplier of firearms to DTOs. Several challenges prevent the US and Mexico from curbing this issue. In Mexico, the government lacks the resources to quickly process and provide US with information relating to the tracing of seized weapons. In the United States, the ATF lacks sufficient funding to investigate leads or inspect gun stores and the CBP lacks the resources and infrastructure necessary to conduct efficient and effective vehicle inspections at most points of entry into Mexico.⁵³ In addition, loose firearm regulations inhibit the ability of the US to hold gun dealers and individuals accountable and allow individuals to purchase large quantities of ammunition without restrictions. The US attorney's office has also been hesitant to prioritize or prosecute federal firearm offences if it involves less than 10-20 firearms.⁵⁴ As a result ATF agents often wait until an individual has been implicated in a number of offences or linked to several firearms. Until the US addresses these concerns the US will be a major contributor to the violence in Mexico, because of how easy it is to obtain and traffic US firearms.

Weak US gun laws are the foremost concern when it comes to firearm trafficking. In the US gun stores are required to notify law enforcement when multiple handguns are sold to any non-licensed individual within five consecutive business days. However, most state authorities do not require this same notification for the sale of multiple high-

⁵³ Goodman and Marizco, "US Firearms Trafficking to Mexico: New Data and Insights Illuminate Key Trends and Challenges."

⁵⁴ Ibid.

powered assault rifles over a short period of time.⁵⁵ In addition, private individuals are not required to conduct a background check or keep records when they sell a firearm.⁵⁶ Furthermore, most states do not require gun dealers to conduct a background check or check ID for the sale of any quantity of ammunition. This makes it exceedingly hard for US or Mexican authorities to trace or regulate the sale of firearms and ammunition.

In order to rein in firearm trafficking, the US needs to address these major concerns. First, the US needs to increase the capacity of the ATF to investigate, trace, and regulate the sale of both weapons and ammunition. The resources and infrastructure of the CBP need to be updated and improved to increase the seizure of firearms along the US-Mexico border. Secondly, the attorney general's office needs to prioritize and prosecute cases of firearm violations by individuals and gun stores. This will most likely require an increase in funding, but is worth the investment because it will strengthen the rule of law concerning gun laws. Lastly and most importantly, the US should strengthen federal firearm regulations. Several states are unwilling to tighten regulations and eliminate loopholes. Therefore, the federal government must pass legislation that reinforces current laws and better regulates the sale of weapons and ammunition. If the US makes these changes, it will be considerably harder for Mexican DTOs to purchase or transport US firearms and ammunitions. This will inhibit DTO's ability to easily access large quantities of sophisticated weaponry and ammunition and reduce their capacity to overpower Mexican and US security forces. Addressing these major concerns could

⁵⁵ Ibid.

⁵⁶ Ibid.

potentially reduce the lethality of the violence along the border and allow Mexico to reassert control over organized crime.

The Mérida Initiative

The United States has sought to assist Mexico in their conflict with DTOs by providing Mexico with aid in the form of training and equipment through the Mérida Initiative. The Mérida Initiative provided Mexico with an additional \$1.4 billion in US aid from the period of 2008-2010, in addition to the \$4 billion the US already provides Mexico with annually to combat DTOs.⁵⁷ However US aid may have actually had an adverse effect on Mexican counternarcotic policy. US aid encourages the Mexican military to pursue highly visible drug operations, aimed at impressing the United States Congress, which determines and authorizes the amount of aid granted. This prevents other less visible policy from implementation. Instead of allocating resources to social and developmental programs that have the potential to achieve more long-term success, the military is encouraged to pursue more immediate and visible policy.⁵⁸ Mexico's dependence on US aid has unintentionally encouraged Mexico to pursue highly visible policy that yields instant results instead of pursuing policy based on effectiveness.

The United State's influence over Mexico's counternarcotic strategy has important implications for Mexico's nascent democracy. Increased exposure to United States democratic institutions and norms will enhance the Mexican military's

⁵⁷ Astorga and Shirk, "Drug Trafficking Organizations and Counter-Drug Strategies in the U.S. Mexican Context."

⁵⁸ Shelley, "Corruption and Organized Crime in Mexico in the Post-PRI Transition."

understanding of democracy. However, United States influence over Mexican policy disrupts Mexican democratization by undermining Mexican national sovereignty. United States influence prevents the Mexican government from controlling its domestic policy and instead relies on an external source for policy. When the Mexican military supports the policies of an international actor over its own government, it diminishes the military's commitment to the Mexican public.⁵⁹ In turn, the Mexican public loses confidence in its own government's ability to govern, and loses motivation to participate in the system. United States influence over counternarcotic policy simultaneously reinforces and undermines the democratic consolidation of Mexico by increasing exposure to democratic norms and institutions and undermining national sovereignty.

US-Mexican relations have historically been strained due to divergent priorities and deep-rooted distrust. From the Mexican perspective, its northern neighbor causes many of its problems. Demand and US drug policy fuel drug trafficking, yet the US has the audacity to put pressure on Mexico to rein in its unbridled violence. From the US perspective, institutional weakness and endemic corruption are the source of Mexico's problems. However, with the escalation of violence and Mexico's improved relationship with the United States there is a unique opportunity for increased collaboration between the two countries.

US-Mexican bilateral cooperation has increased in recent years due to increased economic ties, Mexico's transition to democracy, and the drug problem. Increased cooperation has led to increased number of extraditions, cross border prosecutions, and

⁵⁹ Weeks, "The Drug War in Mexico: Consequences for Mexico's Nascent Democracy."

improved inter-agency cooperation. In 2007, the passing of the Mérida Initiative provided a stronger framework for this cooperation. The initiative identified shared priorities, strategized, and built new avenues for cooperation.⁶⁰ US financial assistance also increases the already \$4.3 billion spent annually to combat drug trafficking.⁶¹ While the Mérida initiative is a significant achievement in itself, much work still needs to be done to improve cooperation between the Mexico and the United States.

The initial funding for the Mérida initiative ended in 2010, but the Obama administration renewed the allotment and worked with Mexican authorities to develop a better, more long-term approach to addressing drug trafficking in Mexico. The Obama administration improved the previous initiative by increasing binational cooperation in combatting DTOs, increasing assistance to institutional development, developing more effective interdiction strategies, and developing social programs to revitalize regions and communities in Mexico that were devastated by crime and violence.⁶² Additionally, the US has also increased funding aimed at reducing arms smuggling, and money laundering in the United States. Obama's efforts at restructuring the initiative improved cooperation between Mexico and the United States, but the initiative still needs to be tailored to improve interagency cooperation, provide a more equitable division of developmental and military aid, and retool US drug policy.

⁶⁰ Shirk, David A., *The Drug War in Mexico: Confronting a Shared Threat*.

⁶¹ Ibid.

⁶² Ibid.

Coordination between US and Mexican agencies are still in the developmental stage and are plagued by ongoing challenges. While both Mexico and the United States have scaled up aid to many agencies and programs, additional resources, manpower, and infrastructure are needed to combat powerful DTOs with nearly limitless resources. Also, many programs still lack a coherent long-term strategy.⁶³ In addition, responsibility for problems associated with DTOs is scattered among several US agencies. No agency has taken a leadership role in addressing this transnational problem. Therefore, the strategy, priorities, and objectives of different agencies are often disjointed and inconsistent. For cooperation between the two countries to improve the US and Mexico need to address these challenges.

Current US priorities in Mexico focus on hard measures aimed at dismantling DTOs and restraining violence. Because of this focus on hard measures, many of the causes for weak Mexican public security are left unaddressed. The Mérida initiative funds are primarily directed to military aid, interdiction efforts, and law enforcement. Even after Obama restructured the aid to include assistance of institutional development and community development, this aid is negligible in comparison to the amount of aid issued to hard measures.⁶⁴ To address this disparity in aid the US must increase aid to social, economic, and institutional assistance, even if it means reducing aid of interdiction efforts or military assistance. An investment in these factors is an investment in Mexico's future and more adequately addresses the underlying causes of many of Mexico's problems.

⁶³ Ibid.

⁶⁴ Ibid.

Mexico's continued security crisis illuminates the problems in current US drug policy. The war on drugs has lacked clear or achievable objectives for the last four decades. Aggregate demand remains the same and the illegal transport and distribution of drugs remains an extremely lucrative enterprise. The supply side approach to reduce production and consumption has failed. Punishing the suppliers and users of drugs severely has outright failed. Instead, prohibition of narcotics has resulted in traffickers make gargantuan profits off the illegality of the drug trade and society must pay for the ramifications of drug use and addiction. US drug policy must be reevaluated to better address the insidious repercussions of the drug trade and drug consumption.

A major fault of current US drug policy is that it focuses to heavily on interdiction and refuses to take a different approach. The US-Mexican border is nearly 2,000 miles long and the cost of securing this border completely is too financially burdensome. While increasing the resources, staff, and technology of border patrol has led to increased interdiction, the damage to DTOs is inconsequential due to the high profit margins of the drug trade. Legalization of marijuana may not be a realistic approach because of the social consequences of this action. However, the projected effectiveness of this policy in damaging DTOs makes it a worthwhile discussion. Legalizing marijuana would allow border control and customs officials to focus on other problems like illegal immigration and trafficking of harder drugs. Also, Mexican DTOs would take a significant financial hit in the loss of this market. While legalization might not be a realistic option, the US should work more wholeheartedly at preventing, and treating drug consumption. A small percentage of drug users account for a large portion of total drug consumption and reducing, preventing, and treating these drug users could significantly reduce overall

consumption. In order to develop better US drug policy the US needs to address drug consumption more adequately through increased prevention and treatment techniques and stop relying so heavily on interdiction efforts to address drug trafficking.

Conclusion

During the PRI hegemony, the PRI allowed DTOs to operate, but also regulated the drug trade. When this agreement ended and Mexico's democratic transition began, the drug trade changed. The PRI no longer determined *plazas* in which certain DTOs were granted exclusive control. As a result, violence between competing DTOs skyrocketed. This increase in violence poses a significant threat to the institutionalization of Mexico's democracy.

The US plays an interesting role in Mexico's security crisis. Because US demand for drugs drives the drug trade and facilitated the growth of criminal organizations in Mexico, the US has a responsibility to structure its counternarcotic policy appropriately. Mexico cannot end drug production and drug trafficking by itself. US aid provides significant financial assistance to Mexico, but the US also needs to develop policy that minimizes negative impacts of its counternarcotic policy on Mexico. Reducing demand, improving the regulation and sale of firearms, and improving coordination with Mexican security forces will all have an immediate impact on the drug trade and benefit both Mexico and the United States.

Mexico needs to reevaluate and improve its counternarcotic policy as well. Mexico has responded to violence by enforcing a strict counternarcotic policy that involves the use of the military to enforce domestic public security initiatives. The use of the military

to enforce domestic security is rational considering the corruption, institutional weakness, and uncoordinated nature of Mexican police forces. However, as chapter 3 and 4 state, militarization has several consequences that complicate Mexico's democratization and does not adequately address the fundamental issues behind the increase in violence. Moving forward, Mexico needs to prioritize long-term counternarcotic objectives to address the underlying problems that have facilitated the rise of organized crime and violence. Issues addressing poverty, institutional weakness, and the criminal justice system should be core focuses of counternarcotic policies. In addition, Mexico should gradually turn over domestic public security operations to Mexico's federal and state police. Ending this security crisis and dismantling organized crime is a long process and unfortunately there are no quick fixes to the problems inside Mexico. For Mexico's democratic consolidation to progress, it is imperative that Mexico balances long-term objectives with more immediate objectives, and that the US alleviates some of the pressure on Mexico through financial aid and improving its own counternarcotic policies.

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