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THESIS

**WHAT HAVE WE LEARNED
FROM THE WAR ON DRUGS?
AN ASSESSMENT OF MEXICO'S
COUNTERNARCOTICS STRATEGY**

by

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June 2011

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AN ASSESSMENT OF MEXICO'S COUNTERNARCOTICS STRATEGY**

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ABSTRACT

Forty years ago, U.S. President Richard Nixon declared war on drugs. From the beginning, the United States has pursued a strategy focused on the supply-side of the issue, emphasizing eradication, interdiction, and incarceration and has pressured the government of Mexico to employ the same strategy at every opportunity. Over the course of time, the U.S. and Mexican governments pursued the strategy dictated by Washington to relatively little effect. Now, in the face of increasing power and autonomy among the cartels, Mexico has acted independently to combat the rising levels of violence. Despite the apparent absence of pressure from the U.S., or evidence of likely success, Mexico still took action straight out of the U.S. playbook. This thesis will examine why that has been the case.

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LIST OF ACRONYMS AND ABBREVIATIONS

ADR	Alternate Dispute Resolution
AFI	<i>Agencia Federal de Investigación</i> (Mexico) [Federal Investigative Police]
AFO	<i>Arellano Felix Organization</i> (Mexico) [drug cartel]
AWACS	Airborne Warning and Control System (U.S.)
BATF	Bureau of Alcohol Tobacco and Firearms (U.S.), now called BATFE to denote responsibility for policing explosives and crimes related thereto
CENDRO	Center for Drug Control Planning (Mexico)
CIA	Central Intelligence Agency (U.S.)
DEA	Drug Enforcement Administration (U.S.)
DFS	<i>Dirección Federal de Seguridad</i> (Mexico) [Federal Security Directorate]
DHS	Department of Homeland Security (U.S.)
DoD	Department of Defense (U.S.)
DoH	Department of Health (Mexico)
DTO	Drug Trafficking Organization
FBI	Federal Bureau of Investigation (U.S.)
FBN	Federal Bureau of Narcotics (U.S.), a forerunner of the DEA
GAFE	<i>Grupo Aeromóvil de Fuerzas Especiales</i> (Mexico) [Special Forces Airmobile Group]
GAO	Government Accountability Office (U.S.)
IMF	International Monetary Fund
INCD	<i>Instituto Nacional para el Combate a las Drogas</i> (Mexico) [National Institute to Combat Drugs]
IRS	Internal Revenue Service (U.S.)
LFM	<i>La Familia Michoacán</i> (Mexico) [drug cartel]

MTT	Mobile Training Team (U.S.)
NAFTA	North American Free Trade Agreement (Canada, Mexico, U.S.)
NDCS	National Drug Control Strategy (U.S.)
OC	Organized Crime
ONDCP	Office of National Drug Control Policy (U.S.)
PAN	<i>Partido Acción Nacional</i> (Mexico) [National Action Party]
PFP	<i>Policía Federal Preventiva</i> (Mexico) [Federal Preventive Police (now known as PF or Policía Federal)]
PGR	<i>Procuraduría General de la República</i> (Mexico) [Office of the Attorney General]
PJF	<i>Policía Judicial Federal</i> (Mexico) [Mexican Judicial Federal Police]
PNCD	<i>Programa Nacional para el Control de Drogas</i> (Mexico) [National Drug Control Program]
PRD	<i>Partido de la Revolución Democrática</i> (Mexico) [Party of the Democratic Revolution]
PRI	<i>Partido Revolucionario Institucional</i> (Mexico) [Institutional Revolutionary Party]
PRONASOL	<i>Programa Nacional de Solidaridad</i> (Mexico) [National Solidarity Program]
SCJN	<i>Suprema Corte de Justicia de la Nación</i> (Mexico) [National Supreme Court of Justice]

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For my family, thank you for your patience, love, and support.

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I. INTRODUCTION: WHAT WE HAVE LEARNED FROM THE WAR ON DRUGS

A. RESEARCH QUESTION

U.S. President Richard Nixon sent a “Special Message to the Congress on Control of Narcotics and Dangerous Drugs” on July 14, 1969.¹ That document, for all intents and purposes, committed the United States to the “war on drugs.” Since then, the U.S. has provided support in the form of monetary, military, and intelligence resources intended to aid governments with interdiction and eradication projects. In the effort to fight the war, U.S. policies have included sending special equipment, providing tools and training, and creating specialized law enforcement agencies in the U.S. and in allied countries, dedicated to pursuing, prosecuting and incarcerating individuals and groups at all levels of the illicit trade. Despite these efforts, the “war on drugs” seems to have had only limited success; available quantities of drugs have not been reduced in any significant way, prices have steadily declined, and purity has not been adversely affected.² At the same time, violence perpetrated by organized crime has increased in the region, particularly in Mexico.³ This inability to curtail the challenge posed by drug trafficking organizations poses an interesting puzzle. Has there been any fundamental change in policies and strategies used by governments to deal with drug trafficking since 1969, when the war on drugs was officially declared? Rather changed or not, have these strategies contributed to the success or failure of U.S. and Mexican policies? For purposes of definition, a change of strategy requires more than a rhetorical shift. A real strategic change would involve significant deviation from the supply-oriented paradigm. Increasing fiscal expenditure on demand-oriented programs like prevention, education

1 Richard M. Nixon, “Special Message to the Congress on the Control of Narcotics and Dangerous Drugs” (July 14, 1969).

2 Vanda Felbab-Brown, *Counternarcotics Policy Overview: Global Trends & Strategies, Partnership for the Americas Commission*, (Washington DC: Brookings Institution, 2008), 2; John M. Walsh, *Are We There Yet? Measuring Progress in the U.S. War on Drugs in Latin America*. WOLA Drug War Monitor (Washington DC: Washington Office on Latin America, 2004), 4.

3 Angelica Duran-Martinez, Gayle Hazard, and Viridiana Rios, *2010 Mid-Year Report on Drug Violence in Mexico*, Justice in Mexico Project, (San Diego: Trans-Border Institute, 2010), 2.

and treatment to match or exceed expenditures on enforcement, eradication and interdiction, or radical adjustments like legalization of controlled substances would be indicative of an actual change in strategy. The question of success is somewhat harder to pin down. Goals specified by the Obama administration in the 2010 U.S. National Drug Control Strategy tend to be modest; a 15 percent over five-year reduction in usage by young people, similar reductions for chronic users.⁴ Others, like the first President Bush, see success in more absolute terms; complete eradication or elimination of the trade.⁵ If success is hard to define, failure is not. Increased availability, reduced prices, steady purity and increased violence are, for my purposes, indicative of failed and failing policies.

This thesis will examine Mexico's role in the drug war alongside the United States; specifically it will examine the strategic convergence of the two countries' anti-narcotics policies and their enhanced bilateral cooperation since 1969. It ultimately asks the question: why have the two countries moved together in the pursuit of a strategy that has not equated to success in the drug war? Studying bilateral drug policies should enable us to identify lessons learned and more effectively coordinate efforts aimed at drug trafficking.

B. IMPORTANCE

The current U.S. anti-narcotic regime traces its roots back to a critical juncture in 1969, when narcotic trafficking was recognized as a threat to national security and "war" was declared against drug traffickers. What started primarily as a concern with heroin and marijuana during the 1970s, evolved during the 1980s to focus on the Colombian cocaine trade that transited through the Caribbean basin and entered South Florida. When U.S. interdiction efforts met with localized success in the Caribbean, the remarkably adaptable cocaine trade migrated to Mexico where today it accounts for as

⁴ U.S. Executive Office of the President and the Office of National Drug Control Policy, *National Drug Control Strategy 2010*, (Washington DC: the White House, 2009), 1.

⁵ George H.W. Bush, "Speech on National Drug Control Strategy." *New York Times*, September 06, 1989. <http://www.nytimes.com/1989/09/06/us/text-of-president-s-speech-on-national-drug-control-strategy.html?scp=2&sq=&pagewanted=all>, (accessed February 26, 2011).

much as 90 percent of the cocaine entering the U.S.⁶ Drug trafficking organizations, based primarily in Mexico continue to ship literally tons of illicit drugs to the U.S. The enormous profit of this illegal industry fuels extreme violence, corruption and, not insignificantly, feeds the addiction of an estimated 13 to 20 million Americans.⁷

The significance of the bilateral U.S.-Mexican fight against drug traffickers cannot be overstated. Viewed from the U.S. perspective, in terms of opportunity costs from fighting the war on foreign shores to the cost of arrest, prosecution and incarceration within our own borders, the drug trade has cost the United States billions of dollars.⁸ The Mérida Initiative (the latest in a long series of programs) accounts for more than a billion dollars of U.S. aid by itself. Beyond mere financial interest, Mexico has even more at stake. With drug-related murders exceeding 28,000 since President Calderón's 2006 inauguration and over 6,000 per year in 2008 and 2009⁹ alone, the violence threatens the very legitimacy of the Mexican state.¹⁰

C. PROBLEMS AND HYPOTHESIS

Looking at the results of the last forty years of the drug war, most conclude that there has been little real progress. Availability is virtually unhindered, prices are lower, purity of the supply is unchanged,¹¹ all of which indicates that the situation has not improved. Against such metrics, there are three possibilities regarding the latest efforts to combat drug trafficking. The first is that President Calderón's program, as supported by the Mérida Initiative, represents a significant strategic change in U.S.-Mexico efforts

6 Hal Brands, *Mexico's Narco-insurgency and U.S. counter drug policy* (Carlisle: Strategic Studies Institute, 2009), 5; Laurie Freeman and Jorge Luis Sierra, "Mexico: The Militarization Trap." In *Drugs and Democracy in Latin America: the impact of US policy*, ed. Coletta A. Youngers and Eileen Rosin, 263–302 (Boulder: Lynne Rienner, 2005), 271; Shannon O'Neil, "The Real War in Mexico." *Foreign Affairs* vol. 88, no. 4 (2009), 66.

7 George Grayson, *Mexico's struggle with 'Drugs and Thugs,'* (New York: Foreign Policy Association, 2009), 60; Tony Payan, *The Three U.S.-Mexico Border Wars.* (Westport, CT: Greenwood Publishing Group, 2006), 49.

8 The White House. *National Drug Control Strategy* . (FY 2009 Budget Summary, Washington, DC: The White House), 2008.

9 Duran-Martinez, et al. *2010 Mid-Year Report on Drug Violence in Mexico*, 2.

10 O'Neil, "The Real War in Mexico," 63–64.

11 Felbab-Brown, *Counternarcotics Policy Overview*, 2; Walsh, *Are We There Yet?* 4.

to halt drug trafficking. The second possibility is that the strategy represents more of the same and is likely to produce similar results: headline grabbing arrests, occasional seizures, but little else. The third possibility is that the new implementation represents some middle ground; that reforms beyond additional enforcement are being pursued and that root issues are (finally) being addressed.

D. LITERATURE REVIEW

The conventional wisdom on anti-drug policies suggests that the drug war, as waged for the last forty years, has not met with especially favorable results. The literature on the subject seems divided among those who claim little or no strategic evolution and those who see greater strategic variation across time. Vanda Felbab-Brown and Hal Brands argue that the war against drugs has been fought on U.S. soil, at the border, or closer to the source, but traditional tactics have been ineffective. They see little change in the strategic policy choices aimed at defeating the illicit trade.¹² The opposing viewpoint, espoused by Luis Astorga and Laurie Freeman holds that recognition of the drug war as an explicit threat to U.S. national security by President Reagan changed the nature of the conflict from a law enforcement matter to a militarized fight.¹³

Writing for the Brookings Institution, Vanda Felbab-Brown examined supply and demand focused policies used in implementing counternarcotics strategies. The United States' consistent reliance on supply reduction tactics is seen in a twenty-one billion dollar annual expenditure on supply oriented strategies at home and abroad. Looking at the traditional supply-side strategies of eradication, interdiction, and alternative livelihoods, she concludes that at best they netted some localized success, overall but they had a minimal impact in reducing narcotic trafficking.¹⁴

While acknowledging that there are institutional issues in Mexico adding to the problem, Hal Brands' recent examination of the Mérida Initiative concludes that it is

¹² Felbab-Brown, *Counternarcotics Policy Overview*, 2–3, 26; Brands, *Narco-insurgency*, vi.

¹³ Luis Astorga. "Mexico: Drugs and Politics." *The Political Economy of the Drug Industry*. ed. Menno Vellinga, 85–102 (Gainesville: University Press of Florida, 2004), 93, 100; Freeman and Sierra, "Mexico: The Militarization Trap," 277.

¹⁴ Felbab-Brown, *Counternarcotics Policy Overview*, 2–3, 26.

more or less the same old supply-side attack.¹⁵ The Mérida Initiative “symbolizes an old paradigm in U.S. counternarcotics policy. In its emphasis on interdiction and enforcement initiatives, the Mérida Initiative is the latest incarnation of a longstanding, supply-side approach to the drug trade.”¹⁶

Eva Bertram, Morris Blachman, Kenneth Sharpe, and Peter Andreas describe the logic of a supply-side oriented strategy as compelling: eliminate the supply, eliminate the problem. Unfortunately, for largely political reasons, the U.S. continues to pour money on the problem while drugs remain cheap and readily available.¹⁷ In looking at the strategic choices made in this country, they argue that the U.S. strategy remains fixated (and failing) because of a fundamental misunderstanding of the nature of the fight.¹⁸

Ultimately, most available literature on drug trafficking claims that there has been little or no change in strategies; supply side policies dominate all other alternatives. They all acknowledge that within the boundaries of the supply-side, specific areas of emphasis have gained and lost favor over time. However, in their view the pillars of eradication, interdiction, and enforcement have remained central to the war on drugs. Their assertions that strategies have not changed is only accurate on the most macro level.

By contrast, authors such as Luis Astorga, Laurie Freeman, and Jorge Luis Sierra argue that the strategy has become increasingly militarized since the 1980s.¹⁹ Astorga focuses on U.S. pressure on the Government of Mexico to militarize the drug war within Mexican borders. For instance, during the Reagan administration, the U.S. Department of Defense began to participate in anti-drug activities. Collaboration between the U.S. and the Mexican armed forces has increased across a wide array of cooperative efforts, including a critical one concerning anti-narcotic operations. As a result, Mexico has increasingly favored a strategy that has relied on military involvement in enforcement

15 Brands, *Narco-insurgency*, vi.

16 Ibid., 4.

17 Eva Bertram, Morris Blachman, Kenneth Sharpe and Peter Andreas, *Drug War Politics: the Price of Denial*, (Berkeley: University of California Press, 1996), 4.

18 Bertram, et. al., *Drug War Politics*, 11.

19 Astorga. "Mexico: Drugs and Politics.", 93, 100; Freeman and Sierra, "Mexico: The Militarization Trap," 277.

and interdiction. Unfortunately, in Astorga's view, changing strategy has not meant improved results. "An upward spiral of violence is to be expected in any case since the very logic of the repressive anti-drug policy inspired by the United States is in itself a dead-end street and will produce endless war."²⁰

On the other hand, institutionalist authors have looked at factors such as poverty, weak judiciary, and corruption in police organizations as causes of illegal drug trade. Laurie Freeman and Jorge Luis Sierra see traditional enforcement as not attacking the "correct" problem. For example, they indicate that U.S. efforts and Mexican attempts to reform police and judicial institutions might have been effective in the short term, but corruption at all levels of law enforcement undermines the whole strategy. The unreliability of police agencies, combined with a U.S. bias toward militarization of Mexico's counter drug policies led to an increased reliance on the military to combat organized crime.²¹ Their chief concern was to illustrate what they perceived as a threat from the Fox administration's military reliant counternarcotics policies to Mexico's nascent democracy.²²

George Grayson, in recent works about the Mérida Initiative also writes about militarization. In his view, Calderón was even more favorable to military involvement at the beginning of his term, yet he is now utilizing the armed forces to buy time for a thorough reform of the nation's police.²³ He also argues that changes in the judiciary are evidence of a real strategic change of policy.²⁴

Contrary to the commonly held belief that U.S. strategy (and by extension, partner strategy) is static, Bob Killebrew and Jennifer Bernal argue that changing strategy is exactly the problem. Citing former Drug Enforcement Agency (DEA) chief of operations Michael Braun, they claim that the specific strategy may be less important than a

20 Astorga, "Mexico: Drugs and Politics," 93, 100.

21 Freeman and Sierra, "Mexico: The Militarization Trap," 277.

22 Ibid., 294-296.

23 George W. Grayson, *Mexico: Narco-Violence and a Failed State?* (New Brunswick: Transaction Publishers, 2010), 143.

24 Grayson, 'Drugs and Thugs,' 41, 47.

consistent one. “[U.S.] counter-drug strategy changes drastically with each administration, and it often changes in ways that significantly disrupt federal law enforcement’s ability to fulfill the counter-drug mission safely and effectively.”²⁵

Consequently, most of the available literature condemns the drug war in general and supply-centric strategies in particular as failed policies. The literature quite often takes for granted U.S. pressures on Mexico to implement traditional eradication or interdiction based means. Nevertheless, the literature tends to overlook or neglect Mexico’s relative independence vis-à-vis the United States and the fact that even weaker states, like Mexico, have multiple choices available to deal with narcotics trafficking issues. This thesis will attempt to fill in that gap by explaining why Mexico’s choices have aligned with U.S. preferences despite that independence.

E. METHODS AND SOURCES

Principally, I will be surveying expert analysis appearing in scholarly work on the subject, but will also make use of primary sources in the form of newspapers and archival research. This thesis will utilize process-tracing²⁶ to make a historical review of drug trafficking and its relationship to the various Mexican administrations over the last four decades. It will frame the story in terms of structural and institutional arguments.

The approach I will use is based on a case analysis, focusing on Mexico as my primary case study. The Mexican case is illuminating not only because it borders the U.S. and faces a serious security challenge posed by drug trafficking, but it also provides multiple observations over time, allowing me to assess how changes in policies have been implemented.

²⁵ Bob Killebrew and Jennifer Bernal, *Crime Wars: Gangs, Cartels and US National Security* (Washington DC: Center for a New American Security, 2010), 51.

²⁶ Alexander L. George and Andrew Bennett, *Case Studies and Theory Development in the Social Sciences* (Cambridge: MIT Press, 2004), 205–232.

F. THESIS OVERVIEW

This thesis seeks to show that although the bilateral relationship between the U.S. and Mexico has improved over the last forty years and that strategy for pursuing the war on drugs has become more and more aligned, there has been little actual progress toward winning the drug war.

The objective of this thesis is to identify particular events that served to shape Mexico's strategic choices and how those changes were implemented. This examination will explore the evolution of both Mexican counternarcotics strategies and the U.S. strategies; the two are so intricately intertwined, one cannot be examined except in the context of the other. Ultimately, this examination should allow us to understand what causes the changes and the boundaries within which those changes are made.

An examination of the Mexican government strategy after the U.S. "declaration of war" against drugs in 1969, requires at least a basic understanding of the political environment and relationships that existed prior to that critical juncture. The first section of this chapter will survey that environment from the time of the Mexican Revolution through the birth of the Partido Revolucionario Institucional (PRI) until the 1969 shift in U.S. policy. Due to the fact that Mexican sexenio does not correspond to U.S. presidential terms (six years for the Mexican Presidency versus a four-year term with the possibility of a second term in the U.S.) subsequent sections of the chapter will examine changes by decade.

The section examining the 1970s spans two extremes of pressure from the U.S.; Nixon's hard core engagement and Carter's more relaxed approach. The 1980s section focuses primarily on the kidnapping and murder of DEA agent Enrique Camarena and the fallout from those events. The North American Free Trade Agreement (NAFTA) would, at first glance, appear to provide the critical juncture for the 1990s and indeed it did have a significant role in the choices made by the Salinas administration. However, in terms of long term impact, NAFTA was not as significant as the loss of power by the PRI. The final decade examined, the 2000s, discusses the choices available in the face of increasing cartel violence.

The concluding chapter of this thesis will summarize significant findings. It will explain the bounded strategic choices made by President Calderón's administration utilizing elements of institutional arguments and rational choice theory. The findings will have specific implications for U.S.-Mexico counternarcotics strategy as well as broader cross-border relations.

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II. HISTORY OF THE DRUG TRADE

A. EARLY YEARS (BEFORE THE BIRTH OF THE PRI 1969)

1. Introduction

This chapter examines the early bilateral relations between the Mexico and the United States. It surveys the early connections between drug trafficking and the Mexican political elite prior to the initial decision to treat trafficking as an issue that requires international cooperation. By doing so, it will establish a baseline from which the subsequent choices and events may be assessed.

2. Early Years Through the Start of Revolution (1800s–1910)

Media pundits and talking heads seem to think that drug smuggling across the U.S. -Mexican border is a modern phenomenon. On the contrary, contraband trafficking actually is as old as the border itself.²⁷ From the mid 1800s until 1910, the border was little more than a line on the map. People and products moved freely back and forth with little or no restriction; what little control there was aimed at restricting Chinese immigration into the U.S. rather than controlling cross-border travel by Mexican citizens. Border towns like El Paso, Brownsville, and Laredo were certainly associated with, if not founded by a Mexican Diaspora.²⁸ Marijuana production, which was not considered criminal on either side of the border, has roots in Mexico at least back to the 1800s; in fact “records show that Mexican marijuana has been exported to the United States since the nineteenth century.”²⁹ Marijuana cultivation and sale afforded employment opportunities for poor Mexicans on both sides of the border, particularly during and after the economically disruptive revolution.³⁰

²⁷ Curtis Marez, *Drug Wars: the political economy of narcotics* (Minneapolis: University of Minnesota, 2004), 109.

²⁸ Payan, *Three Border Wars*, 6–8.

²⁹ Miguel Ruiz-Cabañas I, “Mexico’s changing illicit drug supply role,” in *Drug Connection In U.S.-Mexican Relations*, ed. Guadalupe Gonzalez and Marta Tienda (San Diego: University of California, San Diego, 1989), 47.

³⁰ Marez, *Drug Wars*, 110.

3. Revolution Through U.S. Prohibition: PRI Comes to Power (1911–1930s)

The demise of the “Porfiriato” in 1911 ignited the Mexican Revolution, which fostered the spread of the marijuana habit throughout the country.³¹ The United States first “noticed” the problem on the Mexican border “during General John Pershing’s punitive expedition in pursuit of Pancho Villa (1916–1917), when it was estimated that thousands of the general’s soldiers used narcotics while in Mexico.”³²

Mexico’s northern border states were the hub of smuggling activities and their loyalty to the new revolutionary central government was questionable at best. The governor of Baja, California from 1914–1920 was Esteban Cantú. Cantú amassed a small fortune from his illegal activities, not the least of which included smuggling opium, heroin, and cocaine. Reacting to Cantú’s defiance, Mexican President Venustiano Carranza (1917–1920) outlawed the opium trade in Baja in order to undermine Cantú’s power.³³

The U.S. passage of the Eighteenth Amendment to the U.S. Constitution in 1919, combined with the 1909 Opium Exclusion Act and the 1914 Harrison Narcotic Law dramatically impacted U.S.-Mexican border relations. “What at the beginning of the century constituted legal exports of minimal value soon became a significant smuggling activity and later turned into a black market problem.”³⁴ By the end of the 1930s, Harry J. Anslinger, director of the Federal Bureau of Narcotics (FBN, a forerunner of the modern DEA) authored the 1937 Marihuana Tax Act essentially making the cultivation

31 Grayson, *Drugs and Thugs*, 11.

32 Marez, *Drug Wars*, 111.

33 Maria Celia Toro, *Mexico’s “War” on Drugs: causes and consequences*, (Boulder: Lynne Rienner, 1995), 8–9

34 *Ibid.*, 7.

and sale of marijuana illegal.³⁵ Unfortunately, the U.S. sponsored prohibition regime “fostered the rise and consolidation of organized crime in Mexico as ‘rumrunners’ prospered during the 1920s and 1930s.”³⁶

Cantú was deposed and replaced by General Abelardo Rodriguez as governor of Baja. Rodriguez “took advantage of his position during the years of prohibition in the United States to make his fortune. The possible conflict between organized crime and governability... was nullified by those in political power who controlled the largest illegal business.”³⁷ The union between criminal and politician was thus cemented. Northern governors, members of their staff and police agencies were associated with drug dealing from that time on.³⁸ Others, like Enrique Fernández, known as the “Al Capone of Ciudad Juarez,” may not have been a governor himself but his wealth from the drug trade afforded him tremendous influence with government officials.³⁹

Legitimate government and honest law enforcement faced an uphill battle from early on. “The persistence of a lucrative trade, for which organizers could bribe officials and enforcers; at times the latter became active participants in the illegal business in a region (e.g., northern Mexico) where law and order were far from the rule.”⁴⁰

The period from the end of “Prohibition” through the end of the next decade was both interesting and complex. The PRI had been firmly and exclusively in control of the Mexican government since 1929. From the beginning, government and traffickers blurred the lines between them. “Ties between the PRI and illegal traders began in the first half of the twentieth century, during prohibition. By the end of World War II, the relationship between drug traffickers and the ruling party had solidified. Through the

35 Douglas Valentine, *The Strength of the Wolf: The Secret History of America's War on Drugs*, (New York: Verso, 2004), 21.

36 Grayson, *Drugs and Thugs*, ' 13.

37 Luis Astorga, “Organized Crime and the Organization of Crime,” in *Organized crime & democratic governability: Mexico and the U.S.-Mexican Borderlands*, ed. John J. Bailey and Roy Godson (Pittsburgh: University of Pittsburgh, 2000), 62–63.

38 Ibid., 63.

39 Grayson, *Drugs and Thugs*, ' 12.

40 Toro, *Mexico's "War" on Drugs*, 11.

Mexican Ministry of the Interior and the federal police, as well as governorships and other political offices, the government established patron-client relationships with drug traffickers... This arrangement... defined the rules of the game for traffickers.”⁴¹

4. Gangster Era Through WWII (1930s–1945)

The relationship was sometimes more flagrant than others. Leadership of the Mexican Department of Health (DoH) acknowledged in 1937 that previously, “the agents were paid with the drugs they seized, which, of course, they then sold.”⁴² Shortly after, the Mexican government proposed the creation of a state-run monopoly to buy and distribute drugs. “This radical proposal from the Mexican Federal Narcotics Service (part of the DoH) to deal with drug smuggling and domestic use met with a U.S. embargo on all shipments of medical drugs to Mexico.”⁴³ The proposal quickly went away.

Mexican drug traffickers (and government officials) were tied in the early 1940s to U.S. organized crime figures. Prominent American gangsters like “Mickey Cohen and Harold “Happy” Meltzer—who had special contacts with Salvatore Duhart, the Mexican consul in Washington, who made arrangements with Mexican customs to traffic opium—and his associate Max Cossman” pursued involvement in Mexican drug trafficking. ⁴⁴ Furthermore, Federal Bureau of Narcotics chief Harry Anslinger claimed that “[Bugsy] Siegel and Virginia Hill negotiated with Mexican politicians in order to be able to finance the cultivation of opium poppy in the northwestern part of the country.”⁴⁵

Despite the corruption and the ties to the American underworld, World War Two proved the old adage that “politics makes strange bedfellows”. Before World War Two, Mexico supplied probably less than fifteen percent of all heroin to the United States, but its market share increased dramatically when traditional European and Asian sources

41 O’Neil, “The Real War in Mexico,” 65.

42 Astorga, “Organized Crime,” 72.

43 Toro, *Mexico’s “War” on Drugs*, 11.

44 Astorga, “Organized Crime,” 65.

45 *Ibid.*, 65.

were cut off by Axis forces.⁴⁶ Rather uncharacteristically, the United States actually encouraged the Mexican government to legally cultivate Indian hemp (marijuana) for the manufacture of rope and opium poppies to facilitate production of medical morphine, both of which were available only in limited quantities, to support the Allied war effort.⁴⁷

After the war, production of these crops continued unabated. “Factors that really contributed to the growth of heroin and marijuana production in Mexico after the war were the disruption of traditional heroin routes and an increase in U.S. marijuana consumption.”⁴⁸ Mexican officials were evidently eager to oblige. Mexico City journalists identified General Pablo Macías Valenzuela, secretary of War and the Navy (1940–1942) and Sinaloa governor (1945–1950), as directing or protecting the opium trade in Sinaloa. Culiacán, the capital of Sinaloa, was described during his rule as a “new Chicago with gangsters in sandals.”⁴⁹ Valenzuela, of course, denied the allegations, claiming political enemies were smearing him. “The accusations against Valenzuela emerged during the preparation of the antidrug “campaign” by the administration of [President] Miguel Alemán.”⁵⁰

5. Post-World War, Pre-Drug War (1946–1969)

Miguel Alemán Valdés (1946–1952) was a key figure in the expansion of ties between crime and government. He established the Federal Security Directorate (DFS) which, in conjunction with the Attorney General’s Office and the army, was supposed to combat forbidden commerce. In actual practice, those officials often became intermediaries between drug traffickers and the seat of official power. “Neither mediators nor traffickers boasted free reign: they were both subordinate to political power centered in state executives, who—in turn—answered to the president and his lieutenants.”⁵¹

46 Ruiz-Cabañas I, “Mexico’s changing illicit drug supply role,” 53.

47 Richard Craig, “US Narcotics Policy toward Mexico: Consequences for the bilateral relationship,” in *Drug Connection In U.S.-Mexican Relations*, ed. Guadalupe Gonzalez and Marta Tienda (San Diego: University of California, San Diego, 1989), 72; Toro, *Mexico’s “War” on Drugs*, 11.

48 Toro, *Mexico’s “War” on Drugs*, 11.

49 Charles Bowden, *Down by the River*, (New York: Simon & Schuster, 2002), 122.

50 Astorga, “Organized Crime,” 70.

51 Grayson, *Drugs and Thugs*, 16.

Named in a confidential document sent on September 4, 1947, by the U.S. Embassy, members of the DFS leadership, including close advisor of President Alemán, Senator Carlos Serrano (the true head of the DFS organization), official head of the DFS Marcelino Inurreta and his deputy, Lieutenant Colonel Manuel Magoral were accused of involvement in drug trafficking.⁵² Ultimately, Alemán's "most lasting legacy was a reputation for graft and corruption on a scale heretofore unknown in Mexico."⁵³

Taken together, these anecdotes, like those presented by Luis Astorga would indicate a similar conclusion: that the vector of corruption moves from politicians toward criminals as opposed to the more commonly held belief that criminal elements sought to corrupt politicians. "Mechanisms used by those in political office to control the business changed in the 1940s with the arrival of civilians in power."⁵⁴

The decades of the 1950s and 1960s continued to be a "boom" time for illicit drug traders. It is estimated that Mexican marijuana accounted for as much as seventy-five percent of the U.S. market (during this era, Mexican heroin hovered around a ten to fifteen percent market share, it did not increase dramatically until later).⁵⁵

Governor Macías Valenzuela, despite accusations in the Mexican press, completed his term as governor of Sinaloa in 1950 and remained in positions of power within the military hierarchy. The next year, he was appointed to lead Military Region I, headquartered in the Valley of Mexico and in 1952 he commanded Military Camp Number One. Although no longer in the state of Sinaloa, he apparently remained influential in the area. "The main opium trafficker of the time, Miguel Urías Uriarte from Badiraguato [Sinaloa], was captured and released shortly thereafter... it was said that he was protected by the authorities."⁵⁶

52 Astorga, "Organized Crime," 72.

53 Grayson, *Drugs and Thugs*, 16.

54 Astorga, "Organized Crime," 61.

55 Peter H. Smith, "Drug Trafficking in Mexico" in *Coming Together?: Mexico-United States Relations*, ed. Barry Bosworth, Susan Collins, and Nora Claudia Lustig, 125–152 (Washington DC: Brookings Institute, 1996), 126.

56 Astorga, "Organized Crime," 70–71.

During that period, the Sinaloan press lobbied for a United Nations sanction of the state's opium crop. "The editor leading this newspaper campaign became the attorney general of Sinaloa in the early 1950s... the federal government would wage campaigns against the opium growers to placate the United States... At the same time, federal police officers dreamed of being assigned to Sinaloa because of the money to be made."⁵⁷

The use of the Mexican Army as eradication forces spanned from Baja California all the way to the Yucatán. "The campaign, as well as the cultivation of drugs had truly become national."⁵⁸ Despite this level of focus, by the end of the first full "post-war" decade Mexico's efforts to combat the drug trade were hampered not only by an often complicit government, but shortages of equipment and material as well. "In January 1961, an interdepartmental report (in the U.S.) noted that virtually all illicit drugs on the American market originated in Mexico. It was not until late 1961, following an informal U.S.-Mexico meeting on the narcotics issue, that Mexico began to acquire the equipment it needed to conduct a more successful campaign... in the interim, however, demand grew exponentially."⁵⁹ Between 1962 and 1967 marijuana use among 18 to 25 year-old Americans rose from four percent to thirteen percent; percentages of heroin use increased proportionally.⁶⁰

The fifties and sixties ushered in greater levels of violence, which "grew in direct proportion to the increase in the demand for drugs, the expansion of the market, and the arrival of a new generation of traffickers."⁶¹ Typically, only low ranking police officers were targets but by the end of the 1960s, any restrictions were vanishing. "Instead of mere agents or common soldiers, it was no longer rare—although not yet common either—for heads of judicial police or commanders to be killed... For example, Major Ramón

⁵⁷ Bowden, *Down by the River*, 122–123.

⁵⁸ Toro, *Mexico's "War" on Drugs*, 13.

⁵⁹ Craig, "US Narcotics Policy" 73.

⁶⁰ Toro, *Mexico's "War" on Drugs*, 15.

⁶¹ Astorga, "Organized Crime," 75.

Virrueta Cruz, the head of the judicial police of Sinaloa, was killed in Culiacán on June 6, 1969... however, there is widespread doubt about whether (he) died fulfilling (his) duties or because (he was) playing a double game.”⁶²

The end of the sixties saw two other noteworthy events, one particular to drugs and crime, (and of particular interest to this thesis), the other indirectly related but significant in its long-term impact. Some scholars trace the ultimate failure of the PRI as Mexico’s power party to a 1968 government reaction to student protest that came to be known as the Tlatelolco Massacre in which government authorities opened fire on thousands of students and middle class demonstrators, killing or injuring hundreds.⁶³ Although the party remained in power for another thirty years, this “beginning of the end” ultimately lead to the power vacuum that would eventually be filled by criminals when the political players were no longer in the game.

The other event, more directly related occurred when U.S. President Richard Nixon (1969–1974) sent a “Special Message to the Congress on Control of Narcotics and Dangerous Drugs” on July 14, 1969.⁶⁴ That document, for all intents and purposes committed the United States to the War on Drugs. That commitment will be examined in more detail in the next chapter section.

6. Concluding the Early Decades

Looking at early efforts, then, where there was an effort against drug producers, it faced difficulties of inaccessibility, inadequate equipment availability (especially aircraft), violent reaction, and innovation on the part of traffickers.⁶⁵ Almost invariably a response to U.S. pressure, the effectiveness was less than complete.

More often, Mexican counterdrug strategy before 1969 (if one could call it a strategy) was not targeted at reducing the flow of drugs across the border or even at

⁶² Astorga, “Organized Crime,” 75.

⁶³ Grayson, *Drugs and Thugs*, 23.

⁶⁴ Nixon, “Special Message to the Congress on the Control of Narcotics and Dangerous Drugs,” (July 14, 1969).

⁶⁵ Craig, “US Narcotics Policy” 72–73.

incarcerating criminal actors. If anything, it was primarily used as a tool to exert dominance over individual political opponents within the Mexican political system. Northern governors competed among each other and were in turn the target of control by federal government officials.

B. 1970S (THE WAR BEGINS: 1969–1979)

1. Introduction

The decade following the “declaration of war” established U.S. preference for a supply side orientation in its counternarcotics strategy. Early, albeit temporary successes and the creation of an anti-drug bureaucracy cemented those preferences and from that point, the die was cast. This section will illustrate that the beginning of Mexico’s strategic approach was largely dictated by U.S. pressure and was followed when economic imperatives showed cooperation to be in the best interest of Mexico.

2. Richard Nixon

During his campaign for the presidency of the United States, Richard Nixon courted his “Great Silent Majority” by appealing to a conservative, pro “law and order” constituency, fearful of the social upheaval manifesting across the United States in the late 1960s. Inescapably aware of a drug culture in the U.S., Nixon pledged during a 1968 campaign swing through California, “that, if elected, he would ‘move against the source of drugs.’”⁶⁶ The drug war waged for the next forty years grew from this seed.

In keeping this campaign promise, Nixon appointed two of his cabinet members (Attorney General John Mitchell and Treasury Secretary David Kennedy) to lead the Special Presidential Task Force Relating to Narcotics, Marihuana and Dangerous Drugs. The task force’s report to the president, released June 6, 1969,

⁶⁶ Kate Doyle, “Operation Intercept: The perils of unilateralism.” *The National Security Archive* (April 13, 2003). <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB86/> (accessed February 5, 2011).

... singled out Mexico as the primary supplier of marihuana and a source for a large amount of other dangerous drugs, including heroin. According to the task force, Mexican free-lance smugglers and organized traffickers were “largely responsible for the marihuana and drug abuse problem” that Nixon and his supporters so vehemently deplored.⁶⁷

Richard Kleindienst, a Deputy Attorney General and co-chairman of the task force, travelled to Mexico that same month in an attempt to secure the cooperation of the Mexican government in Nixon’s war on drugs. The meetings were polite but ultimately, the government of President Gustavo Díaz Ordaz (1964–1970) was unwilling to take any significant new steps to combat growers and smugglers. Although they were in the process of executing their own eradication campaign, the Mexican representatives balked at the idea of implementing an aerial herbicidal defoliation program, advocated by the Americans. “Several of the key American requests touched the very sensitive nerve of Mexican sovereignty, for they involved United States participation in exclusively Mexican internal affairs.”⁶⁸ An exasperated Kleindienst reported back to Attorney General Mitchell, “I can tell you how you can get their attention. Just close down the border.”⁶⁹

The next month, President Nixon presented his Special Message to the Congress on the Control of Narcotics and Dangerous Drugs. Delivered on July 14, 1969, it was effectively the opening salvo in the war on drugs. In the message, Nixon committed the United States to an ambitious program involving federal and state legislative efforts, international cooperation, and interdiction of illegal import, suppression of trafficking, education, research, rehabilitation, training, and local law enforcement coordination.⁷⁰

67 Doyle, “Operation Intercept.”

68 Richard B. Craig, “Operation Intercept: The International Politics of Pressure.” *The Review of Politics*, v. 42, no. 4 (October 1980), 559.

69 Elaine Shannon, *Desperados: Latin Drug Lords, US Lawmen and the War America Can’t Win*. (New York: Viking, 1988), 47.

70 Nixon, “Special Message to the Congress on the Control of Narcotics and Dangerous Drugs” (July 14, 1969).

In the aftermath of President Nixon's declaration, the United States embarked on a unilateral counter drug effort known as Operation Intercept. Mexico had been perceived as the principle supplier for marijuana in the American market and as such, the U.S. launched an enormous operation to cut that source off at the root. Kleindienst's off-hand remark to Mitchell was not literally the objective of Operation Intercept but in the end, the result was effectively the same.

If, as publicly advertised, the objective of Operation Intercept was to eradicate Mexican drug trafficking, it was a colossally expensive failure. In its twenty-day course, U.S. Customs and Border agents seized relatively little contraband. The thirty million dollar price tag on the operation means that the 3,200-odd pounds of marijuana seized in the operation cost the American taxpayer a little over nine thousand dollars per pound.⁷¹

On the other hand, if the intent was to get the attention of the Mexican government, for better or worse, it clearly achieved that goal. The U.S. Army established a radar picket from El Paso to San Diego theoretically designed to interdict smuggling by air. It was largely ineffective due to limited range on the radar and an almost non-existent aviation arm of the Customs Service.⁷² More significantly, the customs and border patrol increased their presence to some two thousand agents at border crossings.⁷³

The daily routine of life in Mexican border cities was radically altered as massive traffic jams became the order of the day. During Intercept's initial stage, traffic backed up for miles, radiators boiled over, tempers flared, and tourists fumed at being forced to wait as long as six hours to clear Customs.⁷⁴

Where previously, one vehicle in twenty was subjected to search, Operation Intercept implemented one hundred percent inspections; every vehicle, every pedestrian,

71 Craig, "Operation Intercept," 566.

72 Shannon, *Desperados*, 48–49.

73 Grayson, *Mexico: Narco-Violence*, 28.

74 Craig, "Operation Intercept," 567.

every bag or suitcase was thoroughly inspected.⁷⁵ “The two-week logjam of cars, trucks and pedestrians in this ‘nightmarish dragnet’ wreaked economic chaos in the border zone.”⁷⁶

Mexican reaction to Operation Intercept was both understandable and predictable. President Díaz Ordaz decried the breakdown of relations between the neighboring nations. Some Mexican merchants tried to retaliate with Operation Dignity, “a buy-at-home campaign designed to indirectly force the Nixon administration to modify or terminate Operation Intercept.”⁷⁷ For various reasons, Operation Dignity was generally ineffective. It was, however, indicative of the Mexican perception of Operation Intercept. “The entire project became ‘racist,’ an ‘outrageous effrontery to human dignity,’ a ‘Berlin Wall.’”⁷⁸

Despite the protests and economic havoc wrought on both sides of the border, the Nixon administration stayed the course for almost a full three weeks until negotiators reached a mutually agreeable solution. Nixon finally terminated Operation Intercept on October 10, 1969 in return for Mexican participation in a new joint enforcement venture to be known as Operation Cooperation.⁷⁹

Although Operation Intercept did little but cause hard feelings, it did have some positive impact. Mexican officials grudgingly came to recognize their nation’s own drug problems. Additionally, it reinvigorated Mexico’s own internal efforts to combat cultivation, processing and transport of drugs. “While Intercept proved a short-term diplomatic blunder, it indirectly and somewhat ironically became a long-term catalyst to an accelerated Mexican antidrug campaign and a springboard to more effective international cooperation.”⁸⁰

75 Doyle, “Operation Intercept: The perils of unilateralism.”

76 Grayson, *Mexico: Narco-Violence*, 28.

77 Craig, “Operation Intercept,” 567.

78 Ibid., 568.

79 Shannon, *Desperados*, 51–52.

80 Craig, “Operation Intercept,” 579–580.

Operation Cooperation represented compromise on the part of both participating countries. Mexico was able to forestall U.S. demands for aerial herbicidal defoliation by increasing its own efforts at manual eradication (Mexican soldiers hacking away at opium poppies and marijuana plants with sticks or machetes). The U.S. backed off its demands (at least temporarily) regarding aerial spraying but in return was permitted to station American law enforcement officers inside Mexico in order to conduct surveillance of the poppy and marijuana fields.⁸¹

In the end, Operation Cooperation was not terribly effective; eradication by hand on the part of the Mexicans and the small contingent of American agents could not hope to adequately cover the entire country. The combination of Operation Intercept and Operation Cooperation had the effect of eliminating less capable smugglers, removing competition and consolidating power in the hands of bigger, better financed criminal organizations.⁸² On the positive side of the ledger, Operation Cooperation did lay the foundation for future bilateral efforts between Mexico and the United States. In spite of the lack of concrete results, after Operation Cooperation, President Nixon took the commitment of his Mexican counterparts as an article of faith.⁸³

After Operation Cooperation, President Nixon did not lose focus on his cause. His legislative agenda concerning counternarcotics included backing the Comprehensive Drug Abuse Prevention and Control Act of 1970, which consolidated previous federal statutes and increased the authority of federal narcotics agents.⁸⁴ The Controlled Substances Act (Title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970) provided the legal basis for pressing the war on drugs.⁸⁵

Leading up to the 1972 presidential election, Nixon shifted his target to heroin. Heroin was a more “popular” target; whereas focusing on marijuana could be perceived as targeting the youth movement and especially young blacks, “parents of all races and

81 Shannon, *Desperados*, 52.

82 Grayson, *Mexico: Narco-Violence*, 28.

83 Shannon, *Desperados*, 55.

84 Bertram, et al. *Drug War Politics*, 106.

85 Grayson, *Mexico: Narco-Violence*, 28.

political persuasions shared a common anxiety, that their children would ‘graduate’ to heroin.”⁸⁶ Playing off this anxiety, Nixon rebranded his fight as “a ‘total war’ against heroin and a ‘crusade to save our children.’”⁸⁷ Somewhat ironically, the success of the anti-heroin efforts targeted at Turkish opium processed in Marseilles and shipped to New York (the infamous “French Connection”) exacerbated the overall problem when the Mexican growers increased their efforts to fill the undiminished market demand in the U.S.⁸⁸

The U.S. Drug Enforcement Administration (DEA), a “superagency” born of a combination of the Bureau of Narcotics and Dangerous Drugs (itself a conglomerate of the Federal Bureau of Narcotics and the Bureau of Drug Abuse Control), the Office of Drug Abuse Law Enforcement, the Office of National Narcotics Intelligence, and the Customs Service Drug Investigation Unit, came into being by executive order in 1973. Nixon’s DEA, though its institutional power would ebb and flow over the years, would play a critical role in the U.S.-Mexican relationship vis-à-vis the drug trade.⁸⁹

3. Gerald Ford and Jimmy Carter

Subsequent U.S. administrations during the 1970s had a reduced focus on counter drug activities. The administration of President Gerald R. Ford (1974–1977), frankly, had bigger fish to fry. In the aftermath of the Watergate scandal that unseated Nixon and the withdrawal of American troops from the battlefields of Vietnam, President Ford and his team relaxed the tone of the language as compared to the Nixon administration. Although supporting the basic strategic approach of supply reduction and demand mitigation, Ford took an arguably more pragmatic approach, acknowledging that “we should stop raising unrealistic expectations of total elimination of drug abuse from our society.”⁹⁰

⁸⁶ Shannon, *Desperados*, 52.

⁸⁷ Grayson, *Mexico: Narco-Violence*, 28.

⁸⁸ Smith, “Drug Trafficking in Mexico,” 126.

⁸⁹ Bertram, et al. *Drug War Politics*, 107–108.

⁹⁰ *Ibid.*, 109.

President Jimmy Carter (1977–1981) not only wished to reduce harsh penalties for drug offenders but substantially defunded DEA budgets as well. While he did not personally approve of drug use, his laissez faire attitude toward those who did partake was decidedly different from that of the Nixon administration before (and the Reagan administration after, for that matter).⁹¹ “The (Carter) White House projected no sense of urgency, and there was little coordination at the top levels of government... . Carter’s ambassadors and senior foreign-policy makers, by and large, ignored the drug issue.”⁹² In retrospect, drug scandals involving aides, advisors and even allegations against Carter’s own chief of staff Hamilton Jordan (ultimately unsubstantiated) probably damaged the Carter administration’s efforts to decriminalize marijuana and back away from the drug war.⁹³

4. La Campaña

Although its strategic choices have more or less aligned with U.S. counternarcotics strategies, Mexico has traditionally taken a different view of its domestic drug issues.

Since the inception of La Campaña, Mexican officials have approached domestic drug abuse as a medical, educational, social, and law enforcement question. [However], as is the case with international trafficking, the major role in Mexico’s domestic campaign is assigned to the Attorney General’s Office (Procuraduria) and its enforcement arm.⁹⁴

La Campaña Pemanente is, literally, Mexico’s Permanent Campaign against illegal drugs. The Campaña effectively began after Operation Cooperation. Peter H. Smith claims

It was in 1975 that, once again under pressure from the United States, the Mexican government initiated its Campaña Permanente against illicit

91 Bertram, et al. *Drug War Politics*, 109.

92 Shannon, *Desperados*, 81.

93 Ibid., 36–37.

94 Richard B. Craig, “La Campana Permanente: Mexico’s Antidrug Campaign.” *Journal of Interamerican Studies and World Affairs*, vol. 20, no. 2 (May, 1978), 112.

drugs... (the Campaña) launched a coordinated attack that focused on eradication of crops, interdiction of shipments and disruption of commercial organizations.⁹⁵

Although the Campaña refers to Mexico's domestic efforts against drugs, it was particularly noteworthy for the level of cooperation between Mexican and U.S. agencies as well as the extensive utilization of the Mexican Army.⁹⁶

Mexico has attached much less political importance than the United States to the drug problem, even as it has given continuous and high priority to actual efforts to combat the production, commercialization and consumption of narcotics... As the drug problem all over the world has continued its exponential increase, Mexico has begun to pay more attention to the issues, channeling more resource, toward drug control. This, along with continuing pressure from the United States, has created a greater awareness of the problem in the Mexican public.⁹⁷

La Campaña has displayed various levels of effectiveness but its results during the latter half of the 1970s were significant. Mexico's share of the U.S. marijuana and heroin markets plunged from more than 75 percent in 1976 to 11 percent in 1979, to 8 percent in 1980 in the case of marijuana and from 67 percent in 1976 to 25 percent in 1980 in the case of heroin.⁹⁸ Such remarkable numbers can be attributed in part to particular choices by the Mexican administrations of the period.

5. Luis Echeverría

President Gustavo Díaz Ordaz was followed into office in December 1970 by Luis Echeverría Álvarez (1970–1976). President Echeverría was an unlikely ally in the drug war. His policies were generally left of center and his relationship with the U.S. was not particularly friendly. He inherited Operation Cooperation from his predecessors and although his government took no overt actions against it, neither did it do much to facilitate the success of the operation. That being the case, it was probably somewhat of

95 Smith, "Drug Trafficking in Mexico," 127.

96 Ibid., 127.

97 Guadalupe Gonzalez Gonzalez, "Drug Connection In U.S.-Mexican Relations: Introduction," in *Drug Connection In U.S.-Mexican Relations*, ed. Guadalupe Gonzalez and Marta Tienda (San Diego: University of California, San Diego, 1989), 5.

98 Smith, "Drug Trafficking in Mexico," 127.

a surprise when late in his sexenio, the Echeverría administration gave the green light to an aerial herbicidal spraying program to be targeted at marijuana and especially at opium poppy plants.⁹⁹ The American law enforcement community tried to convince their Mexican counterparts that eradication at the source was the key to an effective counternarcotics program. “Until such time that herbicides were applied on a massive scale against marijuana and opium poppies, they argued, the annual Mexican campaign would prove an exercise in futility.”¹⁰⁰

The aerial defoliation approval quickly grew into a full scale eradication campaign called Operation Condor.

The Mexican government had decided to remove the kid gloves with drug traffickers by: (1) making the campaign truly permanent; i.e., year-round, (2) pouring \$35 million into the effort, (3) coordinating the program vertically between national and subnational authorities and horizontally between the Justice Department (Procuraduria) and the Army, (4) cooperating more effectively with the United States and other foreign governments, (5) vigorously addressing the problem of drug-related corruption, and (6) using modern technology, which featured the aerial application of herbicide.¹⁰¹

The scale of the Mexican effort was enormous; 10,000 Mexican soldiers manually destroyed illegal drugs by using machetes or spraying paraquat on marijuana, aircraft sprayed the herbicide 2,4-D (a commonly used defoliant) on vast fields of poppies.

The American’s side of the project was called “Operation Trizo,” short for “tri-zone” referring to the Sinaloa-Durango-Chihuahua “Golden Triangle.”¹⁰² The operation was a universally lauded as a success; both sides achieved precisely what they needed. The Mexicans got positive publicity; President Echeverría, whom some believed sought the Secretary-Generalship of the United Nations after his sexenio, could avoid being seen as coming from the world’s leading heroin producer. The Americans, on the other hand

99 Shannon, *Desperados*, 61–62.

100 Richard B Craig, “Operation Condor: Mexico’s Antidrug Campaign Enters a New Era.” *Journal of Interamerican Studies and World Affairs*, vol. 22, no. 3 (Aug., 1980), 345.

101 Craig, “Operation Condor,” 347.

102 Grayson, *Mexico: Narco-Violence*, 31.

got a “model program” that they could hold up to the world press. Even more importantly, the U.S. DEA got unfettered access to fly airborne reconnaissance.¹⁰³

6. José López Portillo

Echeverría was followed into office by President José López Portillo (1976–1982). It seems that, initially at least, López Portillo was prepared to continue Operation Condor full speed ahead. In fact, in January 1977, the operation placed a bulls-eye target over the center of Mexico’s opium industry.¹⁰⁴ By the end of 1977, Operation Condor had destroyed enough poppy to yield eight tons of heroin; heroin on the street in the U.S. was at its lowest purity level in the 1970s. President Carter’s director of the White House Office of Drug Abuse Policy, Peter Bourne testified before a Senate subcommittee that the cooperative relationship between the Mexican and U.S. government was among the best and most effective in the world.¹⁰⁵

Unfortunately, that relationship was neither perfect nor permanent. Motivated by bilateral dispute over natural-gas in September 1977, President López Portillo severely curtailed the presence inside Mexico of American law enforcement officers; thereafter, Mexico, alone, would be responsible for the eradication program. American pilots would no longer have complete freedom of the skies and by January 1978, U.S. verification flights ended completely.¹⁰⁶ In an otherwise unrelated attempt to secure a deal for Mexican natural-gas, the Carter administration elected not to press the issue and by March 1978, DEA presence left Mexico. Although still publicly praising the Mexican efforts, many in the agency were disheartened. Field Agent Travis Kuykendall summed up the feelings of many, “on the eighth of March 1978, that’s when the eradication program turned around and started downhill.”¹⁰⁷ Although la Campaña Permanente continued, bilateral relations related to the drug war were not at their all-time high.

103 Shannon, *Desperados*, 62–63.

104 Craig, “Operation Condor,” 350.

105 Shannon, *Desperados*, 65–67.

106 *Ibid.*, 67–68.

107 *Ibid.*, 69.

7. Concluding the '70s

Mexico was led to a supply oriented strategy by pressure from the United States, especially during the Nixon administration. Although they still largely followed the paradigm throughout the decade, as the U.S. administrations reduced pressure and showed less interest, Mexico was less inclined to prosecute the strategy aggressively.

C. 1980s (MILITARIZATION AND THE CAMARENA CASE: 1980–1990)

1. Introduction

The 1980s were marked, notoriously by the kidnapping and murder of a U.S. DEA agent. Investigation pointed to levels of complicity high in the Mexican government and U.S. pressure ratcheted up accordingly. After the murder of Agent Camarena, the U.S. sought to militarize the drug war on both sides of the border and sought to have Mexico recast the threat as a matter of national security. This section illustrates the critical junction that forced the drug war into a more militarized paradigm.

2. 1970s Redux

The latter half of the López Portillo sexenio saw relatively little change in terms of the prosecution of the drug war. The Mexican part of Operation Condor/Trizo continued without positive verification by American participants. At the dawn of the new decade, Mexico claimed to have stamped out the marijuana and heroin trade. Despite such hyperbolic rhetoric, drug activity which had legitimately been curtailed in the 1970s was beginning to recover; favorable weather provided ideal growing conditions. Furthermore, it did not help the cause that instead of spraying their defoliant on fields of marijuana and poppy, Mexican pilots were being paid to empty their tanks of herbicide over empty desert. Drug Enforcement Administration agents on the ground “believed that corrupt officials in the Attorney General’s Office were sabotaging the aerial spraying program, pocketing the State Department’s money, and taking payoffs from the traffickers.”¹⁰⁸

108 Shannon, *Desperados*, 68, 108.

Although American officials knew such claims of complete success to be bogus, the U.S. State Department and Drug Enforcement Agencies were either not interested in, or incapable of correcting them. Portraying a successful program served the interests of State Department officials assigned to monitoring programs. Meanwhile, DEA agents were being boxed out; during the final year and a half of López Portillo's presidency, DEA and their counterparts in the Mexican Federal Judicial Police "had not been on speaking terms."¹⁰⁹

Although his presidency had begun basking in considerable economic optimism based on discovery of vast petroleum fields; by the end of his sexenio, "it became obvious that [López Portillo] had mismanaged newly discovered oil reserves and was presiding over an orgy of corruption."¹¹⁰ In the last year of his term, López Portillo realized his country was foundering in economic crisis as the peso collapsed. Having little choice but to submit to a bailout authored by the United States, the IMF and other foreign financial organs, Mexico would once again have few options other than comply more directly with U.S. policies and particularly anti narcotic strategies.¹¹¹

3. Miguel de la Madrid

López Portillo was succeeded as President of Mexico by Miguel de la Madrid Hurtado (1982–1988). In something of a recurrent theme, the inauguration of the new president promised hope, reform, and improvement. De la Madrid claimed he would attack corruption head-on. He campaigned on the promise of "Moral Renovation" but such renovation was, unfortunately, short lived.¹¹² De la Madrid installed new leadership to oversee the Mexican Federal Judicial Police (PFJ). Manuel Ibarra Herrera was tasked to professionalize the force. In the course of doing so, he appointed Miguel Aldana Ibarra, as head of Mexico City Interpol office. Aldana spearheaded Operation Pacífico, the PFJ counter drug campaign. Unfortunately, in the opinion of the American DEA

¹⁰⁹ Shannon, *Desperados*, 109, 132.

¹¹⁰ Grayson, *Mexico: Narco-Violence*, 41.

¹¹¹ *Ibid.*, 42.

¹¹² Grayson, *Mexico: Narco-Violence*, 42–43; Shannon, *Desperados*, 129–130.

agents, Pacífico and Aldana were all flash and no bang. The busts were all small-timers and the agency could not be depended upon to maintain operational security¹¹³

In an episode foreshadowing the perils of being a professional journalist in Mexico, syndicated columnist Manuel Buendía, known for incendiary stories exposing high level corruption among government and business elites, was gunned down in May 1984. Federal Security Directorate (DFS) chief José Antonio Zorrilla Pérez was ultimately convicted along with several accomplices of Buendía's murder. Zorrilla was also, incidentally, implicated as working for drug traffickers. Although Zorrilla had previously acted as a source for Buendía and some described their relationship as friendship, it was believed that Buendía was about to publish allegations that connected Zorrilla to traffickers.

President De La Madrid condemned the killing and promised action, but *Proceso* magazine, which [had] followed the case closely, charges that a cover-up soon began. An official investigation, delivered to Mexico City Atty. Gen. Adato fourteen months after the killing, named former police agent Jose Luis Ochoa Alonso as the “material author,” or gunman. Ochoa, called *El Chocorrol* (Chocolate Roll) because of his dark skin, reportedly worked for Zorrilla until he was killed six weeks after Buendía while making a call at a public telephone.¹¹⁴

President de la Madrid's sexenio was dealt a crushing blow in mid September, 1985 when Mexico City was rocked by an 8.1 earthquake. The administration's anemic response to the crisis undermined the very legitimacy of the entire PRI regime. “In the wake of a disaster that resulted in 10,000 deaths and left tens of thousands homeless...de la Madrid appeared to behave more like an ‘accountant scrutinizing a balance-sheet’ than a concerned patriarch of a tormented national family.”¹¹⁵ Although the massive earthquake was devastating to the Mexican regime, an equally significant trembler rocked the bilateral relations between the U.S. and Mexico about six months earlier.

113 Shannon, *Desperados*, 129–130, 201.

114 Marjorie Miller, “Journalist's Death Unravels Network : Killing in Mexico Reveals Trail of Police Corruption.” *Los Angeles Times* article collection, July 7, 1989. http://articles.latimes.com/1989-07-07/news/mn-3216_1_police-corruption/2 (accessed February 21, 2011).

115 Grayson, *Mexico: Narco-Violence*, 43.

4. Kiki

The account of the 1980s cannot be balanced without mention of Kiki Camarena. DEA agent Enrique “Kiki” Camarena was investigating an enormous marijuana plantation owned by Rafael Caro Quintero known as “Bufallo Ranch.”¹¹⁶ Camarena “was kidnapped and murdered in Guadalajara in February 1985 and Bartlett Díaz, the man assumed to be picked to be the next president, was implicated by the DEA and thus barred for political reasons from the job.”¹¹⁷ Shortly after Camarena disappeared, Caro Quintero escaped Guadalajara after a “brief and presumably staged exchange of gunfire with police.”¹¹⁸ When his body was recovered (along with the body of his pilot Alfredo Zavala), an autopsy confirmed that Camarena was tortured and beaten to death. “Doctors [concluded] that he finally died from a tire iron slammed through his skull.”¹¹⁹ The DEA obtained versions of three tapes of the thirty-hour torture session; Díaz, then minister of the interior, was physically present at the house during some part of the torture. There were arrests in the case; when detained, Ernesto Fonseca Carrillo had on his person a copy of one of the torture tapes, implicating him in the crime. Quintero’s April 1989 arrest in Costa Rica was tied to the crime, as was that of Felix Gallardo that same month. Gallardo, while being hunted for Camarena’s murder, stayed with the governor of Sinaloa.¹²⁰

Collusion between drug traffickers and the Mexican police was already well known to the United States, but this was the first time that Mexican corruption had led to the death of a U.S. agent. U.S. drug control officials... became aware that Mexican drug traffickers were being given cover by a vast network reaching the highest levels of government. Mexico and the United States plunged headfirst into a crisis of confidence.¹²¹

116 Freeman and Sierra, “Mexico: The Militarization Trap,” 271.

117 Bowden, *Down by the River*, 146.

118 Freeman and Sierra, “Militarization Trap,” 271.

119 Bowden, *Down by the River*, 152.

120 *Ibid.*, 153.

121 Freeman and Sierra, “Militarization Trap,” 272.

For the DEA and many in the U.S., Kiki's murder and the fallout from it, "finally illustrate how deeply entrenched the drug business is in Mexican society and how dangerous this mutual connection is for U.S. foreign policy."¹²²

Incensed by inaction on the part of Mexican authorities, the U.S. Customs Service agents effectively closed the border with a replay of Operation Intercept.¹²³ Mexican officials averred that Camarena was a crooked cop and that he paid with his life for a deal gone bad.¹²⁴ Kiki Camarena's murder colored the bilateral relations between Mexico and the United States for years to come.

Reacting to the murder, U.S. President Ronald Reagan (1981–1989) took a momentous step in 1986, declaring drug trafficking a threat to national security. The fairly innocuous-sounding step created an opening in the United States for involvement of the U.S. military. Having little option in the face of increased pressure from the north, de la Madrid followed Reagan's lead; framing the Mexican part of the drug war in a national security context. Although the Mexican armed forces had long been engaged in the *Campeña*, militarization efforts in Mexico did increase their involvement in both raw numbers of participants and in scope of responsibility. Mexican military officers increasingly found themselves appointed to leadership positions within formerly civilian-lead law enforcement agencies, up to and including the office of the attorney general.¹²⁵

Perhaps the most significant and prickly policy fallout was the American "Anti-Drug Abuse Act of 1986" which, among other provisions created the notorious "Certification Process" whereby the U.S. president was required to annually "certify that countries were cooperating fully with U.S. policies or that they had taken adequate steps on their own to reduce drug proliferation."¹²⁶ Decertified countries would be faced with significant economic sanctions including suspension of foreign and military aid,

¹²² Bowden, *Down by the River*, 157.

¹²³ Jay Mathews, "Murder of Drug Agent Lights Hometown Anger," *Washington Post*, March 14, 1985: A3.

¹²⁴ Grayson, *Mexico: Narco-Violence*, 220.

¹²⁵ Freeman and Sierra, "Mexico: The Militarization Trap," 277.

¹²⁶ Grayson, *Mexico: Narco-Violence*, 221.

opposition by U.S. representatives to loans and denial of preferential trade status. Although Mexico was never decertified, the process exposed Mexico to significant criticism. In response to such harsh critique, Mexico attempted to emphasize its efforts against traffickers but it was a bitter pill. Mexico “viewed the certification ordeal as an imperial attack, an affront to its sovereignty.”¹²⁷

5. Carlos Salinas

The final Mexican President to serve during the decade was Carlos Salinas de Gortari (1988–1994). Coming to power in the wake of the weak de la Madrid administration, Salinas’ presidency began under a dark cloud. The election, which has generally been acknowledged to have been fraudulent, was barely won by Salinas and the PRI. Political columnist Juan José Hinajosa called Salinas “the weakest president since [the 1930s].”¹²⁸ Despite the low starting point, the Harvard educated economist, Salinas was able to press an aggressive agenda of economic liberalization.¹²⁹ This agenda, and particularly his support for what would eventually become the North American Free Trade Agreement (NAFTA), made Salinas particularly receptive to U.S. counternarcotics initiatives. In order to show that his government had the political fortitude to combat drug trafficking, Salinas’ administration ratcheted up the pressure on drug crime. Mexican prisons filled with low-level traffickers, including some arrested under questionable circumstances. Even so, “U.S. officials praised this aggressive effort and years later—even after the Salinas administration had been disgraced as one of Mexico’s most corrupt—held up these arrest statistics as an enviable achievement.”¹³⁰

6. Ronald Reagan

Elected in 1980 and inaugurated in 1981, Ronald Reagan became president when the U.S. was more than ready for increased emphasis on anti-drug activity. After years of

127 Grayson, *Mexico: Narco-Violence*, 222.

128 Miguel Ángel Centeno, *Democracy Within Reason: Technocratic Revolution in Mexico*, (University Park: Pennsylvania State University Press, 1999), 15.

129 *Ibid.*, 164, 16.

130 Freeman and Sierra, “Mexico: The Militarization Trap,” 285.

relative disinterest from the Carter administration, Reagan's administration shaped its anti-drug policy under the influence of "a sizable and vocal national constituency that had grown impatient with the permissive attitudes toward drug use and other counterculture activities of the previous decade."¹³¹

Taking a contrary viewpoint, Elaine Shannon argues in her book that Reagan was disinterested in the fighting drug traffickers at the beginning of his presidency; allowing First Lady Nancy Reagan and his Vice-President George H.W. Bush to be the public face of the drug war while his interests lay elsewhere. Shannon asserts that Reagan did not really engage until after the Camarena incident.¹³²

Reagan was certainly focused on what he perceived as an existential threat to the U.S. in the form of global communism but to call him disinterested in combating drugs is not fair. By 1982, he had signed executive orders placing the U.S. intelligence community (including the Central Intelligence Agency) at the disposal of civilian drug enforcement agencies. Further, the administration proposed changes to the 1878 Posse Comitatus Act thereby allowing military involvement in civilian law enforcement.¹³³ January of that year, Reagan placed Vice President Bush at the head of the South Florida Task Force charged with stemming the flow of cocaine into the U.S. The task force became the template for law enforcement activities; over the next three years, more than a dozen similar organizations brought together assistant U.S. attorneys, the Bureau of Alcohol, Tobacco and Firearms (BATF), the Federal Bureau of Investigations (FBI), U.S. Coast Guard, Customs, DEA, the Internal Revenue Service (IRS), and the U.S. Marshals Service to wield their unique skill sets against drug trafficking on the domestic front.¹³⁴ Overall, Reagan increased drug enforcement's budget during his terms from \$855 million in 1981 to \$4.7 billion by 1988.¹³⁵

131 Bertram, et al. *Drug War Politics*, 110–111.

132 Shannon, *Desperados*, 37–38.

133 Bertram, et al. *Drug War Politics*, 112.

134 *Ibid.*, 112.

135 Bertram, et al. *Drug War Politics*, 110; Smith, "Drug Trafficking in Mexico," 140.

Compared to his predecessor, Reagan certainly turned up the heat on the rhetorical front. “We’re rejecting the helpless attitude that drug use is so rampant that we’re defenseless to do anything about it. We’re taking down the surrender flag that has flown over so many drug efforts; we’re running up a battle flag. We can fight the drug problem, and we can win.”¹³⁶ In his 1983 State of the Union address, Reagan reaffirmed that he was committed to “an all-out war on... drug racketeers.”¹³⁷

Internationally, Reagan’s efforts were aimed squarely at reducing the flow of illegal drugs into the country, but more and more, U.S. actions tended toward a unilateral fight, mostly unconcerned with building cooperative strategy.¹³⁸

Shannon was right in one aspect of her argument. The Reagan administration did change as a result of the kidnapping and murder of Agent Camarena. As previously mentioned, defining trafficking as a national security issue and creating the certification process both came in the aftermath of the murder. The United States anti drug strategy after the incident was built on three pillars. “First in a search for a trustworthy police partner, the United States supported efforts to purge, disband, and restructure corrupt police forces. Second, U.S. officials sought a larger role for the Mexican military. Finally, Congress imposed the requirement” [for annual certification].¹³⁹ These policies caused a fair amount of friction with Mexico but the Mexican administration did generally try to comply. After an August 1986 meeting between Reagan and de la Madrid, a White House staffer affirmed that Reagan was pleased with the Mexican government’s commitment to combat production and trafficking in support of the strategy espoused by the U.S.¹⁴⁰

136 Ronald Reagan, “Remarks on Signing Executive Order 12368, Concerning Federal Drug Abuse Policy Functions,” *Ronald Reagan Presidential Library Archives*, June 24, 1982. <http://www.reagan.utexas.edu/archives/speeches/1982/62482b.htm>, (accessed February 26, 2011).

137 Ronald Reagan, “Address Before a Joint Session of the Congress on the State of the Union,” *Ronald Reagan Presidential Library Archives*, January 25, 1983. <http://www.reagan.utexas.edu/archives/speeches/1983/12583c.htm>, (accessed February 26, 2011).

138 Smith, “Drug Trafficking in Mexico,” 141–142.

139 Freeman and Sierra, “Mexico: The Militarization Trap,” 272.

140 Shannon, *Desperados*, 386.

7. George H. W. Bush

Reagan's vice president succeeded him in 1989. As the forty-first president, George H.W. Bush (1989–1993) further increased the emphasis placed on the drug war. Bush came out swinging; just seven months after taking office, Bush addressed the nation. In his first televised address Bush said “All of us agree that the gravest domestic threat facing our nation today is drugs... Who's responsible?—Let me tell you straight out. Everyone who uses drugs. Everyone who sells drugs. And everyone who looks the other way.”¹⁴¹ Bush spelled out an agenda of unflinching enforcement aimed at producers, sellers, and users, who would be “caught, prosecuted, punished.” The Bush strategy would encompass four major elements: first, increased efforts at law enforcement aimed at making American neighborhoods safe; second, to look beyond U.S. borders at producing and processing countries; third, increased spending on drug treatment; finally, increased funding for school and community education programs aimed at stopping drug use before it started. All told, Bush proposed a \$1.5 billion increase in domestic spending and another \$3.5 billion aimed at foreign interdiction and eradication.¹⁴²

Bush further militarized the drug war to an unprecedented level. The 1989 National Defense Authorization Act made the Department of Defense the lead federal agency responsible for detecting the entry of drugs into the U.S., made DoD accountable for integration of command, control, and communications in order to interdict trafficking, and told it to approve and fund use of National Guard troops in state-level interdiction efforts.¹⁴³

141 George H.W. Bush, “Speech on National Drug Control Strategy.” *New York Times*, September 06, 1989. <http://www.nytimes.com/1989/09/06/us/text-of-president-s-speech-on-national-drug-control-strategy.html?scp=2&sq=&pagewanted=all>, (accessed February 26, 2011).

142 Bertram, et al. *Drug War Politics*, 114.

143 *Ibid.*, 114–115.

The Bush international agenda was largely focused on South America through the implementation of the “Andean Initiative”¹⁴⁴ but Mexico was far from off the scope. Pressure from the U.S. administration combined with desire to advance his own economic agenda gave Carlos Salinas no real option but to join Bush’s war on drugs. Salinas approved the Northern Border Response Force, a joint project between the U.S. DEA and the Mexican attorney general’s office utilizing radar and U.S. helicopter support to monitor the border. He further allowed the U.S. military to station an intelligence unit at the U.S. embassy in Mexico intended to support drug traffic investigation. His most controversial step was to permit U.S. Airborne Warning and Control System (AWACS) planes to overfly Mexican airspace to monitor drug trafficking activity. (This last step was short-lived; as information became public, objection became so strenuous that the program had to be terminated).¹⁴⁵

8. Concluding the ‘80s

Through the end of 1980s, U.S. strategy had been largely consistent since the beginning of the prohibitionist era. Even including the years of the Ford and Carter administrations when the emphasis was reduced and the rhetoric relaxed, the U.S. still pursued an overall strategy of reduction at the source. In spite of the ever increasing bill and the limited long-term prospects for success, no U.S. administration has had the option to be weak in the arena of anti drug strategies.¹⁴⁶

The story for Mexico has been a different one. Through the late 1980s, Mexico did not have a significant problem with consumption of marijuana, heroin, or cocaine. The real concerns for Mexico were political. Confronting traffickers before they could threaten the legitimacy of the PRI government and preventing U.S. policy from overriding Mexican sovereignty were the two chief concerns. Mexico’s interests were best served when they could simultaneously manage these two sometimes contradictory

144 Adam Isacson, “The US Military in the War on Drugs.” In *Drugs and Democracy in Latin America: the impact of US policy*, ed. Coletta A. Youngers and Eileen Rosin (Boulder: Lynne Rienner, 2005), 23.

145 Smith, “Drug Trafficking in Mexico,” 143.

146 Ibid., 141.

imperatives.¹⁴⁷ As often as not, their choices were designed to limit the reach of the U.S.; in a twist on the lesson from the Melian Dialog, Mexico does what it must so that it can do what it wants.

D. 1990s (OPENING THE BOOK ON NAFTA, CLOSING THE BOOK ON THE PRI: 1990–2000)

1. Introduction

Both Mexico and the United States adhered to the supply oriented strategy throughout the 1990s. The U.S. was still politically wedded to the strategy, as anything less than attacking drugs appears weak on crime. Mexico followed the U.S. lead for largely the same economic reasons as in previous decades but a looming political sea change would soon alter Mexico's motivations.

The story of the decade of the 1990s begins in much the same way as the story of the 1980s ends. Both Mexico and U.S. presidents remained in office as the new decade began; policies and preferences relating to counternarcotics strategy carried over from the end of last decade. There were, however, changes in context. In this section I will show that war became increasingly militarized and that Mexico's cooperation increased. This illustrates that Mexico's options narrowed as the problem began to widen.

2. Bush and the “New World Order”

North of the border, President Bush steered the U.S. ship of state into uncharted waters. To borrow a phrase from the American President, the 1990s ushered in a “New World Order.” By 1991, the Soviet Union had dissolved and the U.S. became the world's only superpower. Unencumbered by the responsibility of militarily countering the Soviets, the U.S. was able to refocus those efforts and reinvest the “peace dividend.” Bush continued to press the war on drugs with the same aggressive style as his predecessor and increasingly employed the armed forces as evidenced by the increase in the U.S. military's drug enforcement budget, which grew from \$357 million in 1989 to

¹⁴⁷ Smith, “Drug Trafficking in Mexico,” 141.

over \$1 billion by 1992.¹⁴⁸ His Andean initiative focused much (if not most) of the United States' counternarcotics efforts in South America on forestalling the cocaine trade at the source. Military and police assistance for Colombia, alone, was approximately \$100 million in 1990, (the rest of the decade saw numbers fluctuate from around \$50 million to over \$300 million, peaking at \$765 million in 2000).¹⁴⁹ Ironically, the localized success of those South American oriented strategies had unforeseen consequences. As the U.S. military began detection and monitoring operations in the Caribbean and Gulf of Mexico, the Colombians began seeking alternative paths for their product to get to market. More aggressive enforcement efforts led to the eventual breakup and marginalization of the Colombian cartels (Medellin and Cali, in particular) opening the door for the growing Mexican cartels to evolve from middleman transporters into purchasers and wholesalers.¹⁵⁰

U.S. relations with Mexico at the beginning of the decade were still very much colored by the Camarena case. Although President Bush may not have explicitly ordered Operation Leyenda, it is inconceivable to think he was not at least aware of it. The operation, designed to bring Camarena's killers to justice, saw the DEA sponsor the abduction of Dr. Humberto Álvarez Machain from Guadalajara in 1990. Álvarez Machain, who was suspected of being involved in Camarena's torture and murder, was taken by bounty hunters back to face trial in the United States.¹⁵¹ (An earlier, similar incident in 1986 involved the capture and incarceration of alleged drug dealer René Martín Verdugo-Urquidez). Neither of the two men was convicted in American Courts but the U.S. Supreme Court ruled just before the Álvarez Machain abduction that "illegal searches and seizures in other countries—with or without the participation of U.S. government agents - did not necessarily lead to the loss of jurisdiction for U.S. courts. Foreign nationals were simply not entitled to the constitutional rights enjoyed by U.S.

148 Bertram, et al. *Drug War Politics*, 114.

149 Lisa Haugaard, Adam Isacson and Joy Olson, *Erasing the Lines: Trends in U.S. military programs with Latin America* (Washington DC: LAWGEF, CIP and WOLA, 2005), 18.

150 Grayson, 'Drugs and Thugs,' 29.

151 Ibid., 29.

citizens.”¹⁵² Later, in *United States v. Alvarez Machain* (1992), the Supreme Court ruled that an existing extradition treaty (like the one between the U.S. and Mexico) does not preclude the U.S. from forcibly abducting a citizen of another country and bringing him to trial in Federal Court.¹⁵³ Not surprisingly the Mexican government objected, calling the action kidnapping but ultimately did not press the issue for reasons to be discussed later in this chapter.¹⁵⁴

President Bush’s personal involvement vis-à-vis Mexico was illustrated in the course of the Certification Process. Despite some controversy and pushback from members of Congress, Bush never decertified Mexico. Statements issued in conjunction with the certifications, while not a complete whitewash, tended not to dwell on Mexico’s shortcomings; instead highlighting those areas where Mexico’s efforts coincided with U.S. objectives. The 1990 report praised President Salinas’ for increased support of anti-narcotics programs, arrests of key figures in the Camarena case, and the signing of a bilateral agreement as well as other “good news” stories. In fairness, it did acknowledge indications of continuing corruption in police and military organizations.¹⁵⁵ The 1991 certification was even “kinder and gentler” although not completely without reservation. In it, Bush praised Salinas not only for an improved record of “seizures, arrests and eradication, but in the broader sense of an overall systemic improvement in narcotics control... but there is still much to do.”¹⁵⁶ Bush’s final certification in 1992 mentioned concerns about an incident from November 1991 wherein Mexican soldiers killed seven Mexican drug enforcement agents but on the whole was effusive in its support. “While corruption continues to impede efforts to curb drug trafficking in Mexico, sustained interdiction, intensified eradication, broad demand reduction/eradication efforts, systemic

152 Smith, “Drug Trafficking in Mexico,” 142.

153 “Excerpts From Supreme Court’s Decision on the Kidnapping of Foreigners.” *New York Times*. June 16, 1992.

154 K. Larry Storrs. *Mexico-US Relations in the Salinas Period (1988–1994)*. (Washington DC: Library of Congress, 1992) 11; Jorge Chabat. “Drug Trafficking and United States-Mexico Relations: The Sources of Conflict” (working paper: Mexico Security Studies Workshop of CIDE and El Colegio de Mexico, 2010), 104.

155 Storrs. *Mexico-US Relations in the Salinas Period*. 11.

156 *Ibid.*, 11.

legal reforms and tough anti-corruption measures clearly demonstrate Mexico's political will to combat drug trafficking on all fronts."¹⁵⁷ It could be argued that such statements were overly generous, but the message seems pretty clear: comply with U.S. strategic goals and maintain status as "certified." Jorge Chabat contends that "despite the potential annual anti-drug certification, it was useful during the time that it was in place to improve diplomatic relations with Mexico by providing arguments to support the goodwill of the country in the fight against drug trafficking. This was possible because the criteria used for certification were based more on the efforts by countries producing or transiting drugs, than on the results."¹⁵⁸

3. Salinas and NAFTA

Carlos Salinas completed two-thirds of his sexenio at the opening of the new decade. Despite the fact that he very nearly lost his election in 1988 (most would say he did lose), he ended up as a very popular president. The U.S. government seems to have been pleased with Salinas' installation as president; educated in America, supportive of economic liberalization and an active participant in the drug fight, Salinas' presidency was enthusiastically supported by U.S. administrations.

After the controversial election, Salinas sought to recapture support of the Mexican public through his National Solidarity Program (PRONASOL), which marginalized the PRI elites by bypassing them in the process of providing patronage directly to the people. To an even greater extent, PRONASOL competed directly with political opponents from the newly formed opposition party, the Party of the Democratic Revolution (PRD). The success of PRONASOL was such that Salinas "toyed with the idea that the 100,000 Solidarity committees could provide a base for returning to Los Pinos in 2000 if [presumed successor Luis Donaldo] Colosio could eliminate the constitutional ban on reelection."¹⁵⁹ Further, Salinas reestablished formal diplomatic relations with the Vatican after more than a century; a savvy move in a largely Catholic

157 George H. W Bush, quoted by Storrs. *Mexico-US Relations in the Salinas Period*. 12.

158 Chabat. "Drug Trafficking" (working paper), 105.

159 Grayson, *Mexico: Narco-Violence*, 46-47.

country, especially considering that the opposition National Action Party (PAN) was more traditionally associated with the Church; the move certainly appealed to any Catholic voters that might have been “on the fence.” He also sought to curry favor with his own military establishment in an effort to strengthen his political position.¹⁶⁰

This posturing was done in order to help facilitate Salinas’ most ambitious pet project. Carlos Salinas was an enthusiastic champion of the North American Free Trade Agreement. NAFTA became “the world’s largest free trade area, which now links 444 million people producing \$17 trillion worth of goods and services.”¹⁶¹ Despite its subsequent passage and relative success, NAFTA was by no means a sure bet in the early nineties. Salinas recognized that ill-will and fallout from violence of the drug war could derail his efforts. In hopes of placating NAFTA critics, Salinas agreed to allow armed DEA agents into Mexico and allow satellite surveillance to detect drug operations. He also created the Center for Drug Control Planning (CENDRO) as an intelligence center, the National Drug Control Program (PNCD), and the National Institute to Combat Drugs (INCD).¹⁶²

Salinas further strengthened his relationship with both the U.S. and his own military by incorporating the Mexican military more completely in the anti-drug campaign. Inclusion in the National Development Program, which was the key policy document relating to security issues, singled out drug trafficking as an affront to national security and accordingly legitimized the use of the military in the fight.¹⁶³

The decisions made by Salinas were largely shaped by his desires to press forward with the NAFTA initiatives. Salinas pushed changes in the fight against traffickers because of perceived pressure from the U.S. Congress. U.S. Defense Intelligence Agency analysis supports this connection between Salinas’ concern for

160 Grayson, *Mexico: Narco-Violence*, 46–47.

161 Office of the United States Trade Representative. *North American Free Trade Agreement (NAFTA)*. July 27 2009.

162 Grayson, ‘*Drugs and Thugs*,’ 30.

163 Sigrid Arzt, “the Militarization of the Procuraduría General de la República: Risks for Mexican Democracy.” In *Reforming the Administration of Justice in Mexico*, ed. Wayne A. Cornelius and David A. Shirk. (Notre Dame: University of Notre Dame Press, 2007), 157.

NAFTA and his efforts against the cartels. Internal memoranda indicate that he was cooperating on drug issues and that this “reflects in part President Salinas’ hope that paying more attention to drug issues will minimize frictions with the United States that could jeopardize Mexico’s economic recovery, his top domestic priority.”¹⁶⁴ The memo clearly connected Mexico’s counternarcotics policies with the approval of NAFTA. (Protection for NAFTA may have been in the interests of both sides, Chabat cites American reporting that claimed both Bush and Clinton sought to insulate NAFTA negotiations by exaggerating Mexican accomplishments versus drug traffickers).¹⁶⁵

Far from an unqualified success, Salinas’ tenure as president was marked by increasing violence on the part of the cartels and political murders that touched his own administration. The postscript on this anti drug crusader: His older brother Raul was in prison for money laundering and murder.¹⁶⁶ The INCD (modeled after the U.S. DEA) was to be disbanded in the wake of revelation that director General Jesús Gutiérrez Rebollo was on the payroll of the Juárez cartel.¹⁶⁷ Salinas’ anticipated successor, Luis Donaldo Colosio, was assassinated (with some conspiracy theorists pointing a finger at Salinas himself¹⁶⁸) and his eventual replacement, political novice Ernesto Zedillo, would be the final president of the PRI’s seventy plus years of uninterrupted monopoly of power.¹⁶⁹

4. Bill Clinton

The American administration of Bill Clinton (1993–2001) was something of a study in bureaucratic inertia. Similar to the experience of the Ford and Carter administrations during the 1970s, Clinton tried to chart a more moderate course, avoiding

¹⁶⁴ Jorge Chabat. *Mexico: the Security Challenge*. (Mexico City: Centro de Investigación y Docencia Económicas, 2006), 9.

¹⁶⁵ Ibid., 10.

¹⁶⁶ Grayson, ‘*Drugs and Thugs*,’ 33.

¹⁶⁷ Freeman and Sierra, “Military Trap,” 274.

¹⁶⁸ Maria Elena Salinas “Who killed Luis Donaldo Colosio?” *San Diego Union-Tribune*. March 15, 2004. http://www.signonsandiego.com/uniontrib/20040315/news_1e15salinas.html , (accessed April 16, 2011).

¹⁶⁹ Grayson, ‘*Drugs and Thugs*,’ 33.

the bellicose rhetoric and moving away from the militarized drug war of the Reagan and Bush years. This goal would prove to be considerably easier to state than to achieve and for Clinton political appointees, even saying it would prove to be difficult and politically costly.¹⁷⁰

Bill Clinton, the consummate politician, recognized very quickly that changing the anti-drug paradigm would be difficult and, lacking any kind of popular mandate, would require considerable personal intervention on the part of the president. Clinton's unwillingness to press the issue kept his efforts guarded, minimal and tentative; faced with opposition from a still-mobilized network of pro-law and order conservatives, he was more inclined to retreat from conflict over the issue of drug policy.¹⁷¹

Early efforts to tone down the language of war tried to shift U.S. strategy toward treating drug use as a health problem (rather than a law-enforcement issue). Clinton's drug czar, Lee Brown, a former New York City Police Commissioner, attempted to retreat from the "war metaphor" in public speeches. His Office of National Drug Control Policy (ONDCP) released 1994 National Drug Control Strategy intended to redirect U.S. strategy against "chronic, hardcore drug use and the violence that surrounds it."¹⁷² Attorney General Janet Reno argued that drug abuse was symptomatic of deeper societal problems and that mandatory sentencing guidelines for non-violent drug offenders was excessively burdening the U.S. prison system (and by extension, the U.S. government that had to foot the bill). Surgeon General Jocelyn Elders implied in public statements that drug crime might be caused by enforcement strategies and that legalization should be considered as a means to diminish such social damage. Not surprisingly, such statements drew criticism from conservative opponents. Elders' remarks played a role in her firing, meanwhile Clinton, not wanting to appear soft on crime, avoided the political battle; he and his appointees toned down the reformist rhetoric.¹⁷³

170 Bertram, et al. *Drug War Politics*, 116.

171 *Ibid.*, 117.

172 US Executive Office of the President; Office of National Drug Control Policy, "National Drug Control Strategy: Reclaiming Our Communities From Drugs and Violence", *National Criminal Justice Reference Service*, 1994. <http://www.ncjrs.gov/pdffiles1/ondcp/150489.pdf> (accessed April 16, 2011), 1.

173 Bertram, et al. *Drug War Politics*, 118–119.

Clinton also attempted (unsuccessfully) to reduce the size of the federal government's anti-drug bureaucracy. In an attempt to keep campaign promises to reduce the size of the government, he proposed to reduce the size of Lee's ONDCP by more than 80 percent. Clinton's proposed contraction from a staff of 146 to just 25 members met significant congressional opposition from both political parties. Ultimately Congress allowed a reduction to 40 staffers and doubled Clinton's proposed budget for ONDCP.¹⁷⁴

Clinton's attempt to change the autonomous DEA into a division of the FBI was met with similar resistance. The DEA, objecting to the reorganization claimed that such a move "would greatly disrupt our nation's drug effort... [and] would also trigger the perception of a serious reduction in the federal government's commitment to this crime problem."¹⁷⁵ Perhaps his most surprising opponents were the Democrats in the House of Representatives. New York Representative Charles Schumer and New Jersey's William Hughes (both Democrats) lambasted the proposal and essentially told the president that such a move could not proceed without congressional approval. Again, the administration retreated; the Attorney General promised instead to improve interagency coordination through "more modest means."¹⁷⁶

Clinton attempted to sponsor other attempts to reduce the scope of the war on drugs. An attempt to reduce spending on interdiction efforts by a mere seven percent met stiff congressional opposition. In the face of another assured congressional fight, Clinton opted not to pursue those cuts and, in fact created a new position for an interdiction coordinator, designed as much as anything to convince conservative opponents in Congress of the administration's sincerity and commitment to the interdiction mission.¹⁷⁷

The crux of the issue for the Clinton administration and their attempts at shifting policy were captured in the aforementioned 1994 National Drug Control Strategy document. The document highlighted four "focal points" as the U.S. strategy goals: One, (previously mentioned) [reducing] chronic hardcore drug use and the violence that

¹⁷⁴ Bertram, et al. *Drug War Politics*, 120.

¹⁷⁵ *Ibid.*, 121.

¹⁷⁶ *Ibid.*, 121.

¹⁷⁷ *Ibid.*, 122.

surrounds it, which are at the heart of the nation's current drug crisis. Two, concentrate prevention efforts to educate the young on the dangers of illicit drug use. Three, empower local communities with an integrated plan of education, prevention, treatment, and law enforcement. Finally, four, change how the United States carries out international drug control policy to refocus interdiction's emphasis from the transit zones to the source countries. The first of the four focal points was the only one that was radically different from previously articulated strategies. The funding required to implement the change was relatively modest (only \$355 million) but in an austere spending environment, the proposal required a clear message to the Congress that it was a high priority. In the absence of any signal from the Clinton Administration, congress whittled the appropriation down to \$57 million and removed the stipulation that the funds be reserved to treat hardcore users.¹⁷⁸

The Clinton administration made what could at best be characterized as a half-hearted attempt to redirect U.S. strategy for dealing with drugs. In the end, he was unable to affect any significant change. Spending for treatment and prevention programs was roughly proportional to spending for those same programs under the previous administration. Attempts to deemphasize the drug war rhetoric resulted in harsh criticism from drug war supporters. Just two years into his first term, rather than reducing the scale of the drug war, budgets were larger than ever and the percentage spent on enforcement and interdiction was essentially unchanged.¹⁷⁹ After 1995, the Democrats lost their majority in both houses of Congress and what little hope of reform there was evaporated altogether. Clinton's experience in trying to change U.S. strategy illustrates the difficulty faced when attempting to make such changes. Even if a president was willing to endure the political costs, the prospects of making significant changes to the drug war paradigm are extremely unlikely.¹⁸⁰

178 Bertram, et al. *Drug War Politics*, 122–123.

179 Ibid., 117–124.

180 Ibid., 125.

5. Ernesto Zedillo

Mexico's president for the last part of the 1990s was Ernesto Zedillo Ponce de León (1994–2000). Zedillo, a Yale educated PhD economist, was a political rookie. He was thrust suddenly into the role of presidential candidate when Salinas' heir apparent Luis Donaldo Colosio (for whom Zedillo was campaign manager) was assassinated while campaigning in Tijuana. Zedillo was the final president from the PRI, ending an over 70-year "dynasty." Zedillo's administration made significant and apparently sincere attempts to institute reforms and cooperate with the United States in operation against drug trafficking, but was dealt some fairly significant setbacks.

From his earliest days in office and throughout his term, Zedillo sought to increase direct involvement of the Mexican military. The 1995 Chihuahua Pilot Project, for example, replaced 120 Federal Judicial Police officers from the Chihuahua office of the attorney general with soldiers on loan from the army. The project soon expanded to encompass all regional attorney general offices and the Federal Judicial Police was manned by military members at all levels. Additionally, military officers took on responsibility for CENDRO, the attorney general's intelligence center, and the INCD, Mexico's equivalent to the DEA. Police forces at federal, state, and local levels were replaced with military personnel in nearly every Mexican state. By 1999, the establishment of the Federal Preventive Police (PFP) virtually eliminated any distinction that remained between police and military as half of its cadre was drawn from the ranks of military police.¹⁸¹

The militarization of the Mexican counternarcotics effort was welcomed by the U.S.¹⁸² Following a visit by then U.S. Secretary of Defense William Perry, Mexico resumed accepting U.S. aid (it had refused aid from 1993 through 1995) and established a bilateral group for military issues, including counternarcotics operations. Additionally, U.S. forces began to train and equip Airmobile Special Forces Groups (GAFE) within the

¹⁸¹ Freeman and Sierra, "Mexico: The Militarization Trap," 278.

¹⁸² Arzt, "The Militarization of the PGR," 170.

Mexican army to prepare for direct action missions against drug cartels.¹⁸³ Ironically, deserters from GAFE units formed the original core of the “Zetas.” Originally enforcers for the Gulf Cartel, the Zetas are now a significant drug trafficking organization (DTO) in their own right.¹⁸⁴

Zedillo’s decision to further militarize the drug war was based at least partly on the idea that the military was less susceptible to corruption.¹⁸⁵ Unfortunately, the use of the armed forces was no panacea for corruption and one of the unintended results of their employ was the arrest of over 150 soldiers and officers in the last half of the decade.¹⁸⁶ The most notorious episode was the arrest of General Jesús Gutiérrez Rebollo, head of the INCD, whom U.S. Drug Czar General Barry McCaffrey had called “a guy of absolute unquestioned integrity.”¹⁸⁷ After it was revealed that Gutiérrez Rebollo had protected Juarez cartel capo Amado Carillo, the general was jailed and his INCD disbanded.¹⁸⁸

A series of high level scandals and accusations plagued the Zedillo government. Governors were linked to drug traffickers in Sonora, Morelos, Puebla, Yucatán, Campeche, and Quintana Roo. Although the attorney general supported the governors, “the general assumption is that the drug business cannot prosper without official protection from the top levels in those regions.”¹⁸⁹

According to a leaked CIA documents, government minister Francisco Labastida Ochoa was accused of maintaining ties to the cartels while governor of Sinaloa. The report, published in the *Washington Times* in 1998 was flatly denied by the Zedillo administration and Barry McCaffrey (whose ability to judge must be considered suspect after the Gutiérrez Rebollo embarrassment) claimed that there was no compelling

183 Freeman and Sierra, “Mexico: The Militarization Trap,” 279.

184 Freeman and Sierra, “Mexico: The Militarization Trap,” 283.

185 Arzt, “the Militarization of the PGR,” 170.

186 Freeman and Sierra, “Mexico: The Militarization Trap,” 283.

187 Grayson, *Mexico: Narco-Violence*, 50.

188 Freeman and Sierra, “Mexico: The Militarization Trap,” 274; Luis Astorga, “Mexico: Drugs and Politics.” In *The Political Economy of the Drug Industry*, ed. Menno Vellinga 85–102. (Gainesville: University Press of Florida, 2004), 94.

189 Astorga, “Mexico: Drugs and Politics,” 96.

evidence.¹⁹⁰ Interestingly enough, Francisco Labastida Ochoa went on to run for the presidency on the PRI ticket after Zedillo's sexenio.

Mexican newspapers in 1999 accused former PRI governor Carlos Hank Gonzalez of involvement in drug trafficking and financial irregularities. Based on reports from the National Drug Intelligence Center, he and his family had been involved in money laundering and drug trafficking for decades.¹⁹¹

The president's own private secretary Liébano Sáenz was accused of being connected with drug trafficking organizations. McCaffrey, Reno and U.S. ambassador Jeffrey Davidow all denied having knowledge of the accusations but the rumors persisted.¹⁹²

In an attempt to restore confidence in their partner, Mexico began a new practice of extraditing Mexicans accused of trafficking to face justice in U.S. courts. This practice has continued through to the present, actually accelerating after Mexican courts ruled on the constitutionality of such extraditions. Zedillo took other steps to placate a skeptical America, including increasing participation in joint training and even allowing armed DEA agents inside Mexican territory.¹⁹³ In the interest of protecting the sometimes fragile bilateral relations, both Mexico and the U.S. defended most of those government officials accused of complicity during the Zedillo and Clinton administrations. However as Astorga points out, "from the beginning to the end of the twentieth century... what remains is the profound impression of an integration and articulation of interests between the political sector and drug trafficking."¹⁹⁴

Despite the inclination to defend members of the Zedillo government and a generally optimistic public face on the bilateral relations, there must have been an underlying distrust of the Mexican government. Despite cooperative agreements and

190 Astorga, "Mexico: Drugs and Politics," 96.

191 Astorga, "Mexico: Drugs and Politics," 94–95.

192 Ibid., 95.

193 Chabat, "Drug Trafficking" (working paper), 107–108.

194 Ibid., 97.

joint military training, the U.S. was willing to act unilaterally. Operation Casablanca was an undercover operation conducted by U.S. Customs agents that led to the arrest of twenty-two high- and mid-level Mexican banking officials from some of Mexico's largest banks on charges of laundering drug money. U.S. officers seized \$35 million, two tons of cocaine and four tons of marijuana. President Zedillo was not even informed of the operation in advance.¹⁹⁵

6. Concluding the '90s

Finally, in 2000, the PRI was defeated at the ballot box. Losing its hegemonic grip on political power, the victory of PAN candidate Vicente Fox signaled a new democratic spirit but was likely the beginning of the explosive growth of power and violence for the Cartels.

From the late eighties, when the PAN won its first governorship, the power dynamic among DTOs began to change.¹⁹⁶ Newly elected PAN governors apparently did not grasp the relationship between the DTOs and former PRI officials.¹⁹⁷ It is thus, not surprising that those states governed by non-PRI governors were the first to experience increased levels of violence.¹⁹⁸

Through the Mexican Ministry of the Interior and the federal police, as well as governorships and other political offices, the government established patron-client relationships with drug traffickers (just as it did with other sectors of the economy and society). This arrangement limited violence against public officials, top traffickers, and civilians; made sure that court investigations never reached the upper ranks of cartels; and defined the rules of the game for traffickers... As the PRI's political monopoly ended, so, too, did its control over the drug trade. Electoral competition nullified the unwritten understandings, requiring drug lords to negotiate with the new political establishment and encouraging rival traffickers to bid for new market opportunities. Accordingly, Mexico's drug-related violence rose first in opposition-led states.¹⁹⁹

195 Grayson, *'Drugs and Thugs,'* 34.

196 Astorga, "Mexico: Drugs and Politics," 92.

197 Grayson, *'Drugs and Thugs,'* 35.

198 Astorga, "Mexico: Drugs and Politics," 92.

199 O'Neil, "The Real War in Mexico," 65.

The dissolution of hegemonic power, beginning at the dawn of the decade and continuing until the final defeat of the PRI in 2000 is the single most important factor affecting Mexico's strategic choice in the drug war since the Nixon declaration in 1969. Prior to the ouster of the PRI, Mexico seems to have tied its strategies to placating the U.S. (or not) based on economic motivations. After the PRI, Mexico seems to be moving toward battling a more existential threat.

E. 2000s (WAR ON TERROR, WAR ON DRUGS: 2000–2011)

1. Introduction

The dawn of the new millennium arrived with much promise and hope. Mexico's political process at least appeared to be both democratizing and opening. George W. Bush, the newly elected President of the United States was a Spanish-speaking former governor of Texas who seemed to get along well with Vicente Fox, Mexico's new pro-business president on a personal level.²⁰⁰

Unfortunately, events on the world stage soon overshadowed any progress in the bilateral relationship; for the U.S., the next decade would be devoted to fighting wars in Iraq and Afghanistan. Meanwhile, the war on drugs, while far from forgotten, took a back seat to the war on terror.

Despite the changed emphasis from drug war to terror war, real change in U.S. counternarcotics strategy over the last ten years has been minimal. Primary focus on attacking drugs at the source and interdicting traffickers as early as possible in the supply chain is, at the macro level, no different than it was in 1969 when President Nixon began the war. Differences between target countries (Colombia instead of Mexico, for example) are merely tactical distinctions, not strategic ones for the U.S.

Mexico, for its part, also continued to pursue a supply-oriented strategy towards counternarcotics, but the motivation for that pursuit shifted across presidential administrations from purely economic to a more urgent and existential one. During the Fox administration, economic considerations were still key to understanding bilateral

²⁰⁰ Laurence Kerr, "Whither Mexico?" *The Milken Institute Review* (third quarter, 2008), 27.

cooperation but the increase of cartel influence beginning late in his sexenio and continuing into the Calderón administration has threatened the state and impinged on the government of Mexico's legitimacy in the entirety of its territory.

Mexico's choices seem to confirm that the departure of the PRI from their position as the sole arbiter of Mexican politics led to less governmental control of DTOs. The increasingly violent actions of the cartels have caused some to claim that Mexico has verged on becoming a failed state.²⁰¹ This claim is perhaps a bit of hyperbole, Mexico ranks 98 of 177 states indexed by Foreign Policy magazine in 2010.²⁰² Certainly, President Calderón takes exception to the characterization,²⁰³ but the challenge to Mexico's state authority (even if only in selected states) could not be ignored.

In this chapter I argue that intensification of the conflict, especially the increased violence, explains Mexico's eagerness to confront the cartels, but, that direct use of military forces and efforts to reform a corrupt judiciary and police institutions, while new to Mexico, are essentially aimed at improving eradication, interdiction, and enforcement.

2. Evolution of the Cartels and Related Violence

The Mexican cartels, in their more or less modern form were born around the time the first PRI governors lost their positions in the late eighties. Miguel Angel Felix Gallardo [was] a well known Mexican drug smuggler who had consolidated many of the small time smugglers in the 1970s into a single organization and by then controlled much of the illegal drug trade along the border."²⁰⁴ Gallardo was eventually arrested in 1989 but continued to direct his organization from behind bars. His lieutenants however, struggled amongst themselves for power within the organization. Gallardo convened a meeting during which he identified the U.S. government as their principal opponent. In

201 U.S. Joint Forces Command, *The Joint Operating Environment: Challenges and Implications for the Future Joint Force* (Norfolk: USJFCOM, 2008), 36.

202 Foreign Policy magazine, 2010 *Failed States Index*, June 21, 2010. http://www.foreignpolicy.com/articles/2010/06/21/2010_failed_states_index_interactive_map_and_rankings (accessed May 23, 2011).

203 Ken Ellingwood, "Calderón seeks to dispel talk of 'failing state,'" *Los Angeles Times*, January 23, 2009.

204 Payan, *Three Border Wars*, 28.

order to eliminate infighting, he divided up responsibilities by territory with each lieutenant responsible for a particular plaza. From this meeting, four of the major cartels in place in Mexico today emerged: Tijuana, Sinaloa-Sonora, Juarez and the Gulf Cartel.²⁰⁵ “The modus vivendi, designed by Felix Gallardo, depended on the various factions respect for the territories of the other crime syndicates.”²⁰⁶

The breakdown began in the mid nineties when Joaquin “El Chapo” Guzmán Loera separated from Arellano Felix Organization (AFO) in Tijuana. He was largely successful at controlling Baja California and sortied into Sinaloa and the Durango plazas as well. “El Chapo” and his rapidly expanding empire was a vanguard in bringing intramural violence into the cartel structure.²⁰⁷

By 2005, the last year of the Vicente Fox sexenio, violence between cartels was on the rise. The Sinaloans moved against the Gulf Cartel, lead by Osiel Cárdenas Guillén. Cárdenas Guillén fought back sending the Gulf enforcers (Los Zetas) to Michoacán to attack transit routes and ports where narcotics and precursor chemicals enter the country. The AFO in Tijuana and the Juárez cartel sided with the Gulf Cartel against the Sinaloans and their allies from the Milenios, Jaliscos, and Colimas. The battle lines thus drawn, a mounting death toll and particularly savage behavior greeted Fox’s successor.²⁰⁸

President Calderón began to fight the Cartels immediately upon taking office and within two years had scored significant victories in the form of high profile arrests and seizures, especially from the his primary target, the Gulf Cartel. Operations against the Gulf cartel left it reeling and its former enforcers, Los Zetas, splintered off to become a significant DTO in their own rite by the spring of 2008. Additionally, the decline of the

205 Payan, *Three Border Wars*, 29.

206 Grayson, *Mexico: Narco-Violence*, 56.

207 Ibid., 57.

208 Grayson, ‘*Drugs and Thugs*,’ 35–36.

Gulf cartel opened the door for other competing organizations to fight between themselves (and even internally amongst themselves) to fill the void left by the decline of the old guard.²⁰⁹

By the end of 2009, the violence can be clearly separated into the fight against the cartels and the battles between them. Areas of influence remain mostly unchanged with the exception of the Michoacan area where a new quasi-religious trafficking organization known as La Familia began to take root. The next year saw tensions between Los Zetas and the weakened Gulf Cartel reach the flashpoint as conflict became open war along the coast. The Gulf organization reached out to former rivals in Sinaloa and La Familia Michoacán (LFM) and the “New Federation” scored some success against the Zetas.²¹⁰

The Sinaloa Federation continues to expand its territory north and east, taking over areas formerly under the influence of the Carrillo Fuentes Organization and the Arellano Felix Organization. With the help of Sinaloa, the Gulf cartel has been able to repel offenses from Los Zetas in Reynosa and Matamoros, though the Zetas are proving resilient. LFM appeared to implode in January, but now a large subset of the former LFM seems to have simply rebranded itself as the “Knights Templar.” Its size and capabilities remain unclear.²¹¹

209 STRATFOR Global Intelligence, “The Evolution of Mexican Drug Cartels’ Areas of Influence” *STRATFOR Global Intelligence*, April 29 2011. <http://wwwprod-1756134246.us-west-1.elb.amazonaws.com/analysis/20110428-evolution-mexican-drug-cartels-areas-influence> (accessed May 15, 2011).

210 STRATFOR Global Intelligence, “Areas of Influence.”

211 Ibid.



Figure 1. Drug cartel areas of influence (From STRATFOR Global Intelligence, 2011).

3. Vicente Fox

The changing of the guard in Mexico occurred on December 1, 2000, when Vicente Fox Quesada (2000–2006) became the first president in seventy years to come from a party other than the PRI. Fox, a conservative member of the PAN, had the heart of a reformer but faced opposition to reforms from both inside Mexico and north of the border.

Washington enthusiastically welcomed the new president as he seemed to approach the counternarcotics issue with guns blazing. Shortly after taking office, Fox initiated a thorough housecleaning among border inspectors; within a month contraband seizures were almost four times higher than the entire previous year.²¹² Fox seemed eager to attack concerns with corruption and bilateral cooperation over topics like extradition but the elimination of the Certification Process was at the top of his agenda.

Fox addressed the U.S. Congress in early September 2001, imploring them to suspend certification as a gesture of goodwill to his new administration. His argument

²¹² Grayson, *Mexico: Narco-Violence*, 224.

that “trust requires that one partner not be judged unilaterally by the other”²¹³ appears to have resonated with U.S. lawmakers. Congress granted a waiver to the annual certification in 2001 and the next year modified the requirement such that the president had only to de-certify those countries that had “‘failed demonstrably,’ during the previous 12 months, to make substantial efforts to adhere to obligations under international counter-narcotics agreements.”²¹⁴ This political win for Mexico was one of the few clear cut victories for Fox. Unfortunately, much of the rest of his sexenio was marked by failed attempts at real reform; most notably attempts to demilitarize the fight.

It should be noted that the Fox administration was able to maintain a generally favorable bilateral relationship with the U.S., especially as related to military and law enforcement cooperation and training. U.S. training and support for Mexican police agencies and the Mexican military increased during Fox’s sexenio. U.S. FBI and DEA trainers instructed thousands of officers every year as part of a program known as Resolution Six, which included course work in interview and interrogation, crime scene investigation, crisis management, ethics and anticorruption, as well as other advanced law enforcement tactics, techniques, and procedures. The military actively sought out special training to increase its counterdrug operational capacity. The use of U.S. mobile training teams (MTTs), which took U.S. trainers to Mexico, was a remarkable development considering Mexico’s traditional distrust of the U.S. military.²¹⁵ Despite increased cooperation on training programs there were issues that caused friction.

Fox and his advisors initially favored a strategy that would treat trafficking as a “matter of public order rather than one of national security.”²¹⁶ The transition team further proposed gradual demilitarization of the law enforcement apparatus in Mexico but this did not match the expectations of the United States. U.S. drug czar Barry McCaffrey

213 Ginger Thompson, “Fox Urges Congress to Grant Rights to Mexican Immigrants in U.S.” *New York Times*, September 7, 2001, <http://www.nytimes.com/2001/09/07/world/fox-urges-congress-to-grant-rights-to-mexican-immigrants-in-us.html> (accessed May 7, 2011).

214 K. Larry Storrs, *Drug Certification/Designation Procedures for Illicit Narcotics Producing and Transit Countries*. (Washington DC: Congressional Research Service, 1992), 6.

215 Freeman and Sierra, “Mexico: The Militarization Trap,” 275, 282.

216 Astorga, “Mexico: Drugs and Politics,” 98.

warned Fox “not to move too quickly in eliminating the role of the Mexican military in the drug war... until you have other institutions and ways of going about it, be careful of what you do.”²¹⁷ The proposal by Fox’s transition team was rolled back under pressure from the U.S. “clearly showing the limits of the maneuvering room of the Mexican government opposite the U.S. government in areas of drug control.”²¹⁸ Fox not only backed off the demilitarization plan but actually increased military participation in federal law enforcement agencies.²¹⁹

It is believed that Fox conceded on the demilitarization issue in order to reduce friction over drug control so as to buy trade space on issues of trade and immigration. In any case, he named Brigadier General Rafael Macedo de la Concha to be his attorney general and filled his Procuraduría General de la República (PGR) with military officers. The U.S. was delighted by the influx of military personnel in the PGR, believing it would positively influence reform efforts.²²⁰

Other initiatives aimed at changing the nature of Mexico’s counternarcotics strategy met with similar resistance from north of the border. A 2006 Fox proposal to decriminalize small amounts of drugs for personal use was strongly opposed by Washington. Under pressure from the U.S., Mexico opted to withdraw the proposal before it could be voted on by the Mexican legislature.²²¹

Not all of the opposition to his project came from the U.S.; other branches of his own government threw up roadblocks as well. Fox, having inherited the state apparatus from an entrenched political machine (including what was perceived as a corrupt and incompetent judiciary), proposed a significant slate of judicial reforms during the last third of his presidency. Fox’s reforms aimed to make structural, procedural and professional changes by proposing new laws, making changes to current laws and amending the constitution. Some of the most profound changes included police

217 Barry McCaffrey quoted by Freeman and Sierra, “Mexico: The Militarization Trap,” 281.

218 Astorga, “Mexico: Drugs and Politics,” 98.

219 Freeman and Sierra, “Mexico: The Militarization Trap,” 281.

220 Freeman and Sierra, “Mexico: The Militarization Trap,” 281.

221 Grayson, *‘Drugs and Thugs,’* 60.

investigation of crimes (formerly the responsibility of prosecutors), presumption of innocence, oral arguments in trial proceedings, the possibility of plea bargaining, alternative dispute resolution, and more strict professional requirements for members of the legal profession (especially defense counsel). These and the other accompanying proposals were meant to increase transparency, provide stronger protection for the accused, and make the organs of justice more timely and efficient.²²²

Unlike his presidential predecessors, Fox did not have the advantage of a unified and politically allied congress; severely limiting his ability to pass legislation. Even though he had met with some success in previous years, creating new law enforcement agencies like the Federal Investigative Police (AFI) an analog to the U.S. FBI and was able to press reforms to the juvenile justice system, his 2004 reform package was met by stiff resistance and in the end, was not passed by the legislature.²²³

Critics cited long implementation requirements and were especially critical of what was perceived as the “importing of foreign legal concepts into the Mexican criminal justice system.”²²⁴ There was concern that those reforms capitulated to foreign disapproval and the support of foreign actors and non-governmental organizations fed established belief that the U.S. was attempting to unduly influence Mexican internal affairs.²²⁵

Working within the confines of a restrictive judicial system, the Fox administration was prepared to use extradition as a tool to fight organized crime (OC), but was obstructed for much of his sexenio by Mexican law and the ruling of the National Supreme Court of Justice (SCJN). The court maintained that Mexican citizens could not be extradited to a country wherein they could be subjected to penalties beyond that which

222 David A. Shirk and Alejandra Ríos Cázares, “Introduction: Reforming the Administration of Justice in Mexico.” In *Reforming the Administration of Justice in Mexico*, edited by Wayne A. Cornelius and Davis A Shirk, 1–47. (South Bend: University of Notre Dame Press, 2007), 35–36.

223 Shirk and Cázares, “Introduction: Reforming the Administration of Justice in Mexico,” 34; Shirk, *Judicial Reform in Mexico*, 11–12.

224 Shirk and Alejandra Ríos Cázares, “Introduction: Reforming the Administration of Justice in Mexico,” 36.

225 *Ibid.*, 37.

the Mexican courts could apply (sentences in excess of sixty years or capital punishment). Fox was, however, able to extradite U.S. citizens or third country nationals. After 2005, when the SCJN reversed its position on life imprisonment (ruling that it was not cruel and unusual) Fox was able to employ the tactic against some high level Mexican cartel bosses including Francisco Rafael Arellano Félix. Although relatively small in scope, Fox’s use of extradition was ultimately a fairly rare political victory for his team and would open the door for much more robust use of the tactic by the Calderón administration.²²⁶

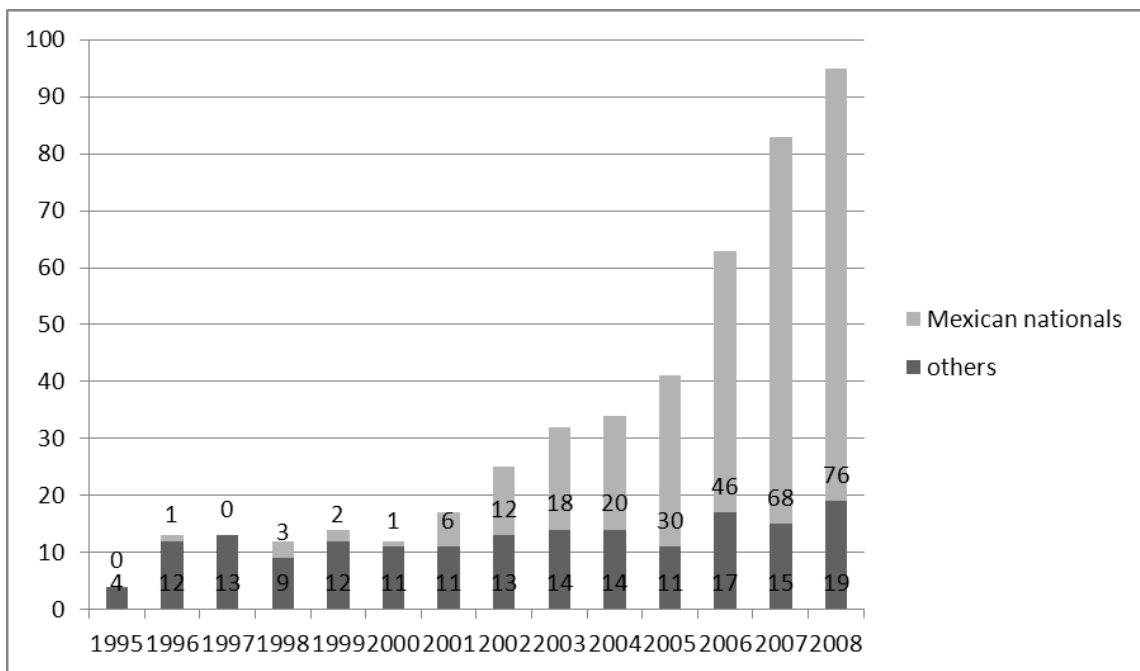


Figure 2. Extraditions from Mexico by nationality, 1995–2008 (From Artz, 2010).

In the end, Vicente Fox probably had a better relationship with the U.S. than with his own government. Actions during the first half of his term resulted in 22,000 drug related arrests, including a significant number of kingpins. The hard line taken by the Fox administration was praised by U.S. drug czar John Walters as “going farther [in antidrug efforts] than any other nation, including the United States.”²²⁷ Meanwhile, at

²²⁶ Grayson, *Mexico: Narco-Violence*, 104.

²²⁷ Freeman and Sierra, “Mexico: The Militarization Trap,” 265–266.

home, Fox became a virtual prisoner of his own Congress as, for the first time ever they denied the president's request to travel to Canada and the U.S. in April 2002. As a result, George Grayson describes Fox as "a lame duck with four years left in his term."²²⁸

Fox's policies of purging and reorganizing federal police agencies and increasing use of extradition were assessed by Francisco Gonzalez. Gonzalez called them effective in terms of increasing arrests and interdictions but claimed that they "fell far short of the government's objective of defeating the cartels. Moreover, the capture of some cartel leaders was tantamount to kicking hornets' nests without having the means to spray the rattled insects."²²⁹ Not a particularly flattering portrait.

4. George W. Bush

Of course no discussion about President George W. Bush (2001–2009) can even begin without considering the War on Terror. If any U.S. president ever experienced a defining moment, surely September 11, 2001, was that event for Bush. Foreign policy, domestic policy, every aspect of his presidency was colored by the events of that day and the bilateral relationship with Mexico was no exception.

The interrelation between the War on Drugs and the War on Terror goes in both directions. Analysts cite structural and hierarchical parallels between terrorist groups and DTOs. "The tactics, strategy, organization and even (to a limited extent) the goals of the Mexican drug cartels are all perfectly consistent with those of recognized terrorist organizations [excepting the typical political or religious ideological motivation]."²³⁰ Others, like Tony Payan disagree that the two wars are analogous, calling the blending of the two "conflating the issues,"²³¹ but regardless of scholarly assessment, the Bush administration certainly saw a nexus between drugs and terror. The 2008 National Drug

228 Grayson, *Mexico: Narco-Violence*, 51.

229 Francisco E. González, "Mexico's Drug Wars Get Brutal," *Current History*, February 2009, 74.

230 Sylvia M. Longmire and John P. Longmire IV, "Redefining Terrorism: Why Mexican Drug Trafficking is More than Just Organized Crime," *Journal of Strategic Studies*, vol.1, no.1, (November 2008), 35.

231 Payan, *Three Border Wars*, 16.

Control Strategy documented five goals, the third of which was to “focus on the nexus between the drug trade and other potential transnational threats to the United States, including terrorism.”²³²

As a result, experience gained from pursuing cartel kingpins was translated into the hunt for key terrorist figures; indeed the tactic has been key to both counternarcotics and counterterrorism operations.²³³ The war on terror borrowed heavily from policy coordination committees, interagency task forces and exchange programs, and various other institutions that formed the network aimed against drug trafficking; a trend that has accelerated for both conflicts since 9/11.²³⁴

The Bush administration’s prosecution of its counternarcotics policies largely combined the notions of the drug war, counterinsurgency and counterterrorism into a single agenda for U.S. policy. After 9/11, the administration and the Congress “blurred the distinction between counterdrug and counterterrorism and have criticized those who would maintain it as out of touch with a changed global reality.”²³⁵

Despite the context of the War on Terror, the decade starting in 2001 did not witness significant change to the supply focused U.S. strategy in the drug war. George W. Bush inherited a legacy program from his predecessor in the form of Plan Colombia, which dominated the counternarcotics program of his entire first term and most of his second.

Plan Colombia is worth examining in some detail as it is frequently compared to the Mérida Initiative in Mexico and is often touted as a model program. “Plan Colombia was developed by former President Pastrana (1998-2002) as a six-year plan to end Colombia’s long armed conflict, eliminate drug trafficking, and promote economic and

232 Brands, *Mexico’s Narco-insurgency*, 25.

233 Michael Kenney, *From Pablo to Osama: Trafficking and Terrorist Networks, Government Bureaucracies, and Competitive Adaptation*, (University Park: Pennsylvania State University Press, 2007), 1, 8.

234 *Ibid.*, 188.

235 Isacson, “US Military in the War on Drugs,” 44, 50.

social development.”²³⁶ Between 2000 and 2007, the U.S. spent over \$7 billion on foreign and military aid in Colombia, of which almost 80 percent was dedicated to interdiction and strengthening Colombia’s military and National Police, while 10 to 20 percent was dedicated to economic and social programs intended to provide alternatives for poor Colombian farmers.²³⁷ Success was a mixed bag. “While there has been measurable progress in Colombia’s internal security, as indicated by decreases in violence, and in the eradication of drug crops, no effect has been seen with regard to price, purity, and availability of cocaine and heroin in the United States.”²³⁸

As a model for Mexico, such a result may have been just “good enough.” Following a similar model, the Bush administration proposed the “Mérida Initiative” in 2007 in direct response to the increasing traffic and escalating violence. The program aimed \$1.4 billion over three years at counterdrug initiatives in the Caribbean and Mexico with Mexico as the principal beneficiary.²³⁹ Perhaps predictably, the plan emphasized traditional enforcement and interdiction assistance, but gave relatively little consideration to such issues as corruption and poverty. The funding, while an overall increase of about \$350 million the first year over traditional amounts, spent four out of every five dollars on equipment, tools and training for Mexican counternarcotics, border security and law enforcement and about one dollar in five on institutional support and “rule of law”.²⁴⁰

Proponents of the Mérida Initiative hailed it as a “new kind of regional security partnership between the United States, Mexico and Central America”²⁴¹ but President Bush’s drug war was a story of “staying the course” strategically. The two most obvious manifestations of the counterdrug strategy are in the two multi-billion dollar programs in

²³⁶ Connie Veillette, *Plan Colombia: A Progress Report* (Washington DC: The Library of Congress, 2005), i.

²³⁷ Brands, *Narco-Insurgency*, 26–27.

²³⁸ Veillette, *Plan Colombia*, i.

²³⁹ Brands, *Narco-Insurgency*, 2.

²⁴⁰ Brands, *Narco-Insurgency*, 22.

²⁴¹ Clare Ribando Seelke, *Mérida Initiative for Mexico and Central America: Funding and Policy Issues*. (Washington DC: Library of Congress, 2010), 3.

Colombia and Mexico. Although there are differences (no direct troop involvement in Mexico, about half the duration, and ultimately about one fifth the total expenditure as compared to Plan Colombia) the two programs are essentially different verses of the same song.

The Bush administration was a true believer in the supply side paradigm. The previously mentioned 2008 National Drug Control Strategy's five goals bear this out:

This document assigns the greatest importance to disrupting the operations of major foreign cartels rather than restricting domestic demand, promoting social and economic development in source countries, or pursuing alternative strategies for combating the drug trade. The five goals of the strategy are: “(1) reduce the flow of drugs into the United States; (2) disrupt and dismantle major drug trafficking organizations; (3) focus on the nexus between the drug trade and other potential transnational threats to the United States, including terrorism; (4) deny drug traffickers, narcoterrorists, and their criminal associates their illicit profits and money laundering activities; and (5) assist foreign countries threatened by illegal drugs in strengthening their governance and law enforcement institutions.” Funding for counterdrug programs reflects these priorities, as the Bush administration increased the proportion of the narcotics control budget devoted to interdiction and capacity-building for foreign law enforcement and military agencies, reduced the percentage of funds spent on domestic demand restriction, and resisted congressional efforts to place greater stress on promoting alternative development programs in source countries.²⁴²

5. Barack Obama

When he took the oath of office as President of the United States, Barack Obama (2009–present) inherited (among other things) the Mérida Initiative, much as his predecessor had inherited Plan Colombia from his. Beyond the legacy plan however, Obama, has been generally wedded to maintaining high levels support to the same supply oriented strategy.

Obama's first meeting with a foreign leader, even prior to inauguration, was with Mexican President Calderón. During that meeting, Obama praised Calderón's leadership and courage in fighting drug trafficking and pledged to work toward greater cooperation.

²⁴² Brands, *Narco-Insurgency*, 25–26.

Less than three months later, while visiting Mexico, Obama further committed to fighting the war on drugs alongside his Mexican ally, saying “you can’t just have Mexico making an effort and the United States not making an effort and the same is true on the other side.” He went on to promise resources worth billions of dollars over the next several years and committed to increasing the presence of U.S. border agents along the 2000 mile border.²⁴³

Late in March 2009, U.S. Department of Homeland Security (DHS) Secretary Janet Napolitano debuted a Southwest Border Security Initiative to a Senate subcommittee. The initiative was “designed to crack down on Mexican drug cartels through enhanced border security. The plan calls for additional personnel, increased intelligence capability and better coordination with state, local and Mexican law enforcement authorities.”²⁴⁴ The goal of the initiative was two-fold: first, to prevent violent spillover onto U.S. territory from the cartels. Second, it intended to do “all in our power to help President Calderón crack down on these drug cartels in Mexico.”²⁴⁵

In keeping with the atmosphere of cooperation, steadily increasing since the early nineties, there has been a surprising tendency to acknowledge the United States responsibility for its share of blame in the narcotics industry. The day after Napolitano’s testimony, U.S. Secretary of State Hillary Rodham Clinton offered clear acknowledgment of the U.S. role in the crisis during an official visit to Mexico, “Our insatiable demand for illegal drugs fuels the drug trade,” she went on to single out U.S. responsibility for smuggling of weapons from the U.S. into the hands of the cartels (a claim that is now met with considerable controversy) and pledged to seek \$80 million dollars worth of Black Hawk helicopters to be provided to Mexico’s law enforcement agencies.²⁴⁶

243 Ioan Grillo, “Obama Visit to Mexico (A war they can win?),” *GlobalPost.com*. April 17, 2009, <http://www.globalpost.com/dispatch/mexico/090417/war-they-can-win> (accessed May 12, 2011).

244 Office of the Press Secretary (DHS), “DHS: Secretary Napolitano Announces Major Southwest Border Security Initiative,” *Department of Homeland Security*. March 24, 2009, http://www.dhs.gov/ynews/releases/pr_1237909530921.shtm (accessed May 12, 2011).

245 Ibid.

246 Mark Landler, “Clinton Says U.S. Feeds Mexico Drug Trade,” *the New York Times.com*. March 25, 2009, <http://www.nytimes.com/2009/03/26/world/americas/26mexico.html> (accessed May 12, 2011).

The cooperation between the U.S. and Mexico has certainly been positively influenced by the execution of the Mérida Initiative, but the implementation has faced hurdles. Funds from FY2008 faced delays from contractual technicalities as well delays resulting from the challenge of coordinating aid from multiple government agencies. The program faced further delays the next fiscal year due to the fact that the U.S. Congress failed to pass an appropriations bill until well into 2009. Government Accountability Office (GAO) reports on Mérida showed that by the end of FY2009 only 64 percent of the \$1.3 billion appropriated had been obligated and a paltry 20 percent had actually been spent. After release of the GAO report, the pace of implementation improved.²⁴⁷

After the first term of the Mérida Initiative ran its course, the Obama and Calderón administrations agreed to a new framework referred to as “Mérida 2.0.” The new agreement “broadens the scope of bilateral security efforts and focuses more on institution-building than on technology and equipment transfers. The Obama Administration outlined the strategy in its FY2011 budget request, which includes \$310 million for Mérida-related programs in Mexico.”²⁴⁸ The new program is based around four pillars: disrupting the operational capacity of criminal organizations, institutionalizing the rule of law, creating a twenty-first century border, and building strong and resilient communities.²⁴⁹

Furthermore, in his introduction to the National Drug Control Strategy 2010, President Obama wrote:

I am committed to restoring balance in our efforts to combat the drug problems that plague our communities. While I remain steadfast in my commitment to continue our strong enforcement efforts, especially along the southwest border, I directed the Office of National Drug Control Policy to reengage in efforts to prevent drug use and addiction and to make treatment available for those who seek recovery. This new, balances

²⁴⁷ Seelke, *Mérida Initiative*, 10.

²⁴⁸ Clare Ribando Seelke and Kristin M. Finklea, *U.S.-Mexican Security Cooperation: the Mérida Initiative and Beyond*, (Washington DC: Congressional Research Service, 2010), 12.

²⁴⁹ *Ibid.*, 12–21.

approach will expand efforts for the three critical ways that we can address the drug problem: prevention, treatment and law enforcement.²⁵⁰

Taken together, the shift in focus in Mérida 2.0 and the “balanced approach” of the NDCS 2010 implies a partial shift away from a supply oriented strategy, however, a look at the overall budget numbers indicates that the emphasis is still largely the same as ever. Supply reduction efforts receive almost \$10 billion while demand programs get a little over \$5.6 billion; a net increase of about two percent of the budget share for demand programs since 2009 and roughly the same overall split since 1996.²⁵¹

	FY1996	FY2009	FY2010	FY2011
Demand reduction	4,571.9	5,416.6	5,259.9	5,600.2
percent	33.0%	35.5%	35.0%	36.0%
Supply reduction	9,211.6	9861.8	9771.6	9,952.4
percent	67%	64.5%	65%	64%

Table 1. Portion of budgets devoted to supply and demand programs, in million (After Office of the President and the Office of National Drug Control Policy, 2010, p. 109, and 1995, p. 67.)

6. Felipe Calderón

The counternarcotics options exercised by the administration of incumbent President of Mexico Felipe Calderón (2006–2012) are paradoxically both the same traditional emphasis on eradication, interdiction, and enforcement and yet completely unique in that the decision to implement the strategy originated from Mexico. The military offensive unleashed against the cartels certainly looks familiar; high profile arrests and large seizures of illicit drugs are very much traditional markers of the supply oriented strategy employed for the last forty years. The new and unexpected aspect is

²⁵⁰ Office of the President, *NDCS 2010*, iii.

²⁵¹ Office of the President, *NDCS 2010*, 109; U.S. Executive Office of the President and the Office of National Drug Control Policy, *National Drug Control Strategy: 1996*, (Washington DC: the White House, 1995), 67.

that the decision to aggressively prosecute the war originated in los Pinos and pressure to participate was directed not from the United States, but at the United States.²⁵²

Felipe Calderón campaigned for election as a PAN moderate on three platform planks: job creation, eliminating poverty, and getting tough on crime.²⁵³ After winning an extremely narrow victory over PRD opponent Andrés Manuel López Obrador, his focus quickly narrowed to the dismantling of the cartels as the centerpiece of his presidency.²⁵⁴ “Since taking office in December 2006, President Calderón has made combating DTOs a top priority of his administration. He has called increasing drug trafficking-related violence in Mexico a threat to the Mexican state and has sent thousands of soldiers and police to drug trafficking “hot-spots” throughout Mexico.”²⁵⁵

Calderón wasted no time in repairing the relationship between the presidency and Mexico’s military damaged during the Fox administration. Questionable personnel decisions regarding Fox’s appointments of defense secretary and attorney general, as well as ill-considered remarks about Mexico’s army in the wake of 9/11 had disenchanted some senior military officials. Realizing that their support would be critical during extensive military operations against the cartels, Calderón sought to improve military pay and benefits, declared his personal support for the military, and was able to capitalize on the military’s professional reputation as he sent them to combat drug traffickers.²⁵⁶ That combat has involved over 50,000 military troops (and thousands of federal police as well); their goal to dismantle the DTOs by targeting the cartel leadership.²⁵⁷

252 John Bailey, “Combating Organized Crime and Drug Trafficking in Mexico: What Are Mexican and US Strategies? Are They Working?” in *Shared Responsibility: US-Mexico Policy Options for Confronting Organized Crime*, ed. Eric L. Olson, David A. Shirk, and Andrew Selee, 327–350, (Washington DC: Mexico Institute Woodrow Wilson International Center for Scholars, 2010), 328.

253 Grayson, *Mexico: Narco-Violence*, 97.

254 Grayson, ‘*Drugs and Thugs*,’ 37.

255 Clare Ribando Seelke, *Mexico-US Relations: Issues for Congress*. (Washington DC: Library of Congress, 2011), 4.

256 Grayson, ‘*Drugs and Thugs*,’ 44–46.

257 June S. Beittel, *Mexico’s Drug Trafficking Organizations: Source and Scope of the Rising Violence*, CRS Report for Congress, (Washington DC: Library of Congress, 2011), 18.

Two possible explanations for the reasoning behind Calderón's decision are advanced by Francisco González. One possibility is a political explanation which holds that newly elected presidents must perform some kind of spectacular act in order to enhance their popular image and gain political dominance within the political class. In this particular case, that Calderón ordered the offensive against the DTOs in order put-to-bed the conflict with López Obrador. While this argument cannot be completely discounted, his second argument is more compelling. The second argument is that Calderón recognized that the DTOs were becoming a dominant political actor in more and more territory; that left unrestrained, the cartels could increase in power and threaten state legitimacy as happened in Colombia.²⁵⁸

Calderón had greater success implementing other programs that his predecessor failed to execute, particularly in the area of police and judicial reform. The Mexican judiciary is a largely discredited institution. Poor protection for those accused of crimes, high levels of impunity for criminals, and low levels of public trust are reflected in polling data from 2007 that showed almost sixty percent of Mexicans did not have faith in Mexico's judicial system. Considering an almost universal distrust of Mexico's law enforcement institutions, further surveys indicate that less than one crime in four is even reported.²⁵⁹ "The Mexican judicial system has been widely criticized for being opaque, inefficient, and corrupt. It is plagued by long case backlogs, a high pre-trial detention rate, and an inability to secure convictions. Recent press reports citing data provided by the PGR maintain that the vast majority of drug trafficking-related deaths that have occurred since President Calderón took office have not been prosecuted."²⁶⁰ One would have to admit this is not a particularly rosy assessment of the Mexican judiciary. Against such a bleak backdrop, President Calderón signed into law an ambitious four-part reform package in June 2008 aimed at making significant changes to the Mexican judicial system with a deadline of 2016. The reforms address criminal court procedures, place

²⁵⁸ González, "Mexico's Drug Wars Get Brutal," 74.

²⁵⁹ David A. Shirk, *Judicial Reform in Mexico: Change & Challenges in the Judicial Sector* (San Diego: Trans-Border Institute, 2010), 5.

²⁶⁰ Clare Ribando Seelke and Kristin M. Finklea, *U.S.-Mexican Security Cooperation: the Mérida Initiative and Beyond*, (Washington DC: Congressional Research Service, 2010), 16.

new and increased emphasis on the rights of the accused, change the role of police agencies in the conduct of criminal investigations, and significantly increase the ability of law enforcement and the courts to target organized crime.²⁶¹

The failure of the Fox administration's reforms in 2004 made the passage of President Calderón's 2008 reform package seem unlikely. Consisting of four elements (three of which lifted almost directly from the Fox plan): changes to criminal proceedings including new oral, adversarial procedures, alternative sentencing, and alternative dispute resolution (ADR) mechanisms; greater emphasis on the rights of the accused; modifications to police agencies and their role in criminal investigations; and tougher measures for combating organized crime, the package was approved by the Mexican Congress in 2008 after receiving considerable support from the legal community, academia and human rights organizations. There was also considerable public support stemming from significantly increased levels of violence in the two years leading up to the proposal.²⁶² In addition to congressional support (which was nearly unanimous in the Chamber of Deputies and just under a three-fourths majority in the Senate), the constitutional changes required a majority approval of the thirty-two state legislatures as well.²⁶³

The changes to criminal proceedings most significantly alter the nature of the trial system, changing from an inquisitorial to an adversarial model, similar to that of the U.S., Germany and Chile. Other changes under this rubric such as the alternative sentencing (read "plea bargaining") and ADR are intended to streamline the system by reducing the number of trials that actually go to trial and reduce the backlog in the system.²⁶⁴

Those reforms focused on the rights of the accused provide stronger constitutional protection of the presumption of innocence, require the physical presence of judges at any

261 Shirk, *Judicial Reform in Mexico*, 12.

262 Ibid.

263 Ibid., 22–23.

264 Ibid., 12.

proceeding wherein a defendant is involved, and bolster safeguards to due process for the accused including the right to an attorney and specific prohibition on the use of torture.²⁶⁵

Perhaps less glamorous than the courtroom changes, those reforms of police procedures are of equal consequence. Reforms are aimed at greater integration of police into the judicial process. They are also intended to increase communication and cooperation between law enforcement agencies. Despite the allowed phase-in period, many of the police reforms have already been adopted.²⁶⁶

The fourth tier of the reform package is intended to combat the growing scourge of organized crime. “In cases involving organized crime, the Mexican constitution has now been amended to allow for the sequestering of suspects under “arraigo” (literally, to “root” someone, i.e., to hold firmly) for up to 40 days without criminal charges (with possible extension of an additional 40 days, up to a total of 80 days).”²⁶⁷ The 2008 reforms also provide for additional tools in the fight against organized crime including the use of wiretaps. Laws passed in 2009 as complement to the reform package allow the PGR the discretion to determine when a suspect is involved in organized crime.²⁶⁸

Currently three years into an eight-year plan, implementation has been uneven. Critics argue both ends against the middle; some saying the reforms try to do too much, others that they do not go far enough. This section will examine those concerns and attempt to explain what caused the reforms as well as their timing.

The ambitious plan will require significant investment of time, money and effort. Current laws and procedures will be revised at the federal and state levels, infrastructure changes are required, training must be conducted for legal professionals at every level (including police), and public relations and education campaigns will aim at informing the citizenry of the changes. Federal and state governments have until 2016 to fully adopt the changes. With the exception of the aforementioned police reforms,

265 Shirk, *Judicial Reform in Mexico*, 16.

266 *Ibid.*, 19.

267 *Ibid.*, 22.

268 *Ibid.*, 23.

implementation to date is proceeding faster at the local and state level than at the federal level. After congressional approval was secured on approved March 6, 2008, the reforms officially became the law of the land on June 18, 2008.²⁶⁹ As of May 2010, reforms had been implemented in 13 of 32 Mexican States.²⁷⁰

In spite of the considerable support for the reforms, there are concerns. Considering the relative similarities between the Fox and Calderón reforms, it should come as no surprise that some of the concerns are familiar. While recognizing that there is need for change, some are concerned that the reform package is too heavily influenced by legal scholars unfamiliar with Mexico; that lacking intimate understanding, the juridical principles proposed may not “translate” culturally.²⁷¹

Some believe that the reforms go too far. Critics like Mexican legal scholar Guillermo Zepeda Lecuona are concerned that the attempt to streamline the system (i.e. the introduction of plea bargaining) and the changes specific to organized crime may impinge on the rights of the accused.²⁷² “The 2008 reforms introduced new measures that may actually undermine fundamental rights and due process of law. The use of arraigo—sequestering of suspects without charge—is widely criticized for undermining habeas corpus rights and creating an “exceptional legal regime” for individuals accused of organized crime.”²⁷³

Conversely, others believe that ambitious as they are the Calderón reforms do not go far enough. The reforms are much needed but will be expensive both monetarily and in terms of time and training. Lacking continued and concerted efforts, as well as sufficient resourcing, the reforms may be a bridge too far.²⁷⁴ In fact, while there is

²⁶⁹ Shirk, *Judicial Reform in Mexico*, 24.

²⁷⁰ *Ibid.*, 3.

²⁷¹ Pelayo Candelaria and Daniel Solorio, “La justicia penal que viene. El caso Baja California.” *Boletín Mexicano de Derecho Comparado* no.127 (2010), 349-351. Translated by Google.

²⁷² Guillermo Zepeda Lecuona, “La reforma constitucional en materia penal de junio de 2008: Claroscuros de una oportunidad histórica para transformar el sistema penal mexicano.” *Análisis Plural*, N° 3 (2008). Accessed December 5, 2010, <http://www.revistanotarios.com/?q=node/502> -Translated by Google.

²⁷³ Shirk, *Judicial Reform in Mexico*, 26.

²⁷⁴ Lecuona. “La reforma constitucional.”

general agreement that the reforms will be costly, there is no real estimate as to what the final price tag will be.²⁷⁵ Others are concerned that without commensurate improvements in police forces, the judicial reforms will amount to little more than window dressing. In other countries where judicial reform has been attempted, as in Honduras, corruption and inefficiency continue to be a problem²⁷⁶

I contend that the intensification of the conflict with elements of organized crime is the key to understanding the reforms implemented by the Calderón administration. With almost 3000 drug related homicides in the first full year of his presidency and almost the same number by the time the reform package became law in June of 2008,²⁷⁷ President Calderón's decision that defeating the drug cartels would be the top priority of his presidency²⁷⁸ clearly was impacted by the spiraling violence of the drug war and the legal reforms were a tool to that end.

The more difficult question to explain is why the measures for combating organized crime were included in a package that otherwise seemed to focus on transparency and the rights of the accused. I contend that the majority of the reforms, while a significant improvement over Mexico's old, corrupt system were really the "spoonful of sugar" that helped the anti-OC reforms go down. Procedural reforms that model U.S. courts "represent little more than window dressing."²⁷⁹ The fact that the police reforms have been put into effect just two years into the implementation period, amply illustrates their relative importance.

Why then, were the reforms able to pass in 2008 when a similar package failed for the Fox administration? Again I look to the drug war to provide the explanation. Simply

²⁷⁵ Shirk, *Judicial Reform in Mexico*, 26.

²⁷⁶ Patrick Corcoran, March 17, 2008, "Corruption Could Be Undoing of Mexico's Judicial Reforms" *MEXIDATA.INFO*. Accessed November 9, 2010, <http://mexidata.info/id1754.html> ; Shirk, *Judicial Reform in Mexico*, 26.

²⁷⁷ Grayson, *Mexico: Narco-Violence*, 97.

²⁷⁸ Grayson, 'Drugs and Thugs,' 37.

²⁷⁹ Grayson, *Mexico: Narco-Violence*, 146–147.

put, it wasn't bad enough in 2004 to make the reforms attractive. By 2008, no political party wanted to look soft on the drug cartels; thus the reform package was supported across party lines.

If the American press is to be believed, U.S. aid in the form of the Mérida Initiative is riding to the rescue of our southern neighbor. In fact, some of the most aggressive and ambitious action taken in the drug war was implemented by President Felipe Calderón completely independently of Mérida and the United States.²⁸⁰ That said, Calderón is no dummy; he realizes that Mexico must have the U.S. as a partner in the drug war. His actions in militarizing the fight, reforming the judiciary, and fully embracing the idea that the cartels threaten Mexico's security seem tailor made to appeal to the U.S. For the first time in the forty year history of the drug war, Mexico seems to be trying to push U.S. policy in the bilateral relationship instead of the other way around. Ironically, the push is not in a new direction, but rather, in that of the United States' traditional preference.

7. Concluding the '00s

As the decade closed, the strategic choice of fighting a supply-side war was still largely intact. Certainly Presidents Fox and Bush did not aggressively seek to change the paradigm. President Obama has, at least rhetorically, recognized that the demand signal from the U.S. is an enormous part of the problem but his ability to change course has thus far been minimal. President Calderón has not changed the overall direction of the strategy but he has, for the first time since 1969, genuinely seized the initiative. In the concluding chapter, I will explain why the strategy remains unchanged.

²⁸⁰ Sidney Weintraub and Duncan Wood, *Cooperative Mexican-US Antinarcotics Efforts*, (Washington DC: Center for Strategic & International Studies, 2010), 37.

III. CONCLUSION: POOR MEXICO, SO FAR FROM GOD AND SO CLOSE TO THE UNITED STATES

The story of Mexico's relationship with the United States vis-à-vis the drug war is a story of increased cooperation and political alignment, but it is not the story of successfully "defeating" drugs. The United States has clearly demonstrated a preference for stopping drugs at the source for what I would categorize as institutional reasons. From Nixon's Operation Intercept in 1969 to today's Mérida Initiative, the U.S. has consistently advocated the policy of eradication, enforcement, and interdiction when dealing with its Mexican partner (and its other partners in the drug war, for that matter), as favored by elements of both political parties, the law enforcement apparatus, and large numbers of the voting public .

In the very broadest sense, counternarcotics strategies are either supply-oriented or demand-oriented, but this is almost too broad of a characterization. Being a source country (or a transit country in the case of cocaine), almost everything Mexico elects to pursue would be classified as a supply-oriented policy, so claiming that its strategy has never changed based on the supply-demand dyad is an oversimplification. Considering the nature of the problem facing them, even the complete elimination of domestic consumption (a hypothetical one-hundred percent effective demand-oriented strategy) would eliminate neither the billions of dollars of illicit profit flowing across the border, nor the fierce and violent competition for that profit. In simple terms, internal demand is not the main problem in Mexico. Furthermore, Mexico can certainly not enact domestic policy that would directly impact U.S. demand so the strategic choices available have quite simply been limited.

A more interesting analysis looks at key elements that fall just below the two-tiered differentiation of supply versus demand. At that level, the key elements of the supply-side strategy have been eradication, enforcement, and interdiction. Here, it is not an over-simplification to claim that the strategy pursued by Mexico has evolved, but has not varied.

The course of that evolution has tended toward more cooperation and compliance with U.S.-preferred policies; increased commitment of manpower, materiel and money has been the norm. Mexico's military has become steadily more involved to the delight of U.S. administrations. Early on, the army was only used to manually eradicate crops. Throughout the eighties and nineties, the trend was toward increasing penetration of military leadership into traditionally civilian law enforcement institutions. Now the military is fully engaged; it acts as a law-enforcement agency in its own right while prosecuting operations analogous to a large scale counter-insurgency effort.

Financially, as well, Mexico has increased its level of commitment. The increasing budgetary obligation is amply illustrated by comparing Mérida to Operation Condor. For its part, Mexico invested \$7 billion in counternarcotics efforts concurrent with the U.S. investment of \$1.4 billion in the Mérida Initiative.²⁸¹ One could compare that to the scant \$35 million Mexico expended on the cooperative 1970s-era operation.²⁸²

Mexico has thus demonstrated its compliance regarding U.S. counternarcotics strategies. Mexico's interests have been served, either economically or politically, by publicly standing shoulder to shoulder with the U.S. From the sexenio of Gustavo Díaz Ordaz through the presidency of Vicente Fox, Mexico's aggressiveness in pursuit of the drug war has been in direct proportion to the amount of pressure applied by the U.S. Current President Felipe Calderón has been even more aggressive in the pursuit of drug traffickers than prior Mexican administrations without any pressure from north of the border. While this would have seemed unlikely twenty years ago (or even ten), I contend that it is a natural evolution based on the trend toward increased cooperation.

Have the strategies employed been effective? The policies employed by the governments of Mexico and the United States for the last forty years are almost universally evaluated as failures. Prices of heroin and cocaine, for example, have steadily declined despite the presumed end state of supply-side strategies, which dictates that

281 Brands, *Mexico's Narco-insurgency*, 21.

282 Craig, "Operation Condor," 347.

prices will rise if supplies are interdicted.²⁸³ Similarly, purity levels of the drugs have remained more or less stable; again the expectation of a successful program would be significantly reduced purity of the supply.²⁸⁴ Levels of violence, especially on the Mexican side of the border have greatly increased. Although some point to this as an indicator of progress²⁸⁵, it is hard to point at approximately 30,000 deaths²⁸⁶ since 2006 and declare it as a “win.”

The definition of future “success” is clearly different for the two nations. According to the National Drug Control Strategy 2010, the U.S.’s official goals are to seek to reduce illicit drug use and minimize the detrimental consequences.²⁸⁷ Recognizing both the nature of the demand signal and the nature of the so-called “balloon effect,” which makes the analogy that localized interdiction will push drug trafficking to another path like squeezing a balloon,²⁸⁸ it is unlikely that a policy relying heavily on eradication, interdiction, and enforcement could achieve even the modest 15 percent reduction in illegal usage targeted by the 2010 National Drug Control Strategy.²⁸⁹ President Obama’s strategy gives modest amounts of attention and increased funding to treatment, education, and prevention programs but if history is a good barometer, the experience of the Carter and Clinton administrations would indicate that real change will be difficult if not impossible to implement.

Mexico’s goals are more absolute. President Calderón’s assault on the cartels is designed to eliminate the capos, dismantle their cartels and limit Mexico’s growing domestic market for narcotics. According to a Brookings report, his objective “is to convert the ‘war on drugs’—where currently the federal government is directing all its

283 Felbab-Brown, *Counternarcotics Policy Overview*, 2.

284 Walsh, *Are We There Yet?* 4.

285 Michele Leonhart quoted by Gwynne Dyer, “Some Mexicans think they have answer to drug violence,” *Dispatch Politics (a division of the Columbus Dispatch)*, April 11, 2011, <http://www.dispatchpolitics.com/live/content/editorials/stories/2011/04/11/some-mexicans-think-they-have-answer-to-drug-violence.html?sid=101> , (Accessed May 21, 2011).

286 Duran-Martinez, et al. *2010 Mid-Year Report on Drug Violence in Mexico*, 3.

287 Office of the President, *NDCS 2010*, iii.

288 Seelke and Finklea, *U.S.-Mexican Security Cooperation*, 32.

289 Office of the President, *NDCS 2010*, 1.

resources to destroying cartels—into a law and order problem that the police can contain.”²⁹⁰ Accordingly, the article considers five metrics; number of intentional homicides, trust in traditional law enforcement and politicians, a free press unthreatened by either narcos or corrupt officials, ability to express criticism and community needs without fear of retaliation from OC, and removal of the drug kingpins.²⁹¹

Certainly, Mexico would benefit from such a result but the immediate need for Mexico is to break the back of the cartels. The experience of Plan Colombia has shown one possible path to improved security, reduced violence, and reassertion of government control in previously ceded territory²⁹² and some observers have compared the Mérida Initiative to the Colombian experience.²⁹³ It is, however, important to note that the Plan Colombia program was aimed primarily at eradication, while the Mérida Initiative aims more at interdiction and enforcement. This and other differences (involvement of U.S. troops for example) make the Plan Colombia comparisons problematic.²⁹⁴ Vanda Felbab-Brown proposes that the pre-Plan Colombia experience of the early nineties provides an even better analogy; that breaking the grip of the DTOs, as was done in the case of the Medellín and Cali cartels is an achievable, if challenging, goal. She points out that the “success” was a double edged sword in that while the main cartels were disrupted and ultimately dismantled, the fragmented cartelitos left behind were much less powerful and less able to bring violence against the state but were still trafficking drugs. She further cautions that the Colombian model (with just two major cartels) was simpler than Mexico’s current situation so using either the model has limitations.²⁹⁵ Relative to the

290 Diana Villiers Negroponete, “Measuring Success in the Drug War: Criteria to Determine Progress in Mexico’s Efforts to Defeat Narco-traffickers,” *Brookings Institution*, May 25, 2010. http://www.brookings.edu/opinions/2010/0525_mexico_drug_war_negroponte.aspx (accessed June 1, 2011).

291 Ibid.

292 Veillette, *Plan Colombia*, 8

293 Felipe Calderón, interview by Charlie Rose, *Felipe Calderón, President of Mexico, May 10, 2011*; John P. Sullivan and Adam Elkus, “State of Siege: Mexico’s Criminal Insurgency.” *smallwarsjournal.com*. August 19, 2008. <http://smallwarsjournal.com/blog/journal/docs-temp/84-sullivan.pdf> (accessed June 1, 2011).

294 Felbab-Brown, *The Violent Drug Market in Mexico and Lessons from Colombia*, Policy Paper (Washington DC: The Brookings Institution, 2009), 9–10.

295 Ibid., 15–17.

current state of affairs in Mexico, either approach might produce a desirable result but as in Colombia, will be very expensive in both blood and treasure. One cannot categorically predict the failure of President Calderón's policy but he has a difficult road ahead. The long history of corruption in police, legal, military and government institutions may make a successful outcome a bridge too far.²⁹⁶

The hypotheses proposed in chapter one considered three possibilities regarding President Calderón's program; first, that his was a new approach, a significant strategic change. Second, that his strategy is more of the same strategy employed for the last forty years. Third, that the Calderón program represents some middle ground representing an amalgam of traditional enforcement with new strategies designed to generate a new approach. Based on analysis of the last four decades and the examination of the evidence of Calderón's program as executed to date, the most intellectually honest assessment would say that hypothesis number two is most accurate; President Calderón has attacked the cartels with a single-minded determination but the overall strategy has changed only by degree. I will hedge that answer by saying that the judicial reforms begun by the Calderón administration are unprecedented and if successfully implemented will likely have new and far reaching impact on Mexico's drug war, and beyond. However, at the end of the Calderón sexenio, the execution of the plan will be a little more than half complete; if the next president doesn't support the continuation of the reforms and emphasize them as a priority, they could still be in jeopardy.

Bearing in mind these observations, I make the following three policy recommendations. First, the single most important policy change that could benefit both Mexico and the United States would be for the U.S. to take legitimate action against the problem of demand from the U.S. market. The U.S. should dramatically increase its commitment to (and commensurate spending on) programs aimed at prevention, education, and treatment. Such policies are effective. RAND Corporation calculations indicate that money spent on programs aimed at lowering demand (particularly treatment)

²⁹⁶ Chabat "Drug Trafficking" (working paper), 118.

is over seven times more effective, dollar-for-dollar.²⁹⁷ Recognizing the political reality that dictates the commitment to law-and-order, such a change could not come at the expense of traditional supply-side enforcement programs but rather would require increased spending. In austere fiscal environments, an additional five billion dollars spent on such programs will be difficult to find but in the end, the benefits enormously outweigh the cost.

Second, the U.S. needs to engage in a serious national dialog concerning the legality of marijuana. As pointed out by Mexico's President Calderón, U.S. policy regarding marijuana is schizophrenic.²⁹⁸ Still listed as a "Schedule I" controlled substance at the federal level²⁹⁹, "medical marijuana" is now legal in sixteen U.S. states and Washington DC, and thirteen states have decriminalized possession.³⁰⁰ The U.S. may not be ready to legalize marijuana (a measure to completely legalize marijuana at the state level was defeated in California in 2010) but the discussion needs to take place with real consideration given to the economic impacts (ability to tax the sale, fiscal costs of enforcement and incarceration, financial impact on cartels, etc.) and social implications (social costs of enforcement and incarceration, medical benefits, legal job opportunities on both sides of the border, ability to manage production and distribution, etc). Depending on the outcome of that dialog, the U.S. needs to present a united front on the issue, either uniformly criminalizing marijuana or legalizing it.

Finally, Mexico should accelerate the pace of its judicial reform program. While it is, in the strictest definitional terms, still a supply-oriented strategy, the creation of a more effective, efficient, and transparent justice system will reduce impunity, improve the ability to pursue organized crime (not only in the counternarcotics arena, but on multiple fronts), and enhance the legitimacy of a government that has long suffered low

297 C. Peter Rydell and Susan S. Everingham, *Controlling Cocaine: Supply Versus Demand Programs*. Report prepared for ONDCP and US Army (Santa Monica: the RAND Corporation, 1994), xiii.

298 Calderón, interview by Charlie Rose, May 10, 2011.

299 US Department of Justice, DEA Office of Diversion Control, *Section 1308.11 Schedule I. (Code of Federal Regulations)*, undated, http://www.deadiversion.usdoj.gov/21cfr/cfr/1308/1308_11.htm , (accessed May 29, 2011).

300 National Organization for the Reform of Marijuana Laws, *States That Have Decriminalized*, November 8, 2004, http://norml.org/index.cfm?Group_ID=6331 , (accessed May 29, 2011).

levels of public trust. Without such public support, the counter-insurgency efforts underway against the cartels stand little chance of success.

At the risk of oversimplifying the lessons learned from a forty-plus year drug war, one comes to a few obvious conclusions. Attacking the source of drugs, as desired by Richard Nixon and implemented (voluntarily or not) by every U.S. President and most Mexican administrations since, has not “defeated” the enemy in the war on drugs. So long as the U.S. does not deal with “the elephant in the room” the demand signal from the United States will render efforts at eradication, interdiction and enforcement moot. Neither Plan Colombia nor Plan Mérida addressed demand side programs in the United States. Ironically “the money spent on the Mérida Initiative seems to have come at the expense of such programs. The budget for anti-drug use advertising in the United States fell by more than half (from \$140 million annually to \$60 million...and the approval of the Mérida Initiative occurred concurrent with \$73 million cut in domestic treatment programs.”³⁰¹ This despite the previously mentioned RAND corporation calculations indicating that money spent on programs aimed at lowering demand are more effective.³⁰² It is more than a little hypocritical for the U.S. to point an accusing finger at our neighbors when our own house is out of order.

³⁰¹ Brands, *Narco-Insurgency*, 37.

³⁰² *Ibid.*, 44.

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