WHEN PROHIBITION AND VIOLENCE COLLIDE: THE CASE OF MEXICO

A thesis submitted in partial fulfillment
of the requirements for the degree of
Master of Arts

By

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B.A. International Studies, Wright State University, 2009

2011
Wright State University

WRIGHT STATE UNIVERSITY

GRADUATE SCHOOL

November 18,2011

I HEREBY RECOMMEND THAT THE THESIS PREPARED UNDER MY SUPERVISION BY Kyleigh Clark ENTITLED When Violence and Prohibition Collide: The Case of Mexico BE ACCEPTED IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE DEGREE OF Master of Arts.

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ABSTRACT

Clark, Kyleigh. M.A., Department of Political Science, Wright State University, 2011. When Prohibition and Violence Collide: The Case of Mexico.

Some theorists have found a positive correlation between increased drug prohibition enforcement and a rise in violence. These studies focus on the United States and Colombia, arguing that prohibition amplifies violence, rather than decreasing it. Much like the United States and Colombia earlier in their histories, Mexico has recently experienced an escalation in violence. Since beginning a democratic transition in 2000, the Mexican government has intensified a war on drugs by strengthening the rule of law, battling corruption, and cooperating with the United States' drug war. This study, using a congruence method with process-tracing, will analyze the Mexican case in depth, with the goal of determining whether increased drug prohibition enforcement has escalated drug-related violence in Mexico, and what effect the violence has on the legitimacy of democracy itself in Mexico.

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ACRONYMS

AFA- *Agencia Federal Antisecuestros*; Federal Anti-kidnapping Agency

AFI- *Agencia Federal de Investigación*; Federal Agency of Investigations

ANSJL- *Acuerdo Nacional por la Seguridad, la Justicia y la Legalidad*; National Agreement for Security, Justice and Legality

CITCC- *Comisión Intersectorial para la Transparencia y el Combate a la Corrupción en la Administración Publica Federal*; Interministerial Commission for Transparency and Against Corruption in Federal Public Administration

EZLN- *Ejército Zapatista de Liberación Nacional*; Zapatista Army of National Liberation

FEADS- *Fiscalía Especializada en Atención de Delitos contra la Salud*; The Prosecutor Specializing in Crimes Against Health

ICC- International Criminal Court

ICESI- *Instituto Ciudadano de Estudios Sobre la Inseguridad*; The Civic Institute of Studies on Insecurity

IFE- *Instituto Federal Electoral*; Federal Electoral Institute

INEGI- *Instituto Nacional de Estadística y Geografía*; National System of Statistical and Geographical Information

INM- *Instituto Nacional de Migración*; National Institute of Migration

LFcDO- *Ley Federal contra la Delincuencia Organizada*; The Federal Law Against Organized Crime

OECD- Organization for Economic Corruption and Development

OMS- *Operativo México Seguro*; Operation Safe Mexico

PAN- *Partido Acción Nacional*; National Action Party

PF- *Policía Federal*; Federal Police

PFM- *Policía Federal Ministerial*; Federal Ministerial Police

PFP- *Policía Federal Preventiva*; Federal Preventative Police

PGR- *Procuradura General de la República*; Offices of the Attorney General

PJF- *Policía Judicial Federal*; Federal Judicial Police

PRI- *Partido Revolucionario Institucional*; Institutional Revolutionary Party

PRD- *Partido de la Revolución Democrática*; Party of the Democratic Revolution

PVEM- *Partido Verde Ecologista de México*; the Ecologist Green Party of Mexico

SEDENA- *Secretaría de la Defensa Nacional*; Ministry of National Defense

SERAPAZ- *Servicios de Asesoría para la Paz*; Advisory Services for Peace

SIEDO- *Subprocuraduría de Investigación Especializada en Delincuencia Organizada*; Office of Special Investigations on Organized Crime

SIPAZ- *Servicio Internacional para la Paz*; International Service for Peace

SNSP- *Sistema Nacional de Seguridad Pública*; National Public Security System

SSP- *Secretaria de Seguridad Pública*; Secretary of Public Security

TEPJF- *Tribunal Electoral del Poder Judicial de la Federación*; Electoral Tribunal of the Federal Judiciary

UECLD- *Unidad Especializada Contra el Lavado de Dinero*; Special Anti-Money Laundering Unit

UEDO- *Unidad Especializada en Delincuencia Organizada*; Special Unit Against Organized Crime

UNODC- United Nations Office on Drugs and Crime

NON-ENGLISH TERMS

El Acuerdo Nacional para la Transparencia y el Combate a la Corrupción- The National Agreement for Transparency and Combating Corruption

Amparo- Literally "protection"; An injunction from judges.

La Cámara de Diputados- The House of Representatives; The lower house of Mexico's bicameral legislature.

Las Camarillas- Literally "groups of cronies"; Clientelist networks used by the PRI to maintain power.

Caudillos- Literally "leaders" or "strongmen"; Often political-military leaders that ruled border states and were able to enforce their own rules.

La Cruzada Nacional contra el Crimen y la Delincuencia- The National Crusade Against Crime

Dedazo- Literally "the big finger"; The PRI practice of hand-picking successors for president.

La Federación- The Federation; An alliance of the Sinaloa Cartel, the Juárez Cartel, and the Valencia Cartel.

La Gran Camapana- The Great Campaign of 1948; One of the first programs by the Mexico government to use the military to eradicate poppy plants.

Los Grupos de Respuesta Rápida Fronteriza- The Border Rapid Response Groups

Informes Presidenciales Anexo Estadístico- Statistical Annex of Presidential Reports

Latinobarómetro- Latinobarometer; An annual public opinion survey of Latin American countries.

La Ley de Servicio Profesional de Carrera- The Law on Professional Career Service in the Federal Public Administration

La Ley Federal de Transparencia y Acceso a la Información Pública Gubernamental- The Federal Law of Transparency and Access to Public Government Information

Mordida- Literally "bite"; A small bribe.

Movimiento por la Paz con Justicia y Dignidad- Movement for Peace with Justice and Dignity

Plataforma México- Platform Mexico; An online database aimed at coordinating and integrating public security institutions of all levels by providing accurate and up-to-date crime information.

Politicos- Older members of the PRI, who felt economically and politically threatened by change.

El Programa Nacional de Combate a la Corrupción y Fomento a la Transparencia y el Desarrollo Administrativo- The National Program to Combat Corruption and Promote Transparency and Administrative Development

El Programa Nacional de Rendición de Cuentas, Transparencia y Combate a la Corrupción- The National Program for Accountability, Transparency, and Fighting Corruption

La Razurada- Literally "shaving," slang for censure; A PRI election tactic where opposition voters were denied their voting rights and were removed from the electoral roll.

El Senado- The Senate; The upper chamber of Mexico's bicameral legislature.

Sexeño - The six-year term of a Mexican president.

El Subsidio de Seguridad Pública Municipal Subsemun- The Municipal Public Security Subsidy

Sufragio Efectivo No Reelección- Effective Suffrage, No Reelection; The slogan of the Mexican Revolution of 1910.

Técnicos- U.S.-educated and pragmatic younger members of the PRI, who pushed for reform and had business backgrounds.

El Triángulo Crítico- The Critical Triangle; The regions that relied heavily on the illegal drug trade in the 1940s, namely the states of Sinaloa, Durango, and Chihuahua.

Los Zetas- Literally "police car"; Originally the security team of the Gulf Cartel.

ACKNOWLEDGEMENTS

Completing this thesis and graduating from the International and Comparative Politics program has undoubtedly been the most challenging and rewarding experience of my life thus far.

Words cannot express my gratitude for Dr. December Green, whose hard work and long hours have greatly enhanced my writing and understanding of social science. Dr. Green has influenced my entire college career with her love of teaching and caring for each student. I can honestly say that without her enthusiasm and influence I would not have gotten to this point in my academic career.

I am also deeply grateful Dr. Laura Luehrmann and Dr. Nancy Broughton, both of whom have worked tirelessly on helping me to perfect my academic skills, in terms of this thesis and other endeavors. Each of these three remarkable women has helped me to find my place in the world, both personally and academically, and I am constantly in awe of the work they accomplish.

I also want to thank Wright State Libraries, which has provided me with guidance, a place to concentrate, coffee, and Wi-Fi. Without caffeine, Pandora, and Academic Search Complete, I do not think my thesis would have never gotten off the ground.

Lastly, I want to thank my family and friends, who have supported me throughout this difficult endeavor. This would not have been possible without my family, especially my mom and dad, and my friends, especially Adam Moorman and Steve Risner, who have helped to keep me sane during this stressful and rewarding process. I love each of you, and am extremely grateful that you are a part of my life.

INTRODUCTION

Explanations of the causes of violent criminal behavior are varied and widespread, with many different theories in ongoing development. Although there is little agreement about the actual causes of violence, many analysts link an escalation in violent behavior throughout the Western Hemisphere to the growth of the drug trade in the United States, Colombia, and, more recently, Mexico. In response, these governments have enacted policies aimed at decreasing the use and sale of drugs and intensified law enforcement in an attempt to reduce violence. Prohibitionist measures were adopted in the United States in the 1920s, when drug prohibition meant new laws that sought to entirely prohibit alcohol as a way to protect citizens from the immorality and unproductiveness associated with urban life. In Colombia in the 1980s and 1990s as well as Mexico in the last decade, drug prohibition has meant increased enforcement of laws that already exist as a way to protect citizens from the criminality and violence associated with the drug trade. However, do new prohibitions and expanded drug prohibition enforcement actually *increase* violence in unconsolidated democracies?

In the case of Mexico, a democratic transition beginning in 2000 has led to a stronger rule of law and an intensified war on drugs, which has increased drug law enforcement. Since 2000, and especially since 2006, Mexico has also seen a steady increase in drug-related violence that is threatening the authority and legitimacy of democracy itself. Consequently, my hypothesis is that Mexico's democratization, associated with efforts to strengthen the rule of law, is actually undermining the Mexican democracy. While the Mexican relationship with the United States has undoubtedly influenced governmental decisions throughout the history of the country, and especially in terms of the war on

drugs, this study will focus on the domestic aspects of the hypothesis, taking the Mexican-United States relationship as a given. This hypothesis allows for the opportunity to look at the stability and legitimacy of the Mexican political system as well as the effectiveness of the war on drugs. If Mexican democratic authority and legitimacy is threatened by the increase in drug law enforcement, it presents a real dilemma for democracy, as a strong rule of law is crucial for democratic consolidation. Furthermore, this study can serve as a model for other countries that are engaging in prohibitionist measures while they are trying to consolidate democracy. With more people dying in the war on drugs each day, the citizens and government are reaching a breaking point at which performance and results must improve before democracy can be consolidated.

RESEARCH QUESTION

Why has drug-related violence increased recently in Mexico? I hypothesize that the democratization of Mexico has led to increased drug prohibition enforcement through a stronger rule of law and an intensified war on drugs. In turn, the war on drugs has led to increased violence, and is possibly undermining democracy.

SUB-QUESTIONS

1. Has the sharp rise in violence since 2006 affected Mexican citizens' faith in democracy and democratic authority and legitimacy?
2. Can strengthening the rule of law be harmful to a transitioning democracy?
3. Should Mexico continue its current course in the war on drugs?

LITERATURE REVIEW

DEMOCRATIZATION AND THE RULE OF LAW

As shown by Andrew Selee and Jacqueline Peschard, Mexican democracy has had a unique evolution. Prior to the election of 2000, the government was a "one-party system" (Selee and Peschard, 2). Since 2000, scholars of Mexico agree that the country is not consolidated but is, at the very least, an example of Dahl's "polyarchy," an electoral democracy that has free and fair elections, inclusive suffrage, the ability of all citizens to run for office, and provides access to information from alternative sources (Selee and Peschard, 23).

They also agree, however, that the biggest hurdle to Mexican democratic consolidation is the lack of the rule of law, or, as Guillermo O'Donnell defines it perfectly, "whatever law exists is written down and publicly promulgated by an appropriate authority before the even means to be regulated by it, and is fairly applied by relevant state institutions including the judiciary" (4). Essentially, the rule of law means that formal laws exist and are recorded and are equally applied to everyone in the country (including those in government). Strengthening the rule of law can be accomplished in many ways, with measures aimed at strengthening the judiciary, lessening corruption, ending impunity, and increasing law enforcement. The Mexican government has felt internal and external pressure to consolidate democracy by strengthening the rule of law, as evidenced by many genuine anti-corruption efforts since 2000 and intensification of the war on drugs since 2006.

PROHIBITION AND VIOLENCE

Increased efforts in drug prohibition enforcement through an emphasis on a stronger democratic rule of law and the war on drugs, however, may have unintended side effects. Numerous scholars have hypothesized that a positive correlation exists between drug prohibition and escalating violence in the United States and, more recently, in the case of Colombia.

Jeffrey Miron, Mark Asbridge and Swarma Weerasinghe, and Robert Burrus each analyze alcohol restriction in the United States, advancing the hypothesis that prohibition positively correlates with a rise in violence. Miron's basic argument is that when a good or service is prohibited, it is pushed into the black market, increasing violence because market disputes that inevitably arise are settled with violence rather than with lawyers or courts (Miron, 1999, 81). Asbridge and Weerasinghe show that in Chicago during Prohibition, a sharp rise in homicides can be attributed to the use of violence in market conflict resolution, such as turf arguments (357). Burrus argues that the use of violence stems from the irrelevance of anti-monopoly laws in the black market, giving drug dealers an incentive to try to monopolize the market and try to take all profits for themselves, usually eliminating the competition through violence (227).

Garrett Peck contends that in the United States, the illegality of alcohol not only led to heightened violence but also to a surge of organized crime, because the demand for alcohol remained high regardless of the laws, giving bootleggers the opportunity to make high profits. These profits gave the bootleggers the money and incentive to bribe public officials, contributing to a higher rate of corruption (13). David Samper Pizano argues that such corruption threatened even the relatively stable U.S. democracy; the increased

violence and a sharp rise in the number of prison inmates was an economic disaster for the government. These problems exacerbated the Great Depression and lead to democratic instability, causing the government to overturn prohibition altogether in 1933 (Pizano, 1).

In another study, Miron extends the argument of the positive correlation between violence and drug prohibitions, by researching multiple countries and the drug war in general. He contends that the illegality of drug markets leads to high profits, giving drug dealers the ability to corrupt public officials and sell drugs with impunity. Miron goes on to illustrate that prohibition can lead to a decrease in the enforcement of other non-drug laws because of the increased focus on drug restriction laws. This magnified focus decreases the percentage of the budget available for the enforcement of non-drug crimes such as domestic violence and sexual abuse as a bigger majority of the budget is allocated to drug prohibition (Miron, 2004, 12). Furthermore, Miron shows how the problems of corruption and impunity lead to disrespect for the law because people see the government as ineffective and illegitimate. When corruption is compounded by budgetary deficiencies, the government loses some of its capacity to operate effectively, as it does not have the resources or motivation to enforce the rule of law. The loss of capacity ultimately leads to lower levels of governmental authority and legitimacy, as the government is seen as incompetent (Miron, 2004, 13).

Building upon Miron's work, Carlos Medina and Hermes Martínez examine the correlation between prohibition and increased violence in Colombia from 1990 to 1998. In their study, the authors use Miron's research as a model for the case of Colombia. They find that enforcement of drug prohibition laws correlates with intensified violence,

unlike other studies that have attributed the rise in violence to rising in poverty or inequality. Medina and Martínez chose the period from 1990 to 1998 for their study because it corresponds to the Colombian Congress enacting a law that approved the extradition of drug traffickers to the United States, which ultimately led to tougher enforcement of anti-drug laws (Medina and Martínez, 5).

The authors argue that when these laws are seriously enforced, the people willing to be involved in the drug trade are the most ruthless and prepared to use violence, because they are willing to pay a high price for being a part of the industry. Amplified drug restriction enforcement also correlates with higher rates of violence by disrupting the balance between cartels that was established when levels of enforcement are low. This disruption creates more disputes over turf (as well as splintering of gangs) that culminates in the violence associated with power struggles (Medina and Martínez, 5). Finally, Medina and Martínez contend that Colombia became more dangerous when a larger percentage of the already limited budget was spent on drug prohibition, as it diverted funds from general crime deterrence as well as the fight against paramilitary groups (7).

According to Vanda Felbab-Brown, in Colombia when the government threatened extradition of drug traffickers to the United States, the cartel leaders responded by increasing violent attacks on government officials, murdering judges, a presidential candidate, and the Minister of Justice (Felbab-Brown, 18-19). In addition, Mark Bowden reports that rival cartel leaders turned on each other, secretly collaborating with the Colombian and United States' governments and forming a militia in an attempt to eliminate the all-powerful Cali Cartel, led by Pablo Escobar (176-179). Eventually, the

Colombian government (with assistance from the U.S.) assassinated Escobar, leaving a power vacuum that contributed to an increase in violence, as other cartels and paramilitaries stepped in to fill the void (Bowden, 238-249; Felbab-Brown, 19). The Mexican democracy has also experienced increases in violence since 2005, with citizens pleading for more effective action (Archibold, 1). Now, the government must limit such violence in order to be seen as legitimate and effective, so that democracy can eventually be consolidated.

VIOLENCE AND ITS EFFECT ON DEMOCRACY

Generally, increased violence and instability have been shown to have a detrimental effect on public support for democracy and governmental authority and legitimacy, especially for young democracies. Authority, defined by Rolf Sartorius, is "a moral and legal capacity to perform certain actions of which only duly constituted authorities acting in their official role are capable" (5). More specifically, authority centers around the state monopoly on the use of force and the ability of the state to exercise law over its citizens and members of government, and must exist for a government to be effective (Sartorius, 5). Legitimacy, as defined by Seymour Martin Lipset, is "the capacity of a political system to engender and maintain the belief that existing political institutions are the most appropriate" (86). Legitimacy is key for any government attempting to consolidate democracy, as democratic stability depends on effectiveness and legitimacy. Without authority and legitimacy, a government cannot run effectively, as the citizens will not be compelled to obey laws (Lipset, 86).

Tanja Ellingsen advances this argument in her study of countries that have experienced a civil war between 1989 and 1992, contending that internal violence has

been one of the gravest threats to democratic stability since the end of the Cold War. Ellingsen goes on to argue that this violence can lead to regional destabilization, through spillover and economic and refugee problems (Ellingsen, 244). Kristian Gleditsch and Michael Ward, however, demonstrate that countries experiencing violent conflicts have difficulty consolidating democracy and building effective institutions because of a lack of legitimacy and public support (26). In another study, Havard Hengre, Tanja Ellingsen, Scott Gates, and Nils Petter Gleditsch propose that there is an inverted U-shaped curve between democracy and domestic war, and that the path to democratic consolidation can often lead to increased violence, sometimes even causing state collapse, as past authoritarian politics collide with new mass politics in an environment of deconsolidated institutions. In line with the inverted U-curve, the authors determine that there is an initially high level of unrest after a democratic transition because of these inherent institutional weaknesses, and new institutions must be consolidated to avoid state failure (Hengre et. al., 33-34). Each of these studies, therefore, points to a relationship between the longevity of democracy and strong institutions and the absence of violence, as fragile institutions and high levels of violence lead to weak state authority and legitimacy.

Additionally, drug wars can jeopardize democratic longevity, as seen in the Colombian case. According to Francisco Gutiérrez Sanín, by the late 1980s Colombian citizens were dissatisfied with democracy due to the large number of corrupt officials involved in politics and the inability of the Colombian government to stop the problem of increasing drug-related violence. The corruption and drug traffickers' infiltration of the political system led to public mistrust and halted democratic development as the

government was unable to stop drug trafficking even as violence increased (Sanín, 278; 281; 293).

The Colombian democracy began to suffer a lack of authority and legitimacy, as the Colombian citizens experienced economic instability and human rights abuses, as evidenced by the work of Arlene Tickner, Coletta Youngers and Eileen Rosin and Christopher Welna (Tickner, 336; 318). First, Tickner shows that the state lost authority as the drug cartels began the increased use of violence that the state could not control (334). Secondly, Youngers and Rosin contend that using the military for domestic law enforcement can actually work to destabilize democracy, largely because of an increase in human rights abuses (2-3). In Colombia, these human rights abuses have had long-term effects, even as the violence has shifted from cartel violence to paramilitary violence (Tickner, 341-342). Third, Welna points out that while this shift has resulted in a reduction in homicide rates, the government still has to improve its handling of security and human rights protection to be considered stable (13, 15). Overall, these authors present the three factors that possibly pose danger for the Mexican democracy, as it is beginning to lose its authority and legitimacy, both of which are essential for any government to run effectively and for democracy to be consolidated.

METHODOLOGY

My hypothesis is that Mexico is caught in a "catch-22," as democratization has led to increased drug prohibition enforcement through a stronger rule of law and involvement in the war on drugs, which has led to increased drug-related violence, which in turn may be undermining the democracy. I am investigating the effect that violence is

having on the legitimacy, and ultimately, the stability of the Mexican democracy, in an effort to determine the viability of the current program against the drug-related violence.

This study combines empirical analysis and a case study approach, specifically examining the case of Mexico as it applies to the hypothesis. For the quantitative analysis, I plot crime and homicide rates as well as budget expenditure rates toward drug law enforcement from Mexico. These expenditure rates are plotted one-by-one on simple graphs, which may indicate whether a positive correlation exists between violence and prohibition.

For the qualitative analysis, I utilize the congruence method in conjunction with process-tracing. As explained by Alexander George and George Bennett, in the congruence method "the investigator begins with a theory and then attempts to assess its ability to explain or predict the outcome in a particular case" (181). To explore if a positive correlation between drug prohibition and drug-related violence exists, I research the period when the war on drugs and the rule of law was weak and compare it to the period when the war on drugs and the rule of law has been stronger. Chapter One provides an overview of Mexican politics under the PRI, from 1910-1994, Chapter Two focuses on the rule of law under and after the PRI, Chapter Three focuses on prohibition under and after the PRI, Chapter Four analyzes the effects of prohibition on violence and citizen support for democracy, and the final chapter draws conclusions from the research.

To explore the hypothesis that a stronger rule of law has led to increased violence through improved drug prohibition enforcement, I am employing a variety of empirical sources. My study of the dependent variable, drug-related homicide and crime rates, is derived from past scholarly studies, the *Instituto Ciudadano de Estudios Sobre la*

Inseguridad (The Civic Institute of Studies on Insecurity, ICESI), an NGO that publishes official statistics for Mexico, and the Mexican government's official statistics from the *Instituto Nacional de Estadística y Geografía* (National System of Statistical and Geographical Information, INEGI). Furthermore, the study uses data from the Transborder Institute to document drug-related homicide and crime rates. All of these sources are available each year for at least the last decade.

To measure the independent variable, the increase in prohibition enforcement, I employ the government expenditure on the war on drugs, through budget expenditure. Other variables examined are the institutional changes that have occurred throughout the transition and arrests of cartel leaders. Budget expenditures and arrest rates related to the war on the drugs will be derived from scholarly studies and official governmental agency statistics, from *Informes Presidenciales Anexo Estadístico* (Statistical Annex of Presidential Reports), and the INEGI. I focus on tracking relationships between cartels and the Mexican government as well, examining institutional reforms from the official government sources, the *Informes Presidenciales Anexo Estadístico*, as well as the World Drug Reports from the United Nations Office on Drugs and Crime (UNODC).

To assess the legitimacy and stability of the Mexican government, I explore citizen views of the situation. My study examines surveys of Mexican citizens, specifically the *Latinobarómetro* (Latinobarometer) surveys that assess the quality of democracy in Latin America, as measured by the citizens. These reports evaluate citizen opinions on democracy, violence, corruption, legitimacy, and authority of Latin American regimes. They also help to show the changes in perceptions from year to year, which allows me to investigate if public opinion and Mexican political culture have

changed with the violence, and whether democratic stability is being seriously challenged. Furthermore, in order to examine corruption, I analyze Transparency International's annual reports and Corruption Perceptions Indices. The strength of the rule of law is measured through the World Bank's annual World Governance Indicators.

The strength of this methodology is the combination of such varied sources that allows the study to ascertain the strength of the correlation between violence and prohibition in the case of Mexico. Just as importantly, it may allow me to determine what effect the violence is having on the legitimacy and stability of the Mexican democracy.

CONCLUSION

Recently, Mexican democratization has led to an emphasis on a stronger rule of law and, subsequently, an intensified war on drugs. This strengthening of the rule of law, however, could have a downside, as there appears to be a positive correlation between increased drug prohibition law enforcement and increased violence. Although no specific scholarly study of the relationship between prohibition and violence and its effect on democracy has been performed on Mexico, the American and Colombian experience suggests that a relationship exists; therefore, the correlation could apply in the Mexican case as well, and should be studied more in depth. As shown in Colombia, the irony is that the Mexican democracy may be in danger of destabilization if the current path to consolidation continues.

CHAPTER I:

OVERVIEW OF MEXICAN POLITICS, 1910-1994

INTRODUCTION

To explore the Mexican case prior to and since the start of the democratic transition, it is imperative to have some context to understand Mexican politics. Consequently, this chapter will provide a brief introduction to the political history of Mexico since the Revolution of 1910 leading up to the Zedillo administration from 1994 to 2000.

POLITICS OF MEXICO UNDER THE PRI, 1910-1994

Mexico is a country with a unique path to democratization, dating back to 1910 with the Mexican Revolution, led by Francisco Madero, Emiliano Zapata, Venustiano Carranza, and Pancho Villa. The Revolution was fought under the slogan *Sufragio Efectivo No Reelección* (Effective Suffrage, No Reelection), and was the culmination of a struggle against Porfirio Díaz, a dictator who controlled Mexico for over 20 years (Peeler, 45). The revolutionaries' slogan echoed their frustrations with the Mexican system, where citizens were effectively stripped of their voting rights, as they were forced into repeatedly voting for Díaz, who ran for president in every election despite the official policy of no re-election. Ultimately, the leaders of the revolution were tired of the concentration of power and wealth that went to the elites. Farmers did not have land rights, and there was a severely uneven distribution of wealth. The revolutionaries saw ousting the dictator as their only chance to win back their rights and the ability to participate in politics, as citizens were unable to elect their leaders and non-elites were unable to run for office (Consular, 1).

By 1917, Madero, Zapata, and Villa had been assassinated by political rivals, Díaz was forced out of the country, Carranza was in power, and a constitution was drafted that included liberal reforms such as regular elections, term limits for the president, and basic rights of suffrage. While the constitution included democratic ideals, the leaders did not have a coherent ideology, and instead focused more on populist measures to gain favor, such as agrarian reform, than democracy (Peeler, 45). This incoherent ideology essentially led to a continuation of the colonial system of government in Mexico where *caudillos* ("leaders" or "strongmen," often political-military leaders) ruled the border states and enforced their own laws, using clientelism to draw favor from their subjects with discretionary distribution of goods in exchange for support (Knight, 241). Even after the Constitution of 1917 was in place, the state governments were still effectively led by these *caudillo* leaders, who continued the patron-client relationships that kept them in power, even if that meant not following national laws. As a result of the *caudillo* system, there was an inability to truly reform the Mexican government, and internal debates made it impossible to agree on how to rule the country (Knight, 246-247).

Carranza was assassinated in 1920 by a group of army generals and former allies, after he made the mistake of suggesting his successor should be a civilian rather than a military man (Preston and Dillon, 49). General Plutarco Elías Calles instead succeeded Carranza, and began what would become known as the *Partido Revolucionario Institucional* (Institutional Revolutionary Party, PRI), a political party that integrated provincial fiefdoms into a national unit, in an effort to avoid internal conflicts and increase governmental and national stability. Overall, the creation of the PRI allowed for a unified voice of government, by bringing the leaders of each state together into a

powerful national party that merged their interests together and effectively stopped struggles for power between fiefdoms (Preston and Dillon, 49-50). The liberal reforms in the Constitution of 1917 were formally followed, as presidents stepped down after their term and multiparty elections were regularly held, but informally the PRI held on to power and controlled elections so that the country was never truly democratic (Meyer et. al., 526). The PRI was not affected by ideological restrictions; rather it was a strong and stable pragmatic party that was tied to diverse groups, from farmers to factory workers to bureaucrats. In practice, the president controlled the party itself, most sectors of society, and all branches of government, making Mexico an authoritarian enclave for decades (Preston and Dillon, 51-53).

In 1936, Calles proved that past presidents do not always control their successors after his handpicked president, General Lázaro Cárdenas, exiled him following a series of political disagreements between the two men. Specifically, Calles opposed Cárdenas' support of labor unions and Cárdenas opposed Calles' use of violence and fascist sympathies (Meyer, et. al., 526). Cárdenas cemented the power of the PRI by organizing the party under industrial sectors, uniting the interests of the military, the wealthy, peasants, and workers. Cárdenas also developed the *dedazo* ("the big finger"), a practice in which the president handpicks his successor, indirectly circumventing the constitutional rules that limited the presidential term to six years (known as the *sexeño*) with no reelection. Additionally, Cárdenas improved economic stability by carrying out an agrarian reform and nationalizing foreign oil companies (Preston and Dillon, 51).

The PRI used its first decades of rule to consolidate power in the presidency, dominating the legislature and the judiciary. The legislature was simply a rubber stamp,

as the president selected lawmakers. Rising members of the PRI were chosen for the lower house, the *Cámara de Diputados* (The House of Representatives) and older members were chosen for the *Senado* (Senate), as a reward for their past service to the party. The Supreme Court only ruled on minor matters, as they were subservient to the party and the president. This subservience occurred because each president was given the power to nominate and dismiss judges, often restricting their tenure to a single administration. Additionally, the dismissed judges usually sought partisan careers after their terms, which made them careful to follow the PRI's orders (Magaloni and Sánchez, 12). The president was, in effect, the head of the party, the executive branch, the legislature, and the judiciary. With this power, the president was able to choose who would be leading the country, from local governors to his successor with the *dedazo* (Tagle, 12).

In 1933, the PRI barred legislators from seeking direct reelection, a practice that continues today, in an effort to keep control over the legislator's actions during their term. This inability to seek reelection caused an inability to learn through their post and a lack of accountability, as the legislators are not dependent on the citizens for reelection, and a gave them a sense that what they do does not actually matter, as they lost their job regardless at the end of their term. The ban on direct reelection also helped to concentrate power in the executive, as legislators, like Supreme Court judges, had to be loyal to the PRI and the president, to secure a job with the party after their term (Taylor, 306).

The PRI won elections for seventy years by using patronage to provide incentives in exchange for votes, such as protection for regional leaders and the promise of localized funds to certain states. As the country completed industrialization through the 1930s, the

PRI had access to more revenue through the nationalized petroleum industry, enabling them to buy off and control judges, elites, and any political rivals. The stability of the party hinged on the promise of impunity and kickbacks, and kept divisions to a minimum (Flores-Macias and Lawson, 269-270). The PRI was able to provide jobs, education, and social services to its allies and supporters, often convincing rival parties to cooperate with them in exchange for spoils of the government (Peeler, 85). The PRI also bought votes, forged voter ballots, limited media time for opposition, openly intimidated voters, and compelled citizens to vote multiple times, even providing bussing for rural voters to ensure their support on election day (Simpser, 10). In a process known as *la razurada* (literally "shaving," slang for censure), opposition voters were denied their voting rights, and were removed from the electoral roll (Stacy, 406). The PRI also set up elections so that state and local elections would be overseen by state-level organizations, most of which were loyal to the party, resulting in a lack of electoral integrity (Flores-Macias and Lawson, 276-277). In 1946, the PRI-controlled government passed a law that required any opposition party to have at least 30,000 members spanning at least two-thirds of the federal states, crippling smaller parties that did not have enough members as well as far-right and left leaning parties whose members did not want to be known for fear of PRI backlash and effective black-listing (Klesner, Section 1).

The party used clientelist networks known as *camarillas* (literally "groups of cronies") to organize politicians and public servants in an effort to convince the Mexican people that PRI was the party of the Mexican majority (Grayson, 2007, 332-333). They also used their economic resources to convince the Mexican citizenry they were the best party for their interests, focusing on the rural voters through land reform in the 1930s and

on the urban voters by helping to create organized labor unions throughout their reign, most notably the teachers' union and the state-sector employees' union. The party system was organized around elites, and decision-making was not seen as a place for the non-elite Mexican citizens (Klesner, Section 1). While the PRI model allowed for the growth of corruption, it also led to an incredibly stable and uncompetitive party system (Shelley, 215).

In 1963, the PRI changed the congressional elections to a proportional representation system, in an effort to allow more parties into Congress so that the PRI-controlled government could appear democratic to the Mexican citizens and the outside world. The PRI leaders were no longer unable to claim that Mexico was a democracy without political competition, but they knew that their complete cultural dominance ensured continued control of the government (Taylor, 310). This reform worked, as the PRI made it appear that they were a more legitimate party and until the 1988 elections kept almost complete control of the two houses of Congress, filling every seat in the Senate and over 70% of the House of Representatives each term with no opposition candidate officially winning a gubernatorial election until 1989 (Domínguez and McCann, 3).

Up until the 1960s, the party achieved great political stability and economic growth. Politically, although opposition existed in the country, the PRI was able to control them through integration into the party, the use of security forces, and electoral fraud (Preston and Dillon, 59). Economically, in what came to be known as the Mexican Miracle, the Mexican economy consistently grew over 5 percent annually, allowing the

PRI governments to provide vast infrastructure and social-welfare programs (Grayson, 2007, 288).

The PRI used this authoritarian arrangement to hold on to power for seven decades, although the party became weaker as it experienced a number of crises. The stability began to crumble in 1968, when the police and military forces, as ordered by President Gustavo Díaz Ordaz, massacred a group of students protesting the political injustices of the Mexican government at the Plaza of Tlatelolco in Mexico City, killing at least forty-four people. The PRI and the government-controlled media blamed the protestors, asserting that they fired on government forces first, allowing the PRI to shift the fault away from themselves. The massacre was embarrassing for the PRI administration, however, as the government was reduced to using force to control protests, and the president used the familiar patronage model to regain legitimacy through increased social spending (Peeler, 81).

Tlatelolco also encouraged many young people to form opposition parties and leftist groups, often engaging in peaceful protests throughout the country. In the 1970s, however, many of the parties disbanded after failing to gain support and in 1971 another massacre occurred in Politécnico, with paramilitary soldiers killing another twenty-nine people. The second incident in Politécnico helped to quell the peaceful protests, as many of those involved were convinced that such demonstrations could not bring political change (Preston and Dillon, 91).

Then, in 1982, the Mexican oil boom suddenly halted as petroleum prices plummeted and the now infamous Third World debt crisis began with Mexico threatening default on its approximately $70 million debt. The Mexican economic system historically

relied heavily on international borrowing (some 34% of its revenue), and in the early 1980s the U.S. recession caused the prices of Mexican imports to increase while the prices of their exports decreased, which was compounded by an increase in international interest rates. The Mexican government projected a 60% increase in inflation for 1982, and did not have the money to service their international debts (Mabry, 1). Following this debt crisis, the PRI began to change its tactics, mainly to comply with the International Monetary Fund's (IMF) structural adjustment program, adopting a neoliberal economic model and drastically cutting social spending (Starr, 38).

The debt crisis was amplified by the 1985 Mexico City earthquake, which killed over 10,000 people and gravely damaged the capital city. Much of the damage was blamed on the government, as building codes were laxly followed and their response was largely seen as inadequate. The inadequacies of the government forced the citizens to mobilize in relief efforts, as the army did little to help with the clean up (Preston and Dillon, 101-103). More importantly, however, the deficient response to the earthquake caused citizens to protest the PRI, and the party was seen as weak as the government was unable to protect its citizens as it had in the past (Orme, 483). A number of civil society groups emerged out of the rubble, hoping to break the hold that the PRI had over Mexico, including militant student organizations out of the National University, environmental groups, and local community associations (Preston and Dillon 105; 111-112).

The rise in these groups showed the disillusionment many Mexican citizens had with the PRI, as the stability of the country was wavering. In the past, the Mexican people had depended on and tolerated the PRI because of political and economic consistency, with little conflicts arising throughout the party's history. With these

political, social, and economic crises, however, the party was seen as weak and unable to provide for the Mexican citizens. Essentially, the social contract that had held the PRI in power for so long was broken, and the people were no longer willing to tolerate the blatant corruption and control of the party. Due to this this broken social contract, the party again had to manipulate the 1988 presidential elections results under the guise of a computer malfunction. In the year leading up to the election, the neoliberal economic model forced the populist, leftist section of the party to defect, led by Cuauhtémoc Cárdenas, the son of the former president Lázaro Cárdenas, forming the *Partido de la Revolución Democrática* (Party of the Democratic Revolution, PRD) giving the PRI major electoral competition. Cuauhtémoc Cárdenas ran for president in 1988 against the PRI's Carlos Salinas de Gortari, and was a frontrunner in the election (Peeler, 81).

On the night of the vote, initial reports put Cárdenas ahead of Salinas, and the PRI elites panicked that they would lose the election. The party officials immediately claimed that the computer system that counted the votes crashed although it was still working, and declared Salinas the winner before the other side could declare a Cárdenas victory (Thompson, 1). In addition to the alleged computer crash, ballots were burned, whole boxes of ballots were dumped into rivers, and tally sheets were forged (Preston and Dillon, 149).

While this kind of manipulation was normal for the PRI, the fake computer malfunction was so obvious that it could not be ignored. Salinas won the presidency with 50.4% of the vote, but his legitimacy was in question because of the election fraud (Peeler, 80-82). Widespread protests began as the PRI-controlled Congress upheld the election of Salinas, and opposition parties were barred from counting the ballots that were

stored in the basement of the congressional building. While Salinas was able to hold on to his presidency, the 1988 elections ultimately proved that opposition parties could win, if the elections were clean, and that the PRI was no longer a monolith in Mexican politics. This was undoubtedly the most significant result of any election up to that point, as the PRI had completely dominated every previous election in modern Mexican history (Preston and Dillon, 177-180).

The Salinas administration (1988-1994) survived on political and economic reforms that won back some of the legitimacy lost in the election. Born into the PRI aristocracy, Salinas had learned from a young age the ways of PRI politics and the importance of maintaining financial stability for the success of the party (Preston and Dillon, 183). Accordingly, the Salinas government opened the Mexican economy, through privatization and international trade, striving toward his vision of modernity through an economy integrated with the United States (Starr, 38). This push for modernity culminated in the greatest economic achievement of the Salinas presidency, the negotiation of the North Atlantic Free Trade Agreement (NAFTA), which ended many trade barriers and protected the Mexican business sector from foreign competition (Preston and Dillon, 186-187).

The government also opened Mexican politics, working with opposition parties and recognizing opposition victories for the first time (Starr, 38-39). In working with the opposition, the PRI was better able to control a slow democratic transition in the country, rather than a swift transition that would lead them powerless. The party took small steps to introduce a more democratic system that would ensure they kept some influence over the political system while still seeming progressive (Greene, 28). This focus on

democracy and neoliberal economic reforms, however, led to splits within the party, between the *técnicos* (U.S.-educated and pragmatic younger members of the party, who pushed for reform and had business backgrounds) like Salinas and the *políticos* or dinosaurs (older members of the party, who felt economically and politically threatened by change) (Demmers, 162). The former were better qualified for office in modern terms because of their training and expertise, and latter are qualified in traditional terms because of their years of loyalty to the party. While the *técnicos* were loyal PRI members, they felt that the best outcome for the PRI was to try to become more democratic gradually, in an effort to restore the broken social contract and keep the party in power. The *técnicos* knew from their education that the PRI had to become more legitimate and less corrupt, relying on truly pleasing the people to stay in power rather than relying on their past patron-client relationships. The *políticos*, on the other hand, believed that the PRI could hold on to power with the continuance and intensification of clientelism and underhanded corruption that had given the party power for so long, even in spite of the problems that the country and the party was facing. Ultimately the *técnicos* in the party became dominant, and the PRI presidencies of Salinas and Ernesto Zedillo focused on progressive neoliberal economic reforms to maintain economic stability (Centeno and Maxfield, 58).

Finally, the PRI experienced two more blows just before the 1994 elections. First, an armed uprising led by the *Ejército Zapatista de Liberación Nacional* (Zapatista Army of National Liberation, EZLN) began in Chiapas, in an effort to draw attention to the lack of democracy and poor social conditions throughout the country, focusing on the need for agrarian reform and participatory politics. The EZLN is a revolutionary anti-neoliberal

and anti-globalization group that originally protested the signing of NAFTA and called for revolution and an overthrow of the government by the masses. The EZLN felt that NAFTA would only increase the gap between the rich and the poor and further the non-indigenous hold on natural resources in the country. Despite the success of their 1994 military campaign, the EZLN experienced heavy casualties and eventually agreed to a ceasefire (Preston and Dillon, 230).

Two months later, the PRI presidential candidate, Luis Donaldo Colosio, was assassinated (Peeler, 82-83). Colosio had held many posts in PRI-controlled Mexico, including the director general for Regional Programming and Budget, president of the National Executive Committee, and the minister of Social Development. He was a *técnico* and a trained scientist who campaigned on a message of hope and change, emphasizing the need to work with citizens for sustainable development and urbanization (Poor, 1). While the suspected perpetrator claimed to have acted alone, the assassination led to a firestorm of accusations, with some speculating the Tijuana cartel was behind the killing. Others accused the *político* members of the PRI of ordering the assassination, as Colosio's election campaign and presidential aims were not in line with their visions of the party (Preston and Dillon, 232).

Salinas used his power of *dedazo* to select another *técnico*, Ernesto Zedillo, as Colosio's replacement, angering many of the *políticos* in the party. Trained as an economist, Zedillo and was not a politician and had little political experience, working for the party at the Bank of Mexico, as the deputy-secretary of Planning and Budget Control, and the secretary of Education ("A Vote," 1). He was relatively young (only forty-two during his campaign), very straightforward, and decidedly uncharismatic.

Zedillo believed in the neoliberal economic model, encouraging free markets and international investment and opposing big government and protected trade (Preston and Dillon, 268). Zedillo had been Colosio's campaign manager, and was expected to keep with the *técnico* goals of the PRI, and focus on economic reform rather than political reform that could force the fragile party out of power. While the PRI hoped that the Zedillo reforms would further cement their control over Mexico, he saw the benefits of economic and political reform. His reforms would arguably go on to begin the democratic transition in Mexico, paving the way for an opposition party candidate to win the presidential vote ("A Vote," 1).

UNITED STATES INFLUENCE ON MEXICAN POLITICS, 1910-1994

Although this study does not specifically focus on the influence of the United States on the Mexican case, no discussion of Mexican history is complete without an understanding of the power exerted by the United States over Mexico. The two countries have consistently had a rocky relationship, with eras of cooperation followed by eras of opposition. The United States has always desired a predictable, friendly Mexico, and Mexico desired a United States that provided aid and information, but little influence. Although the PRI kept Mexico incredibly stable for decades, its populist roots resulted in an ever-changing foreign policy, which often negatively affected the United States (Purcell, 102-103).

Historically, the United States has tried to control Mexico through economic influence, with aid and investment. Shortly after the Mexican Revolution, the United States began to invest heavily in the Mexican petroleum industry, which became a pillar of the Mexican economy (Smith, 44-46). Over the next decades, the Mexican-U.S.

relationship was hot and cold, as the United States asserted itself as a global hegemon, while Mexican leaders tried to defend their independence and win votes for the PRI, by nationalizing the petroleum industry and condemning U.S. military interventions in Latin America (Smith, 51; 54). The relationship was especially contentious in the 1970s, when anti-Americanism grew in the United Nations' Third World voting bloc, with Mexico leading the way. These contentions subsided, however, as Mexico reached its debt crisis in the 1980s, and was forced to rely on foreign aid from the IMF, opening the Mexican economy to foreign investment from the United States (Purcell, 103-105).

As the debt crisis led to the prominence of *técnicos* like Salinas, the PRI-led government began to see the advantage of economic integration with the United States, leading to the development of NAFTA, and a more friendly relationship between the two countries (Gentleman, 410). Although the United States pushed for economic opening in Mexico, Presidents Salinas and Bush agreed that a simultaneous political opening would be harmful for the country. Salinas and Bush felt that Mexico needed a strong leader to usher in economic change, and an experience similar to that of the Soviet Union would be disastrous for Mexico. In the eyes of the United States, President Salinas and the PRI were the ideal leaders for the era, keeping Mexico stable and in-line with American economic interests. In the eras leading to 1994, the United States often focused on economics over politics in Mexico; rather they only hoped for an economically cooperative and politically stable country, which they usually found. Going into 1994, the U.S.-Mexican relationship was fairly positive and friendly, and both countries had great hope for the future (Purcell, 106-108).

CONCLUSION

Throughout the contemporary history of Mexico, the PRI has been a constant in the political landscape. The hegemonic party survived on a system of patronage and pay-offs, and managed to form relationships with all sectors of society, from wealthy elites to peasants. While the country was remarkably stable, the party did experience a number of crises, and began to lose power and control over the Mexican citizens. The PRI steadily weakened, and their weaknesses showed when they could no longer effectively control the country, whether because of natural disaster, economic failure, or the Zapatista uprising. The formerly effective stable model of PRI corruption and election fraud became unhinged, and the costs of patronage became too high, as the effectiveness of the state began to wane just as Zedillo was elected in 1994. Although Zedillo was a loyal party member, he would change the political landscape in terms of economics, politics, and even prohibition, starting the process that would eventually lead to the start of the Mexican democratic transition in 2000 (Robinson, 3-4). The next chapter focuses on the rule of law in Mexico during and after the PRI, analyzing the changing nature of the democracy in the country.

CHAPTER II:

THE RULE OF LAW IN MEXICO UNDER AND AFTER THE PRI

INTRODUCTION

The effective rule of law is an essential part of democratic consolidation, especially in Mexico, where the equal application of laws has historically been weak. As defined by Guillermo O'Donnell, the rule of law is a political concept meaning that anyone in a state is subject to that states' laws, and consists of three major factors. First, laws must exist in writing, and must be known before they are used. Secondly, that law must be fairly applied to all people in the country, without the consideration of power or status, including those in the government. Third, the law must follow pre-established procedures, with an emphasis on non-discrimination and partiality (O'Donnell, 33). This basic definition offers a guideline for the analysis of the strength of the rule of law in Mexico throughout its history. According to Wolfgang Merkel, the strengthening of the rule of law is an essential first level of democratic consolidation, because it affects the next steps of consolidation by determining norms and penalties that hold the government and citizens accountable (14). For this study, then, the rule of law serves as a basis for analysis on the changes and strength of democracy in Mexico, as it is necessary for the consolidation of democracy.

THE RULE OF LAW UNDER THE PRI, 1910-1994

Under the PRI, laws were, not surprisingly, seldom applied to elites and their allies. The country ran on a model of corruption and patron-client relationships, a pattern that remained practically unbroken until 2000. Laws were not applied evenly, procedures were inconsistent at best, and members and allies of the PRI committed crime with

impunity. The types of corruption and impunity that existed under the PRI in regard to the rule of law were varied and widespread, from the lower-level *mordida* (literally "bite," small bribe) to the *amparo* (literally "protection," an injunction from judges), to the high-level, blatant embezzlement by public officials (Morris, 1999, 623).

Although the Constitution of 1917 guaranteed a division of power and checks and balances, in practice the president controlled the government, and the judiciary was informally barred from ruling on political and constitutional matters and the prosecution of party loyalists (Magaloni and Sánchez, 10). As mentioned in the previous chapter, the Supreme Court's main role was that of an enforcer of the president's laws, monitoring lower level bureaucrats and judges to make sure they were following the rules of the PRI (Flores-Macias and Lawson, 283). The Supreme Court had little power under the PRI, and each president appointed his own judges, making the judge subservient in order to guarantee their continued career within the party. Additionally, the Court was not allowed to hear cases with "political content" (relating to electoral laws) or "constitutional controversies" (conflicts among different government branches); instead, Congress ruled on these matters, making the Court largely ineffective and establishing a policy of unstated self-restraint (Magaloni and Sánchez, 12). The lower level courts were just as ineffectual, as the *amparo* allowed the wealthy and PRI elite to file suits requesting a federal judge to protect them from arrest. Traffickers were often granted *amparo*, and subsequently not prosecuted for their crimes (Preston and Dillon, 389).

The police forces, traditionally under the jurisdiction of the Mexican judiciary, have historically been extremely corrupt, a pattern that still exists today, using bribes and extortion to generate revenue for themselves and their superiors. The police forces began

to rely on these bribes as part of their salary, often getting paid less in the expectation that they will pocket money through their position (Flores-Macias and Lawson, 283-284). Like the rest of society, policemen were loyal to the party and the president, and followed their superior's orders to continue their careers. One study found that police officers were taught extortion and bribery techniques in training, and young cadets were forced to make payments before promotion. Overall, in the PRI eras leading up to the start of the democratic transition, the rule of law was seldom followed, and largely only applied to those outside of the party (Preston and Dillon, 389).

United States' Influence on the Rule of Law Under the PRI, 1910-1994

Due to the stability of the Mexican state leading up to 1994, the United States generally tried to stay out of Mexican politics, instead focusing on economic reforms. As economic cooperation between the two countries became more regular, however, it was harder for the Mexican state to keep the American government out of its political affairs. In the early 1990s, Mexico attempted to continue its traditional diplomatic strategies of nationalism and sovereignty. As economic channels opened, it became harder for Mexico to stick to its traditional diplomacy, and was forced to open the country to international NGOs and domestic groups that monitored elections, human rights, and democratic values. These groups called for Mexico to end its one-party rule, draw out corruption, and strengthen the rule of law, which neither Mexico nor the United States could ignore (Ugalde, 117-118).

Analysis

When applying the O'Donnell definition of the rule of law to the Mexican system under the PRI, it is clear that none of the requirements were followed. First, while laws

existed in writing, they were rarely upheld and the constitution was often interpreted in a way that benefited the PRI. Secondly, the law was certainly not evenly applied to all members of society, and political and economic elites could easily circumvent the law. Third, the law had pre-established procedures but rather than being impartial and nondiscriminatory, they were the opposite, favoring PRI allies and partners. Ultimately, the Mexican system of government was one of immense executive power, with a lack of checks and balances and no accountability, which allowed the PRI to rule as they pleased, leaving the citizens with few alternatives and contributing to the institutional weaknesses that still plague the Mexican democracy (Morris, 1999, 626).

THE RULE OF LAW UNDER ZEDILLO, 1994-2000

In 1994, Ernesto Zedillo won a hard-fought election, with the PRI facing the very real possibility of losing. Upon taking office, the economic system was experiencing the peso crisis of 1994, and Mexico was embarking on the worst recession in its post-war history. Meanwhile, economic policies remained unchanged from the Salinas administration, making the party unable to provide the economic and political stability or the social services they had in the past. The citizens called for changes because the party system that had provided so much stability was now seen as dysfunctional and corrupt. Seeing gradual democratic reform as the best option for the party to keep power, the Zedillo government began making institutional changes that would strengthen the rule of law and usher the country into a new era of democratization (Orme, 484).

RULE OF LAW REFORMS UNDER ZEDILLO, 1994-2000

The Zedillo administration hoped to curb corruption through a number of reforms, to show his party's progressiveness while at the same time providing economic recovery, in

an effort to win back the favor of the Mexican citizens. The reforms intended to modernize the Mexican government and improve government transparency and accountability. Zedillo was conflicted with the party's history, and was convinced that the country needed an immense institutional overhaul to become stable again. In his inaugural address, he laid out his plan to strengthen the rule of law and the judiciary so that unwritten rules would no longer govern Mexican politics. He also insisted on governing independent of the party, relinquishing extra-constitutional powers that were traditionally allowed the to the executive, giving up his role as head of the party and leader of the political class. Zedillo wanted to institute controlled changes that would democratize the country, to pacify the citizens, the United States, and even himself (Rubio, 14).

These changes included smaller projects, such as promoting civil service and citizen involvement in the government, and much larger projects, such as implementing evaluations of performance for government employees and reforming bureaucratic procedures to make them more effective and easier to follow. The government also increased the punishments for corruption and improved the comptroller's office to make the detection of corruption easier (Morris, 2009, 84). Judicial reforms were also aimed at reducing corruption, by determining qualifications for judges and creating a council for the investigation and prosecution of corrupt judges (Flores-Macias and Lawson, 285). Under Zedillo, Mexico signed and ratified conventions against corruption, including the Inter-American Convention Against Corruption in 1996 and an anti-bribery agreement of the Organization for Economic Corruption and Development (OECD) in 1997. The Mexican Embassy to the United States also organized the first conference to discuss

Mexican corruption in November 1999, bringing together officials from Transparency International with other experts on corruption and its causes (Morris, 2009, 84).

Not only did he focus on political corruption in his presidency, Zedillo focused on the corruption in the criminal justice system, helping to create the *Sistema Nacional de Seguridad Pública* (National Public Security System, SNSP) to set national police policy and to aid in the professionalization of the police forces (Sabet, 254). In 1996, Zedillo's attorney general estimated that over 70% of the police officers in the country were corrupt (Andreas, 1998). This prompted the administration to fire hundreds of police officers for accepting bribes, to make money laundering and organized crime illegal, and to increase police salaries and training (Morris, 2009, 85). The government also created an entirely new federal police force in 1998, the *Policía Federal Preventiva* (Federal Preventive Police, PFP), in an effort to combat the problems of the poor training and unequipped state and municipal police forces. The PFP trained and coordinated operations with lower level police and assisted with intelligence gathering and investigations. Although these reforms were necessary and acknowledged the problems in the police forces, the lack of underlying infrastructure coupled with the absence of databases to share information between police obstructed the ability of the reforms to work effectively to achieve their goals (Sabet, 254-255).

The Zedillo administration and the Congress also began reforming the judiciary in December 1994, the same month as his inauguration (Rubio, 14-15). The PRI recognized that their power was diminishing after the Zapatista rebellion and debt crisis, and began to look to the future, and Zedillo's aim was to create a more autonomous judicial branch. The party knew that it had to satisfy citizen complaints about the ineffective and unfair

judicial system, while at the same time creating a system that could work in their favor if they lost power by limiting the control the ruling party had on the judiciary in case the PRI was to become an opposition party. Additionally, the PRI allowed the Supreme Court more arbitrary power over political issues so that other parties would not have the same amount of control that the PRI historically had if they gained presidential power. This increase in power for the Supreme Court essentially acted as insurance for the PRI if they were to become an opposition party, because it would limit the unchecked authority of whatever party was in power. While in the short-term this would mean more scrutiny of the PRI and less power over the Supreme Court, it would also allow the PRI to have more power in the long-run, if they did lose elections. It also showed the Mexican citizens that the PRI was willing to relinquish some of their extra-constitutional powers (Finkel, 102).

Zedillo's reforms were multi-fold: first using his constitutional rights to follow the tradition of removing the sitting Supreme Court and appointing new members, then introducing a judicial reform bill that allowed the legislative branch to challenge rules and laws in the Supreme Court, and finally giving the Supreme Court the authority to rule over constitutional matters. Congress passed the bill, which also reduced the size of the Supreme Court, with a more rigorous and autonomous nomination process (Rubio, 15; Finkel, 91). From that point on, the members of the Supreme Court now had to be approved by a two-thirds majority in the Senate, hold a law degree, and must not have held a political office for at least a year before their nomination (Stacy, 439).

The new ability of the Supreme Court to rule on constitutionality effectively created a system of checks and balances, as different branches of government now had the ability

to “challenge one another’s scope of authority by judicial means,” marking the first time that the judiciary was officially allowed to settle disputes between branches of government (Selee and Peschard, 205; Oseguera, 753). The judges on the Supreme Court were given 15-year tenure, increasing judicial independence by ending presidential appointment and dismissal of judges (Ríos-Figueroa, 37). The powers of Congress also increased, as any faction with over 33% control could force the Court to review any law’s constitutionality (Flores-Macias and Lawson, 284). Therefore, partiality was reduced after these reforms, as the vetting process for judges became more meticulous and judges had to meet basic requirements for the position (Finkel, 95; Flores-Macias and Lawson, 284). Even the lower court appointment process was changed, as the Supreme Court was no longer in control of such appointments. These were historical changes in Mexican politics, as the executive was now sharing power with the other branches of government (Flores-Macias and Lawson, 285).

Furthermore, the Zedillo administration felt the need to reform the electoral process, especially after the disastrous 1988 election of Salinas. In 1994, 675 prominent citizens signed a document (the *20 Compromisos por la Democracia*; 20 Commitments to Democracy), which was printed in multiple newspapers and magazines that called for the reform of election practices, including increased media coverage for opposition parties and increased impartiality of electoral authorities. Additionally, Mexican membership in NAFTA encouraged a more democratic electoral system (Scherlen, 22-23).

The Zedillo administration responded to these calls for democracy with improved election practices, making reforms to the election code, including instituting the use of registration cards, making it harder to forge voter ballots, forging pacts with the top

opposition parties to ensure fair elections, and instituting an open primary system (Schedler, 2000, 8-10; Flores-Macias and Lawson 281). The administration also changed the oversight and management body of the elections, the *Instituto Federal Electoral* (Federal Electoral Institute, IFE), into a nonpartisan council controlled that was approved by a two-thirds majority of the Senate. President Zedillo helped to reform the court that hears electoral disputes, the *Tribunal Electoral del Poder Judicial de la Federación* (Electoral Tribunal of the Federal Judiciary, TEPJF), also requiring a two-thirds majority approval for its members (Flores-Macias and Lawson, 276-277). Remarkably, Zedillo even gave up his privilege of *dedazo,* instead picking the PRI candidate with an open presidential primary. In the primary, the presidential candidate was chosen from two men who openly put themselves into the running after party members voted in public polling stations, rather than in backroom agreements, showing Zedillo's commitment to democracy. All in all, the Zedillo reforms brought a new democratic phase to the Mexican system, marking the first time a PRI president had truly reformed the Mexican government in a effort to be more democratic, and ultimately leading to the successful election of an opposition candidate, Vicente Fox, in 2000 (Schedler, 2000, 10; Davidow, 71).

UNITED STATES' INFLUENCE ON THE RULE OF LAW UNDER ZEDILLO, 1994-2000

Although both Mexico and the United States were hopeful of the bilateral relationship going into 1994 when NAFTA would take affect, the year ended up being blanketed in political and economic chaos. NAFTA inadvertently influenced the balance of power in Mexico for Zedillo, because it fueled attacks on the PRI from opposition parties who pushed anti-American sentiment. NAFTA also took away many of the

economic tools that the PRI once relied on, making patron-client relationships more difficult to maintain. The Zedillo administration was undermined by opposition and the economic crisis, and ultimately led to a heightened focus on Mexico from the United States, as many Americans saw their interests tied to economic and political developments in Mexico (Purcell, 1998, 110). The Clinton administration pushed Congress to pass a $20 billion bailout package in response to the economic turmoil, and backed calls for the Mexican government to democratize, even meeting with opposition parties along with the PRI (Raat and Brescia, 220). Zedillo was influenced by international groups and the United States to change election practices, in an effort to ensure their equality. As opposed to the eras where the PRI ruled with incredible stability, the United States was now pushing for democratic reform in Mexico, and had a large influence over the Zedillo rule of law reforms (Purcell, 2004, 145).

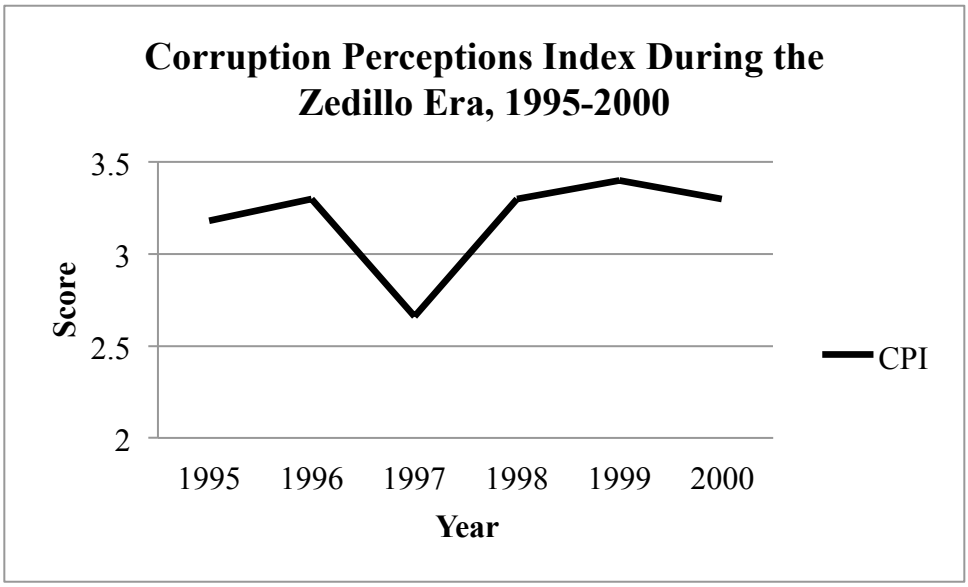
ANALYSIS

Taken as a whole, the Zedillo rule of law reform measures were somewhat successful, although corruption did persist throughout his presidency. These trends can be seen in Transparency International's annual Corruption Perceptions Index (CPI), which measures and standardizes expert assessments of corruption from a number of sources, such as the World Markets Research Centre Risk Ratings, the Freedom House Nations in Transit, and the Columbia University State Capacity Survey. The CPI uses a scale of 1 to 10, with 10 being the least corrupt government. The CPI steadily improves during the Zedillo presidency, although it does significantly fluctuate (see Figure 2.1). According to Transparency International, a significant change is considered to be any decrease or increase beyond .5. The CPI under Zedillo started at 3.18 in 1995, moved up to 3.3 in

1996, before falling considerably to 2.66 in 1997, a decrease of .64. In 1998, however, the CPI again rose to 3.3, rose again in 1999 to 3.4, before falling in 2000 to 3.3. While the CPI does vary between 1995 and 2000, most of the rise and falls are not significant, and only reflect small changes in perceptions. In changes in 1997 and 1998 correspond to the internal realization and public acknowlegdement of the deep corruption in the government and police forces, and the intensified efforts to draw out that corruption through reorganization. Thus, although the CPI did fall during the Zedillo's presidential term, overall it stayed relatively steady and did not significantly increase or decrease.

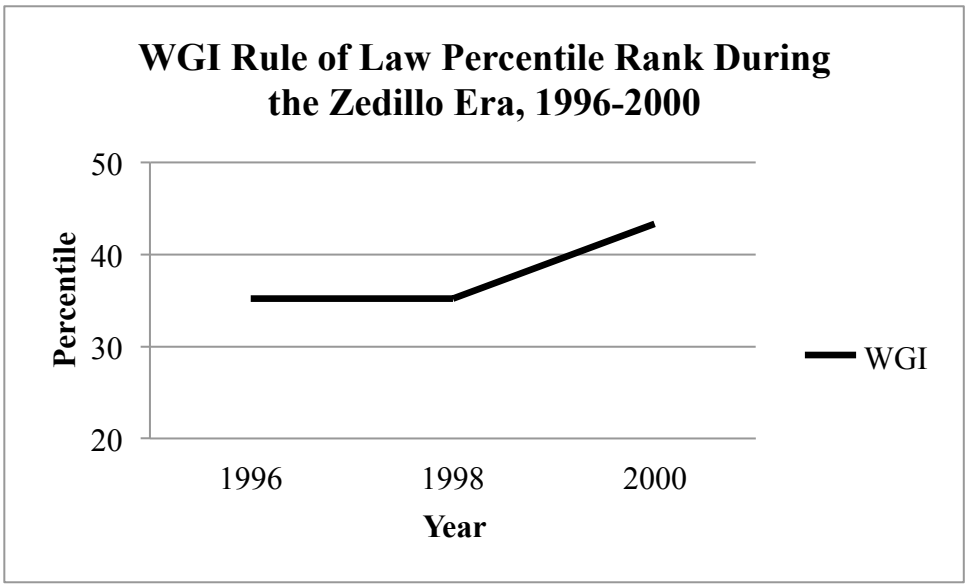
Additionally, measures assessing the rule of law improved throughout Mexico during the Zedillo administration, as assessed by the World Bank's Worldwide Governance Indicators (WGI). The WGI assess the strength of the rule of law of countries through perceptions-based governance data sources, using both governmental and nongovernmental resources, including surveys of households and firms like the Gallup World Poll, NGOs like Freedom House, commercial business information providers such as Global Insight, and public sector organizations like the World Bank. The WGI ranks countries from 0-100, with 100 being the best score. During the Zedillo administration, the WGI also steadily rose, going from 35.2 in 1996 to 43.3 in 2000 (see Figure 2.2). According to the World Bank, a significant increase is considered anything over 2.5, meaning that the WGI did increase significantly during the Zedillo presidency. The increase in both the CPI and the WGI show that Zedillo's reforms were both good on paper and in reality, with a decrease in overall corruption and an increase in the rule of law during his presidency.

Figure 2.1: CPI Index During the Zedillo Era, 1995-2000



Source: Transparency International, *Corruption Perceptions Index (CPI)*, Transparency.org (1994-2000). Web.

Figure 2.2: WGI of Rule of Law Percentile During the Zedillo Era, 1996-2000



Source: The World Bank Group, *Worldwide Governance Indicators 1996-2000,* Info.worldbank.org. Web.

There were, however, a series of high-profile cases of corruption in relation to drug cartels that tarnished Zedillo's anti-corruption record, including the narrow escape

of the leader of the Juárez Cartel before arrest, a high-level Gulf Cartel leader's escape from the attorney general's headquarters, and large numbers of cocaine seizures going missing (Chabat, 144). High-ranking officials in the Zedillo government were also found to be corrupt, including the chief administrator of the attorney general's office and the commander of the state agency that prosecutes drug crimes, the *Fiscalía Especializada en Atención de Delitos contra la Salud* (The Prosecutor Specializing in Crimes Against Health, FEADS). Since their presidencies, family members of both Salinas and Zedillo have even been linked to high-level cartel members (Pacheco, 1024). While neither president was been formally accused of corruption themselves, there have been multiple drug cartel members that have testified that family members of each president were involved in drug trafficking, although the credibility of that evidence is obviously flawed. In 1997, a drug dealer accused Zedillo's father and brothers of associating with the Colima Cartel leaders and methamphetamine kingpins, the Amezcua brothers (Fazio, 1). President Salinas' brother, Raúl Salinas, has been more infamously implicated in his ties to organized crime; he was formally arrested in 1994 for the murder of his brother-in-law and informally accused of laundering money and cooperating with the Gulf Cartel as far back as 1987, when Carlos was running for president. There have been little in the way of prosecutions resulting from these claims, and Raúl Salinas was acquitted of murder in 2004 ("Prosecutors Claim," 1).

Thus, while the Zedillo record is a positive one in comparison to the PRI governments of the past, there were still problems of corruption. The fact that these examples of corruption, however, were even disclosed was a big step forward when compared to past presidencies, where corruption was taken as a given and never truly

acknowledged. Overall, Zedillo sincerely aimed to make meaningful reforms in the government, and stuck to his inaugural vows to distance himself from the party and strengthen the judiciary and the rule of law in an effort to make Mexico more democratic.

THE RULE OF LAW UNDER FOX, 2000-2006

While the Zedillo administration brought reforms that did truly change the political climate of Mexico, the first president of the opposition party the *Partido Acción Nacional* (National Action Party, PAN), Vicente Fox, immediately launched an attack on corruption in the government upon his inauguration in 2000. PAN is a party with a long history, dating back to 1939, founded by Catholic lawyers as a party that was opposed to the blanket clientelism exhibited by the PRI. While the party does not specifically subscribe to fundamentally right or left policies, they have historically fallen on the conservative, right end of the political spectrum, economically supporting free enterprise and privatization and socially opposing abortion and same-sex union. The PAN has always been a main opposition party to the PRI, often questioning its corrupt practices, and consistently won state and municipal elections throughout Mexico (Preston and Dillon, 17-18).

In line with his party, Fox campaigned for president on an anti-corruption platform, seeing it as a way to capitalize on the citizen's distrust of the PRI and set himself apart from the hegemonic party, arguing that the PRI had used corruption to control the government for too long, vowing to fight corruption and impunity (Morris, 2009, 85-86). Fox saw there was a need to rebuild the legitimacy and credibility of government that the PRI had lost, and the only way to do so was to investigate past abuses of power and immediately begin reforms to strengthen the rule of law (Morris, 2009, 86).

RULE OF LAW REFORMS UNDER FOX, 2000-2006

Anti-corruption reform was the Fox administration's national priority, and his government instituted a large amount of reforms. Fox saw it as his political and religious duty to abolish the PRI system of clientelism, and keep the government in line with his Roman Catholic values, by targeting corruption and strengthening democracy (Fox and Allyn, 180). Immediately after his inauguration in 2000, President Fox formed the *Secretaría Ejecutiva de la Comisión Intersecretarial para la Transparencia y el Combate a la Corrupción en la Administración Pública Federal* (Interministerial Commission for Transparency and Against Corruption in Federal Public Administration, CITCC), a body composed of various government bodies, including all of the secretaries of state, the attorney general, and members of the president's staff. The CITCC focused on the three historically most corrupt sectors of the Mexican government: the police force, the prison system, and the customs department (Benavides, 465).

The CITCC's aim was to coordinate anti-corruption efforts across government agencies, increase transparency in the administration, and report annually on the new government anti-corruption programs. This was the first time that the Mexican government had established a commission to make and coordinate anti-corruption and transparency measures (Franco-Barrios, 24-25). After their first meeting in January 2001, the CITCC developed a long list of programs to improve integrity, conduct, and transparency within the government (Morris, 2009, 85-88).

Officially, the Fox administration began the *Programa Nacional de Combate a la Corrupción y Fomento a la Transparencia y el Desarrollo Administrativo* (The National Program to Combat Corruption and Promote Transparency and Administrative

Development) in early 2001, with four objectives: "to (1) prevent and eliminate corruption and impunity, (2) control and detect corruption, (3) sanction corruption and impunity, and (4) improve transparency and engage society" (Morris, 2009, 88). The program was different than past initiatives in that it aimed at preventing corruption rather than only punishing corruption after it happened (Franco-Barrios, 27).

For the first objective (preventing and eliminating corruption and impunity) the CITCC began with an exploratory period, in order to determine where corruption existed, and how to eliminate corruption from affected areas of government. The CITCC would go on to determine that there were over 2,000 critical corruption areas in the government of 205 federal agencies by looking at their levels of risk, accountability, budgetary expenditures, and clients. The main problems were the prevalence of subjective governing and law enforcement, the existence of incentives for corruption, and the ability to personally confiscate contraband (Morris, 2009, 90). The Fox administration then instituted new programs aimed at making the government more professional, including new codes of conduct, ethics training, increased incentives, and the institution of a civil service system. This new program resulted in the *Ley de Servicio Profesional de Carrera* (The Law on Professional Career Service in the Federal Public Administration), which guarantees equal opportunities and merit-based employment (Franco-Barrios, 30-31).

With the second objective (control and detect corruption), the government first recognized their inability to control corruption through past regulations, officially stating that the laws "lacked mechanisms to allow for the control or improvement of procedures or to make the organization of work more transparent," and that new reforms would have to be made in order to "transform the internal organs of control…with a preventative

focus" (SFP 2005, 225). These reforms included providing more training on ethical norms and control practices, intermittent independent checks on government agencies, external reviews, and improved handling of citizen complaints (Morris, 2009, 94-96).

For the third objective (sanctioning corruption and impunity), the Fox government initially focused on building legal mechanisms to investigate and prosecute corruption and second on carrying out such investigations and prosecutions. The administration increased sentences for corruption and reclassified corruption misdemeanors to felonies, which effectively allowed the government to keep public officials accused of corruption in jail until their trials, rather than on bail. They declassified past confidential documents, and appointed a special prosecutor to investigate past crimes who launched a series of high-profile corruption investigations of former government officials. These investigations included former Secretary of Tourism Oscar Espinosa Villareal and an inquest into the Tlaltelolco massacre (Robinson, 19; Morris, 2009, 97-100).

Finally, the fourth objective (improving transparency and engaging society) consisted of a great deal of broad changes aimed at overhauling the Mexican system of government. To improve transparency, *Ley Federal de Transparencia y Acceso a la Información Pública Gubernamental* (Federal Law of Transparency and Access to Public Government Information) was unanimously passed in Congress in 2002, requiring all government agencies to provide public information such as their goals, monthly compensation, audits, reports, and authorizations (Benavides, 467). This law gave citizens the ability to access governmental information, and made public any information that is not classified or confidential (Franco-Barrios, 28). To improve citizen involvement in government, numerous programs began to involve civil society in anti-corruption

efforts, culminating in the signing of the *Acuerdo Nacional para la Transparencia y el Combate a la Corrupción* (National Agreement for Transparency and Combating Corruption) in 2001. The agreement was signed by eighty-three civil and political organizations, with both sides vowing to not participate in corruption and to report corruption, and the government effectively agreed to let civil organizations monitor their operations (Morris, 2009, 101-103).

Judicial reforms during the Fox presidency also focused on the four objectives of the *Programa Nacional* by largely restructuring and enhancing the hiring practices and training in the criminal justice system. His administration kept the SNSP (Mexican National Public Security System) and the PFP (Federal Police) of the Zedillo years, in order to strengthen the government's ability to police effectively through a central command center and overarching authority (Sabet, 255). The government enhanced the autonomy of the *Ministerio Público Federal* (Federal Public Ministry, which conducts preliminary criminal investigations), created a national system for evaluating judicial performance, and protected minors' due process (Selee and Peschard, 210-219). In 2001, the Fox administration created the *Secretaria de Seguridad Pública* (Secretary of Public Security, SSP) and disbanded the corrupt Policía Judicial Federal (Federal Judicial Police, PJF), instead forming three new agencies:

> The *Agencia Federal de Investigaciones* ([Federal Agency of Investigations,] AFI), which includes the new judicial police, investigators, and specialists; *Agencia Federal Antisecuestros* ([Federal Anti-kidnapping Agency,] AFA); and *Subprocuraduría de Investigación Especializada en Delincuencia Organizada* ([Office of Special Investigations on Organized Crime,] SIDEO) (Morris, 2009, 106).

The AFI was the centerpiece of the judicial reform for the Fox administration, as many in the government thought that the police were lacking in their ability to investigate and collect intelligence. The insufficient salaries, training, communication, and oversight compounded these problems for the officers within the former PJF. The AFI was created in an effort to combat those insufficiencies, by increasing the budget, creating a centralized training command with prioritized planning, renewing databases for the improved flow of information, and improving accountability with the ability to investigate officers (Sabet, 255).

By restructuring, the federal police were placed under a more centralized command with a new authority structure, giving the president more direct control over the operations and goals of the police (Davis, 73). The government also increased merit-based employment and recruitment qualifications and provide more systematic training programs. This restructuring resulted in many new hires for the federal police, and many transfers, which also helped draw out corruption. Fox focused on anti-corruption more than any past president had, and in doing so greatly reformed the rule of law in the country (Morris, 2009, 106).

UNITED STATES' INFLUENCE ON THE RULE OF LAW UNDER FOX, 2000-2006

Since the start of the democratic transition in 2000, the Mexican-United States' relationship has undergone many changes. Shortly after Fox was inaugurated, President George W. Bush was elected, and the two leaders began a friendly relationship. The two administrations embarked on a collaboration that led to economic initiatives to increase commerce and social initiatives to increase immigration safety. The new democratic

reforms in Mexico were positive for the United States, as it made NAFTA more legitimate and made relations more palatable for Congress (Purcell, 2004, 145-146).

While the tone in Mexican-United States relationship was optimistic in the beginning, September 11th led to a much more pessimistic air. Initially, President Fox was supportive of the United States after the attacks, visiting the White House and Ground Zero in an effort to show Mexican support and to continue the friendly relationship that was developing between the countries. The Fox government also worked with the United States to tighten border security, aimed at identifying and detaining potential terrorists (Purcell, 2004, 157-158). As the Bush administration began to focus more on national security than diplomacy, the reluctance to discuss favorable immigration policies grew, and Fox made the situation worse by publicly denouncing the war in Iraq. In the focus on national security, however, the United States did pressure the Fox administration to continue their democratic transition, with anti-corruption and drug-trafficking reforms, two issues that the United States was concerned about (Raat and Brescia, 225-228).

ANALYSIS

While all of the Fox administration's anti-corruption reforms look good on paper and show genuine effort on the part of the Mexican government to tackle corruption, the problems of corruption persisted and implementation of the reforms was slow, making the program overall unsuccessful. Fox, government officials, and even his wife and children were also accused of corruption themselves, hurting President Fox's credibility in his anti-corruption rhetoric. Fox's campaign fund-raising group (*Amigos de Fox*, Friends of Fox) was investigated by the IFE for illegally receiving foreign funds,

resulting in the finding of multiple irregularities and a $48 million fine (Cook, 17). In 2001, a scandal broke after Fox spent more than $1 million to remodel his presidential residency, including paying over $500 for hand towels to a company that did not exist, prompting the name "Towelgate." After an official audit, six administrative officials were fired for violating public procurement regulations (Morris, 2009, 258). Also, officials in Fox's government were arrested during his presidency, from mid-level bureaucrats from the *Procuradura General de la República* (the Offices of the Attorney General, PGR), the *Secretaría de la Defensa Nacional* (Ministry of National Defense, SEDENA), and the SSP, local officials from Baja and Tijuana, and the governor of Morelos, all for taking bribes and providing information to cartels (Morris, 2009, 253-256).

Additionally, Fox's wife, Marta María Sahagún Jiménez, and her three sons were investigated for influence trafficking through their connections with the president, after they obtained a number of government construction contracts. Two congressional investigations were launched but charges were not filed due to a lack of evidence, and the committee leader "often characterized the president as an obstacle to the investigation" (Morris, 2009, 263). The case was extremely controversial and Fox publically denounced the case as a proxy attack that intended to ruin his credibility for the upcoming election (Fox and Allyn, 250).

Files obtained by Mexican periodicals such as *Milenio*, *Proceso*, and *La Jornada*, however, show that Fox's stepsons were able to vastly enrich their companies with capital in a short amount of time, to use the presidential jet if needed, to shut down national monuments for entertaining, and to illegally benefit from valuation of houses taken over by the state. Although the investigation is ongoing, most scholars agree the

evidence shows that at the least Fox's stepsons are guilty of using their status to further their businesses (Morris, 2009, 262). However, Marta María Sahagún Jiménez sued *Proceso*, which originally published the story accusing the family of influence peddling, and won a $178,000 libel judgment (Fox and Allyn, 2007). Thus, it is difficult to determine what role Fox's wife had in the situation, and whether or not Fox was directly involved, although it is doubtful that the men could have used the president's resources without his or his wife's direct knowledge (Morris, 2009, 262).

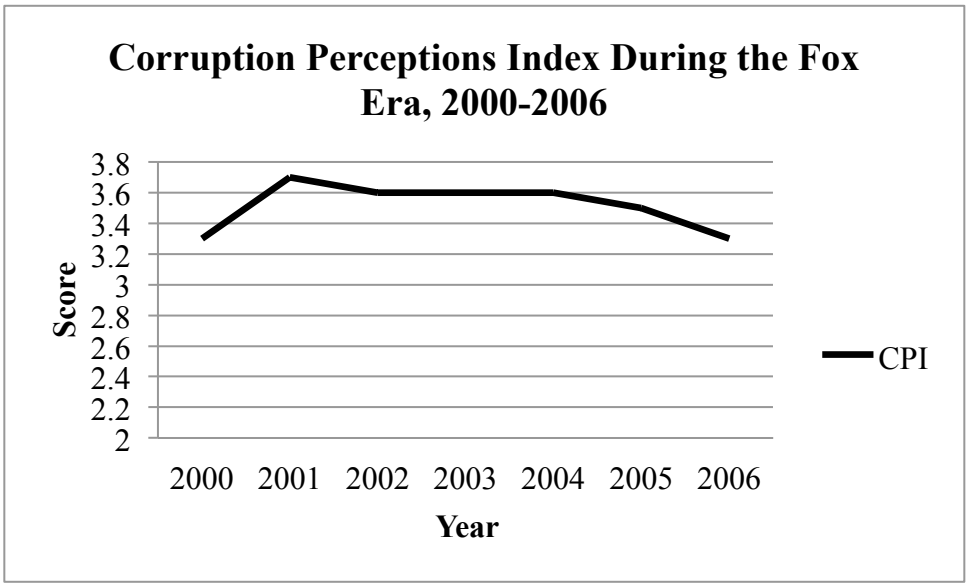
In relation to his anti-corruption measures, the PRI and other parties accused Fox of politically motivated actions. In 2001, the Fox administration refused to investigate a PRI-initiated charge of corruption and possible irregularities in the former governor of Chihuahua's administration, Francisco Barrio, who also happened to be the designer of the Fox anti-corruption campaign (Morris, 2009, 100). In 2004, the Fox government attempted to prosecute Andrés Manuel López Obrador (AMLO) for obstruction of justice, creating a controversy, as AMLO was a member of the *Partido de la Revolución Democrática* (the Democratic Revolutionary Party, PRD) and the front-runner in the upcoming 2006 presidential election (Schedler, 2007, 89). Both of these allegations are believed to be true, as no charges were filed against Barrio and AMLO provided evidence that indicated Fox made efforts to discredit him. While anti-corruption witch-hunts are common in transitioning governments, AMLO claimed that President Fox and other high-level officials were conspiring against him, after his campaign success and statements of planned governmental changes. These claims are widely believed to be true, and were given more weight when Fox again tried to press charges against AMLO for violating a court order (Morris, 2009, 261).

The Fox administration's restructuring of the criminal justice system was also ineffective, as corruption still persisted throughout the police forces. In 2003, the Fox government again restructured the criminal justice system, completely dissolving FEADS after six agents were arrested. Some analysts question the CITCC, as it is controlled by the executive and has typically had one of the smallest budgets of any governmental organization. This is problematic because it required impartiality and autonomy in its goal of furthering accountability and transparency. The mass firing and restructuring of the police force was also problematic, as it pushed ex-officers into cooperating with the drug cartels, using their knowledge of the system and connections to assist criminals (Davis, 73).

Fox's anticorruption program has also been justifiably questioned, as it involved an overwhelming number of reforms passed in a relatively short time, when the democratic institutions lacked strength to truly implement such measures. A problem that Fox had in expanding any program was the state of gridlock within Congress, as no party had a majority (Selee, 67). The PAN did not have enough connections in politics and institutions to reform the system from the inside out (Davis, 70). Impunity also continued throughout the Fox administration, as many charges were brought against former leaders, including governors Mario Villanueva Madrid, Jorge Carillo Oleaa, and Arturo Montiel, but few were actually prosecuted or their sentences were overturned because of continued connections to corrupt government officials (Morris, 2009, 106). From 1995 to 2000, Mexico's CPI varied between 3.4 and 2.6. The CPI in Mexico was the highest in 2001, at 3.7, and steadily dropped during Fox's presidency, reaching 3.3 by 2006, showing the rise of corruption after the initial improvement. In actuality, the CPI was higher before

the election of Fox, indicating the deficiency in the governmental actions against corruption (see Figure 2.3).

Figure 2.3: CPI Index During the Fox Era, 2000-2006

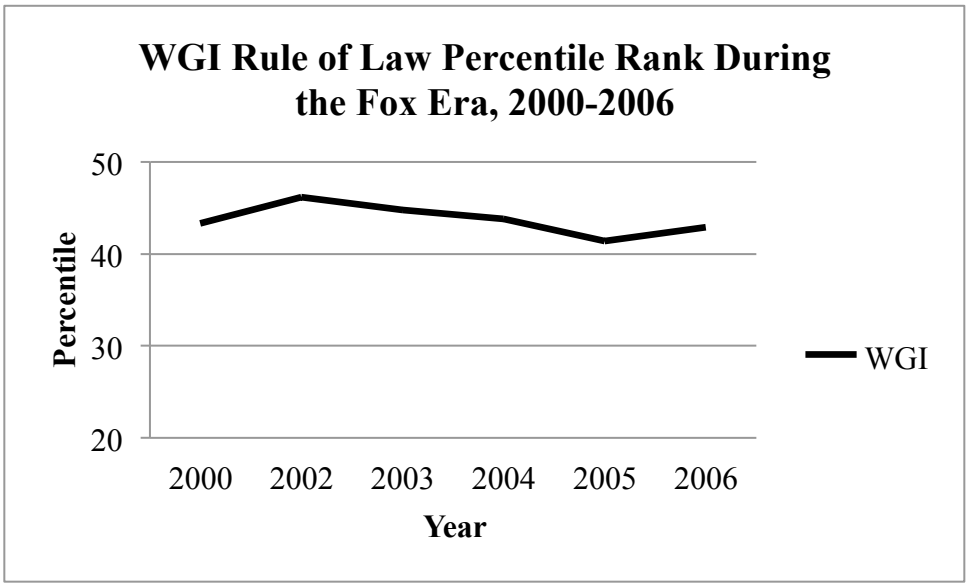


Source: Transparency International, *Corruption Perceptions Index (CPI)*, Transparency.org (1999-2006). Web.

Conversely, the rule of law as assessed by the World Bank's Worldwide Governance Indicators (WGI) shows an overall improvement in the rule of law during the Fox presidency. During the Zedillo administration, the percentile rank was 35.2 in 1996 and 1998. During the end of the Zedillo administration and the beginning of the Fox reign, the rule of law jumped from 43.3 to 46.2 between 2000 and 2002. In 2005, however, the rank dropped from 43.8 to 41.4. These rises and falls indicate that initially the rule of law was strengthened during the Fox administration but faltered towards the end, although still remained much higher than during the PRI era (see Figure 2.4). The WGI numbers, then, show that the Fox administration was able to strengthen the rule of law. While this is a good sign for the Fox anti-corruption reforms, a country beginning a democratic transition should be expected to strengthen the rule of law in a step toward

democratic consolidation, and listening to citizen calls for executive, legislative, and judicial reform.

Figure 2.4: WGI of Rule of Law Percentile During the Fox Era, 2000-2006



Source: The World Bank Group, *Worldwide Governance Indicators 1996-2006,* Info.worldbank.org. Web.

The assessment of Fox's anti-corruption effort is overall negative, but does indicate an increased commitment to the rule of law during the Fox presidency, with small successes in creating a more transparent and professional bureaucracy, and targeting corruption on a grander scale. Unfortunately, the reforms were plagued by slow and selective implementation, and an inability to truly phase out corruption from all sectors (Morris, 2009, 122). The CPI numbers indicate that while Fox was able to keep corruption levels steady, he did not meet his goals or the country's expectations of his anti-corruption program. Fox and his government clearly still had internal problems with corruption, resulting in an inability to credibly enforce any anti-corruption program. The public recognition of corruption, coupled with the WGI indicators, however, are consistent with the hypothesis, as they indicate that the democratic transition in Mexico

did lead to a stronger rule of law as the Fox government tried to initiate its reforms. However, by the end of the Fox's term it was clear that there was not a dramatic difference from Zedillo administration, and the problems of corruption and impunity persisted in the Mexican government.

THE RULE OF LAW UNDER CALDERÓN, 2006-2010

In 2006, another PAN candidate, Felipe Calderón, secured the presidency. The 2006 election, however, did not go so smoothly; Calderón won with only a 0.56 majority, and his closest challenger, Andrés Manuel López Obrador (AMLO) of the *Partido de la Revolución Democrática* (PRD) claimed fraud. AMLO's accusation caused widespread protest against Calderón, as AMLO contested the elections in the courts through the *Tribunal Electoral del Poder Judicial de la Federación* (Electoral Tribunal of the Federal Judiciary, TEPJF), which found the majority of the votes were counted correctly and did not reverse the election of Calderón (Schedler 2007, 97-98). Overall, the presidency of Felipe Calderón focused on the war on drugs rather than anti-corruption, especially when compared to that of Vicente Fox. Rather than institute a vast amount of new reforms, Calderón continued the rule of law reforms of the previous administration, building off of their programs and gains (Morris, 2009, 121).

RULE OF LAW REFORMS UNDER CALDERÓN, 2006-2010

While the Calderón administration did not institute many new reforms aimed at combating corruption, it did build upon the work done by the Fox government. Like Fox, Calderón was a strict Roman Catholic and a loyal party member, as his grandfather was a founding member of the PAN. Calderón, however, was extremely critical of Fox's presidency, and vowed to be a stricter *panista* (Fox and Allyn, 331). He saw himself and

the party as the future of the Mexican government, intensifying Fox's break with the PRI past and expanding transparency and access to governmental information for citizens, giving access to information the status of a fundamental right. Calderón, however, did not announce an official anti-corruption program until two years into his presidency, in December, 2008. The goals of this program, the *Programa Nacional de Rendición de Cuentas, Transparencia y Combate a la Corrupción* (The National Program for Accountability, Transparency, and Fighting Corruption), are to deepen transparency, strengthen oversight, and fight corruption, encouraging citizen involvement in government (Morris, 2009, 120-121).

Accordingly, the anti-corruption measures of the Calderón government have been aimed at eliminating bureaucratic corruption and simplifying government processes (Gentleman, 406). This has been aided by the government's *Plataforma México* (Platform Mexico) project, a computer database system aimed at improving the exchange of information between local, state, and federal police forces (Cook, 15). Since the rising violence from the cartels, the Calderón administration has been able to pass a number of reforms that the Fox government could not get off the ground. These reforms are spelled out in the *Acuerdo Nacional por la Seguridad, Justicia y Legalidad* (National Agreement for Security, Justice and Legality, ANSJL), which includes an over 70-point plan to guarantee security in Mexico. The plan approved a number of improvements to the judicial sector in Mexico, such as 40% budget increase for the law enforcement and new national policies for policing, along with goals and benchmarks and a timeline for implementation (Pacheco, 1038).

Under the plan, to help avoid corruption in the future, the Calderón government has embarked on a broad range of reforms aimed at local police departments, which have historically been the most corrupt in the country, with a program called *Subsidio de Seguridad Pública Municipal Subsemun* (Municipal Public Security Subsidy). In this program, a municipality must comply with multiple requirements to obtain a government subsidy, which have been aimed at the largest and most dangerous cities in the country. Included in the requirements is the vetting of officers through confidence control testing, connecting to *Plataforma México* (Platform Mexico) database, and matching 30% of the funds given for the expressed purpose of police remuneration (Sabet, 259-261). The main priorities of the ANSJL have been to end corruption by implementing laws that make dishonesty and bribery more difficult. These laws include tighter financial regulations to help stop money laundering, an Anti-Kidnapping Law aimed at keeping kidnappers in jail for longer periods, and a reward program for turning in wanted criminals (Pachecho, 1039).

The vast amount of reforms aimed at strengthening the rule of law under Calderón were directed toward the judicial and criminal justice system, specifically trying to root out corruption in judges and police. First, Calderón expanded the use of the military in the war on drugs, and assigned them to vet local police departments, with the ability to jail or disarm local forces. In 2008, the administration strengthened the confidence control examinations given to incoming officials and broadened the testing procedures to include state and local police, rather than just national officials (Morris, 2009, 121).

The Calderón administration also merged the two main federal police agencies, the *Policía Federal Preventiva* (Federal Police, PFP) and the *Agencia Federal de*

Investigación (Federal Investigations Agency, AFI) into one unit after many agents were found to be corrupt. The goal in merging the two units was to make reform easier to carry out, by eliminating information and coordination problems. The merge, however, proved to be logistically and politically unpopular, and Calderón had to settle on simply replacing the two agencies, with the AFI becoming the *Policía Federal Ministerial* (Federal Ministerial Police, PFM) and the PFP becoming the *Policía Federal* (Federal Police, PF). The changes did take some of the responsibilities away from the new PFM, making their main duty to investigate crime rather than conduct operations in reaction to crimes, which was now the responsibility of the PF. Accordingly, the PFM received a new state of the art intelligence center that aided their intelligence gathering abilities (Sabet, 259).

In terms of the courts, the Calderón administration began reforms in 2008, introducing oral trials and increasing rights for the accused. The oral trials shifted the traditional inquisitorial model to an adversarial model of trial. In the former, the preliminary prosecutor and judge work closely together, and the detainee has little role in his trial or the verdict. In the latter, the judge acts as more of a mediator than a decision-maker and a detainee's defense counsel is active in the trial. The importance of this reform is that it provides judges with alternative models of prosecution, including alternative sentences such as counseling and rehabilitation and allows the detainee to plea-bargain (Shirk, 217). The reforms also guaranteed the presumption of innocence and due process to protect the accused in trial. To protect the presumption of innocence, the reforms aimed to limit pre-trial detention for non-violent or non-serious crimes. To ensure due process, a due process judge was created to ensure that trials were prompt and

fair. While the Calderón government did not drastically reform the rule of law in Mexico, they did work to continue and build upon the work started during Fox's presidency, giving many of the reforms the ability to work over the long-term, as they were originally intended (Shirk, 223).

United States' Influence on the Rule of Law Under Calderón, 2006-2010

Since Calderón was elected, the United States and Mexico have continued their close relationship, for better or for worse. President Bush and President Calderón worked well together, improving intelligence sharing and consulting the United States in its war on drugs and resulting reforms (Arzt, 352). President Obama and President Calderón have continued this relationship for the most part, although the relationship has been up and down. In early 2011, the bilateral partnership hit a bump when the American Ambassador to Mexico, Carlos Pascual, resigned after the website Wikileaks posted remarks he made questioning the ability of the Mexican government to succeed in its war on drugs (Aguilar, 1).

Through both presidencies, the United States has called for Mexico to continue its democratization, hopefully coming to the point of consolidation, through rule of law reforms. The bulk of the relationship, however, is focused on the war on drugs and keeping the border secure, in an effort to combat drug trafficking into the United States (Raat and Brescia, 234). This relationship has become more complex since the passing of the Mérida Initiative, which provides $1.4 billion in aid aimed at reducing the cartel hold over the country, largely to reduce spillover into the United States. In turn, the initiative has increased the ability of the United States to put harsh pressure on the Mexican

government to continue its war on drugs and make democratic reforms to aid in anti-corruption efforts (Bailey, 328).

ANALYSIS

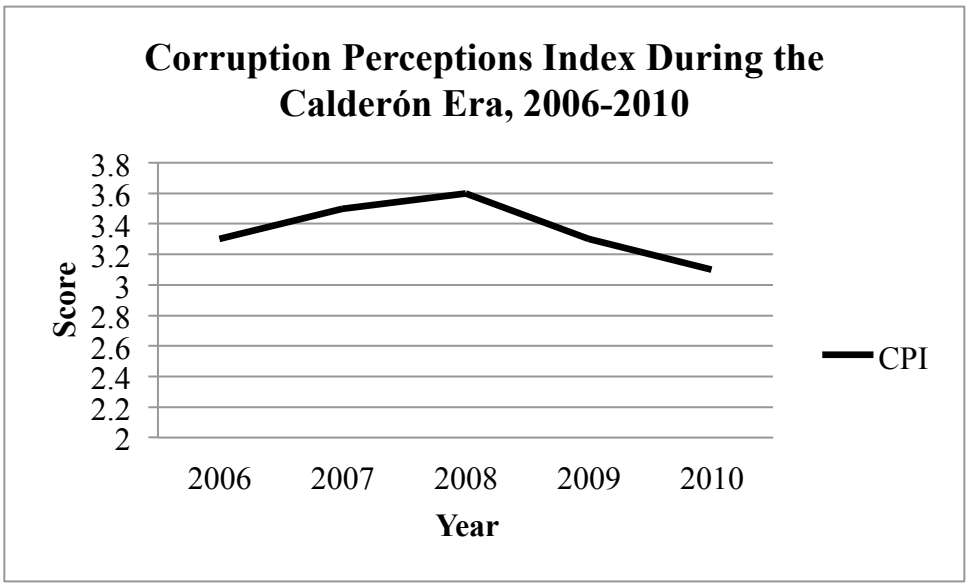
The problem with Calderón's anti-corruption reforms is that they have not addressed the goals of his original program. While the government hoped to cut bureaucratic red tape and make government procedures easier to follow, the reforms introduced more complicated and time consuming procedures, as the government now has more forms to file and approvals to receive before a transaction is complete. However, the Calderón government has pursued a number of high-profile investigations and arrests since taking over power. Like past presidents in Mexico, Calderón has been legitimately accused of pursuing politically motivated investigations, such as in 2010 when the administration arrested ten opposition party mayors close to elections, releasing them eleven months later without charges (Miller, 1-2).

Although there have been cases in which the Calderón administration led politically motivated investigations, there have also been instances of substantial and legitimate bureaucratic arrests during the Calderón presidency. In 2008, the former head of SIEDO and drug czar under Zedillo, Noé Ramírez (PRI), was arrested for taking $450,000 in bribes to tip off traffickers of impending investigations. The same year, the head of the PFP, Victor Gerardo Garay Cadena resigned and was subsequently arrested after he was charged with corruption, embezzling property from investigations and helping Arturo Beltrán Leyva escape from the authorities a number of times (Gentleman, 406-407). More recently, the former mayor of Cancún, Gregorio Sánchez (PRD), was arrested on drug charges in 2010. Also in 2010, in a more infamous scandal, Julio César

Godoy (PRD), a federal representative in the House of Representatives was charged with accepting over $2 million in bribes from *La Familia* Cartel. Godoy avoided arrest by secretly infiltrating his swearing-in ceremony, avoiding police blockades to stop his entry, and obtaining parliamentary immunity from prosecution. Godoy was impeached and his immunity was revoked in December 2010, although he has not been captured (Ríos and Shirk, 16). In 2011, the *Instituto Nacional de Migración* (National Institute of Migration, INM) came under investigation after several groups of immigrants were killed or kidnapped, allegedly by the Zetas with compliance from the INM officials. In turn, the Calderón government has been reportedly considering removing senior officials of the INM (Ríos and Shirk, 10).

As for the CPI during the Calderón era, the focus on the rule of law seemed to have a mixed impact on the corruption in the country from 2006 to 2010 (See Figure 2.5). During his first two years in office, the CPI rose from 3.3 in 2006, to 3.5 in 2007, and reaching its highest point under Calderón in 2008, with a score of 3.6. This rise does indicate that the anti-corruption measures Calderón implemented or introduced were initially effective. As the presidency has gone on, however, the CPI has dropped. In 2009 the CPI was 3.3, and in 2010 the CPI reached its lowest point on record, with a score of 3.1. This drop suggests that the Calderón reforms have not been effective in the long-term against corruption, perhaps because of ineffective or partial implementation, and corruption has proliferated to the highest levels of the decade.

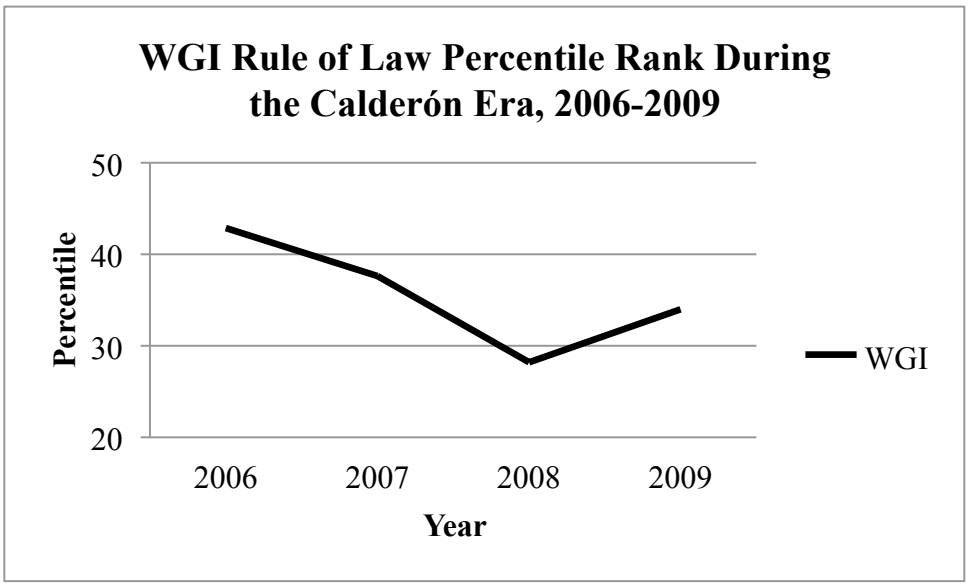
Figure 2.5: CPI Index During the Calderón Era, 2006-2010



Source: Transparency International, *Corruption Perceptions Index (CPI)*, Transparency.org (2006-2010). Web.

Additionally, the rule of law as initially assessed by the WGI indicates that the rule of law dipped during the Calderón presidency, though it has become stronger since 2009 (See Figure 2.6). From 2006 to 2007, the WGI went from a score of 42.9 to a score of 37.6, falling again in 2008 to its lowest point on record, with a score of 28.2. The WGI went back up in 2009, however, with a rank of 34. While the WGI faltered during the Calderón presidency, the average score is still slightly above the PRI era score of 35.2.

Figure 2.6: WGI of Rule of Law Percentile During the Calderón Era, 2006-2009



Source: The World Bank Group, *Worldwide Governance Indicators 2006-2009,* Info.worldbank.org. Web.

The WGI scores, however, are almost the opposite of the CPI scores, with a fall in 2008 and a rise after, instead of a rise in 2008 and a fall after. The difference in score indicates the difference of factors being measured in each study, as the CPI looks at corruption and the WGI looks at overall rule of law. While corruption has increased since the start of the Calderón presidency, it is only one aspect of the rule of law. The WGI shows that overall the rule of law has been strengthened as the reforms have been carried out in the long-term, continued since the Fox presidency. Corruption, on the other hand, has always gone up and down, as each president institutes new reforms to try to weed out the deep institutional corruption that has always persisted in the Mexican system, without much success.

Both numbers change in 2008, which indicates that this year was substantial. In terms of the war on drugs and drug-related homicides, which will be analyzed in the next two chapters, this is the period (2007-2008) when the cartels began to take the Mexican

state hostage, greatly increasing the amount the drug-related homicides in the country. The fall of the CPI, then, could be a result of the cartels increasing their power over the state, with an intensified ability to corrupt officials through influence and revenue. The rise in the WGI could also indicate that the cartels increased their influence in the government, and that the strengthened rule of law was an effort to keep the power of cartels over officials to a minimum, by making it more difficult for government employees to be corrupt with increased vigilance and harsher consequences.

CONCLUSION

The rule of law over the past several decades in Mexico has changed immensely. Beginning with the PRI, the rule of law was virtually nonexistent for party members, and they acted with expected impunity. When Zedillo came into power, however, he sincerely began to reform the rule of law, and brought about changes that curbed corruption in the PRI and led to the election of Fox in 2000, and the start of the Mexican democratic transition. Fox recognized the need to draw out corruption and strengthen the judiciary, reforms that Calderón continued.

Overall, the changes made by these three presidents indicate a new commitment to the anti-corruption and judicial independence in Mexico, which supports the initial part of the hypothesis that the Mexican democratization has led to a strengthened rule of law. The latter part of the hypothesis, that this attempt at a stronger rule of law has led to an intensified war on drugs, will be analyzed in the next chapter that explores prohibition since the Zedillo administration. The overall hypothesis will be substantially tested in Chapter Four, which investigates drug-related homicides and citizen views of democracy.

Chapter Four, then, will allow the analysis of whether the strengthened rule of law and prohibition has increased violence, which may be undermining democracy.

CHAPTER III:

PROHIBITION IN MEXICO UNDER AND AFTER THE PRI

INTRODUCTION

Much like the rule of law in Mexico, prohibition has been greatly influenced by the PRI tradition. While the PRI historically kept the cartels in line through its patron-client ties, the drug-related violence in Mexico steadily rose during the Zedillo presidency. Accordingly, Zedillo continued to reform the government, by introducing prohibitionary reforms aimed at targeting the growing power of cartels. Since the start of the democratic transition in 2000, as the PRI lost ruling power and the cartels lost many of their ties in government, the drug-related violence has soared to extraordinary levels, which cannot be ignored. The governments of both Fox and Calderón have tried to tackle the problem of drug cartels, with Calderón declaring an all-out war on drugs upon his election in 2006. For this study, the evaluation of prohibition and the war on drugs under and after the PRI offers a way to determine if prohibition is indeed increasing, possibly influencing the levels of violence and the citizen views on democracy in Mexico, both of which will be analyzed in the next chapter.

PROHIBITION UNDER THE PRI, 1910-1994

Drug prohibition in Mexico, like the PRI, has a long history of continuity and predictability. Beginning as early as 1909, Mexican farmers saw the advantage of the drug trade, as the United States government began to outlaw opium and other narcotics, driving prices up as demand went on unabated, providing a market to Mexican traffickers. Largely due to pressure from the United States, the first anti-drug laws in Mexico came just before the Revolution in 1910, with the prohibition of opium

importation in an effort to secure the Mexican-United States border and prevent Mexican revolutionaries from smuggling weapons into Mexico (Astorga, 1). In 1923, President Alvaro Obregón outlawed the importation of all narcotics, in another effort to keep the border secure from weapons smuggling (Toro, 5-6). In 1927, the PRI President Plutarco Elías Calles banned the exportation of heroin and marijuana, and for the first time the Mexican penal code was revised to include the prohibition of heroin and marijuana (Toro 7-8). Calles was not, however, truly aiming to stop drug trafficking in Mexico; rather, he despised the Chinese, who were immigrating to Mexico in large numbers to cultivate marijuana and opium. Thus, a problem with the laws was that they were not targeted at Mexican drug traffickers, but enacted in an effort to keep the United States out of Mexico and keep other traffickers out of the market, giving the Mexican cartels more access to revenue with fewer competitors (Grayson, 2010, 21).

Another major problem with these laws was the design of the Mexican state in the first half of the 1900s, as power was diffused between large and spread out states that rarely followed the central government's commands. PRI-backed *caudillos* ran illegal businesses to generate more funds (Toro, 9-10). These illegal businesses would come to be known as the "big three" industries along the border (gun-running, prostitution, and liquor smuggling), with Ciudad Juárez leading the way (Grayson, 2010, 22). The *caudillos* would do little to curb production of narcotics and the anti-narcotics police would protect those arrested for drug trafficking, seeing the laws as an impediment to critical revenue (Recio, 30). This dual government of the president and the *caudillos* created an outwardly cooperative appearance, as the official government basically followed the laws while the border states allowed the black market narcotics trade on the

border to flourish, ultimately leading to the thriving, violent industry that exists today (Astorga, 1). In turn, the enormous amount of revenue generated from drug trafficking allowed local cartels to influence PRI officials, by providing *mordidas* and other bribes and catering to the party members' drug habits such as opium, alcohol, and marijuana. The PRI officials continued these patron-client relationships, by providing the cartels with protection from arrest and prosecution (Grayson, 2010, 23).

During this period, the United States even encouraged the Mexican government to open their opium supplies, in an effort to ensure the supply of morphine during World War II. The PRI government became institutionally involved in the growing and transporting of poppy plants to the United States. In doing so, the party began to rely on the revenue generated by the opium industry, becoming a morphine supplier in both the legal and illegal sector. When the war was over, the United States was able to begin importing opium from the Middle East and Asia, but the Mexican suppliers continued relationships with the government in the illegal drug market, bolstered by the many United States servicemen returning with full-blown drug addictions (Grayson, 2010, 24-25).

In 1948, the government undertook its first major eradication effort under intense American pressure, after the Governor of Sinaloa and former secretary of National Defense was suspected of leading a drug cartel that was smuggling opium into the United States (Astorga, 1). The Mexican government decided to launch *La Gran Camapana* (The Great Campaign) of 1948 as a way to pacify the United States while at the same time appearing tough on drug trafficking and crime (Craig, 107). In the campaign, the Mexican government used the military to eradicate poppy plants, but succeeded only in

escalating bribery, violence towards officers, and weapons proliferation in the regions that relied on the illegal drug trade, which came to be known as the *Triángulo Crítico* (the "Critical Triangle," namely the states of Sinaloa, Durango, and Chihuahua) (Toro, 12-13).

These laws and early efforts ultimately amounted to little more than an empty threat, as the Mexican government wanted to seem both internationally cooperative and domestically forceful to the United States, but made little headway in substantial eradication because of the elite connection to drug cartels. The United States also forced Mexico's hand by frequently crossing the border to make drug-related arrests and seizures. The Mexican government adopted new drug prohibition laws in an effort to prevent these illegal border crossing by United States law enforcement officer, as this subject was especially sensitive for Mexico given the countries' war history (Toro, 7).

To demonstrate international cooperation, occasional raids and eradication efforts continued for decades. By the 1960s, however, Mexico was the major supplier for marijuana and heroin to the United States, as stricter laws in countries such as Turkey and Italy restricted other international supplies. When President Nixon (1969-1974) came into office, his administration was gravely concerned about marijuana and heroin entering the United States, and identified Mexico as a pivotal supplier of both drugs. The result of this identification was Operation Intercept, an intense border and customs program that called for the painstaking examination of cars, trucks, workers, and shoppers coming from Mexico. The operation, however, was seen as a failure, because the big cartels simply used boats or airplanes to bring their products into the United States, avoiding the examination process altogether (Grayson, 2010, 27-28).

In 1975, the Mexican government embarked on an aerial herbicidal spraying eradication campaign, in line with the United States' Operation Condor; it succeeded in destroying over 28,000 marijuana and poppy fields (Toro, 13-16). The operation also led to a number of arrests of lower level drug traffickers, but not a single big boss. Rather, Operation Condor drove cartels to move their businesses to different parts of Mexico or different countries such as Colombia, and to begin focusing on the expanding cocaine market (Astorga, 1).

The government continued this method of eradication until the 1980s, when each effort became less and less successful as the traffickers changed growing tactics, spreading their crops out, and more officials became corrupt, accepting bribes and providing protection for the cartels. In general, the hegemonic status of the PRI at all levels of government allowed for the predictability of the non-enforcement of the drug restriction laws in Mexico from the 1940s to the late 1980s. Some members of the party established this relationship not only for money but also for powerful connections and support from within the crime world (Snyder and Martínez, 73-74).

After the demise of the Colombian Medellín and Cali Cartels forced many Colombian traffickers out of the country n the late 1980s, the cocaine trade began to flourish in Mexico (González, 74). During the height of cocaine's popularity in the 1980s, Mexican cartels also reorganized, differentiating themselves by area of control, and becoming substantially bigger and more violent as the cocaine business shifted from Colombia to Mexico. This action came out of the arrest of Miguel "*El Pardino*" ("the Godfather") Ángel Félix Gallardo, the leader of the powerful Guadalajara Cartel and, more importantly, a crucial intra-cartel peacekeeper. After his arrest, new cartels began to

form, which were highly organized, spread over a larger area, and more prevalent, with international connections (Kellner and Pipitone, 30).

In 1985, the United States began its intense focus on the Mexican cartel situation after Enrique Camarena, a DEA agent, was tortured and killed by associates of the drug lord Miguel Ángel Félix Gallardo. The killing was carried out under the permission and compliance of a number of Mexican police, who were believed to help kidnap Camarena and destroy evidence from his body (Astorga, 1). This action drew unwanted attention to the Mexican government, causing President Miguel de la Madrid to identify narcotics trafficking as a national security priority in the late 1980s, and President Salinas did the same in the early 1990s (Toro, 30-36).

In terms of cartel activities, by shifting from eradication to interception the government forced the cartels to change their tactics, moving more from transshipment to actual production. In the early days of the eradication program, the cartels focused on transshipment so they could easily evade the authorities that were looking for growers and crops, rather than already cultivated products. Since the government shifted to interception, the Mexican cartels have become more involved in the growing and production of drugs (Grayson, 2010, 50-51). In terms of cartel organization, they have always been like the Italian mafia, where alliances split down genealogical and regional lines. Often started by families (i.e. the Beltrán Leyva brothers of the Beltrán Leyva Cartel, the Arellano-Félix family of the Tijuana Cartel, and the Cárdenas Guillén family of the Gulf Cartel), the cartels control specific regions. Additionally, as many male cartel members are captured or murdered, some women are active in cartel operations, such as Enedina Arellano Félix, who is believed be the main decision maker in the Tijuana

Cartel, or Sandra Ávila Beltrán who used her beauty to entice business partners and launder money for the Sinaloa Cartel (Pacheco, 1025-1028).

UNITED STATES INFLUENCE ON PROHIBITION, 1910-1994

As already mentioned, the United States has greatly influenced prohibition in Mexico, dating back to America's alcohol prohibition the 1920s. United States consumer demand has always dictated the drug trade in Mexico, moving from alcohol in the 1920s to heroin in the 1940s to marijuana in the 1950s and 1960s to cocaine and methamphetamines in the last three decades (Toro, 8). As such, the United States has been a fervent supporter of drug prohibition measures in Mexico. From the 1920s leading to World War II, the United States and Mexico signed international agreements against drug trafficking, and pressured the Mexican governments of Calles and Cárdenas to enact their anti-drug laws. This emphasis changed with the war, when the United States urged Mexico to produce opium, and again shifted when the war ended, with the United States going back to its previous support of strict prohibition in Mexico (Smith, 134).

Between World War II and the 1960s, the United States continued to pressure the Mexican government to uphold its prohibitions, although the subject got little attention in the wake of the Mexican stability, which was positive for American economic investment. At the start of Operation Intercept (1969) and Operation Condor (1975), the Mexican government did not want to cooperate with the United States, but the American government responded by putting a freeze on negotiations, which insulted Mexico and forced them to cooperate by allowing American agents to monitor Mexican anti-drug missions. The American focus then went to Colombia in the 1980s, as the cocaine trade

boomed, relieving some of the pressure on Mexico and the PRI to actually enforce their anti-drug laws (Grayson, 2010, 31).

After the death of Agent Camarena and Pablo Escobar, however, the United States' focus shifted and has stayed on Mexico, with the added dimension of the certification process. In 1986, the United States Congress began requiring the president to "certify" certain countries, as either cooperating or not cooperating in efforts for drug control (Chabat, 142). Each March the president was required to announce whether Mexico had fully cooperated with the United States anti-drug efforts, with decertification resulting in possible sanctions and removal of foreign aid. Essentially, the certification process looks at factors such as the budget allocation to anti-drug efforts, the amount of seizures and arrests, and, most importantly, cooperation with the United States. Although certification is inevitably always granted, the process itself has hindered the relationship between the Mexico and the United States (Freeman and Sierra, 284-285).

The Mexican government saw the process as a way for the U.S. to exert more unfair and unilateral pressure, measuring intent more than action. Much like the politics of Mexico, the United States has gone through eras of cooperation and opposition with the Mexican war on drugs between 1910 and 1994. Unlike politics, however, the United States has always been able to exert pressure on the Mexican government regarding prohibition, with the American interests always officially represented in the Mexican prohibitionary history (Chabat, 142).

ANALYSIS

The major problem with prohibition during the height of the PRI era was that the measures were not followed, as elites and regional leaders continually made compacts

that limited, rather than eliminated, drug-related violence, as the market and cartels changed over time (O'Neil, 2). These compacts occurred mainly in the northern border areas of Mexico, where drug trafficking first flourished. The agreements included the requirement to purchase "licenses" of operation from local public officials where the trafficker would need permission to do business in their area and give the official a kickback, resulting in active government participation in trafficking. The cartels essentially got protection from the government in exchange for keeping drug-related violence low (Lupsha, 43).

In effect, the criminal groups were integrated into the PRI patronage model, as the organizations would bribe public officials and judges to continue operating with impunity. The high levels of corruption in the government led to low levels of enforcement of the laws, and a reliance on eradication rather than interception (Chabat, 140). This was preferable because eradication programs are limited in their scope and with the high prices of drugs, it is worthwhile for traffickers to stay in the business and to find ways to protect their drugs through bribery, modification of their cultivation process, or hiding their crops (Toro, 38). As long as the drug cartels provided the PRI with money and kept violence to a minimum, the party would keep them out of jail and curtail competitors. This patron-client relationship between the PRI and drug traffickers added to the stability of the country throughout the PRI era, considerably stemming the amount of drug violence in Mexico (Robinson, 4).

PROHIBITION UNDER ZEDILLO, 1994-2000

While Zedillo's presidency mainly focused on the rule of law and economic reforms to increase legitimacy, the administration also made changes to prohibition in the

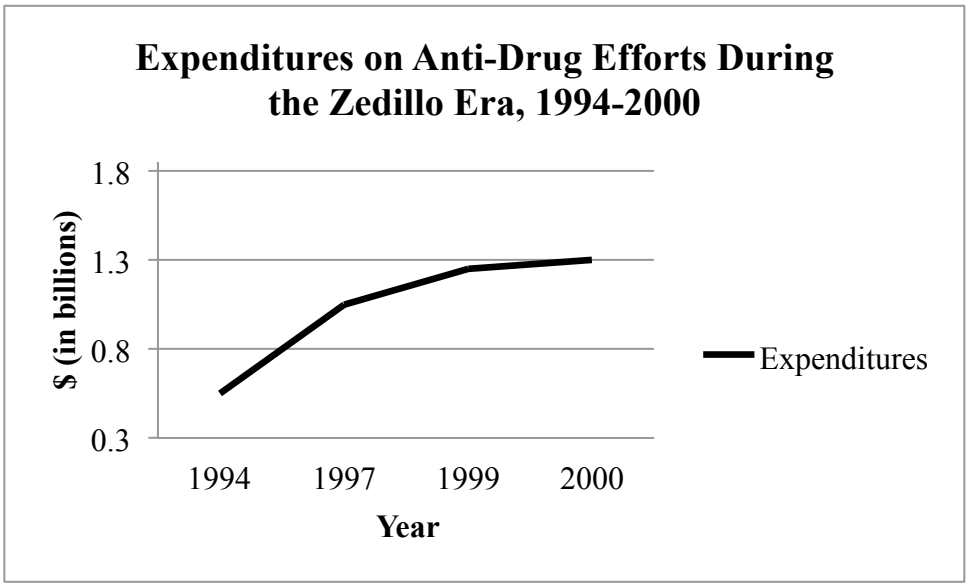
country. These changes did not amount to an all-out war on drugs because the cartel elites were so close to the PRI elites. The changes did, however, go beyond any previous efforts, showing the Mexican citizens and the world that the Mexican government was trying to do something about the growing strength of drug cartels throughout the country. Zedillo indicated that his government was prepared to fight the cartels, but faced opposition from the corrupt bureaucrats and police, and the possibility of worsening the economy, as drug trafficking brought a lot of money to the country (annually roughly the same amount as oil, Mexico's number one legal export) (Reding, 1).

PROHIBITIONARY REFORMS UNDER ZEDILLO, 1994-2000

In terms of reform of the penal code, Zedillo enacted new laws to aid in the capture and prosecution of individuals involved in organized crime. In 1994, the Zedillo administration formed the *Unidad Especializada en Delincuencia Organizada* (Special Unit Against Organized Crime, UEDO) to address the growing organized crime in the country, marking the first time organized crime was formerly defined and targeted. In 1996, Zedillo created the *Ley Federal contra la Delincuencia Organizada* (The Federal Law Against Organized Crime, LFcDO), which specifically dealt with trafficking, both in drugs and in people. In 1997, more special units were created, including the *Fiscalía Especializada en Atención de Delitos contra la Salud* (The Special Prosecutor for Crimes Against Health, FEADS), the *Grupos de Respuesta Rápida Fronteriza* (The Border Rapid Response Groups), and the *Unidad Especializada Contra el Lavado de Dinero* (Special Anti-Money Laundering Unit, UECLD) (Chabat, 141). Between 1998 and 1999, the *Cruzada Nacional contra el Crimen y la Delincuencia* (The National Crusade Against Crime) began, "aimed at stopping drugs before they enter[ed] Mexican territory (Chabat,

142). The military's main mission shifted from eradication to interception, capturing high-level cartel members (including the leaders of the Sinaloa Cartel and the Gulf Cartel) and arresting generals and police officers that had been involved in the drug trade. Although it has been difficult to measure the true expenditures on antidrug efforts in Mexico in the past, due to a lack of public reporting and transparency, it is clear that Zedillo also greatly increased the budget expenditures for anti-drug programs, going from $500 million in 1994 to $1 billion by 1997 (see Figure 3.1) (Chabat, 142).

Figure 3.1: Expenditures on Anti-Drug Efforts During the Zedillo Era, 1994-2000



Source: Jorge Chabat, *Mexico's War on Drugs: No Margin for Maneuver,* (Annals of the American Academy of Political and Social Science, 582, 2002) 142. Print.

UNITED STATES' INFLUENCE ON PROHIBITION UNDER ZEDILLO, 1994-2000

The Mexican government was under intense pressure from the United States to actively pursue drug traffickers, and was almost decertified a number of times during the Zedillo administration (Purcell, 1998, 115). To prove to the United States that the government was doing something about drug trafficking, Zedillo used the military for

counter-cartel operations for the first time in Mexico. This action, however, had little impact on the drug trade. The military succeeded in eradicating small amounts of heroin and marijuana, but had little success in cocaine eradication (Chabat, 139-140).

In the second half of Zedillo's term, he began to genuinely work with the United States, influenced by NAFTA and the certification process. Through its membership in NAFTA, the Mexican government became more integrated with the United States and Canada, and therefore more susceptible to U.S. pressure, both in terms of political reforms and economic reforms. The United States used NAFTA to further its national security agenda and to pressure Mexico to participate in the war on drugs (Fraser, 20-21). Additionally, almost every year of Zedillo's administration there was a threat of decertification by the United States, which would have greatly impeded aid to Mexico (Robinson, 8). Nevertheless, after 1996, the countries began to share more intelligence, as Mexico extradited cartel members to the United States and dedicated more of the budget to fighting drug trafficking. While these efforts since 1996 resulted in a better relationship with the United States, they did little to stop the corruption in the country or obstruct the cartels' abilities to traffic drugs (Chabat, 142-144).

ANALYSIS

Overall, the Zedillo prohibitionary reforms in Mexico were somewhat ineffective, and cartels continued to operate under protection from corrupt officials and officers. Despite his best efforts, drug trafficking increased under Zedillo (González, 73). The reforms of the Zedillo administration faced an uphill battle from the beginning, as the PRI elites did not want to sever their ties with the cartels that brought in exorbitant amounts of revenue. These PRI-cartel connections coupled with the nature of the Mexican government system

made implementation of reforms especially difficult, and most police departments only instituted the changes partially, if at all (Sabet, 266). Assassinations of police officials became more common, there were fewer arrests of cartel members, and eradication was ineffective. The Zedillo government, however, did arrest the leader of the Gulf cartel, Juan Garcia Abrego, in 1996, and one of the leaders of the Amezcua organization, Adan Amezcua Contreras, in 1997. In the end, however, the cartels continued their operations largely unabated, under the protection of government officials (Storrs, 3).

Another problem with the prohibitionary reforms under Zedillo, which persists through the Fox and Calderón presidencies, was the use of the military in anti-drug efforts. Generally, the military in Latin American countries has been untrustworthy, with histories of human rights abuses. In Mexico, the military assisted the PRI in their long-term manipulation of the political system, engaging in dirty-war tactics such as disappearances, massacres, and torture. The Mexican military was more loyal to those in power than the mission, and that loyalty allowed the military to be one of the most secretive and autonomous in Latin America. This was problematic for the Zedillo prohibitionary reforms because the military was largely in charge of itself, doing little to uphold the mission, instead continuing to engage in corruption with the cartels (Freeman and Sierra, 266-268).

PROHIBITION UNDER FOX, 2000-2006

The majority of Fox's work against cartels involved the capture and extradition of high-ranking cartel members, including a leader of the Colima Cartel and nineteen members of the Gulf Cartel, in addition to the arrest of members of the attorney general's office of Chihuahua, who were accused of working with the Juárez Cartel. For their

prohibition efforts, the Fox administration continued the use of the military in anti-drug operations, using the military to guard the Mexico-U.S. border (González, 74). While Fox officially launched a National Drug Control Program in 2002, the program again focused more on fighting the corruption that helped to sustain the drug trade. All in all, Fox initiated relatively few high-level anti-drug law enforcement efforts during his presidency, instead ultimately focusing on his anti-corruption campaign. There was, however, a growing amount of drug-related violence during the Fox administration, with the first mass graves being found in 2004 (Keller and Pipitone, 30).

PROHIBITIONARY REFORMS UNDER FOX, 2000-2006

During the Fox administration, just as the country was experiencing a changing political climate, the drug cartels were also changing in Mexico, with turf wars, arrests, and more governmental scrutiny. In 2001, Sinaloa Cartel leader Joaquín "El Chapo" Guzmán "escaped" from a maximum-security jail in a laundry van with the help of a number of prison employees, and began an effort to take over the Mexican drug trade. In 2002, the Tijuana Cartel was badly weakened, as leader Ramón Arellano Félix was killed by a police officer after he shot him at a routine traffic stop and one of his brothers, Benjamín, was arrested. This allowed the Sinaloa Cartel to move in on the rival Tijuana Cartel's territory, Nuevo Laredo, "the most important launching point for illegal drugs entering the United States," making it the most sought after region in the Mexican drug trade (Freeman, 3). During this time, the Gulf Cartel was aided by its security team, *Los Zetas* (literally "police car"), who also happened to be former Mexican anti-drug trafficking special forces. The Gulf Cartel and *Los Zetas* tried to control the Nuevo

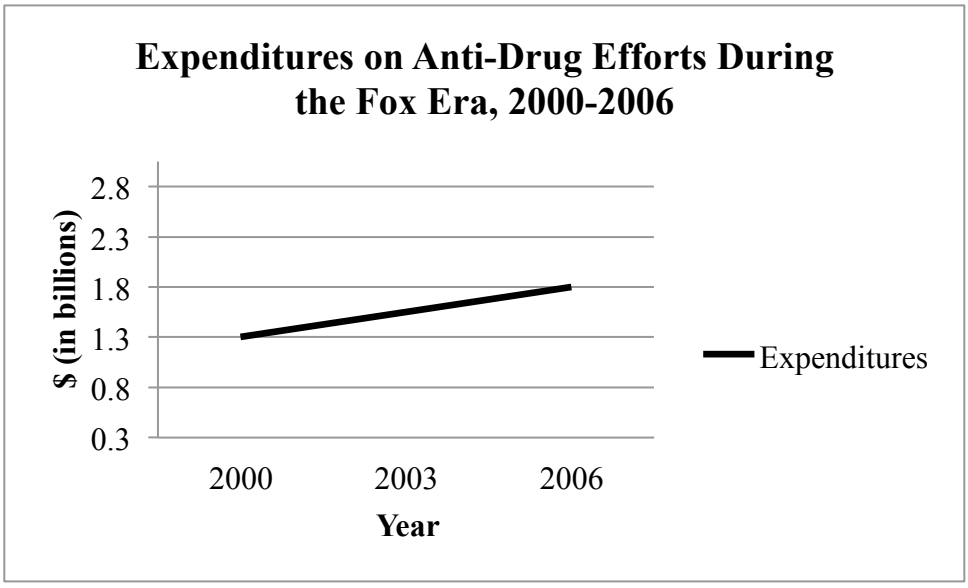
Laredo market, creating a violent and deadly competition between the Sinaloa Cartel and the Gulf Cartel (Freeman, 3).

Beginning in 2003, the Oaxaca Cartel and the Tijuana Cartel began to merge together, as the Sinaloa Cartel and the Gulf Cartel rose to the top. Also in 2003, the power struggle between the Sinaloa Cartel and the Gulf Cartel escalated, as the leader of the Gulf Cartel, Osiel Cárdenas was arrested and Guzmán continued his goal of controlling all drug trafficking in Mexico (Pacheco, 1029-1031). In 2004 the violence escalated, as Guzmán sought vengeance after Cárdenas allegedly killed his brother in La Palma prison. This time also corresponded with an increase in government prohibition enforcement, as the military and federal forces went into Nuevo Laredo to try to suppress the cartel violence (Freeman, 4-5).

The bulk of Fox's prohibition enforcement focused on the Nuevo Laredo mission and the burgeoning cartel war between the Gulf Cartel and the Sinaloa Cartel. In 2005, the Fox government began the *Operativo México Seguro* (Operation Safe Mexico, OMS), sending hundreds of military and federal police forces into Nuevo Laredo, Baja, and Sinaloa to try to stop the rising violence and corruption of local police forces. The OMS resulted in all of the Nuevo Laredo police being removed from their posts, as they were all investigated for corruption. This cycle, increased violence followed by increased deployment of federal forces, continued through 2005, as the cartel violence did not stop and hundreds more soldiers were routinely sent in to the area (Freeman, 5-8). The government expanded this program in early 2006, launching the *Frontera Norte* (Northern Border) initiative, which sent more federal police officers into Nuevo Laredo. An increase in the expenditure on anti-drug efforts, which was estimated between $1 and

$2 billion each year, helped these missions, although the increase was consistent with the growing United States' pressure on the government to cooperate with the war on drugs. (see Figure 3.2).

Figure 3.2: Expenditures on Anti-Drug Efforts During the Fox Era, 2000-2006



Sources: Jorge Chabat, *Mexico's War on Drugs: No Margin for Maneuver,* (Annals of the American Academy of Political and Social Science, 582, 2002) 142. Print.; Steve Fainaru and William Booth, *As Mexico Battles Drug Cartels, the Army Becomes the Law*, (The Washington Post, 2 April 2009). Print.

UNITED STATES' INFLUENCE ON PROHIBITION UNDER FOX, 2000-2006

After September 11th, 2001, the United States began to put a lot of pressure on the Mexican government to keep the border secure and tackle the drug trafficking problem. Fox managed to convince Bush to stop the yearly certification procedure, replacing it with a more collaborative, OAS-based evaluation, which was a big step forward out of the authoritarian past. This change allowed the countries to exchange more intelligence, and Mexico instituted a more streamlined extradition process for accused criminals to be transferred to the United States. Accordingly, the United States responded well to the

Mexican government and increased its aid for fighting drug trafficking. Many of the prohibitionary reforms were a direct result of this relationship with the United States, including the increased extraditions, the rising expenditures, and the operations into the areas where drugs heading to the United States originated, such as Nuevo Laredo (Rozental, 98)

ANALYSIS

Much like the rule of law reforms under Fox, the assessment of his anti-drug efforts are mixed. The OMS and the *Frontera Norte* program did show an overall increased commitment to fighting drug-related crime in the country. The increased expenditure rates on anti-drug efforts also helped the OMS and the *Frontera Norte*, as the forces were provided with more resources, equipment, and training to carry out their duties. The military presence put more pressure on the cartels and increased arrests of cartel members. When examined closely, however, these were mostly lower-level arrests of financial advisors and farmers for the cartels. Drug-related homicides continued to rise, and a growing number of federal forces were continually sent into the region. One of the problems was that the government did not change tactics or strategies to adapt to the changing nature of the drug cartels. Instead, they continued to use the military as an eradication tool and the corrupt police as an interceptor. The federal forces also focused more on purging corruption in the local police and on-going investigations such as vehicle thefts and illegal weapons possession rather than concentrating on the drug-related violence (Freeman, 8-9).

Overall in the country corruption levels went down during the Fox administration, but on the northern border it persisted, as the area proliferated with drug cartels that had

the resources and manpower to corrupt more officials. This proliferation came out of increased demand for drugs in the United States, along with easy access through specific drug trafficking routes on the northern border. Although the local police in Nuevo Laredo were originally removed from their posts, half were returned to duty, and there were reports of these local police routinely kidnapping people. In 2006, there was even evidence that the local police killed four federal police officers during a safe house raid (Astorga and Shirk, 54).

Again, the use of the federal police forces and the military in these operations was problematic, as it provided the cartels opportunity to corrupt higher-level officers and to intimidate the others with the threat of violence. The military's history of human rights seemingly continued with their involvement in anti-drug efforts (Youngers and Rosin, 6). During the Fox administration, there were many credible allegations of torture and civilian deaths at the hands of the military, many of which were never investigated (Freeman and Sierra, 288). Additionally, many analysts agree that the drug cartels were able to infiltrate the added security forces in Nuevo Laredo, as there was not arrest a single major drug trafficker in the city in 2005. All in all, however, the launch of these programs indicate that the Fox administration increased prohibition enforcement during their reign, using the military and federal forces to try to fight drug cartels, even if the programs were not greatly successful (Freeman, 9).

PROHIBITION UNDER CALDERÓN, 2006-2010

Calderón's presidential campaign was centered on the problem of cartel violence, and he vowed to attack the cartels if elected, seeing it as the top security priority in Mexico, which must be addressed before the democracy can move forward politically

and economically (Fox and Allyn, 330). When Calderón was inaugurated, he immediately declared an official war on drugs just as the Juárez Cartel and the Gulf Cartel were competing for dominance of the border region of Mexico (Sabet and Ríos, 7). Accordingly, he has increased prohibitionary reforms targeted at high-level cartels. The Calderón administration has also continued and expanded the use of the military in anti-drug efforts, especially focusing their deployment on heavily violent areas such as Ciudad Juárez (Felbab-Brown, 19).

PROHIBITIONARY REFORMS UNDER CALDERÓN, 2006-2010

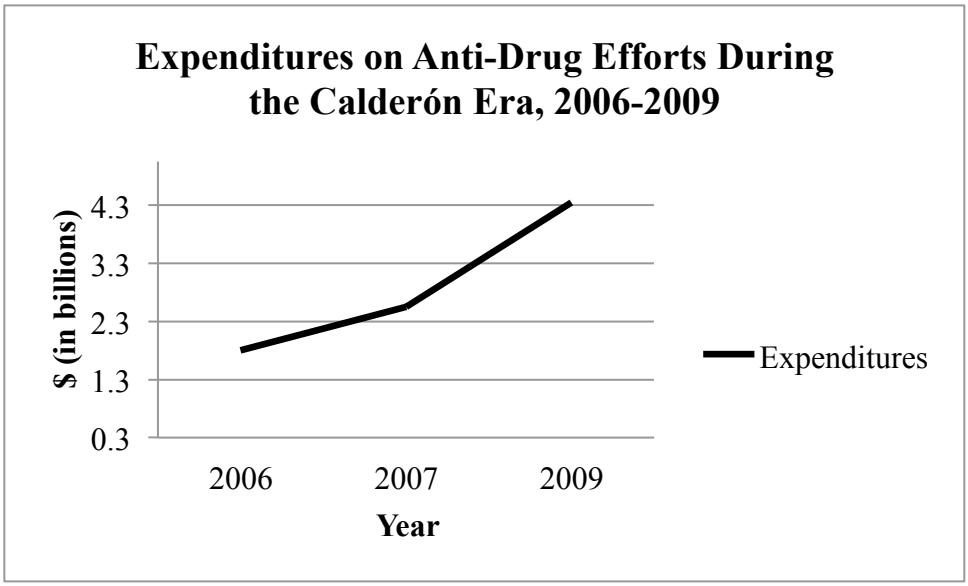
Just after declaring the war on drugs in 2006, the Calderón government started to extradite traffickers to the United Sates en masse. In 2007, the Calderón administration extradited over 80 drug traffickers to the United States, including senior cartel officials such as the leaders of the Gulf Cartel, Osiel Cárdenas Guillén. The number of drug traffickers extradited to the United States from Mexico has continued to increase each year that Calderón has been in power, going from just over 60 in 2006, to over 80 in 2007, and over 90 in each year from 2008 to 2010 (Cook, 16).

Beginning in 2006, Calderón deployed 25,000 troops in a "blockhouse strategy," where the military focused on heavily cartel-controlled areas, using roadblocks, checkpoints, and raids to hamper the ability of the cartels to mobilize and conduct their business (Sullivan and Elkus, 5). These troops have also targeted the enforcer gangs that protect the cartels, in an effort to reduce their defenses and make their capture easier (Sullivan and Elkus, 5). In doing so, Calderón has tried to confront the cartels head-on, with a trained, experienced, and powerful army, rather than the more corrupt and weaker local police, in an effort to effectively fight drug trafficking and ultimately buy time to

implement the anti-corruption reforms so that the police force could be professionalized before taking over (Bailey, 328).

The Calderón strategy against the drug cartels has focused on three main goals: 1) to decrease the volume of drugs trafficked across the United States border, by increasing border security and using the military to help guard the border, 2) to arrest high-level traffickers and cartel members, rather than focusing on lower level members or cultivators that could be easily replaced, and 3) to continue the past strategy of eradicating crops, so the cartels main source of income would be cut off. The government felt that by combining these three goals, the cartels would be greatly weakened as they would be robbed of their leaders, their product, and their ability to move what product they could obtain into the United States, effectively ending their profitable business model (Sabet and Ríos, 7). To follow this plan, the government again increased their expenditures between 2006 and 2010, going from under $2 billion in 2006 to over $4 billion by 2009 (See Figure 3.3). While this strategy was not wholly wrong in theory, in practice the Calderón war on drugs has done little to curb drug violence, and the prohibitionary measures may have even increased the violence throughout the country.

Figure 3.3: Expenditures on Anti-Drug Efforts During the Calderón Era, 2006-2009



Source: Luís Astorga and David A. Shirk, *Drug Trafficking Organizations and Counter-Drug Strategies in the U.S.-Mexican Context*, *Shared Responsibility: U.S.-Mexico Policy Options for Confronting Organized Crime*. Eds. Eric L. Olson, David A. Shirk, and Andrew Selee. Washington, DC: Woodrow Wilson International Center for Scholars Mexico Institute, October 2010, 31, Print.

UNITED STATES' INFLUENCE ON PROHIBITION UNDER CALDERÓN, 2000-2006

There is no doubt that the United States has increased their pressure on the Mexican government to tackle the cartel problem and increase the war on drugs since Calderón has taken power, as evidenced by the enormity of the Mérida Initiative, one of biggest anti-drug aid package the country has seen. The Initiative provides training, equipment, and infrastructure, in addition to the added border protection that the United States has instituted on its side to curb drug trafficking and illegal immigration. This vast amount of money has helped Calderón carry out his war on drugs, but has also left the Mexican government at the mercy of the United States' own war on drugs policy, giving Calderón decreased authority overall. This authority has decreased even more since the levels of violence have largely gone on unabated, with violence spilling over the border

and cartels expanding their operations into the United States (Astorga and Shirk, 31-32).

ANALYSIS

As with the Fox government, the Calderón government has not attacked the leadership of the cartels effectively. Police and military officials have arrested many low-level cartel members, while only a smaller number of high-level members have been taken into custody. Additionally, the administration has also only arrested a small number of cartel hit men, which are essential to the cartel activities and the continued violence, as they do the majority of the killing. While the arrests of non-essential cartel members can hurt the cartels, they are easier to replace and do not hamper the cartels in a way that can stop the violence. Instead, this policy crowds prisons and courtrooms, which are already weakened by trying to implement a massive amount of reforms (Felbab-Brown, 18). The arrests of high-level leaders, such as the leaders of the Tijuana Cartel or the Gulf Cartel, may have even intensified the violence, causing splits and alliances with cartels vying for the control of routes and markets (Starr, 14).

Again, these problems are exacerbated by the track record of most Latin American military forces, which have a reputation of committing human rights abuses. Recently, there have been numerous allegations of house searches without warrants, long-term detentions without charges, other forms of torture, and civilian deaths. These allegations have been largely uninvestigated, and the victims get little if any compensation. Additionally, while the army is powerful in terms of weaponry and size, the drug cartels are a criminal insurgency that certainly do not use conventional fighting techniques or weapons, which can be difficult for modern armies to combat. The cartels are entrenched in every sector of society, even the military system, which has become

much more vulnerable to corruption since their interjection in the war on drugs (Felbab-Brown, 19). Many citizens and scholars also have a problem with the use of the military in anti-drug efforts, as they are seen as provoking more armed attacks, forcing the cartels to acquire more arms in an effort to combat the military. All of these factors make conventional warfare only effective in short-term eradication, as the system needs deep repair (Sullivan and Elkus, 6).

The vast majority of researchers agree that the Calderón war on drugs has not been effective in stopping violence in the country, and the drug-related homicides have risen steadily throughout his presidency. The rise in violence could be a sign that things are moving in the right direction and cartels are on their last leg, meaning that the war on drugs will only need more time to be successful. Conversely, it could mean that the war on drugs is ineffective, and no matter how long it goes on it will not stop the violence in Mexico. The latter assertion is consistent with the hypothesis, in that the increased efforts on prohibition (the war on drugs) have not had their intended purpose, and violence is actually rising since the war on drugs (Grayson, 2010, 50).

CONCLUSION

Much like the rule of law, prohibition in Mexico has undergone enormous changes since the PRI era. Under the PRI, prohibition was formally adopted, although unofficially was largely ignored. While Zedillo tried to make headway against the rising power of the cartels, he faced a legislature that was uncooperative, with deep corruption that his reforms could not undo. Fox and Calderón both greatly increased prohibitionary measures and missions, but the violence has still persisted, and even risen, since the start of the war on drugs in 2006.

The institution and outcome of the war on drugs in Mexico does support the first half of the hypothesis: the strengthened rule of law has led to an increase in prohibition. Although the reforms of the past three presidents may not have been fully realized or incredibly effective, they do demonstrate the rise in prohibitionary measures, leading to the war on drugs. Without a strengthened rule of law, however, these measures would have not been possible, and would have been even less effective, as evidenced by the prohibitionary reforms under the PRI, which did little if anything to stop the drug trade. As the Zedillo, Fox, and Calderón administrations strengthened the rule of law, they each made it a priority to reform the country in terms of prohibition as well, as each affects the other. Thus, the strengthened rule of law has led to increased prohibition throughout Mexico, in line with the first half of the hypothesis. The most important part of the hypothesis, however, whether this increased prohibition itself has increased violence, and whether that violence is threatening democracy and democratic consolidation will be explored in the next chapter, which analyzes drug-related homicides and citizen views of democracy.

CHAPTER IV:

HOMICIDES AND CITIZEN VIEWS ON DEMOCRACY IN MEXICO UNDER AND AFTER THE PRI

INTRODUCTION

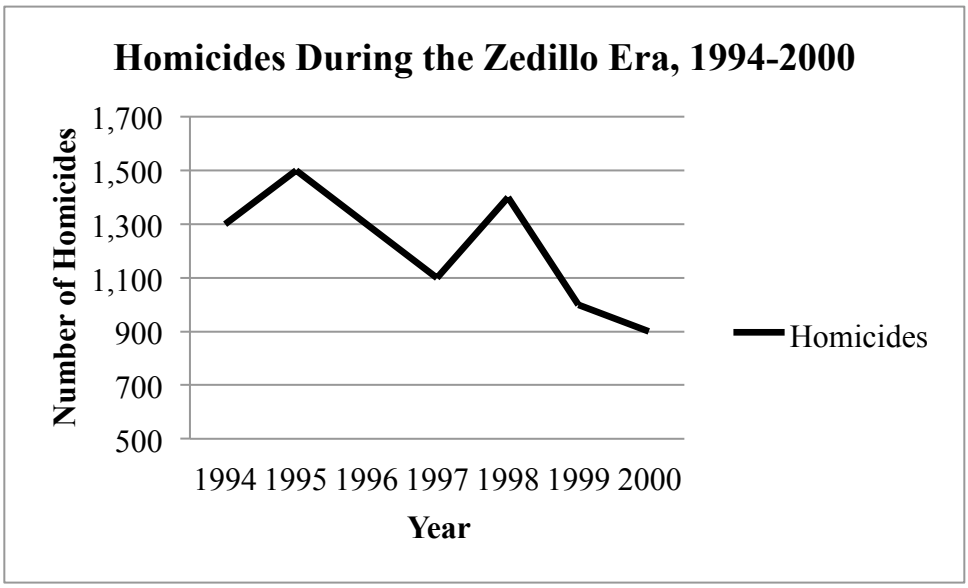
Undoubtedly, the government has valiantly attempted to strengthen the rule of law and increase prohibition in Mexico since the start of the democratic transition, as evidenced in the preceding chapters that chronicle the numerous rule of law reforms undertaken by the government. For this study, however, the most important questions are whether these reforms have led to an escalation in violence, and whether that violence is threatening the legitimacy of democracy. To answer these questions, this chapter examines the homicide levels and citizen support for democracy in Mexico, both before and throughout the transition. As such, the chapter will provide the final and most important data in the analysis of the hypothesis that the democratization of Mexico has increased violence, leading to the possible undermining of democracy.

HOMICIDE LEVELS UNDER ZEDILLO, 1994-2000

During the Zedillo administration, the homicide levels in Mexico remained relatively steady, between 900 and 1,500 per year. The levels of violence for this period are hard to determine, as the government did not report official drug-related homicide statistics, however, overall homicide rates were reported and can be examined to show overall trends.[1] Although there is little fluctuation, they do drop in 1997 and 1999, but again rise in 2000 (see Figure 4.1) (Ríos and Shirk, 5).

[1] While homicide rates were reported for this period, the rates reported are inconsistent, as the government has not historically provided accurate crime data.

Figure 4.1: Homicides During the Zedillo Era, 1994-2000

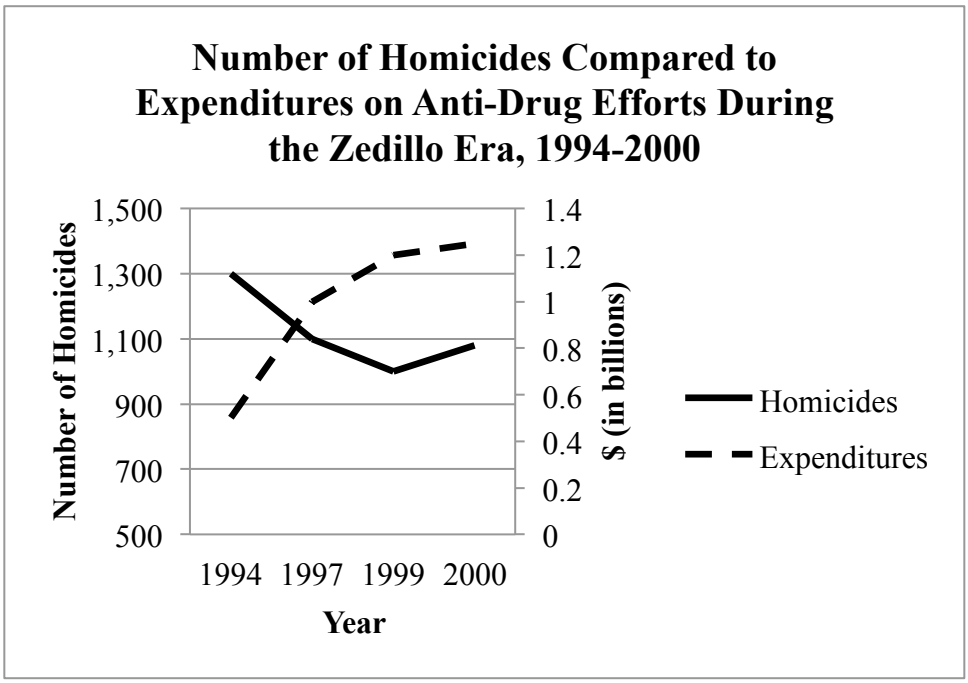


Source: Angelica Duran-Martínez, Gayle Hazard, and Viridiana Ríos, *2010 Mid-Year Report on Drug Violence in Mexico,* Transborder Institute Justice in Mexico Project, 2010, 4. Print.

ANALYSIS

While these numbers provide a starting point for the examination of homicides in Mexico, they are difficult to analyze in terms of specifically drug-related violence. According to the hypothesis, if prohibition correlates to an increase in violence, the government expenditures on anti-drug efforts will rise as levels of violence increase. When compared to expenditures on anti-drug efforts, the homicide levels under Zedillo fall when expenditure levels begin to rise, which is inconsistent with the hypothesis. By 1999, however, the homicide rates and expenditures rise in the same manner, suggesting that levels of violence were correlated with the amount spent on anti-drug efforts (see Figure 4.2). Thus, this finding is supportive of the hypothesis because the levels eventually correlate, although the homicide rates do vary throughout the period and are not strictly drug-related, indicating the need for further analysis.

Figure 4.2: Number of Drug-Related Homicides Compared to Expenditures on Anti-Drug Efforts During the Zedillo Era, 1994-2000



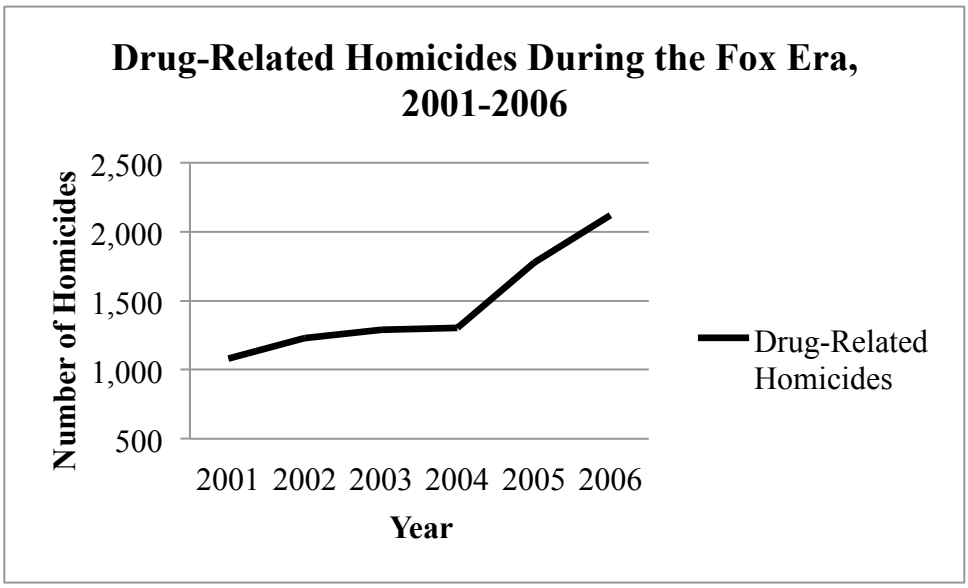
Sources: Jorge Chabat, *Mexico's War on Drugs: No Margin for Maneuver,* (Annals of the American Academy of Political and Social Science, 582, 2002) 142. Print; Angelica Duran-Martínez, Gayle Hazard, and Viridiana Ríos, *2010 Mid-Year Report on Drug Violence in Mexico,* Transborder Institute Justice in Mexico Project, 2010, 4. Print.

HOMICIDE LEVELS UNDER FOX, 2000-2006

As with the homicide levels during the Zedillo administration, the governmental reporting of drug-related homicides in Mexico has, at best, been imprecise.[2] Since the Transborder Institute started analyzing drug-related homicides, the numbers show that drug-related homicides rose in Mexico between 2000 and 2006, with a dramatic increase since 2004. During the last four years of Fox's presidency, drug-related homicide rates were consistent (see Figure 4.3). Between 2001 and 2005, the total drug-related homicides each year stayed below 2,000, but rose slightly each year with a combined total of 6,680 for the period. However, the number of deaths increased by 40% from 2004 to 2005. In the last year of Fox's presidency, 2006, the numbers of drug-related killings reached slightly above 2,000.

[2] The Transborder Institute has been instrumental in reporting more reliable, up-to-date numbers on drug-related killings in Mexico by examines media sources such as *La Reforma* newspaper along with official governmental reports, in an effort to produce the most accurate numbers. The homicide numbers should be treated with caution, however, as "drug-related" homicides are classified in a simple way: homicides that have characteristics of drug-related killings involving high caliber weapons, executions, and decapitations, and the reported "drug-related homicides" are subject to errors because these characteristics can apply to non-drug related homicides. Additionally, not all drug-related homicides are classified correctly, especially when investigations are incompetently carried out or those committing the crimes destroy evidence. With this reporting, we can better separate out drug-related homicides from overall homicides starting in 2001. See Duran-Martínez et. al. 3-4.

Figure 4.3: Drug-Related Homicides During the Fox Era, 2000-2006



Source: Angelica Duran-Martínez, Gayle Hazard, and Viridiana Ríos, *2010 Mid-Year Report on Drug Violence in Mexico,* Transborder Institute Justice in Mexico Project, 2010, 4. Print.

ANALYSIS

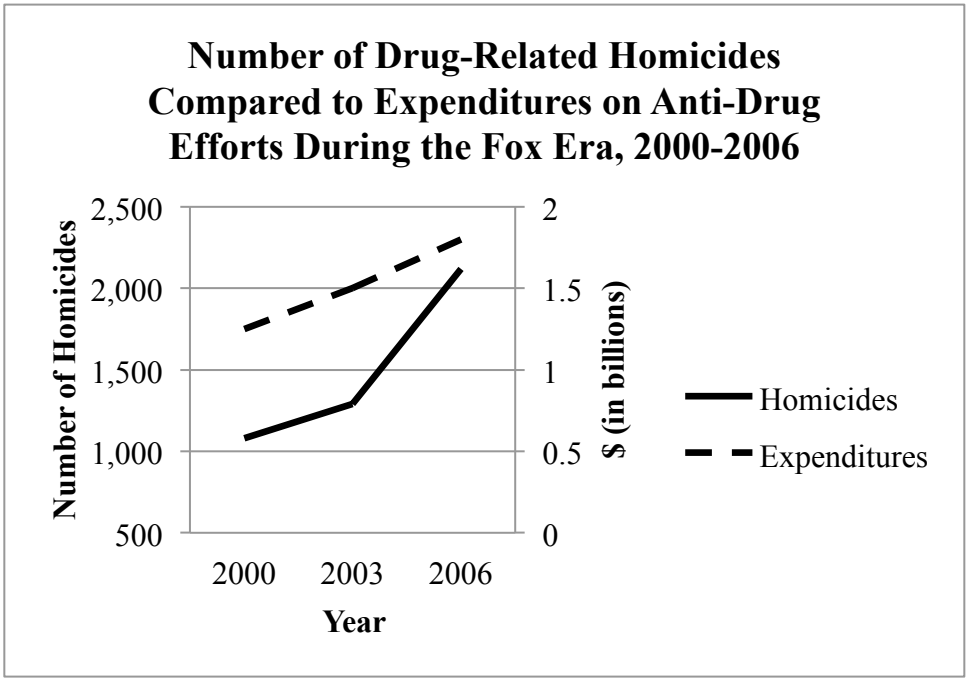
During the Fox administration, homicide levels rose steadily each year, with substantial increases after 2004. According to the Transborder Institute, a basic trend in drug-related homicides is that they increase and decrease suddenly and in surges. They argue this inconsistency is because of cartel instability and infighting, as well as recent breakdowns in client-patron relationships since the PRI has been out of power; because cartel relationships are sometimes stable and sometimes not, the violence has been occurring in bursts rather than constant flows (Ríos and Shirk, 9).

It is evident that the number of drug-related homicides increase in the latter half of Fox's *sexeño,* parallel to the increase of cartel violence between the Sinaloa Cartel and the Gulf Cartel. This data set also positively corresponds with the increase in government expenditures on anti-drug measures (see Figure 4.4). Furthermore, the numbers continue

to increase into 2005 and 2006, as the OMS and the *Frontera Norte* initiative began, indicating that these programs may have led to an increase in drug-related homicide.

This rise in the levels of violence suggests that as the government expenditure on prohibition rose, so did drug-related homicide. In the Mexican case, then, there is preliminary support for the hypothesis that prohibition is positively correlated with rising violence; the number of drug-related homicides rose consistently with expenditures on prohibition.

Figure 4.4: Number of Drug-Related Homicides Compared to Expenditures on Anti-Drug Efforts During the Fox Era, 2000-2006



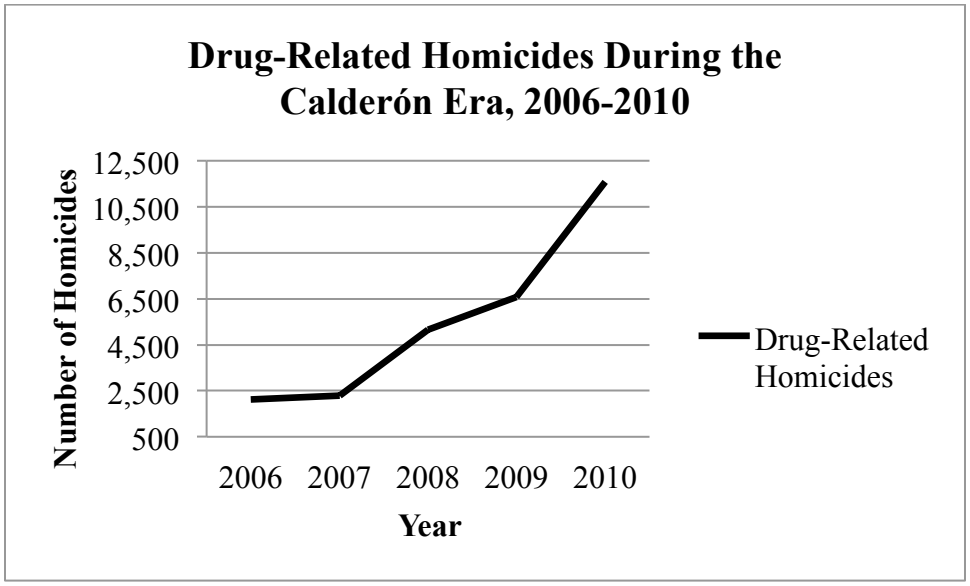
Sources: Jorge Chabat, *Mexico's War on Drugs: No Margin for Maneuver,* (Annals of the American Academy of Political and Social Science, 582, 2002) 142. Print; Steve Fainaru and William Booth, *As Mexico Battles Drug Cartels, the Army Becomes the Law*, The Washington Post, 2 April 2009. Print; Angelica Duran-Martínez, Gayle Hazard, and Viridiana Ríos, *2010 Mid-Year Report on Drug Violence in Mexico,* Transborder Institute Justice in Mexico Project, 2010, 4. Print.

HOMICIDE LEVELS UNDER CALDERÓN, 2006-2010

It is quite clear that the number of drug-related homicides has exponentially increased since the official declaration of Calderón's war on drugs in December 2006 and its institution in early 2007 (see Figure 4.5). There are daily, even hourly, reports of more people being killed in drug-related violence, and the amount of news stories reporting journalists, police officers, and government workers being killed is astounding. There have been numerous mass graves found in cartel-controlled territories, some with upwards of 40 bodies. While the news stories report on the worst crimes perpetrated in the war on drugs, the number of drug-related homicides as reported by the Transborder Institute allow for the scholarly analysis of violence levels ("Times Topic: Mexican Drug Trafficking").

The numbers of drug-related homicides rose substantially from the Zedillo and Fox era (2006 through 2007), reaching around 2,200 each year. Between 2007 and 2008, however, the number of drug-related homicides increased by 100%, with 5,153 drug-related homicides reported in 2008. In 2009, the numbers increased another 28%, with 6,587 homicides. In 2010, the numbers rose again, with 11,583 people killed in drug-related violence, an almost 450% increase since 2006 (Duran-Martínez et. al., 4).

Figure 4.5: Drug-Related Homicides During the Calderón Era, 2006-2010



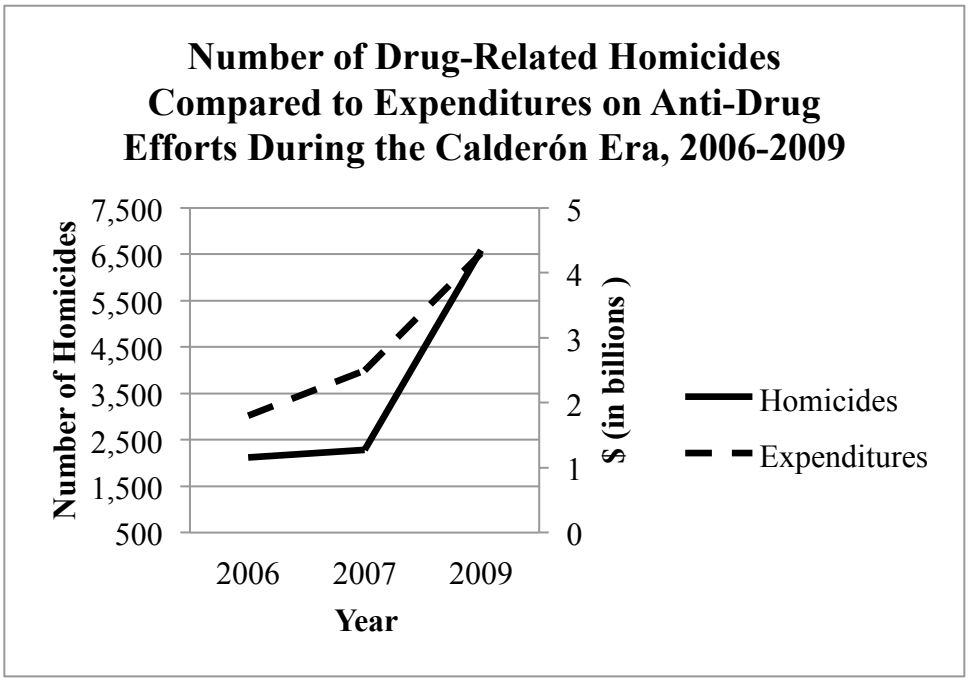
Source: Angelica Duran-Martínez, Gayle Hazard, and Viridiana Ríos, *2010 Mid-Year Report on Drug Violence in Mexico,* Transborder Institute Justice in Mexico Project, 2010, 4. Print.

ANALYSIS

It is clear that drug-related homicide rates have consistently risen during the Calderón presidency. According to Miron (2004), when expenditures on anti-drug efforts rise, it can be concluded that prohibition is intensified, as the government is dedicating more resources and manpower to enforcement (49). The expenditures have grown since the declaration of the war on drugs, from around $2 billion in 2006 to over $4 billion in 2009 (Astorga and Shirk, 31). The numbers of drug-related homicides in Mexico have also clearly risen since the declaration of the war on drugs, and have become astronomical in recent years (Duran-Martínez et. al., 4). Most importantly to this study, however, is the fact that the number of drug-related homicides is positively correlated with the government's expenditures on anti-drug efforts, evidence which supports the hypothesis (See Figure 4.6). While both indicators are positively correlated for the entire

period from 2006-2009, since 2007 and the start of the war on drugs they have shared a more substantial correlation, both dramatically rising when compared to the previous year. This dramatic increase is especially supportive of the hypothesis that the war on drugs has led to an increase in the number of drug-related homicides.

Figure 4.6: Number of Drug-Related Homicides Compared to Expenditures on Anti-Drug Efforts During the Calderón Era, 2006-2009



Sources: Luís Astorga and David A. Shirk, *Drug Trafficking Organizations and Counter-Drug Strategies in the U.S.-Mexican Context*, *Shared Responsibility: U.S.-Mexico Policy Options for Confronting Organized Crime*. Eds. Eric L. Olson, David A. Shirk, and Andrew Selee. Washington, DC: Woodrow Wilson International Center for Scholars Mexico Institute, October 2010, 31, Print; Angelica Duran-Martínez, Gayle Hazard, and Viridiana Ríos, *2010 Mid-Year Report on Drug Violence in Mexico,* Transborder Institute Justice in Mexico Project, 2010, 4. Print.

MEXICAN CITIZENS' VIEWS ON DEMOCRACY UNDER ZEDILLO, 1994-2000

Although the dramatic increase in drug-related homicides is troubling on its own, it is important to look at what affect it has had on Mexican citizens' views on democracy, because citizen support for democracy is crucial for legitimacy and consolidation (Shin,

8). According to Wolfgang Merkel, while the strengthening of the rule of law is the first step of democratic consolidation, the final step is the consolidation of the political culture, when citizens feel that democracy is the best form of government (14-15). In most cases, support for democracy is based on the ideal of democracy, which is more of a preference for democracy stemming from universal principles of equality and self-determination. Generally, the worldwide levels of support for democracy are high, as many people believe in the principles of democracy even if they are not fully content with how those principles are carried out in practice. These levels are measured with annual citizen surveys, such as those conducted by *Latinobarómetro* (Doorenspleet, 97-98). To measure support of democracy, citizens are asked the following question: "with which of the following statements do you agree most?" The respondents can then choose from the responses: "democracy is preferable to any other kind of government," "under some circumstances, an authoritarian government can be preferable to a democratic one," or "for people like me, it doesn't matter whether we have a democratic or a non-democratic regime." In this analysis, the numbers reported are the percentage of people that answer: "democracy is preferable to any other kind of government," because it is selected as a clear indicator of democratic legitimacy (Doorenspleet, 98). The longitudinal analysis of Mexican citizens' responses to this question is especially important to this study, because the Mexico does not have much experience with democracy, dictatorship, and could easily fall back into authoritarianism.

The *Latinobarómetro* surveys between 1995 (the first year they were conducted) and 2000 show that support for democracy stays relatively consistent during the Zedillo

presidency (see Table 4.1 and Figure 4.7).[3] Citizens remained supportive of a democratic system in Mexico throughout Zedillo's *sexeño*, with an average of 52% of respondents indicating they prefer a democracy to any other type of government. However, the levels of support do fall between 1998 and 2000, to under 45%. This decline is relatively small, but may indicate that Mexican citizens were unhappy with the way the government was working after the PRI lost its majority in Congress in the 1997 elections. After the PRI lost control of the Congress, democratic reforms were slowly instituted and the role of the president was gradually diminished. Although gridlock is common in a democracy, the Mexican government had no experience with bureaucratic disagreement. During this period, the citizens may have become dissatisfied with the way democracy was working in their country, ultimately making them less supportive of democracy (Moreno and Méndez, 358).

For this study, the real question lies in whether the support for democracy negatively correlates with a rise in drug-related homicide, which would support the hypothesis that perhaps the violence is having a negative effect on the viability and consolidation of democracy in Mexico. If violence is negatively correlated with support for democracy, it could mean that violence is negatively affecting the legitimacy of democracy in Mexico. In this case, levels of support for democracy are important, as "the success or failure of new democracies largely depends on the support by the citizens, which would lend legitimacy to the regime" (Doorenspleet, 98). While democratic consolidation requires a number of factors, without citizen support, a democracy cannot

[3] While the survey measures support for a democratic government, the Mexican government at the time was not yet considered a democracy. As such, the responses only indicate support for the ideals of democracy.

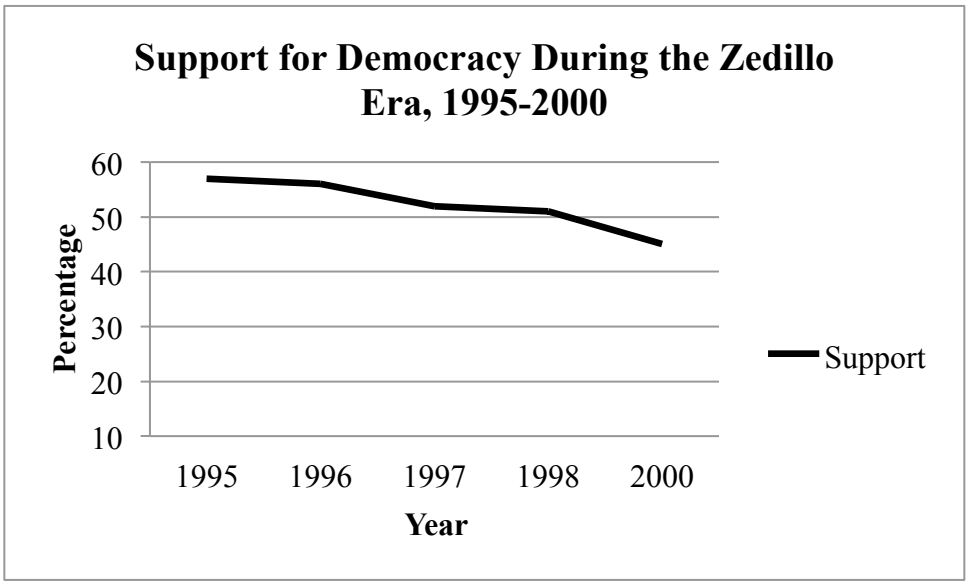
be consolidated (Lipset, 65).

Table 4.1: Support for Democracy During the Zedillo Era, 1995-2000

Year	Support for Democracy During the Zedillo Era
1995	57
1996	56
1997	52
1998	51
2000	45

Source: Latinobarómetro, *Latinobarómetro Reports 1995-2000,* Latinobarómetro.org, Web.

Figure 4.7: Support for Democracy During the Zedillo Era, 1995-2000

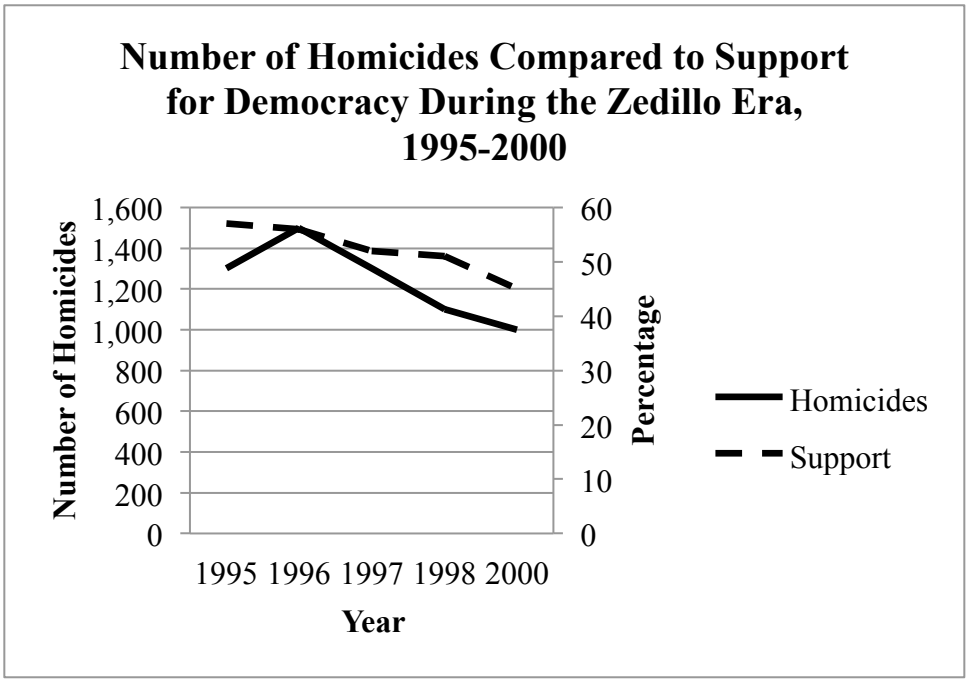


Source: Latinobarómetro, *Latinobarómetro Reports 1995-2000,* Latinobarómetro.org, Web.

ANALYSIS

As shown in Figure 4.8, there is no clear relationship between the levels of support for democracy and homicides rates during the Zedillo presidency. During the Zedillo era, support falls when homicides rise and fall, which could indicate that an increase in violence did not much affect the citizens' views on democracy in Mexico. As with the homicides, however, this is difficult to analyze because it is not clear how many of the homicides were drug-related, making them not directly connected to the hypothesis. Additionally, the Mexican state was still under PRI rule, and was not yet a democracy. As such, the true test of the hypothesis will come in the next sections, examining the Fox and Calderón eras.

Figure 4.8: Number of Homicides Compared to Support for Democracy During the Zedillo Era, 1995-2000



Sources: Angelica Duran-Martínez, Gayle Hazard, and Viridiana Ríos, *2010 Mid-Year Report on Drug Violence in Mexico,* Transborder Institute Justice in Mexico Project, 2010, 4. Print; Latinobarómetro, *Latinobarómetro Reports 1995-2000,* Latinobarómetro.org, Web.

MEXICAN CITIZENS' VIEWS ON DEMOCRACY UNDER FOX, 2000-2006

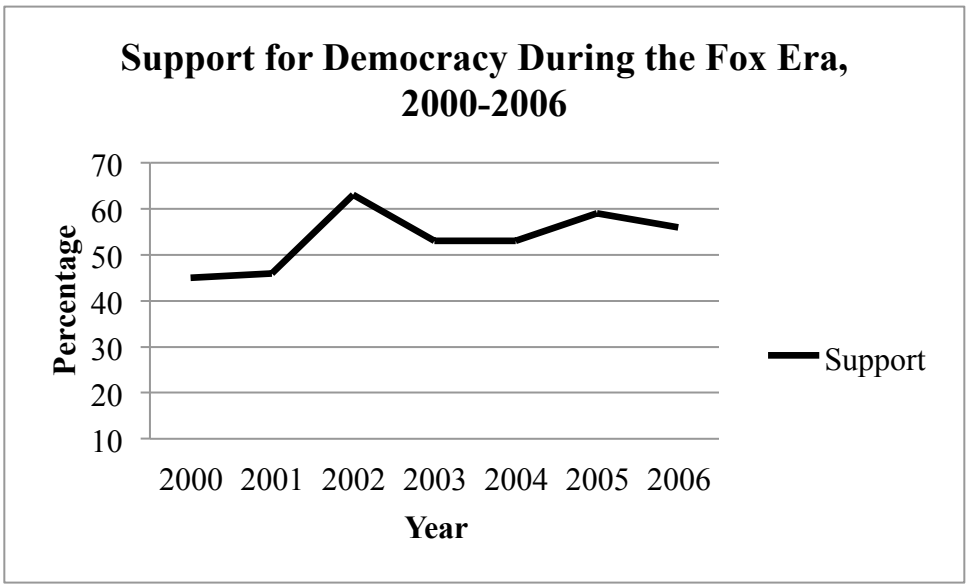
The *Latinobarómetro* surveys from 2000-2006 (see Table 2 and Figure 4.9) indicate that support for democracy remained relatively high throughout Fox's *sexeño*, with half or more respondents indicating their support for democracy, an average of 53% for the six-year period. The number of respondents who favored democracy started lower, however, decreasing from 1998 to 2000, from 51% to 45%, and remaining below 50% until 2002. In 2002, however, the support for democracy increased by 13% to its highest point on record, 63%, although the number fell again in 2003 to 53%. The rise and fall in support for democracy again points to the possibility that citizens were disillusioned with the workings of democracy in Mexico, as Vicente Fox was unable to deliver on promises of economic and social reforms, largely because of the divided Congress and resulting governmental gridlock (Weiner, 1). Overall, however, the numbers suggest that the majority of Mexicans preferred a democracy over any other type of government during the Fox presidency.

Table 4.2: Support and for Democracy During the Fox Era, 2000-2006

Year	Support for Democracy During the Fox Era
2000	45
2001	46
2002	63
2003	53
2004	53
2005	59
2006	56

Source: Latinobarómetro, *Latinobarómetro Reports 2000-2006,* Latinobarómetro.org, Web.

Figure 4.9: Support for Democracy During the Fox Era, 2000-2006



Source: Latinobarómetro, *Latinobarómetro Reports 2000-2006,* Latinobarómetro.org, Web.

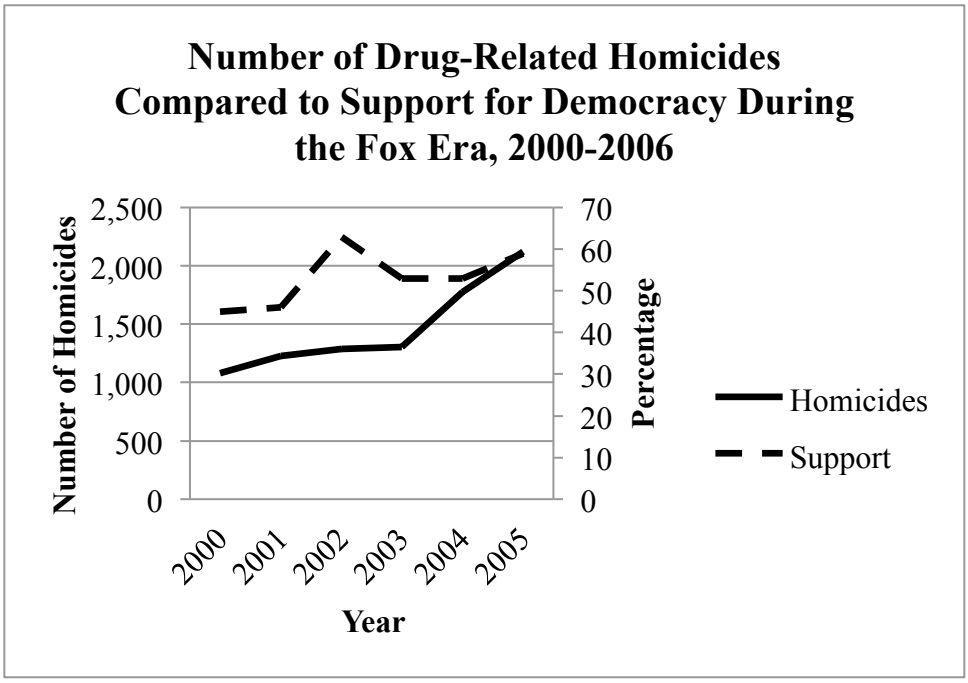
ANALYSIS

As shown in Figure 4.10, support for democracy did decrease slightly as drug-related homicide went up, beginning in 2003. However, as drug-related homicides continued to rise into 2005, the support for democracy also rose. This trend may contradict the hypothesis, because if the violence was endangering democratic stability in Mexico between 2000 and 2006, the percentage favoring democracy would have continued to fall as the numbers of drug-related homicides went up. Conversely, this data on the support for democracy may indicate that there is a lag; perhaps violence does not affect democratic support until it reaches a certain duration or threshold.[4] Thus, the analysis of the Calderón era of the Mexican democracy is imperative to the testing of the hypothesis. This is the period to be examined to determine if the continuing violence is

[4] While this theory will not be tested in this thesis, it does merit further research.

impacting citizen support for democracy in Mexico because this is where the threshold was reached.

Figure 4.10: Drug-Related Homicides Compared with Support for Democracy During the Fox Era, 2000-2006



Sources: Angelica Duran-Martínez, Gayle Hazard, and Viridiana Ríos, *2010 Mid-Year Report on Drug Violence in Mexico,* Transborder Institute Justice in Mexico Project, 2010, 4. Print; Latinobarómetro, *Latinobarómetro Reports 2000-2006,* Latinobarómetro.org, Web.

MEXICAN CITIZENS' VIEWS ON DEMOCRACY UNDER CALDERÓN, 2006-2010

The *Latinobarómetro* surveys from 2006-2010 (see Table 4.3 and Figure 4.11) also show that support for democracy has fluctuated throughout the Calderón presidency, although it is clear that support for democracy began to waiver from 2006 to 2007, dropping 8% in 2007, going from 56% in 2006 to 48% in 2007. During the Calderón presidency thus far, support for democracy has yet to reach above the 50% mark. In 2010, however, the citizen support for democracy did reach its second highest level during the

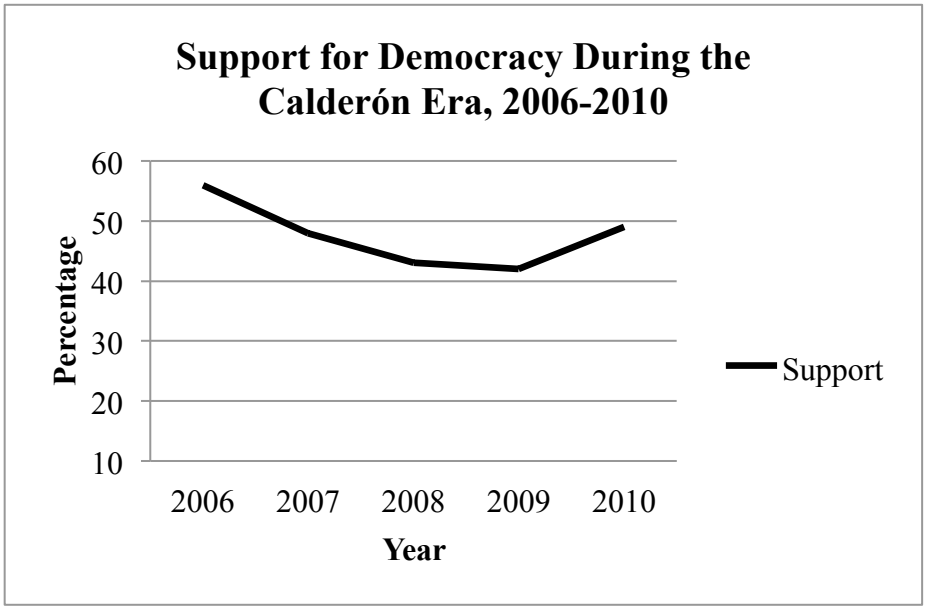
Calderón government, with 49% of people polled preferring democracy to any other type of government.

Table 4.3: Support for Democracy During the Calderón Era, 2006-2010

Year	Support for Democracy During the Calderón Era
2006	56
2007	48
2008	43
2009	42
2010	49

Source: Latinobarómetro, *Latinobarómetro Reports 2006-2010,* Latinobarómetro.org, Web.

Figure 4.11: Support for Democracy During the Calderón Era, 2006-2010



Source: Latinobarómetro, *Latinobarómetro Reports 2006-2010,* Latinobarómetro.org, Web.

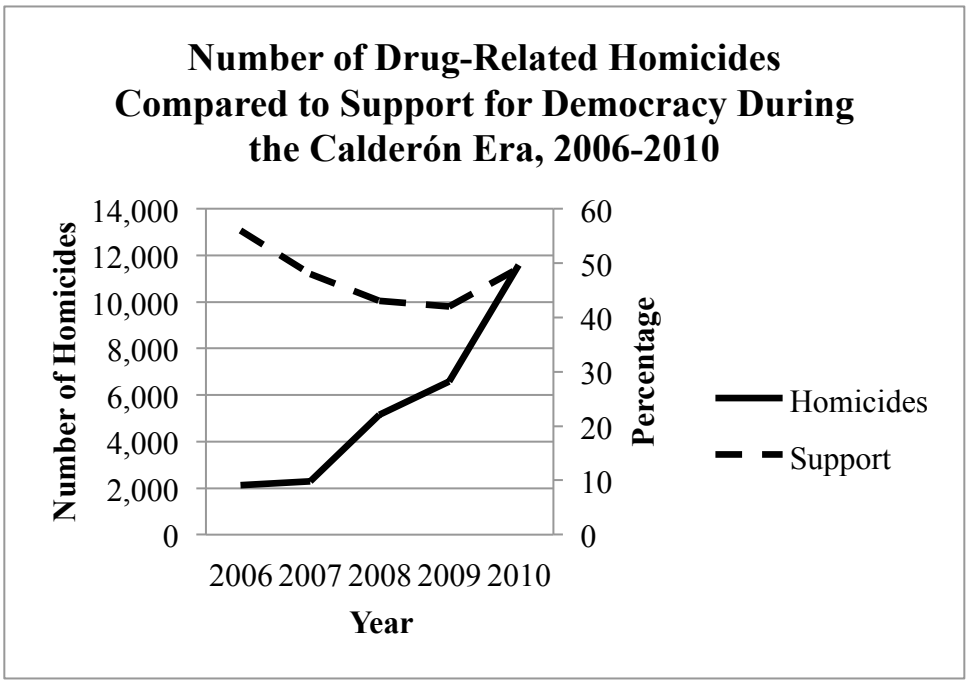
ANALYSIS

When analyzing the *Latinobarómetro* surveys from 2006 to 2010, the impact of the war on drugs and rising violence is clearer than it was in the Fox era. During the Calderón administration, Mexican citizens became less supportive of democracy as drug-related violence increased in 2006, falling from 56% to 48% in 2007. However, the levels of support for democracy have since gone back up after a 3 year decline, to 49% in 2010 (see Table 3 and Figure 4.12). According to *The Economist*, the higher percentage of support for democracy in 2010 may be attributable to the rebound of the Mexican economy after a drop in economic output in 2009 ("The Democratic Routine," 1). Although the percentage of respondents who are supportive of democracy has recently risen in comparison to the previous years of Calderón's presidency, the overall percentages are much lower than before the democratic transition, when Zedillo was in power. Under Zedillo, before the democratic transition, the percentage of the population that were supportive of democracy was consistently over 50%, and under Calderón, since the start of the democratic transition, the percentage has been consistently under 50%.

While these numbers are not dismal, the majority of Mexican citizens have not indicated their favor for democracy, making consolidation impossible. This finding supports the hypothesis that the drug-related homicide is harming the ability of the Mexican democracy to consolidate. Essentially, the democracy may not be able to consolidate in the short-term under such conditions, and citizens are most likely dissatisfied with the way the democracy is working in Mexico. This dissatisfaction has been demonstrated recently, with the resurgence of PRI popularity in Congressional

elections, and the upcoming 2012 presidential elections ("The Democratic Route," 1).[5]

Figure 4.12: Number of Drug-Related Homicides Compared to Support for Democracy During the Calderón Era, 2006-2010



Sources: Angelica Duran-Martínez, Gayle Hazard, and Viridiana Ríos, *2010 Mid-Year Report on Drug Violence in Mexico,* Transborder Institute Justice in Mexico Project, 2010, 4. Print; Latinobarómetro, *Latinobarómetro Reports 2006-2010,* Latinobarómetro.org, Web.

ANALYSIS OF THE HYPOTHESIS, 2000-2010

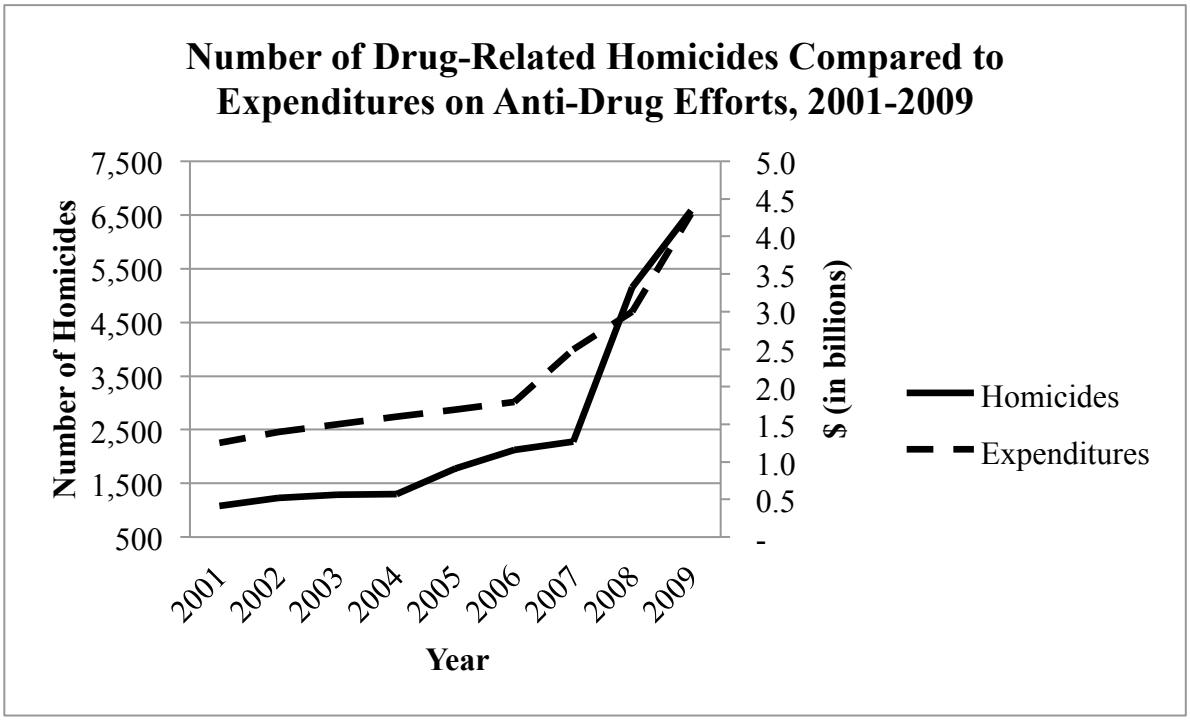
Are attempts to strengthen the rule of law endangering Mexico's democratic consolidation? To analyze the hypothesis and answer this question, it is easier to examine the long-term trends in drug-related homicides and the *Latinobarómetro* surveys between 2000 and 2010 as a whole in order to see the clear picture.

Drug-related homicides do noticeably increase between 2000 and 2010, spiking since 2006. This fact supports the hypothesis, as the 2006 declaration of the war on drugs

[5] On the resurgence of the PRI in elections, see Padgett and Mascarenas 1, Hernandez 1, and Cattan 1.

and exponential increase in prohibition are correlated with the increase in drug-related violence. The evidence presented thus far supports the first half of the hypothesis, because democratization of Mexico has certainly led to an attempt at strengthening the rule of law and increased drug prohibition enforcement. In turn, the increased efforts at drug prohibition enforcement, measured by expenditure levels, are correlated to the increase in drug-related homicides, also supporting the hypothesis (see Figure 4.13). This is an important finding, as it indicates that the increased efforts at prohibition are associated with worsening levels of violence in the country.

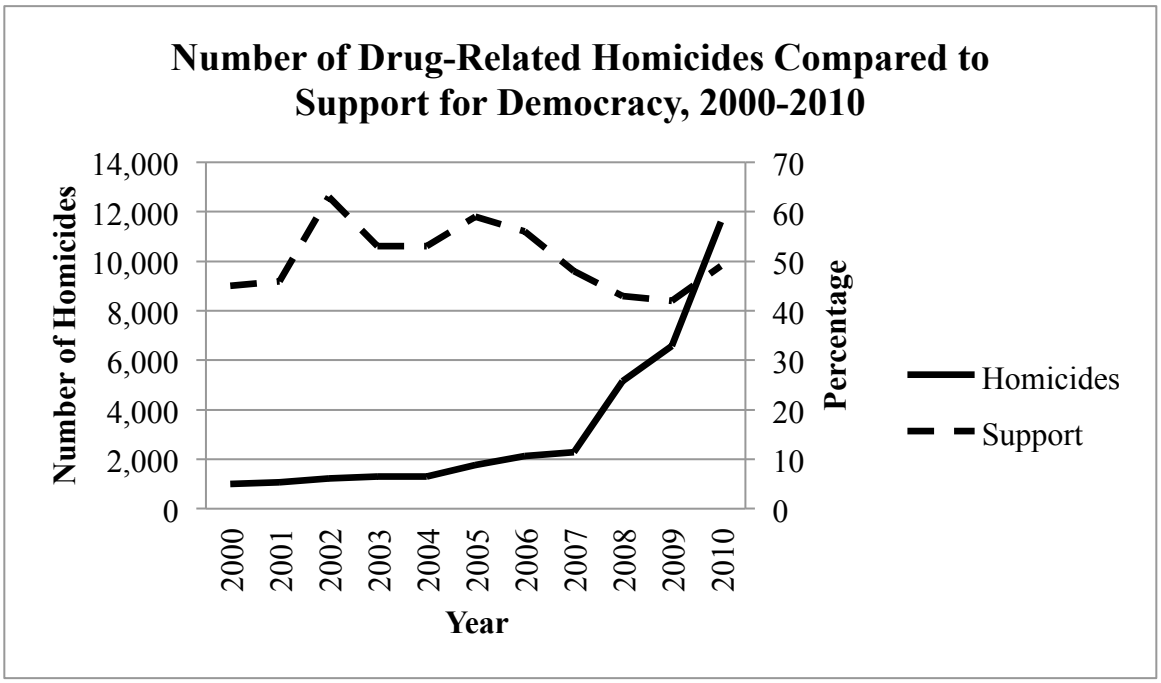
Figure 4.13: Number of Drug-Related Homicides Compared to Expenditures on Anti-Drug Efforts, 2001-2009



Sources: Angelica Duran-Martínez, Gayle Hazard, and Viridiana Ríos, *2010 Mid-Year Report on Drug Violence in Mexico,* Transborder Institute Justice in Mexico Project, 2010, 4. Print; Jorge Chabat, *Mexico's War on Drugs: No Margin for Maneuver,* (Annals of the American Academy of Political and Social Science, 582, 2002) 142. Print; Steve Fainaru and William Booth, *As Mexico Battles Drug Cartels, the Army Becomes the Law*, The Washington Post, 2 April 2009. Print.

Perhaps the most important part of this study, however, is whether the increased violence is threatening the viability of the Mexican democracy. It is clear to many scholars and Mexican citizens that the war on drugs has triggered rising levels of violence, which is negatively affecting the consolidation of democracy in Mexico. When looking at the long-term trends of the *Latinobarómetro* surveys, the high levels of drug-related homicides in Mexico have clearly damaged support for democracy. The support for democracy, a crucial part of democratic consolidation, has decreased since the start of the war on drugs, and has been consistently lower since the large increase in drug-related homicides (see Figure 4.14). The support for democracy, however, increased to 49% in 2010. Although these decreases and increases could be attributed to economic and other factors, it is clear that crime in Mexico has become the citizens' number one concern, which has surpassed the economy as "the most important problem" in the *Latinobarómetro* surveys since 2008 ("The Democratic Routine," 1). Overall, the lower numbers of support, especially those under 50%, are an impediment for the consolidation of democracy. According to Juan J. Linz and Alfred Stepan, Larry Diamond, and Wolfgang Merkel, democratic consolidation requires majority levels of citizen support, which the Mexican government has not been able to attain in the last three years (Linz and Stepan, 5, 166-189; Diamond, 1999, 64-116; Merkel, 14-15).

Figure 4.14: Number of Drug-Related Homicides Compared to Support for Democracy, 2000-2010



Sources: Angelica Duran-Martínez, Gayle Hazard, and Viridiana Ríos, *2010 Mid-Year Report on Drug Violence in Mexico,* Transborder Institute Justice in Mexico Project, 2010, 4. Print; Latinobarómetro, *Latinobarómetro Reports 2000-2010,* Latinobarómetro.org, Web.

CONCLUSION

When analyzing the long-term trends of homicide levels in relation to expenditures, it can be determined that the increased efforts at prohibition in Mexico have indeed contributed to increased levels of drug-related homicide. This information supports the second half of my hypothesis, that the war on drugs has led to increased violence, and is possibly undermining democracy. In comparing homicide levels to expenditures, the data clearly suggests that the increased spending on prohibition is positively correlated with the rising homicide levels. In comparing homicide levels to citizen support for democracy, the hypothesis is again supported: support for democracy

has decreased as homicide levels have increased. Accordingly, the data indicate that the drug-related violence, a direct response to efforts at prohibition and the rule of law, is threatening the consolidation of democracy in Mexico, and could possibly undo the democratic advances of the last decade.

This finding is important to other transitioning democracies, especially if they are increasing prohibitionary enforcement in conjunction with trying to consolidate democracy. The rule of law must be successfully strengthened, or the citizens will lose support for democracy, and violence will undermine consolidation. In the Mexican case, unless the Mexican government can address the drug-related violence and corruption while effectively strengthening the rule of law, they will be unable to win citizen support for democracy, much less consolidate democracy.

CHAPTER V:

CONCLUSION

INTRODUCTION

After an in-depth analysis of each of the factors involved in my hypothesis, including the history of the PRI in Mexico, past and present political reforms, and citizens' support of democracy, the hypothesis has been supported. The democratization of Mexico has clearly led to an attempted strengthening of the rule of law and increased prohibition, both of which have caused drug-related homicides to rise, damaging the support of democracy in Mexico and impeding the democratic consolidation over the long-term. While the hypothesis has been upheld, the current state of the war on drugs in Mexico, and whether the government should proceed with this war as it is currently being fought, warrants further analysis.

WHAT IS THE CURRENT STATE OF THE WAR ON DRUGS IN MEXICO?

After almost six years, the war on drugs in Mexico persists with mixed results. Since 2006, there have been over 34,000 drug-related homicides in Mexico and drug-related violence and homicides are clearly still occurring, and will likely reach over 13,000 for the year 2011, a 20% increase from 2010 (Justice in Mexico, 1-2). However, according to the Calderón and Obama administrations and some scholars, this rise in violence indicates that the war on drugs is actually working. According to David A. Shirk, the drug cartels may be on their last leg, intensifying their fight with the government and each other after mounting pressure and successful governmental intervention (345). As such, the United States began the Mérida Initiative in 2008, a $1.4 billion aid package aimed at targeting drug trafficking and improving security, in an

effort to defeat the drug cartels enough to withdraw the military from local law enforcement by 2012 (Felbab-Brown, 19-20).

To date, the initiative has improved training programs for the public officials involved in the war on drugs, such as the military and the police forces. Additionally, the United States has provided helicopters, training facilities, and non-intrusive inspection equipment to Mexican forces to assist in their fight against the cartels. The initiative has also led to an increase in arrests since the 2008, including high-level cartel leaders such as Ignacio Coronel-Villarreal, a leader of the Sinaloa Cartel, Edgar Valdéz Villarreal, an important assassin for the Beltrán-Leyva Cartel, and Antonio Ezequiel Cárdenas Guillén, one of Mexico's most wanted and a key official in the Gulf Cartel (U.S. Department of State, 386-390). According to F. Celaya Pacheco, these arrests of cartel members, as well as increasingly large seizures of drugs, point to significant successes in the Mexican drug war (1040). As reported by the Transborder Institute, the arrests have been especially damaging to the smaller, less organized cartels, like the Beltrán-Leyva Cartel, breaking them into more manageable and less confrontational groups (Duran-Martínez et. al., 18).

According to Eric L. Olson, David A. Shirk, and Andrew D. Selee, perhaps the most important success of the Mérida Initiative is the overall increase in cooperation between Mexico and the United States, which has reinforced the ability of the Mexican government to combat the drug cartels (39). Although the Obama and Calderón administrations have had disagreements in terms of the war on drugs, including the Mexican criticism of the United States for failure to acknowledge their shortcomings in curbing arms trafficking and the demand for illegal drugs, both continue to openly support Mexican drug war (Grayson, 2011, 12). In March 2011, President Obama

accelerated the release of funds for the war on drugs in Mexico, after praising President Calderón for his anti-drug efforts (Associated Press, 1).

Many scholars and activists, however, contend that these increases in arrests and technology are actually harming the overall success of the war on drugs in Mexico. According to Vanda Felbab-Brown, the arrest of high-profile traffickers has created a dangerous power vacuum that causes more violence over struggles for power and territory (19). Additionally, Seth Harp claims that the arrests of cartel leaders are essentially futile, as the cartels already have replacement strategies in place (1659). Furthermore, although there have been arrests high-profile traffickers, there has also been an increase in the arrests of lower-level drug dealers, which does little to impact violence levels because they are not in charge of ordering or committing large-scale acts of violence (Felbab-Brown, 19). The Transborder Institute also reports that although the Mexican government has managed to damage some smaller cartels, the larger cartels persist unharmed, continuing to unleash uncontrolled and unpredictable violence (Duran-Martínez et. al., 18).

Alfonso Reyes Garcés demonstrates that ultimately the lack of success in the Mexican war on drugs is a result of the approach by the governments involved, as they have done little to work on long-term solutions against drug trafficking. Garcés claims that the Mexican and United States governments must forcefully address the demand for illegal drugs in their countries, instead of focusing on the short-term solution of eradicating supplies of narcotics (57). Although the Obama administration has shifted its domestic focus in the war on drugs toward prevention and treatment, internationally the United States government is still encouraging its past strategies of eradication and

incarceration in the war on drugs (Brooks, 1). Felbab-Brown agrees, contending that although technological advances have been helpful, the Mérida Initiative has mainly focused on short-term solutions through advances in hardware, rather than long-term solutions through social programs aimed at reducing crime or providing alternative professions for drug growers and dealers (19-21). Additionally, even the increasing amount of aid provided by the United States is having little concrete impact on drug usage or production and trafficking, as the Mexican consumption of illegal drugs and the production of marijuana, heroin, and methamphetamine increased in 2011 (U.S. Department of State, 387).

Ultimately, however, what matters most for the democracy is the citizens' views on the war on drugs, which is by most accounts negative. There have been numerous recent polls that indicate Mexican citizens' rising dissatisfaction with the war on drugs.[6] Protests against Calderón's policy have also recently increased in size and scope, with protests lasting weeks and including important sectors of society such as teachers, women's groups, and doctors. In September 2011, teachers in Acapulco protested until many schools shut down after cartels threatened their lives when they refused to pay the cartels for safety (Malkin, A4).

Many prominent Mexican citizens are also calling for the government to end the war on drugs, including poet Javier Sicilia, the EZLN, and even former presidents

[6] Several polls have pointed to a negative public opinion on the war on drugs in Mexico. See "*Gana el Narco Guerra Contra el Gobierno Federal, Piensa 59 % de los Mexicanos*" 1, where 47% of those polled indicated that the government's strategy in the war on drugs is not adequate and 58.5% feel that the cartels are winning the war; "Mexico Warms Up to US Intervention in Drug War: Poll" 1, where only 45% of those polled indicated that the Calderón campaign is making progress against the cartels; "Poll: 49 Percent of Mexicans Think Drug War a Failure" where 49% of people polled indicated that the drug war is a failure, and only 33% indicated that the drug war is succeeding.

Vicente Fox and Ernesto Zedillo (Stapley, 1; Volonté, 1; Grillo, 1). Sicilia, whose son was killed in crossfire during a military attack on a cartel, began the *Movimiento por la Paz con Justicia y Dignidad* (Movement for Peace with Justice and Dignity), which embarked on a national caravan of peace in September 2011. The caravan has been traveling through Mexico, encouraging citizen participation and utilizing social media in its protests, posting their activities and reports on Facebook and Twitter (Nevaer, 1). In October 2011, a group made up of lawyers, civil society groups, and academics even filed a complaint at the International Criminal Court (ICC) against President Calderón, the military, and drug traffickers, accusing them of crimes against humanity in the war on drugs, after obtaining 20,000 signatures from Mexican citizens supporting their complaint (International Justice Desk, 1).

In fact, the use of the military in the war on drugs is widely being protested, after complaints of human rights abuses have increased six-fold from before the war on drugs. The military now faces accusations of civilian deaths, torture, and rape (Carlsen, 1). Groups such as *Servicios de Asesoría para la Paz* (Advisory Services for Peace, SERAPAZ) and *Servicio Internacional para la Paz* (International Service for Peace, SIPAZ) have argued against the militarization of the drug war, holding protests and claiming that the war on drugs has criminalized social movements, by killing activists instead of criminals (Arroyo, 1).

Overall, then, the Mexican war on drugs is not reaching its intended goals of reducing drug production and trafficking or violence, and is unfavorable with Mexican citizens. The Mexican government must make a decision on whether to stay the course in the current war on drugs, or change course by instituting alternatives or ending the war on

drugs altogether. These decisions will most likely be made beginning with the next presidential election, in 2012, where the current candidates, Enrique Peña Nieto of the PRI, Andrés Manuel López Obrador of the PRD, and even Santiago Creel of the president's PAN, have already expressed their aversion to the war on drugs in its current state. All three men have pledged to pursue alternatives to the war on drugs, as Peña Nieto and Creel have vowed to reconsider the role of the military in anti-drug efforts, while AMLO has been deeply critical of the drug war, stressing the need to focus on development over security (Graham, 1; Thomson, 1; Hall, 1). Grayson (2011) and González (2001) report that next president will publically continue to cooperate with the United States, but will likely secretly engage the cartels in negotiations (68; 11). The current state of the war on drugs in Mexico merits future scholarly study, in an effort to verify if it is undermining the democratic transition, so that the best policy recommendations and effective alternatives to address the problems of the cartels and drug-related violence in the country can be determined.

CONCLUSION

Clearly, the Mexican case provides insight into common problems of transitioning democracies, including violence, the rule of law, and democratic consolidation. Although the origins of violence vary, the Mexican experience demonstrates that at times, despite its best efforts, governmental objectives can actually cause violence to rise, and any governmental effort to reduce violence or strengthen the rule of law must be taken on with great care and consideration.

As analyzed by Wolfgang Merkel, there are four levels of consolidation that must be completed before the process is complete. Although there is no easy path, and multi-

level dilemmas exist throughout the process, the first level of consolidation includes strengthening the rule of law, where norms and penalties are established for the government and citizens, and the final level includes consolidation of the political culture, where a majority of citizens feel democracy is the best form of government. The Mexican case demonstrates the importance of completing these levels for transitioning governments, as governments must effectively strengthen the rule of law before consolidation can be completed, to establish governmental authority through democratic means. Additionally, transitioning democracies must gain majority citizen support to complete the final level of consolidation, so that the government is seen as legitimate. In turn, these three factors greatly influence each other, and, as demonstrated in the Mexican case, a transitioning democracy cannot hope to consolidate without successfully strengthening the rule of law and combating violence, so that citizens will support democracy (Merkel, 14-15).

The Mexican war on drugs, however, is not effectively addressing the problem of drug-related violence in the country. Most importantly, citizens are dissatisfied with the current course in the war on drugs, and ultimately, the democracy itself. The Mexican government is suffering from multiple dilemmas, as there is a lack of support for democracy due to weak institutions and high levels of violence and corruption. However, the government cannot hope to consolidate democracy if it reverses the democratic strides made in the last decade, including breaking ties with the cartels. Until Mexico can reduce the levels of violence occurring in the country and win citizen support for

democracy, consolidation will be in incomplete.[7] As such, the next presidential election, and the subsequent decisions made by the government, may prove to be the most important in the country's recent history, with security and democracy hanging in the balance.

[7] Several studies point to the negative affects of violence on democracy and democratic consolidation. See Ellingsen 244, Gleditsch and Ward 26, and Hengre et. al. 33-34.

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