



The Mexican Drug War: Will Escalation Lead to Legalization?

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Authors	Milward, Bryan Ellis
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The Mexican Drug War:
Will Escalation Lead to Legalization?

By

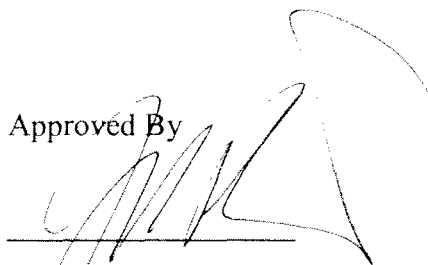
Bryan Ellis Milward

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Dr. John P. Willerton

Department of Political Science

Statement of Purpose

Two of the most important players in the global drug trafficking trade are the United States and Mexico. Although global patterns of the drug supply chain have varied over the years, the direct connection and shared border between the United States and Mexico make for what is today an underground industry that earns hundreds of billions of dollars in revenue. For instance, in 2009 *Forbes Magazine* named Joaquin “El Chapo” Guzman Loera, head of the Sinaloa cartel, 701st on its list of wealthiest individuals in the world with a net worth of over one billion dollars. Although Mexico’s internal drug market has increased in recent years, by and large Mexico plays the role of producer and distributor, while the United States is the consumer in the supply chain. According to the DEA “No country in the world has more of an impact on the drug trafficking situation than does Mexico.” In addition a 2005 paper estimated that Mexican drug cartels controlled approximately 70% of the narcotics that come into the United States. In 2009, Secretary of Homeland Security Janet Napolitano testified before Congress that the Mexican drug trafficking organizations pose “the greatest organized crime threat to the United States” and expressed concern that the violence could spill over to the United States. While countries like Colombia and Afghanistan play a large role in the production of illicit substances and have experienced high levels of violence from drug traffickers at times, Mexico’s close political, cultural, geographic and economic ties to the United States have caused the issue of the drug war to command increased scrutiny in American media. Newspapers, local and cable news programs, and online media outlets have dedicated increasing amounts of attention both to the violence in Mexico as well as to the underlying issues of drug policy and illegal immigration. The sensational nature of the episodes of violence involving beheadings, torture, and car bombs has also contributed to the increased coverage. The media attention surrounding the drug war has

brought the issue of illicit drugs back onto the policy agendas of the United States and Mexico, although at different levels of government in the two countries. However, the debate over how to address these problems has undergone a paradigm shift in both countries, as the momentum for increasing penalties and funding for the drug war seems to have stalled, and new options are being seriously considered to reform many of the components of the war on drugs.

The first part of this paper will examine the level of demand for drugs in the United States and the methods used in combating drug trafficking. The second part of this paper will review the effectiveness of the drug war in Mexico since 2006 based on its goals of establishing law and order, reducing corruption, and restricting the supply of illicit drugs. The final portion of this paper will address the domestic political consequences both in the United States and Mexico as a result of the drug war.

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I. Demand for Illicit Drugs in the United States

The United States is home to the largest number of illicit drug consumers in the world and has held that distinction for as long as there have been statistical measures for illicit drug use. According to the 2008 National Survey on Drug Use and Health, 14.2 percent of Americans over the age of 12 used an illicit substance within the past year, which based on current population projections is over 36 million Americans. However this likely underestimates the size of America's drug market as the survey can only include those who admit to having used an illicit substance. The survey includes data for all substances currently subject to the Controlled Substances Act as well as alcohol and tobacco.

The demand for drugs in the United States has also proven relatively resilient over the last forty years. While these substances seem to go in and out of fashion at various times due to consumer tastes, there has been no sea change similar to the steady erosion of tobacco smokers over the last forty years. Over the last forty to fifty years demand for illicit drugs has also shifted in various directions as new drugs have been introduced (i.e. crack cocaine in the 1980s) and others have gone temporarily out of fashion, only to reemerge years later.

II. Supply Side Methods and the Limits of their Effectiveness

Since the issue of illicit drug abuse rose to prominence in the United States during the 1960s, policymakers have generally adopted stricter sentencing guidelines and greatly increased funding for anti-drug activities within the United States and abroad. President Richard Nixon was the first to employ the metaphor of a "War on Drugs" in a 1971 speech (National Public Radio) and

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on July 1st 1973, Nixon signed Presidential Reorganization Plan No. 2 which consolidated several other agencies to create the Drug Enforcement Administration (DEA) and gave the new agency direct jurisdiction over countering the illicit drug trade past the borders of the United States. In 1988, the United States created the Office of National Drug Control Policy (ONDCP) under the Anti Drug Abuse Act of 1988. The ONDCP was designed to “establish policies, priorities, and objectives for the Nation's drug control program. The goals of the program are to reduce illicit drug use, manufacturing, and trafficking, drug-related crime and violence, and drug-related health consequences.” (Office of National Drug Control Policy).

The DEA and the ONDCP are the key actors at the federal level in America’s effort to restrict production and consumption of illicit substances, although agencies including the Federal Bureau of Investigation, Border Patrol, Central Intelligence Agency, Department of Defense, Department of State, Department of Education, Department of Health and Human Services, and hundreds of state and local governments play a role in achieving these goals. Since its founding in 1973 the budget for the DEA has increased from 65.2 million dollars to 2.6 billion dollars in 2009, while the staff has increased from 2775 employees to over 10784 (Drug Enforcement Administration: Staffing and Budget). Older figures for the ONDCP budget were more difficult to find but since 2002 the budget has increased from roughly 10.7 billion to 15 billion (Office of National Drug Control Policy: Budgets 2002-2010) The fact that these funding increases have enjoyed bipartisan support in Congress is evident by the fact that H.R. 6344, the Office of National Drug Control Policy Reauthorization Act of 2006, passed by voice vote in the U.S. House of Representatives and the Senate with unanimous consent. Despite the universal support in the legislative and executive branches for these agencies and their missions, the impact of

many of their programs does not seem to have had a lasting effect on either illicit drug consumption or distribution based on the trend of drug abuse rates as outlined in Section I.

The methods these agencies use to enforce the Controlled Substances Act and other federal laws against illicit drug trafficking have varied little although they have grown in sophistication as technology has improved. The first and most direct methods in disrupting the drug trafficking supply chains are drug eradication and less frequently crop substitution. Drug eradication is the destruction of a field or series of crops that are intended to be processed into an illicit substance. The DEA carries out eradication programs within in the United States as well as in countries throughout the world. In the U.S. the program (Domestic Cannabis Eradication/Suppression Program or DCE/SP) is limited to cannabis growing operations as poppy and coca fields do not generally find suitable climates within the U.S. In Mexico and in many of the Andean countries (Peru, Bolivia, Colombia) these measures are targeted at cannabis, poppy, and coca fields. The most common method for carrying out drug eradication is the aerial spray method in which authorities, upon receiving actionable intelligence, will deploy herbicides over the fields. Intelligence is either received from an informant in the region or through aerial flyovers. Another type of drug eradication involves law enforcement entities in the host countries seizing and manually destroying drug crops. The Mexican government first began drug eradication following intense pressure from the United States in 1969, largely due to Operation Intercept. Operation Intercept was President Nixon's first effort at putting a dent into the supply of drugs into the United States. With little warning, thousands of Border, Customs, and Immigration agents were deployed to the United States-Mexico border, with the purpose of inspecting every vehicle that crossed a checkpoint into the United States. The show of force lasted for over three weeks and as the economic toll grew, the Mexican government acceded to American demands

and signed an agreement titled “Operation Cooperation” which pledged that Mexico would begin drug eradication operations against its marijuana crops.

The efficacy of drug eradication programs has proven to have had a very mixed record. From 2001 to 2006, as a part of Plan Colombia, the United States and Colombia conducted the largest aerial spraying campaign in history while also increasing manual eradication substantially. The goal of this massive undertaking was a 50% reduction in coca cultivation. The results seem quite damning as in 2000 coca cultivation encompassed 136,200 hectares, while at the end of the six year operation cultivation had increased to 157,200 hectares of coca. On the domestic front, the DEA touts the DCE/SP as a success, claiming that “In 2009, the DCE/SP was responsible for the eradication of 9,980,038 cultivated outdoor cannabis plants and 414,604 indoor plants” Despite those eye popping numbers, the Monitoring the Future survey on drug abuse has found since its inception in 1975 that over 80% of 12th graders surveyed say that it is “easy” or “fairly easy” to purchase marijuana.

Another popular supply side method has been crop substitution, in which farmers in foreign countries are encouraged and given incentives to remove crops of illegal drugs with legal crops. This method has not been pursued recently in Mexico, but was a key component of the United States strategy in Afghanistan and as a part of the counterinsurgency operation in Plan Colombia. Critics of this method point out that most of the farmers involved in the drug supply chain, grow the crops because they can make four to ten times as much money by growing the illegal drugs, and those who do participate in the program may still continue growing them in addition to the legal crops.

The most high profile and most glorified (in popular media) method to combat drug trafficking is interdiction. Many of the press releases on the DEA and ONDCP websites are regarding recent successful interdictions that were carried out by the authorities. For example, In October of 2010, Mexican authorities seized over 110 tons of marijuana (street value estimated at \$340 million) following a shootout with members of the Sinaloa cartel, making it one of the largest interdictions ever (Marosi "Mexican Army Destroys 134 tons of Marijuana). Although many of the numbers in these press releases sound quite large, they do not make up a significant portion of the overall amount of illicit drugs imported into the United States. For instance from 2000-2006, on average 290 tons of cocaine crossed from Mexico into the United States each year, while on average 36 tons were seized per year, which accounts for slightly more than 12% of the cocaine supply. The seizure rates of other illicit drugs during that time period were 4% for heroin (19 tons exported, 1 ton seized) and 30% for marijuana (9400 tons exported, 2900 seized). From 2000-2006 there were no credible estimates for the amount of methamphetamine produced in Mexico, but seizures consistently rose from 500 kilograms in 2000 to 2700 kilograms in 2006, which indicates a massive increase in supply ((Ford, Government Accountability Office 2-4)

III. Mexican Drug Trafficking prior to 2006

Mexico has long held an attraction to citizens of the United States as a country where vices could be obtained legally, or with much less hassle than in their more puritanical homeland. Whether it's alcohol or gambling during Prohibition in the 1920s or cheap prescription medications today, if Americans want it they can usually find someone to supply them in Mexico. Over the course of the last forty years, illicit drugs have become some the biggest and

most profitable commodities to supply to the United States, and Mexico has become the biggest player in this illegal marketplace. Due to the underground nature of the market it is impossible to get exact estimates on the true size of Mexico's stake in the illegal drug market, however recent studies have estimated that Mexican cartels take in a collective 40 billion per year, of which the profit margin is conservatively estimated at an astronomical 80% (Friedman "Mexico and the Failed State Revisted"). In addition the United States Justice Department estimates that the Mexican cartels operate in over 250 cities in the U.S. The complete history of Mexico's rise as the preeminent power in the illicit drug market is too broad and murky for this paper. However, there are a number of important events in that history that will bring context to the events of recent years.

For most of the 1980s, Mexico was more of a transit country for illicit drugs rather than a producer, but the strength of the Mexican drug trafficking organizations grew following the dismantling of the Medellin and Cali cartels from Colombia in the 1990s (Cook 7). Throughout the 1980s and 1990s there were two main drug trafficking organizations competing with each other, the Gulf cartel and the Sinaloa cartel. Both organizations original memberships had roots among the rum runners from the Prohibition Era in the United States (1920-1933) (Grayson 33). In the early 1990s, the Gulf cartel established the business model which most of the other Mexican drug trafficking organizations would replicate and which greatly increased their profitability. Garcia Abrego as head of the Gulf cartel formed an agreement with the Colombian cartels to receive shipments of cocaine instead of payment in cash, which allowed them to begin forming distribution networks for their product throughout the U.S including cities like Houston, Dallas, New York, Los Angeles, Chicago, and Denver (Grayson 35)

In 1997 Mexico experienced one of its worst corruption scandals as the head of its National Institute to Combat Drugs (NICD), General Jesus Gutierrez Rebollo, was arrested on February 18 1997 and was revealed to be taking bribes and working on behalf of the Juarez cartel against the Gulf cartel. Adding to the embarrassment of the situation was that Rebollo had only been appointed two months prior and had been called “a guy of absolute unquestioned integrity” by then U.S. drug czar Barry McCaffrey (Grayson 50). Within two months of the incident the Mexican Attorney General dismantled the NICD due to its corruption. In 1998 the United States and Mexico established a bilateral drug strategy that pledged to reduce drug supply and drug demand by 50% each over the next ten years.

Under the presidency of Vicente Fox (2000-2006), the issue of drug trafficking began to take on greater importance as the numerous drug related corruption scandals had brought the issue further onto the agenda. Fox did not adopt any overarching strategy but began increasing law enforcement’s pressure on the drug trafficking organizations and achieved an important goal in apprehending Osiel Cardenas Gullen, then head of the Gulf Cartel in 2003. However the Gulf Cartel continued on with new leadership and numerous other drug trafficking organizations gained in strength including the Tijuana/Arellano Felix cartel, the Beltran Leyva cartel, La Familia, and Los Zetas (Grayson 51). Fox attempted to curb the drug trade by sending in the army to Tijuana, Nuevo Leon, and Acapulco under his 2005 Safe Mexico Plan. He chose not to use them to directly combat the cartels as he felt pressured both by the upcoming presidential election and felt they would be less likely to be corrupted if they only worked instead on interdiction, crop eradication, and intelligence gathering. (Grayson 119)

At the time of President Calderon’s election in mid 2006, the Juarez, Gulf, and Tijuana cartels had the largest market share in the illicit drug market. According to a 2007 report from

Colleen Cook of the Congressional Research Service “The Juárez cartel has been found in 21 Mexican states and its principle bases are: Culiacán, Sinaloa; Monterrey, Nuevo León; the cities of Ciudad Juárez, Chihuahua, and Ojinaga, Chihuahua; Mexico City; Guadalajara, Jalisco; Cuernavaca, Morelos; and Cancún, Quintana Roo. The Sinaloa cartel has a presence in 17 states, with important centers in Mexico City; Tepic, Nayarit; Toluca and Cuautitlán, Mexico State; and most of the state of Sinaloa. The Gulf cartel is present in 13 states with important areas of operation in the cities of Nuevo Laredo, Miguel Alemán, Reynosa, and Matamoros in the northern state of Tamaulipas. The Gulf cartel also has important operations in Monterrey in Nuevo León; and Morelia in Michoacán. In addition, the Tijuana cartel is present in at least 15 states with important areas of operation in Tijuana, Mexicali, Tecate, and Ensenada in Baja California and in parts of Sinaloa.” As these organizations spread throughout the country, so too did their violence and willingness to corrupt officials. In 2004 there were 1,304 drug related killings in Mexico. In 2005 that number rose to 1,537, while in 2006 narco-related killings increased to 2,231. The organizations also spent an estimated 5 to 10 million dollars on local mayoral elections in 2006 to gain control over local police forces (Grayson 97).

It is against that backdrop of violence and corruption throughout northern Mexico, that President Calderon took office and began a crusade that he hoped would reclaim the country from these corrosive forces.

IV. Significant Events in the War against the Cartels

Within days of taking office, President Calderon announced that he would be sending more than 6500 troops to Michoacan to “take back the country from the criminals.” Over the next two months he announced similar operations in Tijuana, Guerrero, the so called Golden Triangle

(Chihuahua, Durango, Sinaloa) and Nuevo Leon. This brought the total number of federal troops involved to over 30,000. That Calderon decided to make the military, rather than the national police force the central actor in the drug war was a twofold recognition that the police were likely more corruptible than the military and that greater firepower would be needed to combat the drug trafficking organizations whose foot soldiers typically carry AK47s or other assault rifles. According to one of Calderon's senior advisors, "One of the most critical elements in the decision to use the military was the amount of violence between the election and when we took over. The executions, the decapitations, the confrontations between the drug gangs gave rise to a perception in a society of lawlessness that there was no state." (Grayson 152).

The basic optics of the war between the Mexican armed forces and the drug trafficking organizations do not immediately favor one side over another. The Mexican Army and Air Force contain nearly 200,000 troops, of which between 80,000 and 100,000 are trained to perform combat roles (Grayson 156). The drug trafficking organizations, while not fighting under a unified flag are estimated to have nearly 100,000 foot soldiers between all of them. While, the level of professionalism in the Mexican military is higher than in the police agencies, an estimated 150,000 officers and soldiers deserted the army from 2001-2008 (Grayson 157).

The initial operation in Michoacan was in many ways a microcosm for how many of the other operations would play out. The armed forces successfully gained control of key parts of the main city from the DTOs, and began establishing law and order by making arrests and conducting raids. The campaign also resulted in the arrest of one of the La Familia cartel's top leaders, Arnoldo Rueda Medina on July 11, 2009 and several other top lieutenants in the following months. Despite these limited successes the violence has showed no sign of diminishing in Michoacan as the day after Medina's capture, soldiers in the La Familia cartel

attacked the soldiers and federal agents with fragmentation grenades, killing two soldiers and five federal agents (Associated Press “Gunmen launch deadly raids in Mexico). Several days later twelve federal police officers investigating cartel criminal activity were found murdered. Another setback for the operation has been the corruption of local officials. In May 2009, the Mexican federal police arrested ten mayors and twenty other local officials who were suspected of being agents of the La Familia cartel (Wilkinson, “Mexico drug traffickers corrupt politics”). In many ways the Mexican drug war operations shares a number of similarities with the United States counterinsurgency missions in Iraq and Afghanistan. The protracted combat between non state actors over territory and governance structures, the battle for public opinion in winning hearts and minds, and the guerilla warfare style attacks employed by a well organized insurgency are characteristics of all three conflicts.

Most of the successes of the Mexican drug war have been in the capture and extradition of top level leaders of the drug trafficking organizations and in the increased number of seizures of illicit substances. In January of 2007 the Mexican government captured and extradited Osiel Cardenas Guillen, formerly the leader of the Gulf Cartel, to the United States (Roig-Franzia, “U.S. Officials Laud Transfer of Mexican Drug Suspects”). In January 2008 Mexican special forces captured Alfredo Beytran Leyva, one of the top leaders of the Sinaloa cartel (BBC News, “Mexico Arrests Top Drugs Suspect”). In December 2008, Mexican law enforcement captured Alberto Espinoza Barron, the head of the La Familia cartel in Michoacan (Gonzalez, “Mexico arrests drug leader, military’s role in drug war debated”).

While thousands of arrests have been made, only a few dozen of these are the top level leaders who are managing the day to day operations of the organization. Also complicating these matters are that even when the head of a cartel is captured, the organization rarely dissolves and

the violence does not abate. Instead the captains and lieutenants will compete to pick up the pieces and reestablish control of the drug trade under new leadership. The drug trafficking organizations have also corrupted or killed a number of high level government officials. Federal Police commissioner Edgar Milan Gomez and the commander of Mexico's investigative police force Esteban Robles Espinosa were killed within two days of each other in May 2008 (McKinley, "Caught in a Swirl of Drug Violence, Mexico Vows to Fight Back"), In late 2008 the head of the Mexican Federal Police, the head of the Mexican branch of INTERPOL, and the former head of Mexico's anti organized crime agency were arrested and forced to resign over ties to drug trafficking organizations.

The Mexican government has also touted the increased interdictions since the beginning of the campaign as evidence that more pressure is being put on the drug trafficking organizations. Examples include a seizure of over twenty three tons of cocaine in October 2007 (Grayson 158) and a record one hundred and thirty four ton seizure of marijuana in Tijuana in October 2010. While these seizures have no doubt caused some disruption of the market for illicit drugs, in the long run they do not appear to have much long term effect. In fact despite record seizure and eradication statistics, the National Drug Threat Assessment 2010 report showed the cartels increasing production of heroin from 17 tons in 2007 to 38 tons in 2008 (Cratty, "Mexico Drug Cartels extend reach in U.S.") indicating that they have been able to adjust at will to meet the demand.

The most disappointing results of the drug war are certainly the rampant violence which has soared to new heights since the beginning of the conflict. Since 2006 more than 30,000 people have been killed in the conflict. The violence has been mostly concentrated in the Mexican provinces bordering the United States but incidents have occurred all over the country

including in Mexico City and in the southern state of Oaxaca. Ciudad Juarez has seen the worst of the violence with over 5,000 people killed since 2006. The conflict however has shown no signs of abating and with so much already invested and sacrificed, the chances of a decisive resolution seem increasingly unlikely.

V. The Merida Initiative: The New Plan Colombia?

In early 2007, as the conflict was still in its early stages, Mexican President Calderon began a series of meetings with President Bush to address the issues of illegal immigration and drug trafficking. Although the United States annually sent a sum between 12 and 39 million dollars to Mexico to combat drug trafficking from 2002 to 2007 (Cook 17), Calderon argued that this was not nearly adequate to combating the threat posed by the drug trafficking organizations. In an interview prior to his meeting in Merida with President Bush, Calderon stated “We need the collaboration and active participation of our neighbor. Knowing that while we will not reduce the demand for drugs in a certain area, it will be very difficult to reduce the supply in ours” (MSNBC World News). Following several months of dialogue President Bush announced on October 22, 2007 that he had reached an agreement with Calderon and that he would be requesting that Congress appropriate 1.4 billion dollars over the next three years for the Merida Initiative. Although there was some initial criticism from the Congress over lack of consultation on the measure, the Merida Initiative was added to the Supplemental Appropriations Act of 2008 which passed the House of Representatives and Senate and signed into law by President Bush on June 30th 2008 (Heredia “Doubts Over Bush Plan on Mexico Drugs”).

The Merida Initiative's initial design does bear a significant resemblance to President Clinton's Plan Colombia both in the size of the package and the contents of the aid. The aid package was designed to be released in three clusters which reflect the priorities of the Merida Initiative. The first cluster was allotted for counternarcotics, counterterrorism, and border security. The second cluster was allotted for public security and law enforcement. The third cluster was allotted for institution building and the rule of law. Clearly the greatest emphasis of the Merida Initiative was on the first two clusters as 82% of the initial 400 million in the aid package was appropriated in these two clusters. The contents within those clusters include 200 million for eight transport helicopters and two surveillance airplanes to give Mexican troops more mobility in their deployments and to improve the intelligence on the activities of the drug trafficking organizations. The remaining 127 million in these clusters funded ion scanners, training for drug sniffing dogs, forensic equipment, polygraph machines, computer and communications equipment for Mexican government agencies, and Gamma and X-ray inspection equipment. Funding in the third cluster was directed towards fighting corruption in Mexico by training police proper procedures for handling evidence, expanding Mexican drug treatment and prevention programs, and improving the selection process for Mexican police officers. (Brands, 22-23).

In 2009, with the Obama administration now in power in the United States, funding for the Merida Initiative was placed under greater scrutiny as questions over human rights abuses caused Senator Patrick Leahy to place a hold on over 100 million in funding (Booth and Fainaru "Leahy blocks positive report on Mexico's rights records"). Ultimately Senator Leahy drop his hold and allow the funding to pass. However since then the Obama administration has pushed for a change in many of the priorities of the Merida Initiative. The Obama administration has sought

to change the focus of the Merida Initiative from military aid and equipment to one more focused on developing Mexico's institutions so that it can more effectively deal with its criminals. With the Merida Initiative set to expire in 2011, there will likely be a new agreement more focused on building Mexico's judicial institutions.

VII. Increased Public Support for Drug Liberalization and Reforms Undertaken

After nearly four years of conflict, there are increasing signals that both Americans and Mexicans are not satisfied with the status quo on drug policy and that its time to go in another direction. While there are many contributing factors in each of these reforms, the convergence of a violent protracted war at the U.S.-Mexico border and the 2008 financial crisis and its impact on state and federal budgets have opened a policy window that has the potential to dramatically alter drug policy in Mexico, the United States and potentially throughout Latin America.

The war against the drug trafficking organizations has defined Calderon's presidency and will likely be his legacy upon leaving office. Naturally as this issue is so high profile and holds many implications for Mexico's future, his approval ratings have been closely linked to the issue. In June 2007, Calderon's approval rating reached a peak of 65% and had spiked seven points since he had undertaken the anti drug operations. This was quite an accomplishment as Calderon had entered office with a 48% approval rating, largely due to the disputed nature of his election which brought protests throughout the country and a spectacle in the Mexican Congress as elected leaders of the PRD barricaded doors in an attempt to prevent Calderon from taking the oath of office (Campbell, "Calderon Inaugurated as Lawmakers Brawl"). However his approval

numbers have slowly eroded since then, falling to 62% approval in June 2008, 52% approval in November 2009, and 46% in March 2010 (Rodriguez, 2010). It also appears that patience for the surge of troops is beginning to run out as a survey taken by the Mitofsky polling agency in October 2010 showed 49% of Mexicans believe the drug war is a failure, while only 33% believe it is a success. The same polling agency asked the same question in March 2010 and the results were 47% believed it to be a success and 36% thought it was a failure (Associated Press, “Poll: 49% of Mexicans Think Drug war a failure”).

Although Calderon has remained resilient in the face of criticism and increasing public opposition, he also helped bring a major drug policy reform into law. In June 2009, the Mexican Congress approved President Calderon’s proposed law that would decriminalize small amounts of possession of marijuana, cocaine, heroin, methamphetamine, and other drugs. While critics argued that this sent the wrong message, Calderon countered that allowing the small possession of illicit drugs would allow law enforcement and the military to focus on traffickers (Wilkinson “Mexico moves quietly to decriminalize minor drug use”). On August 4th, 2010 Calderon gave a speech in which he called for a debate on the merits of marijuana legalization. Although he also came out against the measure in the speech, it clearly reflected a growing sentiment in Mexico.

There have been several other signs that Mexico may continue to liberalize its drug laws. In May of 2009 former Mexican presidents Vicente Fox and Ernesto Zedillo came out in favor of legalizing marijuana along with former presidents of Brazil and Colombia (Brice, “Former Mexican President Calls for Legalizing Marijuana”). In September 2010, the Mexican Congress created a commission to study what effects liberalizing drug laws in the United States could have on Mexico and potential responses. In October 2010 one of Mexico’s most influential newspapers, Nexos, endorsed marijuana legalization. Nexos also featured an article in the

summer of 2010 that interviewed the six leading Mexican presidential candidates and asked them if they would support legalizing marijuana if California were to as well; four of the six endorsed it with some qualifications (Camin and Castaneda, “California’s Prop 19 could end Mexico’s Drug War”).

While the debate over marijuana legalization and the merits of the drug war continue to be debated, at the state and federal levels of government in the United States, a number of reforms have been adopted and bills have been proposed that have long been sought for by advocates of harm reduction drug policies. Two of the more notable bills at the federal level were the Fair Sentencing Act of 2010 and the 2010 National Drug Control Strategy.

The Fair Sentencing Act of 2010 was aimed solely at changing federal sentencing guidelines for possession of crack cocaine and bringing it more in line with the sentencing guidelines for powder cocaine. The 1986 Anti Drug Abuse Act made possession of five grams of crack cocaine punishable by a mandatory minimum sentence of five years in prison and possession of ten grams would trigger a mandatory minimum of ten years in prison. Federal Sentencing guidelines for powder cocaine went into effect only when the offender was in possession of five hundred grams of cocaine. This disparity of over 100:1 was highly criticized by civil rights groups and harm reduction advocates as being racially motivated as 88% of those charged under the sentencing guidelines were African American while nationally African Americans have never accounted for even 40% of crack cocaine users. The Fair Sentencing Act of 2010 proposed increasing the trigger point of the mandatory minimum sentence to 28 grams of crack cocaine for a five year sentence and eliminating all sentencing guidelines for possession of crack cocaine. According to the Congressional Budget Office, the bill would reduce spending in the federal prison system by 42 million from 2011 to 2015 and would reduce the federal prison

population by 1550 over the same period. The bill was also notable for being a bipartisan effort as conservative Republican Senator Tom Coburn worked closely with Democrats Richard Durbin and Pat Leahy on the language of the bill. The bill was passed by a voice vote in the House of Representatives, and was passed unanimously in the Senate. President Barack Obama signed the bill into law on August 3rd 2010.

The 2010 National Drug Control Strategy as announced by the Office of National Drug Control Policy signaled a number of important changes in drug policy at the federal level, but the main thrust of the agency's mission remained largely unchanged. One of the most heralded policy changes was the beginning of federal funding for needle exchanges, which allow drug addicts to exchange dirty and used needles for clean ones to prevent the spread of diseases like HIV/AIDS. The Anti-Drug Abuse Act of 1988 prohibited the use of federal funds for needle exchange, and President Clinton failed in his attempt at lifting the ban. The strategy also increased funding for prevention by 13%, and treatment by 4%, from the previous fiscal year. However despite the increases, the overall balance between funding for supply reduction measures and demand reduction measures only shift 1% overall (from 65% dedicated to supply in FY2009 to 64% in FY2010). Ethan Nadelmann of the Drug Policy Alliance called the strategy "a new direction" although he criticized the lack of change "on the fundamental issues of budget and drug policy paradigm."

One of the more significant drug policy reforms came at the federal level in 2009. Attorney General Eric Holder announced on March 19th, 2009 that the Justice Department would no longer conduct raids on medical marijuana dispensaries in the states which had legalized its use (Johnston and Lewis, "Obama Administration to Stop Raids on Medical Marijuana Dispensers"). Although federal laws still remain in effect against the use of medical marijuana, this policy shift

had the effect of allowing the medical marijuana industry to operate unhindered by the DEA. This may have been the most significant act of drug policy reform in recent years as it gave the medical marijuana industry more legitimacy to operate and set a precedent early in the Obama administration that the states could have more autonomy in crafting their drug policies. In addition this may lead politicians to reexamine the scheduling of marijuana under the Controlled Substances Act, where it is currently a Schedule I substance (meaning it has no accepted medical use).

The U.S. Senate is also considering Senate Bill 714 that would appoint a bipartisan commission to “undertake a comprehensive review of all areas of the criminal justice system, including federal, state, local, and tribal governments' criminal justice costs, practices, and policies.” The bill also would examine the costs and benefits of U.S. drug policies and what effect legalizing or decriminalizing marijuana would have. The primary sponsor of the bill was Sen. Jim Webb, a conservative Democrat, and he was joined by a bipartisan group of thirty nine senators who cosponsored the legislation. The bill successfully passed the House of Representatives on July 29th 2010, and is waiting on a vote in the Senate. Should the bill pass it could play a role in significantly altering federal criminal justice policy as well as drug policy. Congress frequently uses commissions both to study difficult issues and to provide political cover for policymakers.

While these reforms are significant, many states are experimenting with even farther reaching reforms which have the potential to radically alter U.S. drug policy and potentially come into conflict with federal law. In addition to public concern over the Mexican drug war, one of the other factors driving many of these reforms are the state budget crises in the United States. As a result of the financial crisis in 2008, numerous states were faced with massive

deficits, forcing them to either look for new revenue sources or find ways to cut spending. Since prison and correction spending makes up a significant portion of all state budgets and most states are required to run a balanced budget, some states governments have explored sentencing reform and reforming state marijuana laws as a means to plug their budget gaps.

While sentencing reform is typically associated with more liberal politicians, the conservative South Carolina legislature proved that it can be a bipartisan issue when it passed the Omnibus Crime Reduction and Sentencing Reform Act in June 2010 that significantly reduced penalties for nonviolent offenders. The bill passed the state house with only 4 of the 124 representative in opposition, then passed the state senate unanimously, before it was signed by conservative Republican Governor Mark Sanford. Some of the components of the bill included eliminating the crack/cocaine sentencing disparity, eliminating mandatory minimum sentences for first time drug offenders, allowing second and third time drug offenders a chance at parole, increased access to work release for prisoners near the end of their sentences, and mandates reentry supervision for nonviolent offenders. The willingness of South Carolina politicians to put aside “tough on crime” rhetoric aside is laudable, but there is no doubt the main motivating factor behind the sentencing reform was money as the bill is estimated to save the state over 400 million dollars over the next five years. The main savings come from prisons which won’t need to be constructed and the cost of housing prisoners (Smith, “Sentencing: South Carolina Governor Signs Reform Bill...”). The New Jersey legislature also passed a similar law which struck down mandatory minimum sentences, which was signed by outgoing governor Jon Corzine in January of 2010. In Colorado a sentencing reform bill, HB 1352, that would lower penalties for possession of drugs from a felony to a misdemeanor attracted bipartisan support and

received buy in from prosecutors and the state attorney general. The bill was signed by Governor Bill Ritter on May 25th 2010 (Colorado Assembly).

Sentencing reform has attracted limited media attention nationally as it has moved forward in a number of states, but by far the most visible issue in drug policy reform has been the debate over legalizing or reducing penalties for marijuana at the state level. Currently, 15 states and the District of Columbia allow the use of marijuana for medicinal purposes and many states have softened penalties for possession of marijuana over the last several years. Since 2008, Washington, California, Massachusetts, and Pennsylvania have decriminalized marijuana at a statewide level either through ballot initiative or through the state legislature.

Legalization however is uncharted territory for any state in the U.S and in fact no country in the world has repealed laws for cultivation or selling of marijuana on a commercial basis. Within the last four years however two states have taken up ballot initiatives that would allow marijuana to be sold and cultivated for commercial purposes. Although the initiatives had different approaches to legalizing marijuana, they are relatively comparable since they both occurred in Western states (Nevada and California), they both occurred during midterm election years, and they cover the timeframe from the beginning of Mexico's war on the drug trafficking organizations to the present day.

In 2006 Nevada voters rejected a proposition that would legalize possession of up to an ounce of marijuana for persons over 21 and establish a licensing system for retailers and wholesalers. It also was written to give authority to the Nevada Department of Taxation to create an excise tax on marijuana and subject retail sales to the current rate of sales tax. Proponents claimed that the initiative would save 42 million dollars from what is spent on

enforcing laws against marijuana and would raise millions in tax revenue, half of which would be placed in funding for drug education and treatment. The vote was notable however because it achieved 44% of the vote in a midterm election year when turnout was much higher among older more socially conservative voters. The initiative also lacked support from any major elected officials within Nevada and the only interest groups to endorse it were mainstays of the drug policy reform movement including the Marijuana Policy Project (MPP), Drug Policy Alliance, and the National Organization for the Reform of Marijuana Laws (NORML). Despite the many headwinds, question 7 received 44% of the vote overall, attracted over 250,000 voters to the polls, and at the time was the highest percentage any legalization initiative had achieved. However the initiative did benefit from high turnout among Democratic voters, who voted in favor of the measure as a whole 53%-47% while Republicans opposed it 31% -69%. Self described independents supported it at an even higher rate of 54% with 46% opposed. (CNN 2006 Exit Polls)

Although question 7 ultimately failed to pass, there were a number of signs that the issue of marijuana legalization was not going away and had the potential to eventually win at the state level. Support for the initiative was strongest among voters between ages 18-29, while the opposition was most concentrated among voters over 65 which would indicate that as these younger voters begin to make up more of the electorate, support will increase. Furthermore, question 7 outperformed an October 2006 Gallup poll which showed national support for marijuana legalization at 36%. However it did underperform that same poll's crosstabs which showed that voters living in western states supported legalization at 47% overall (Carroll, "Who Supports Marijuana Legalization?").

In the four years since question 7 failed, the prospects for legalizing, taxing, and regulating marijuana at the state level have continued to improve. In early 2009 several polls were released showing majority support for marijuana legalization and taxation in California, including one from the highly respected Field polling organization which showed support at 56% (Dicamillo and Field). Despite those encouraging numbers, many of the drug policy reform organizations including MPP, the Drug Policy Alliance, and NORML were hesitant to support an initiative in 2010 as they felt 2012 was more realistic since youth turnout would likely be higher in a presidential election. However Richard Lee, a prominent Oakland medical marijuana dispensary owner began a signature gathering campaign to have marijuana legalized, taxed and regulated in the state of California. Lee took a different approach towards writing the initiative and instead of creating a licensing system to allow regulated businesses, he removed all statewide penalties for the sale, transportation, or use of marijuana and allowed local governments to actually do the taxing and regulating of marijuana. Lee and his campaign gathered over 700,000 petition signatures to get the proposition on the ballot, well clear of the 433,971 needed to qualify (Hoeffel, "Marijuana Legalization Backers hand in initiative petitions"). In addition to the traditional talking points regarding savings on police spending and a new source of tax revenue, one of the main arguments for Proposition 19's passage was that it would cut off a significant amount of funding for the Mexican drug trafficking organizations who are estimated to receive 60% of their revenue from sale of marijuana. This talking point became one of the closing arguments of the campaign as the Yes on 19 campaign paid for a 3 page wrap ad over the Los Angeles Times on election day featuring the former police chief of San Jose and the headline "This Cop is Looking for a Partner to Help Him Put Dangerous Cartels Out of Business."

After qualifying for the ballot as Proposition 19, the campaign began receiving significant attention from both local and national media. According to Newsweek “the top 50 newspapers published 1,800 stories about pot over the last six months (of the campaign), a 62 percent increase over coverage surrounding Nevada’s failed 2006 legalization measure, and 50 percent higher than California’s successful 1996 medical-marijuana initiative” (Conant, “Down But Not Burnt Out”). In fact, according to a Field Poll taken six weeks before the election 84% of likely voters were aware of Prop 19, with the next highest proposition registering only 39% awareness (Decamillo and Field, “State Ballot Propositions”). This is especially significant considering that the Yes on 19 campaign could not advertise on television and only had 4.5 million worth of funding. By comparison the gubernatorial candidates in California combined to spend over 210 million on their campaigns. The Yes on 19 campaign also attracted a more significant number of interest groups than the Yes on Question 7 campaign did in 2006. In addition to many drug policy reform groups, the California NAACP, the National Black Police Association, the National Latino Officers Association, Republican Liberty Caucus, Law Enforcement against Prohibition, the California Service Employees International Union (the largest union in California), and the American Civil Liberties Union joined forces to help the campaign. A new interest group also formed during the campaign as the popular liberal blog FireDogLake.com partnered with Students for Sensible Drug Policy to form Just Say Now. Although major California Democratic candidates and politicians like Jerry Brown, Dianne Feinstein, and Barbara Boxer opposed the measure, three members of the California House delegation endorsed the measure and the California State Democratic Party weighed endorsing it before deciding to remain neutral. While many of the opponents of the proposition were traditional anti-drug liberalization groups such as Partnership for a Drug Free America and the California Correction

Officer, there was also some controversy over brewers providing funds for the opposition given the direct financial interest they had in the proposition failing. Ironically some of the strongest opposition to the proposition came from marijuana growers in Mendocino and Humboldt counties who feared the reduction in prices brought on by legalization would affect their livelihoods.

Polling on the initiative began in April, and from then until the beginning of October, ten of the eleven polls taken showed Yes with a majority or plurality of support. In the month prior to the election however the polling began to show a shift in support as 11 of the last 13 polls showed No with a plurality or majority support. In the end Proposition received 46.5% of the vote, which came out to 4,634,383 votes. Given the dramatic difference between polls showing California's general preference for legalized marijuana and the outcome of the election, many different theories have come forward as to why Prop 19 failed and public opinion turned against it so decisively in the last month. Undoubtedly the general trends of lower turnout and an electorate comprised of older, socially conservative voters during a midterm election contributed to the defeat as exit polls showed voters 65 and older voting No at a 66% rate while they accounted for 20% of the electorate. Voters from ages 18 to 29 supported the proposition at a 60% rate, but they only comprised 13% of the electorate. Two events also shook up the campaign within the last month. On October 1st 2010, Governor Schwarzenegger signed a bill changing the penalties of possession of marijuana from a misdemeanor to an infraction (McGreevy) and on October 15th, 2010 Attorney General Eric Holder's announced that the Federal Government would "vigorously enforce" marijuana laws in California were Proposition 19 to pass (Nagerny, "U.S Will Enforce Marijuana Laws, State Vote Aside). Either of those events coincide with the drop in support registered by most polling firms in early to mid October

and could have caused lower turnout among potential supporters or skepticism from swing voters. Others have pointed to uncertainty in the language of the proposition which removed statewide penalties for marijuana but did not actually specify what regulations or level of taxation it would use, instead leaving the decisions to local governments creating a “jumbled legal nightmare” as opponents claimed throughout the campaign.

Although the defeat was disappointing for drug policy reform groups and the reason for the abrupt shift in public opinion is still being debated, many leaders are extremely encouraged by the results and convinced that the proposition 19 campaign has finally brought the issue of marijuana legalization into the public sphere to be debated. Ethan Nadelmann, executive director and founder of the Drug Policy Alliance hailed the results as a turning point saying “Prop 19’s loss was incidental compared to its monumentally positive role in elevating and legitimizing the national debate. This thing has transformed the dialogue about marijuana, here and around the world.” (Conant).

Polling data and recent news seems to back up that optimism as Gallup has shown an increase in support for marijuana legalization at the national level from 36% in 2006 to 46% in 2010. According to reports from the Wall Street Journal, Democratic party strategists have noticed that marijuana legalization ballot initiatives have been successful at increasing turnout and interest among younger voters and will consider supporting those initiatives in the 2012 election cycle (Wallsten, “Democrats look to Cultivate Pot Vote in 2012”). As was seen from the list of groups supporting proposition 19, there is legitimate potential for both traditionally Democratic interest groups and for libertarian interest groups as well. Although neither the Democratic or Republican party is likely to adopt the issue on its party platform in 2012, public opinion has likely reached a threshold where politicians fear alienating voters by taking too

strong a stand one way or another. Drug policy reform groups are looking to 2011 and 2012 for possible breakthroughs on legalization. Rhode Island and California are the states most likely to attempt to cross this threshold in 2011. Both states successfully passed marijuana legalization bills in 2010 out of their public safety committees in the state legislature. Whether those succeed or not, drug policy reform groups are intent on bringing more state ballot initiatives to states like Colorado, California, Washington, and Nevada. Should such a law pass, it would set that state's laws in conflict with the federal government's laws, similar to the passage of the first medical marijuana laws. Despite the threat of "vigorous enforcement" from Attorney General Holder in 2010, it is unlikely that the federal government would have the resources to seriously impede a state that should decide to legalize and regulate marijuana. Just as DEA agents only made a small dent in shutting down the hundreds of medical marijuana dispensaries in California, it would be next to impossible for a small force to replace state and local police forces which account for 99% of marijuana related arrests currently.

Should the issues of drug liberalization continue to make strides at the state, national, and potentially international level, the concerns posed by the Mexican Drug War will have played a large role in changing the debate and bringing it to prominence. Although the levels of violence at the Mexican border have risen dramatically since the beginning of the war, they are actually still lower than Colombia's levels of violence. The U.S. also still conducts Plan Colombia operations, yet when the operation first began and was met with similar results to the Merida Initiative, there was not a significant rise in support for drug liberalization. Gallup's polling data on marijuana legalization has shown that Westerners show consistently higher support than Americans from other parts of the country on this issue. This trend has held firm in the four years of the drug war as support among Westerners increased from 47% in 2006 to 58% in 2010. If

voters between 18-29 participate at the levels they did in the 2008 presidential election in 2012, legalization may well succeed at the polls. A breakthrough of that magnitude may force national politicians to take a stand on the issue giving further exposure to the issue and reignite the battle over drug policy. Time and elections will tell if these issues continue their ascent onto the political agenda of both countries.

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