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A War on Civilians: Disaster Capitalism and the Drug War in Mexico

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I. INTRODUCTION

Within days of his inauguration in December 2006, Mexican President Felipe Calderón declared "war" on organized crime. In particular, Calderón aimed to confront the powerful cartels that control the drug trade and other illicit industries such as human trafficking.[3] Following a highly contested election, Calderón entered office amid accusations of electoral fraud and months of mass protest.[4] In a show of strength to gain political legitimacy, he immediately deployed over 20,000 federal troops[5] under the banner of fighting the "war on drugs."[6] Calderón's militarized escalation of antinarcotics efforts

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[1] *"A War on Civilians": Mexico's Drug War Draws Protests as Grueling Death Toll Grows*, DEMOCRACY NOW! (May 11, 2011) (quoting Molly Molloy), *available at* http://www.democracynow.org/2011/5/11/a_war_on_civilians_mexicos_drug.

[2] The term "disaster capitalism" is a phrase coined by Naomi Klein in her *New York Times* bestselling book. *See* NAOMI KLEIN, THE SHOCK DOCTRINE: THE RISE OF DISASTER CAPITALISM 12 (2008).

[3] *See* HUMAN RIGHTS WATCH, NEITHER RIGHTS NOR SECURITY: KILLINGS, TORTURE, AND DISAPPEARANCES IN MEXICO'S "WAR ON DRUGS" 4 (2011), *available at* http://www.hrw.org/sites/default/files/reports/mexico1111webwcover_0.pdf [hereinafter HUMAN RIGHTS WATCH].

[4] *See* JOHN GIBLER, TO DIE IN MEXICO: DISPATCHES FROM INSIDE THE DRUG WAR 61 (2011) [hereinafter TO DIE IN MEXICO].

[5] *See* JOHN GIBLER, MEXICO UNCONQUERED: CHRONICLES OF POWER AND REVOLT 52 (2009) [hereinafter MEXICO UNCONQUERED]; CHARLES BOWDEN, MURDER CITY: CIUDAD JUAREZ AND THE GLOBAL ECONOMY'S NEW KILLING FIELDS 25 (2010).

[6] Some sources place the term "war on drugs" in quotation marks when referencing Calderón's militarization program. *See, e.g.,* HUMAN RIGHTS WATCH, *supra* note 3, at 4. Alternatively, at least one expert avoids the term altogether because the traditional concept of war, implying adversarial militaries, is the "wrong metaphor" for this conflict. HOWARD CAMPBELL, DRUG WAR ZONE: FRONTLINE DISPATCHES FROM THE STREETS OF EL PASO AND JUÁREZ 7 (Univ. of Texas Press 2009). Unlike traditional armies, cartels are both covert and somewhat fluid, with shifting alliances; additionally, in Mexico, they are "tightly interwoven" with the government, their purported enemy. *See id*. Here, I use the term "war

represents a dramatic shift in the Mexican government's approach to the drug trade, a business in which it has long been involved and from which it has long benefitted.[7] Notably, the military crackdown has not reduced the drug trade, nor has it eased crime-related violence in Mexico.[8] Instead, the violence has intensified, and human rights violations have risen severely.[9] As of January 2012, the Mexican government acknowledges that 47,515 people have died in the drug war within the span of five years,[10] and some experts contend that the death toll is much higher than the official numbers reflect.[11]

Calderón's war on drugs has had a profound and devastating impact on Mexico, generating a climate of fear and violence that has repercussions on nearly all levels of Mexican society.[12] This article intends to critically examine the myths used to justify the militarized approach of Mexico's current antinarcotic efforts by looking at the interests of its US and Mexican supporters. My goal is to engage in a broad analysis of the drug war in the context of other political issues such as free trade, the illicit drug industry's corrupting influence on law enforcement, immigration, and anti-neoliberal social movements in Mexico in a way that is accessible to those with limited

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on drugs" to reference antidrug policies of both the Mexican and US governments, but for the sake of simplicity and consistency, I do not place the term in quotation marks hereinafter. I use the term "drug war," also without quotation marks hereinafter, to refer generally to drug-related violence. I intend this latter term to encompass two overlapping sources of violence: (1) the ongoing contest for control of the drug business among cartels, which the state also participates in, and (2) the militarized law-enforcement operations of the war on drugs fought by the Mexican security forces as part of the state's antinarcotics policy. *See* TO DIE IN MEXICO, *supra* note 4, at 26.

[7] *See* HUMAN RIGHTS WATCH, *supra* note 3, at 4. *See also* TO DIE IN MEXICO, *supra* note 4, at 25–29.

[8] HUMAN RIGHTS WATCH, *supra* note 3, at 5.

[9] *Id*.

[10] *See Mexican Drug Trafficking (Mexico's Drug War)*, N.Y. TIMES, http://topics.nytimes.com/top/news/international/countriesandterritories/mexico/drug_trafficking/index.html (last updated Jan. 19, 2012).

[11] *Mexico Says Drug War Death Toll Has Topped 47,000*, DEMOCRACY NOW! (Jan. 12, 2012), http://www.democracynow.org/2012/1/12/headlines ("The Mexican census agency has identified 67,000 homicides from 2007 through 2010, nearly double the government's count of drug-related deaths for that period.").

[12] *See* HUMAN RIGHTS WATCH, *supra* note 3, at 4–5.

exposure to such issues. In doing so, my hope is to break some of the silence surrounding Mexico's drug war within the parameters of US political and legal discourse and to contribute to the advancement of meaningful social change.

Broadly, the militarization of Mexico since 2006 under the umbrella of the US-led war on drugs is best understood as a product of neoliberalism,[13] and, as such, its operations can be best understood through a critique of neoliberal socio-economic and security programs. I contend that the increasing militarization of Mexico's counternarcotics efforts represents a new theater of the disaster capitalism complex, a term coined by award-winning journalist and author Naomi Klein in her book *The Shock Doctrine: The Rise of Disaster Capitalism*.[14] As such, the war on drugs approach is best understood by analyzing the connections between free-market trade policies, the privatization of the security industry, and the potential for state and economic elite actors to capitalize on disaster-induced collective trauma.

Section I begins by reviewing the current landscape of President Calderón's war on drugs, including the justifications for the war offered by the Mexican and US governments, the parameters of US drug aid, and some of the main critiques of the war. Section II provides a broad context for analyzing neoliberalism by looking at its characteristic economic and security programs and connecting them with the United States' domestic war on drugs and immigration enforcement policies. Section III discusses neoliberalism in Mexico, focusing on the North American Free Trade Agreement (NAFTA) and resistance within Mexico to free-market economic policies. Finally, Section IV draws connections between the militarization of Mexico's antinarcotics efforts, the collective trauma that has been produced by the war, and the economic elite interests that benefit from protecting neoliberal policies in Mexico.

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[13] Neoliberalism refers to the set of trends and ideas that have come to dominate political discourse and practice in various areas, and it is discussed in more detail below. *See* LISA DUGGAN, THE TWILIGHT OF EQUALITY?: NEOLIBERALISM, CULTURAL POLITICS, AND THE ATTACK ON DEMOCRACY xi–xii (2003).

[14] *See* KLEIN, *supra* note 2, at 12.

II. BACKGROUND: THE MÉRIDA INITIATIVE

The current Mexican government's antinarcotic efforts have focused on utilizing the military to wage an assault on cartels.[15] Each year, Calderón's administration has steadily increased the deployment of Mexican troops, from 20,000 to 30,000 initially, and eventually to 50,000.[16] Mexico has seen serious increases in human rights violations and fatalities related to the war on drugs committed by both security forces and organized crime.[17] By the end of 2007, Calderón's first year in office, 2,826 people had been killed in drug-related violence,[18] nearly the same number that died during the previous administration's entire six years in office.[19] In 2008, that number almost doubled: between 5,000 and 6,000 people were killed in the violence.[20] In 2010, the death toll exploded to 15,273 in just one year.[21] By November 2011, the total number of fatalities since Calderón had taken office nearly five years prior hovered around 45,000.[22]

In addition to the sheer number of deaths, patterns of egregious human rights abuses have emerged in Mexico, committed by both the cartels and Mexican law enforcement, particularly the military. Brutality has become a hallmark of drug-related violence, and the systematic use of torture and forced disappearances has surfaced.[23] The Mexican security forces commonly use beatings, asphyxiation with plastic bags, electric shocks, sexual torture, death threats, and mock executions; these tactics are believed to be aimed at eliciting information about organized crime.[24] The prevalence of disappearances has

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[15] *See* HUMAN RIGHTS WATCH, *supra* note 3, at 4.
[16] *See id.*; BOWDEN, *supra* note 6, at 25.
[17] *See* HUMAN RIGHTS WATCH, *supra* note 3, at 4–6.
[18] *Id.* at 4.
[19] *See* MEXICO UNCONQUERED, *supra* note 5, at 52. Three thousand people died in drug-related violence during the presidency of Vicente Fox from 2000 to 2006. *Id.*
[20] *See* BOWDEN, *supra* note 5, at 17.
[21] HUMAN RIGHTS WATCH, *supra* note 3, at 4.
[22] *Id.*
[23] *See id.* at 5.
[24] *See id.* at 5–6.

increased as well, and evidence suggests that state security forces are often involved in these events, even when officials blame organized crime for the acts.[25] The cartels, on the other hand, use the same tactics of torture, forced disappearances, and executions in their struggle to control the channels of the drug trade. The violence often targets competing cartels, but it also victimizes the family members of those touched by the drug business on various levels, including small business owners who refuse to pay extortion fees, young people who have taken low-level jobs in the drug business, as well as journalists, politicians, mayors, and other members of the public.[26] The military escalation under Calderón has not halted the wheels of the drug economy. Instead, the escalation marks the moment when "the killing began to spiral to previously unimagined levels."[27]

Shortly after entering office, President Calderón began talks with the United States about funding the increased militarization of Mexico's drug war. These talks produced the Mérida Initiative,[28] committing USD $1.5 billion to Mexico and Central America between 2008 and 2010,[29] with $1.3 billion going to

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[25] *See id.* at 5–6, 125.

[26] *See generally* EL SICARIO: THE AUTOBIOGRAPHY OF A MEXICAN ASSASSIN 18–20, 26, 116 (Molly Molloy & Charles Bowden eds., Molly Molloy trans., 2011) [hereinafter EL SICARIO]. EL SICARIO is the story of a former paid assassin from Ciudad Juárez, Mexico, who worked in the drug industry for both the cartels and law enforcement, often at the same time. *Id.* at 73–74. His account details the use of torture and murder by both the cartels and the state, the corruption of the Mexican government, and the enormous profits that continue to be made by both the cartels and the state through the drug trade. *See, e.g., id.* at 11–12, 80–81, 125–26. He fled from this life in 2007. *Id.* at 17. He lives in the United States in self-exile, and his identity remains anonymous. *See id.* at xii, 4. The word "*sicario*," in this context, refers generally to the individuals and groups hired by Mexican cartels as enforcers. COLLEEN W. COOK, CONG. RESEARCH SERV., RL 34215, MEXICO'S DRUG CARTELS 6 (2007), *available at* http://www.fas.org/sgp/crs/row/RL34215.pdf.

[27] BOWDEN, *supra* note 5, at 25.

[28] The agreement was initially known as Plan Mexico, but the name was probably changed due to its parallels with Plan Colombia, which is briefly discussed later. *See* Daniela Morales & Peter Watt, *Narcotrafficking in Mexico: Neoliberalism and a Militarized State*, UPSIDE DOWN WORLD (Sept. 17, 2010, 12:30 PM), http://upsidedownworld.org/main/mexico-archives-79/2696-narcotrafficking-in-mexico-neoliberalism-and-a-militarized-state.

[29] *Fact Sheet: The Mérida Initiative/Plan Mexico*, WITNESS FOR PEACE, http://www.witnessforpeace.org/downloads/Witness%20for%20Peace%20Fact%20Sheet_M

Mexico.[30] Originally negotiated by the Bush administration, President Obama has continued to support the militarization of Mexico under the program. In 2010, he requested that Congress allocate $450 million to purchase more equipment for the Mexican authorities.[31] By January 2011, US aid to Mexico and Central America aimed at fighting the drug industry totaled $1.7 billion.[32] In August 2011, the State Department announced that the Mérida Initiative will continue with a focus on Mexico's northern states,[33] and the Obama administration has requested $290 million in funding for 2012.[34] The aid has been directed at providing various types of support for the Mexican security forces, including inspection and surveillance equipment, helicopters, military training, and technology.[35] The hefty amounts of continuing aid directed at this effort suggests that US policy makers have identified a clear interest in furthering the militarization of Mexico's war on drugs; it also means that the brutal escalation of violence in recent years has been funded, at least in part, by US taxpayers.

President Calderón acknowledges that drug trafficking cannot be resolved solely be confronting the cartels. He has publicly recognized that the demand

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erida%20Initiative_2011.pdf (last visited Apr. 15, 2012). Mexico is receiving the bulk of the $1.5 billion in aid. *See* Phillip Smith, *Plan Merida Focus to Shift to Border Region*, STOPTHEDRUGWAR.ORG (Aug. 17, 2011, 7:38 PM), http://stopthedrugwar.org/chronicle/2011/aug/17/plan_merida_focus_shift_border_r.

[30] Gian Carlo Delgado-Ramos & Silvina María Romano, *Political-Economic Factors in U.S. Foreign Policy: The Colombia Plan, the Mérida Initiative, and the Obama Administration*, 178 LATIN AM. PERSP. 93, 93 n.6 (2011). Around $1.3 billion was contributed to Mexico through the plan; specifically, $400 million for 2008, $720 million for 2009, and $210 million for early 2010. *Id.*

[31] *See* Blake Hounshell, *Foreign Policy: The New Drug War We've Already Met,* NPR (Mar. 15, 2010), http://www.npr.org/templates/story/story.php?storyId=124704949.

[32] *See Hillary Clinton Backs Mexico Drug War*, BBC NEWS (Jan. 24, 2011, 11:08 PM), http://www.bbc.co.uk/news/world-latin-america-12264674.

[33] Diana Washington Valdez, *Official: Next Phase of Merida Initiative to Focus on Northern Mexico*, EL PASO TIMES (Aug. 16, 2011, 3:38 PM), http://www.elpasotimes.com/news/ci_18693357?source=pkg.

[34] *See Fact Sheet: The Mérida Initiative/Plan Mexico*, *supra* note 29.

[35] *See* Michelle Malkin, *National Review: Slaughter On The Southern Border*, NPR (Mar. 17, 2010), http://www.npr.org/templates/story/story.php?storyId=124760306.

for drugs within the United States has made the industry into a profitable business, and that the flow of assault rifles from the United States into the hands of Mexico's cartels has contributed to the cartels' power. Yet, he asserts that his government has "no alternative" but to meet the cartels with military force.[36] He acknowledges that the rising death toll is "painful," but dismisses the dead as criminals,[37] repeatedly assuring his country that 90 percent of the dead are involved with the drug trade.[38] However, 95 percent[39] of the murders are never investigated, suggesting that Calderón has no factual basis for this assertion and revealing his administration's bias against victims.[40] Notably, many whose lives have been touched by the violence disagree that the casualties should be dismissed or disregarded in this way.[41]

On many levels, drug trafficking is a business, and one that is quite lucrative. Profits from the industry are estimated to be between $30 billion and $60 billion per year, which means that drug money is competitive with oil as the greatest source of revenue for Mexico.[42] The Mexican government, particularly its army and police, has facilitated the drug trade for decades and has participated in it extensively.[43] Given the enormous profits that the Mexican state stands to make in the drug business, the counternarcotics efforts may not represent a sincere effort to quash the drug industry. In this sense, at least one critic notes that this war is not *against* drugs, but rather one "*for* drugs, for the enormous money to be made in drugs" by all the players who can benefit from a cut of the profits, including elected officials, the police, and the military.[44]

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[36] Stephen Sackur, *'No Alternative' to Mexico's Drug War - Says Calderon*, BBC NEWS (Oct. 27, 2010, 10:01 AM), http://news.bbc.co.uk/2/hi/programmes/hardtalk/9130155.stm.
[37] *See id*.
[38] *See* HUMAN RIGHTS WATCH, *supra* note 3, at 10.
[39] TO DIE IN MEXICO, *supra* note 4, at 40.
[40] *See* HUMAN RIGHTS WATCH, *supra* note 3, at 11.
[41] *See id*.
[42] TO DIE IN MEXICO, *supra* note 4, at 25.
[43] *See id*.
[44] BOWDEN, *supra* note 5, at 18.

Much of the Mexican public suspects that Calderón launched an aggressive military attack on the cartels in an effort to strengthen his political power and to show that he can command with a *mano dura*—a heavy hand.[45] Ironically, the failure of his attempt to reduce drug-related violence and reign in the cartels may suggest otherwise to the Mexican public.[46] Mexico's war on drugs has come under criticism in elite political circles. Former presidents of Mexico, Brazil, and Colombia have condemned the heavy-handed approach to drug trafficking, pointing to the devastating impact of drug-related violence and corruption in their countries. They have jointly called for a policy shift that focuses on drug use as an issue of health and education.[47]

The United States, on the other hand, has characterized the presence of the cartels as an "insurgency" requiring the military intervention of the Mérida Initiative. In September 2010, US Secretary of State Hillary Clinton said, "we face an increasing threat from a well-organized network drug trafficking threat that is, in some cases, morphing into or making common cause with what we would consider an insurgency in Mexico and in Central America."[48] Clinton's statement conflates two very different concepts: political insurgency, which usually refers to a unified political cause aiming to take over the government, and drug trafficking, which involves cartels seeking to protect their business and profits from one another.[49]

However, Clinton's statement suggests, in some ways, a continuation of US intervention in Latin America by way of policies that are ostensibly focused on

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[45] EL SICARIO, *supra* note 26, at 15.
[46] *See* Sackur, *supra* note 36.
[47] *See* Fernando Henrique Cardoso, Cesar Gaviria & Ernesto Zedillo, *The War on Drugs is a Failure*, WALL ST. J., Feb. 23, 2009, http://online.wsj.com/article/SB123535114271444981.html.
[48] Laura Carlsen, *A Plan Colombia for Mexico*, FOREIGN POLICY IN FOCUS (Sept. 10, 2010), http://www.fpif.org/articles/a_plan_colombia_for_mexico [hereinafter *A Plan Colombia for Mexico*].
[49] *See id*.

antidrug measures.[50] Plan Colombia, for example, has existed formally since the year 2000 as a military aid program defined primarily as an effort to combat drug smuggling.[51] The United States has spent millions funding the plan despite growing criticism of its reliance on aerial fumigation, its connections with right-wing death squads and paramilitaries,[52] and its failure to decrease the flow of drugs from Colombia to the United States.[53] Some critics contend, however, that the goal of militarization has never been drug eradication, arguing that the program serves instead as a pretext for the United States to maintain a long-term "strategy of state terrorism in Colombia" to safeguard US economic and political interests. With respect to this latter goal, US strategy has been "remarkably effective."[54]

The United States' approach to fighting the drug trade in Mexico parallels its methods used in Colombia. Although Clinton stated that the United States is concerned about an insurgency of the cartels,[55] the State Department may also have other groups in mind.

President Calderón has faced the demands of powerful social movements during his tenure, particularly from the Zapatistas group based in the state of Chiapas. The group debuted in 1994 during an armed uprising to protest the signing of NAFTA, and it has since sustained its anti-neoliberal demands through media campaigns, organized meetings, and demonstrations.[56] During

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[50] *See* Delgado-Ramos & Romano, *supra* note 30, at 94–95 ("The Colombia Plan and the Mérida Initiative are paradigmatic but not isolated cases of US interference in Latin America.").
[51] DOUG STOKES, AMERICA'S OTHER WAR: TERRORIZING COLOMBIA 93 (2005).
[52] *See* Doug Stokes, *America's Other War: Terrorizing Colombia*, 39 LIVE JOURNAL 26 (July 1, 2005), http://bailey83221.livejournal.com/54324.html.
[53] STOKES, *supra* note 52, at 113.
[54] *Id*. at 114.
[55] *A Plan Colombia for Mexico*, *supra* note 48. Secretary of State Clinton compared the political climate in Mexico to that of Colombia twenty years prior, suggesting that Mexico's "insurgency" calls for US military action in the same way that Colombia's required. *Id*. Notably, Clinton's comments prompted immediate indignation from the Mexican Congress at such an interventionist approach. *Id*.
[56] *See* Laura Carlsen, *Armoring NAFTA: The Battleground for Mexico's Future*, NACLA (Aug. 27, 2008), http://nacla.org/node/4958 [hereinafter *Armoring NAFTA*].

the presidential campaign of 2006, in which Calderón was elected, the Zapatista movement launched its massive Other Campaign, a wide-scale effort aimed at building coalitions with resistance groups around Mexico, furthering the goal of indigenous autonomy, and providing a platform for anticapitalist politics.[57] The Campaign directly resisted the dominant agenda of the Mexican and US governments, and its strength challenged the legitimacy of Calderón's administration. The Mexican government also faced a teachers' strike and mass rebellion in the state of Oaxaca in 2006.[58]

Over the course of the escalation of the war on drugs in Mexico, government repression of political movements has become potentially less difficult. Forced disappearances, torture, and killings effectively send a message to those who would otherwise speak out, advising them to instead engage in self-censorship—to remain silent. Additionally, the government is able to dismiss extrajudicial killings committed by state actors as the work of the cartels.[59] Many critics note that the military presence under the pretext of the war on drugs effectively provides the Mexican and US governments a mechanism with which to protect elite economic interests and crush social dissent.[60]

San Juan Copala, for example, a small indigenous town in Oaxaca, supported the Zapatista's Other Campaign and declared itself to be an autonomous municipality in 2007.[61] The town was then under siege by state-supported paramilitaries, who murdered several civilians.[62] Following the

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[57] *See* Mariana Mora, *Zapatista Anticapitalist Politics and the "Other Campaign": Learning from the Struggle for Indigenous Rights and Autonomy*, 34 LATIN AM. PERSP. 64, 64–65 (2007).

[58] *See* TO DIE IN MEXICO, *supra* note 4, at 28.

[59] While it is true that the cartels partake in violence, including torture and executions, the Mexican army has also been known to commit extrajudicial killings and subsequently blame them on drug dealers. *See* Delgado-Ramos & Romano, *supra* note 30, at 93 n.3.

[60] *See id*. at 95–96. Delgado-Ramos and Romano argue that the war on drugs in Latin America represents a "stabilization-destabilization" program meant to protect US economic interests and its access to natural resources. *See id.* at 103.

[61] *Paramilitaries Kill Two Human Rights Activists in Oaxaca*, DEMOCRACY NOW! (Apr. 30, 2010), www.democracynow.org/2010/4/30/paramilitaries_kill_two_human_rights_activists.

[62] *Id*.

assassination of two human rights activists, at least one journalist wrote that "the US-funded war on drugs certainly creates a cover for these kinds of politically motivated attacks."[63] Given the social mobilizations that have followed NAFTA, particularly related to the Zapatista uprising, it may be "no wonder" that elite economic and state interests on both sides of the border "saw the need to shield the agreement from potential attacks" through the increased militarization of civil society.[64]

III. NEOLIBERALISM AT HOME AND ABROAD: ECONOMIC PROGRAMS, SECURITY INTERESTS, AND THE USE OF SHOCK

Neoliberalism refers to the set of trends and ideas that have come to dominate political discourse and practice in various areas, including international trade liberalization, privatization programs, immigration enforcement, and drug policy.[65] As a concept, it facilitates making broad, contextual connections between trends that otherwise may appear disparate and unrelated.[66] Academics, political activists, and other thinkers often use the word "neoliberalism" to describe the political climate and set of policies, trends, and narratives that have promoted and justified the upward redistribution of wealth within the United States and various elite arenas of global politics over the last forty years.[67]

Neoliberal economics narratives often utilize the concept of *laissez-faire*, which refers to minimizing state interference with the activities of corporations and the accumulation of capital by private actors.[68] On an international level,

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[63] *Id*.
[64] *See Armoring NAFTA*, *supra* note 56.
[65] *See* DUGGAN, *supra* note 13, at xi–xii.
[66] *See* DEAN SPADE, NORMAL LIFE: ADMINISTRATIVE VIOLENCE, CRITICAL TRANS POLITICS, AND THE LIMITS OF LAW 49 (2011).
[67] *See* DUGGAN, *supra* note 13, at xi. Although neoliberalism has been hailed by its supporters as "universally inevitable," its vision actually represents a relatively recent historical development. *Id*. at xiii.
[68] *See* CYNTHIA KAUFMAN, IDEAS FOR ACTION: RELEVANT THEORY FOR RADICAL CHANGE 109 (2003).

free trade has been promoted as the path for success for all countries, although such policies often favor countries of the global North.[69] On local levels, systematic privatization has generated additional markets and profit incentives in areas that were formerly part of the public sector, such as health care, education, and drinking water.[70] The political success of these programs has been grounded in the conceptual framework of *competition*, emphasizing *personal responsibility* and *individual freedom*.[71] As a result of these programs, many worldwide elites have been able to expand their access to wealth and resources, while middle- and low-income groups have experienced a decrease in their standard of living.[72]

Numerous scholars, activists, and communities have challenged neoliberal development on various grounds, deconstructing the myths of market self-regulation and pointing to its devastating impact on communities that are sidelined by neoliberal programs.[73] This section starts by laying out the characteristic economic policies that define neoliberal programs and that have led to the rise of corporate power and influence on government policy-making. It then briefly explores the neoliberal state's increased reliance on surveillance, detention, and other forms of social control, looking specifically at the United

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[69] *See id*.
[70] *See id*. at 109–10.
[71] *Id*. *See* KLEIN, *supra* note 2, at 52.
[72] *See* KAUFMAN, *supra* note 68, at 110–11.
[73] *See generally* NOAM CHOMSKY, PROFIT OVER PEOPLE: NEOLIBERALISM AND GLOBAL ORDER 24, 39, 93 (1999) (describing the pro-corporate, free market system of global capitalism that has developed since World War II under the direction of the United States, creating profits and power for elites while deepening socio-economic disparity and class warfare); JON JETER, FLAT BROKE IN THE FREE MARKET: HOW GLOBALIZATION FLEECED WORKING PEOPLE xi-xii (2009) (examining how global, neoliberal, free-market programs function as a continuation of colonialism and brought "unqualified economic disaster for ordinary people worldwide"); JOSÉ SARAMAGO ET AL., THE ZAPATISTA READER 2, 5 (Tom Hayden ed., 2002) (Providing a series of political writings and eyewitness accounts of the Zapatista rebellion); KAUFMAN, *supra* note 68, at 48–54, 108–111 (offering an accessible analysis of capitalism, neoliberalism, as well as alternate sets of ideas); DUGGAN, *supra* note 13, at xi-xiii (describing the rise of neoliberalism as a product of attacks on the New Deal and on downwardly redistributive social movements, pro-business activism, various "culture wars," and an emergent non-redistributive form of "equality").

States' domestic war on drugs and immigration enforcement policies. This section closes by examining Klein's critique presented in *The Shock Doctrine*, which shows how neoliberalism capitalizes on periods of crisis—whether perceived, actual, or created—to impose and maintain free market economic policies while simultaneously contracting out crisis response and security responsibilities to corporate beneficiaries.[74]

A. Economic Policies Within the Neoliberal Framework

Within the context of economic policy, neoliberal programs tend to demand privatization, deregulation of government, and the slashing of social spending."[75] These stipulations are justified by an underlying belief in *laissez-faire* economics and the idea that markets should be free from state interference.[76] Yet, as this section attempts to show, in reality, those demands function as mechanisms that expand corporate earnings while simultaneously generating profits for politicians, producing a "powerful ruling alliance" between the two groups.[77]

The systematic privatization and deregulation of goods and services occurs under the banner of "free market" competition.[78] On the ground, privatization means that allegedly public programs and services are removed from government control and contracted out, or placed in private, profit-generating hands.[79] This trend is pervasive; it includes everything from education and garbage collection to the construction and management of prisons and immigration detention centers.[80] Privatization is often justified as a way of improving the efficiency of "plodding, incompetent" public programs and state-owned industries.[81] Yet, this rationalization ignores the reality that the

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[74] *See* KLEIN, *supra* note 2, at 8–11, 15, 18.
[75] *See id*. at 9–10.
[76] *See id.* at 9, 15.
[77] *Id*. at 15.
[78] *See* DUGGAN, *supra* note 13, at 12; KLEIN, *supra* note 2, at 9.
[79] *See* DUGGAN, *supra* note 13, at 12.
[80] *See id.*
[81] *Id.*

greater "productivity" of the private sector is often attained through flawed means: lower pay for employees, worse workplace conditions, and lesser quality services, materials, or products.[82] Additionally, privatization removes wealth and decision-making power from mechanisms of public accountability.[83] The goal of profit generation supplants nonmonetary priorities such as the health and welfare of people and communities.[84] By the same token, the nonmonetary costs—including abandonment, trauma, terror, death, and detention—paid by those whose lives are affected by privately made decisions remain unaccounted for when businesses balance their budget.[85] These types of serious costs associated with neoliberalism are particularly salient within the scope of this article. As discussed below, the privatization of warfare, incarceration, immigration enforcement, and other security-related industries has increasingly come to dominate public policy decisions made in these arenas, favoring profits over people.[86]

Neoliberalism is also characterized by the dismantling of public systems for addressing poverty or providing basic social services.[87] Within the United States, "antistate" government actors have advocated for the state's retreat from various areas of social safety nets, including welfare and public

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[82] *Id.*

[83] *See id. See also* CHOMSKY, *supra* note 73, at 132 (describing the concentration of power into corporate hands as an "attack on democracy").

[84] *See, e.g.,* CHOMSKY, *supra* note 73, at 148 (indicating that while financial investors are given wide access to move assets without government or public interference, democratic demands such as local ownership, living wage standards, consumer protections, and environmental provisions are undermined and barred).

[85] *See* Ruth Wilson Gilmore, *In the Shadow of the Shadow State*, *in* THE REVOLUTION WILL NOT BE FUNDED: BEYOND THE NON-PROFIT INDUSTRIAL COMPLEX 41, 43 (INCITE! Women of Color Against Violence ed., 2007). Ruth Wilson Gilmore points out that "the devastating effect of industrialized punishment has hidden, noneconomic as well as measurable dollar costs to governments and households." *Id.*

[86] *See* KLEIN, *supra* note 2, at 12. The phrase "profit over people" is the title of Noam Chomsky's book, *supra* note 73.

[87] *See* Christine Ahn, *Democratizing American Philanthropy*, *in* THE REVOLUTION WILL NOT BE FUNDED: BEYOND THE NON-PROFIT INDUSTRIAL COMPLEX 63 (INCITE! Women of Color Against Violence ed., 2007).

housing.[88] Instead of having a systemic approach to social welfare, many social service functions are fulfilled today by a "shadow state" of nonprofit and volunteer organizations.[89] The costs of public welfare are thereby transferred from government agencies to individuals, families, and communities.[90] Many scholars and activists have characterized the downsizing of the state in this capacity as a long-term process of abandoning specific sectors of society.[91] Additionally, this process has allowed the "huge transfers of public wealth to private hands" that characterizes neoliberalism.[92]

Privatization, deregulation, and reducing social spending represent the "free-market trinity"[93] of neoliberal stipulations; together, these demands have facilitated "the rise of corporatism."[94] In a neoliberal climate, big businesses and government are separated only by "hazy and ever-shifting lines"; increasingly, corporate and political spheres have merged.[95] For economic elites, the benefits of organizing wealth in this way are unparalleled. But because true neoliberal programs leave the majority of the population outside of the circle of prosperity, the protection of corporatist arrangements often involve the use of "aggressive surveillance […], mass incarceration, shrinking civil liberties and often, though not always, torture."[96]

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[88] Gilmore, *supra* note 85, at 41, 44. *See* Rickke Mananzala & Dean Spade, *The Nonprofit Industrial Complex and Trans Resistance*, 5 SEXUALITY RES. & SOC. POL'Y 53, at 55 (2008).
[89] Gilmore, *supra* note 85, at 45.
[90] *See* Mananzala & Spade, *supra* note 88, at 55–56.
[91] *See* Gilmore, *supra* note 85, at 44.
[92] KLEIN, *supra* note 2, at 15.
[93] *Id.* at 77.
[94] *Id.* at 19. DUGGAN, *supra* note 13, at xiii (indicating that neoliberalism represents "a kind of backroom deal among the financial, business, and political elites based in the United States and Europe.").
[95] KLEIN, *supra* note 2, at 15.
[96] *Id.*

B. Legitimate Violence: Security and Surveillance in the Neoliberal State

In contrast to the narratives of freedom and democracy promoted in the context of neoliberal programs, many people and communities actually experience heightened surveillance and exposure to state-sanctioned violence in the context of the neoliberal framework. The neoliberal security state[97] is less concerned with mitigating the human costs or social fallout of market-based policies; instead, much of its power is directed at enforcing neoliberalism's disparities through the threat and use of legitimate violence—violence that is validated by or carried out by the government.[98] The development of security and surveillance policies within the United States is particularly visible in trends such as the rise of mass incarceration, particularly as a result of the domestic war on drugs, and heightened immigration enforcement, both of which help to set the stage for discussing the drug war in Mexico. Notably, these programs have relied on identity and cultural politics, particularly the politics of race, to legitimize heightened security and surveillance measures.[99]

Critics of the US "prison industrial complex" argue that the rise in mass incarceration, which began under President Richard Nixon through law-and-order policies, represents a response to the social movements and political upheavals that faced the Nixon administration.[100] Subsequently, the tough-on-crime approach was continued under President Ronald Reagan as a method of managing the socio-economic dislocation produced by neoliberal economic

[97] Scholar Chandan Reddy uses the phrase "neoliberal security state" to describe a vision of the state that centers the protection of market capitalism and validates the use of force by state apparatuses to access those markets, including through military efforts over international boundaries. *See* CHANDAN REDDY, FREEDOM WITH VIOLENCE: RACE, SEXUALITY, AND THE US STATE 210 (2011).

[98] *See id.* at 210. The neoliberal state, which emerged in the late twentieth century, represents "an intense reconstruction of the state form," both in its orientation toward the international economy and the use of force. *Id.* at 138.

[99] *See* DUGGAN, *supra* note 13, at xii. Duggan further states that the politics of identity and culture, including the politics of race, gender, sexuality, and class, have been "central to the entire project" of neoliberalism. *Id.*

[100] *Id.* at 18.

adjustments.[101] Law-and-order policies are racially neutral on their face, focusing on the "threat of crime to 'average' citizens, even as actual crime rates have declined," but their impact has undeniably racialized consequences.[102] Civil rights lawyer and author Michelle Alexander has been at the forefront of exposing the role of the war on drugs[103] in creating a criminal system that functions as a form of social control targeting communities of color.[104] Alexander contends that drug laws have replaced slavery and Jim Crow as mechanisms for creating and enforcing a racial caste system.[105] The "get tough" movement and the war on drugs are directly responsible for the rise in prison populations since the 1980s, and three-fourths of the individuals that have been incarcerated during the war on drugs are people of color.[106] With 2.3 million people[107] presently behind bars, mass

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[101] *See id.*
[102] *Id.*
[103] Richard Nixon was the first US president to use the phrase "war on drugs," but the phrase is more closely associated with the policies of Presidents Ronald Reagan and George H. W. Bush, and its approach continues to dominate US criminal policy and discourse today. *See* Jeff Yates, Todd A. Collins & Gabriel J. Chin, *A War on Drugs or a War on Immigrants? Expanding the Definition of 'Drug Trafficking' in Determining Aggravated Felon Status for Noncitizens,* 64 MD. L. REV. 875, 875–56 (2005).
[104] *See* MICHELLE ALEXANDER, THE NEW JIM CROW: MASS INCARCERATION IN THE AGE OF COLORBLINDNESS 7–8 (1st ed. 2010). s*ee also* NEWJIMCROW.ORG, http://newjimcrow.com/ (last visited Apr. 15, 2012). Alexander explains that the war on drugs evolved as part of a racially coded "get tough" strategy to gain votes among poor and working-class white voters who feared the gains made by African Americans during the civil rights movement. *See On Eve of MLK Day, Michelle Alexander & Randall Robinson on the Mass Incarceration of Black America*, DEMOCRACY NOW!, (Jan. 13, 2012), http://www.democracynow.org/2012/1/13/on_eve_of_mlk_day_michelle.
[105] *See* ALEXANDER, *supra* note 104, at 11–12.
[106] *Racial Disparity*, THE SENTENCING PROJECT, http://www.sentencingproject.org/template/page.cfm?id=122 (last visited Jan. 20, 2012). It is important to note that people of color are no more likely to use drugs than white people. Yates, Collins & Chin, *supra* note 103, at 880.
[107] *Incarceration*, THE SENTENCING PROJECT, http://www.sentencingproject.org/template/page.cfm?id=107 (last visited Apr. 15, 2012) ("The United States is the world's leader in incarceration with 2.3 million people currently in the nation's prisons or jails—a 500% increase over the past thirty years.").

incarceration in the United States functions as a form of social control that is "unparalleled in the world's history."[108]

The "get tough" movement and the war on drugs have also targeted noncitizens, creating a political climate so harsh that it is often referred to as the "criminalization" of immigration policy.[109] One aspect of this criminalization has been the severe penalties imposed on non-citizens for contact with the criminal system.[110] Beginning in the 1980s, deportation became an increasingly common collateral consequence for noncitizens who have received criminal convictions.[111] During the 1980s, the media and many politicians emphasized the urgency of "the criminal-alien problem," arguing that the Immigration and Naturalization Service was not sufficiently addressing the issue. This prompted Congress to pass legislation addressing the intersection of criminal and immigration law, imposing increasingly harsh sanctions on noncitizens for criminal and drug violations.[112] Over the span of a decade, 30,000 people were deported on the basis of criminal or drug offenses.[113] By 2011, the number jumped substantially; at least 44,653 noncitizens convicted of drug-related crimes were deported in just one year.[114]

The cooperation between criminal enforcement and civil immigration authorities represents a second method of criminalization.[115] One of the most concerning aspects of current immigration enforcement policies is the use of

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[108] ALEXANDER, *supra* note 104, at 8. The United States has the highest rate of imprisonment in the world. *See Incarceration*, *supra* note 100.
[109] Teresa A. Miller, *A New Look at Neo-Liberal Economic Policies and the Criminalization of Undocumented Migration*, 61 SMU L. REV. 171, 180 (2008).
[110] *See id.* at 180–81.
[111] Yates, Collins & Chin, *supra* note 103, at 884.
[112] *See id.*
[113] *Id*. In contrast, around 48,000 people had been deported for criminal convictions over the previous seventy-two years. *Id*.
[114] *Round-up: Immigration and Enforcement Systems Under Fire Amidst Record-Number Deportations*, DEPORTATION NATION (Oct. 20, 2011), http://www.deportationnation.org/2011/10/round-up-immigration-and-enforcement-systems-under-fire-admist-record-number-deportations/.The United States deported an unprecedented number of people in fiscal year 2011, removing 396,906 individuals. *Id.*
[115] *See* Miller, *supra* note 109, at 181–82.

state and local police, county jails, and the criminal system to channel noncitizens into the expanding network of immigration detention centers and to place them in deportation proceedings.[116] As a result, Mexicans who migrate north as a result of the drug war at home, as many do,[117] and who are non-US citizens, may also be affected by the war on drugs in the United States.

The neoliberal security state utilizes cultural and identity politics, including racialized narratives, to justify its reliance on systems of violence to ostensibly promote security.[118] In this context, the types of "aggressive surveillance"[119] listed here, including mass incarceration, immigration detention, and deportation, appear to represent practices that are characteristic of the neoliberal security state and that serve to facilitate the enforcement of disparities produced by corporatist arrangements. The mechanisms of "law and order" function as legitimate in the sense that they are legally protected and constitute central aspects of political discourse. The human rights abuses committed by the Mexican security forces are legitimate too, in the sense that they are state-sanctioned and are committed by authorities that benefit from having a monopoly of force. Law enforcement officials "openly admit their fear or unwillingness" to investigate cases involving state abuses. As the family of one victim of human rights violations committed by state security

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[116] *See* Melissa Keaney & Joan Friedland, *Overview of the Key ICE ACCESS Programs: 287(g), The Criminal Alien Program, and Secure Communities*, NAT'L IMMIGR. L. CENTER (Nov. 2009), http://www.nilc.org/ice-access-2009-11-05.html.

[117] The escalation of drug-related violence has caused many Mexicans to leave home, some applying for asylum in the United States based on their experience of persecution and their fear of returning home. *See* Andrew Becker & Patrick J. McDonnell, *Mexico's Drug War Creates New Class of Refugees*, L. A. TIMES (Mar. 4, 2009) http://www.latimes.com/news/nationworld/world/latinamerica/la-na-asylum4-2009mar04,0,2188107.story.

[118] *See* DUGGAN, *supra* note 13, at 14–15 ("The goal of raising corporate profits has never been pursued separately from the rearticulation of hierarchies of race, gender, and sexuality in the United States and around the globe."). The politics of race, culture, and identity undeniably play a role in shaping neoliberal security politics, including anti-drug trafficking programs. *See id.* at 3.

[119] *See* Klein, *supra* note 2, at 15.

forces was told by a Mexican prosecutor, "you can't win against the military."[120]

C. The Shock Doctrine

> "Crises are, in a way, democracy-free zones—gaps in politics as usual when the need for consent and consensus do not seem to apply."[121]
> —Naomi Klein, *The Shock Doctrine: The Rise of Disaster Capitalism*

"Only a crisis—actual or perceived—produces real change," wrote Milton Friedman, venerated leader of the rise in the free market and, with it, unrestrained capitalism,[122] in 1982.[123] The crux of Klein's thesis in *The Shock Doctrine* is that democracy must be suspended in order to implement true free-market reforms and that the precondition for this suspension is often presented by some type of significant collective fear or trauma.[124] Friedman himself was aware of this, which Klein points out. For many years, his free-market ideas were sidelined by the mainstream—until, beginning in the 1970s, he helped pioneer the strategy of imposing politically unpopular changes during periods of crisis when democratic channels were (temporarily) disengaged.[125]

In the 1950s, Friedman was the driving force behind the University of Chicago's Department of Economics, whose fundamentalist approach to free-market economics came to be known simply as Chicago School economics, an approach whose influence on today's global economic systems is difficult to overstate.[126] Friedman's vision of the market allowed no space for state regulations. He proposed that the minimum wage should be eliminated, that corporations should be able to sell goods across national boundaries, that

[120] HUMAN RIGHTS WATCH, *supra* note, 3 at 11.
[121] KLEIN, *supra* note 2, at 140.
[122] *Id.*
[123] *Id.*
[124] *See id.* at 18–21.
[125] *See id.* at 21–22.
[126] *See id.* at 49–52.

governments should cease to protect workers or local industries, that taxes, if they must exist, should be minimal, and that all income levels should pay taxes at the same rate.[127] He called for the privatization of health care, education, pensions, and national parks.[128] He contended that economic problems could be solved by a stricter application of free-market fundamentals and called for the removal of barriers to profit making by private entities.[129] For some time though, Friedman could not point to any examples where these strategies had worked, much less been tried, as he claimed they would.[130]

An opportunity came in 1956 when the US State Department collaborated with Chicago's Economics Department to bring Chilean students to study under Friedman and his colleagues. The program apparently sought out Chilean students because Chile had become a breeding ground for developmentalist economics, which the program intended to change.[131] Developmentalism, which had taken hold in several countries around the globe, aimed to break the dependence of third world countries on colonial powers through nationalizing industries, subsidizing local businesses, building strong unions, and blocking foreign imports with protectionist tariffs.[132] US and European corporations that were invested in Latin America increasingly felt threatened by such reforms and pressured their governments to act on their behalf.[133] Friedman's mantra of severing the state from all interference in the economy aligned with corporate demands for less regulation, and the State Department organized for the Chilean students to study under him for that

[127] *See id.* at 57.
[128] *See id.*
[129] *See id.* at 50–51.
[130] *See id.* at 51, 59.
[131] *See id.* at 59–60.
[132] *See id.* 54–55.
[133] *See id.* at 58. The CIA-backed coups in 1953 in Iran and in 1954 in Guatemala were aimed at countering developmentalism and protecting corporate interests. *Id.*

reason.[134] By 1963, many in the group returned to Chile and set up a Friedman-centered economics department at their home institution, thereby allowing hundreds of Chileans to study the same curriculum without leaving the country.[135] The students who learned this free-market ideology became known around the region as "los Chicago Boys."[136]

The Chicago Boys had trouble breaking into Chile's mainstream economic policy discourses, as the country was still focused on developmentalism. In 1970, all three major political parties favored nationalizing the country's biggest industry, the copper mines, which were controlled by US companies.[137] Salvador Allende was elected president in 1970, and US transnationals feared the loss of property, investments, and profit under his Popular Unity government. For example, the International Telephone and Telegraph Company (ITT) owned 70 percent of Chile's phone system, which was slated to become nationalized. The company secretly worked with the CIA and the State Department to block Allende's inauguration,[138] but by 1973, Allende had gained significant political backing in Chile.[139]

A group of Chilean business leaders who had been educated in Chicago, and whose activities were funded by the CIA, formulated a two-prong plan to counter Allende's economic program: (1) to work in coalition with the military to prepare for a regime change and (2) to design specific plans for the neoliberal restructuring of Chile's economy.[140] On September 11, 1973, Allende was overthrown in a violent coup, resulting in the installation of the

[134] *See id.* at 56–57, 59–60. One hundred Chilean students studied free market economic policies directly under Friedman at the University of Chicago between 1957 and 1970 with all tuition and expenses paid for by US taxpayers and foundations. *Id.* at 60.
[135] *See id.* at 61–62.
[136] *Id.* at 62.
[137] *See id.* 63.
[138] *See id.* at 65 (writing that ITT presented the Chilean opposition with $1 million dollars in bribes).
[139] *See id.* at 66. By 1973, $8 million dollars in covert monies had been spent. *Id.*
[140] *See id*. at 70–71. A US Senate investigation revealed that "over 75 percent" of this organization's funding originated in the CIA. *Id*. at 71.

military dictatorship of General Augusto Pinochet, who remained president of Chile until 1990.[141] On all accounts, the toppling of Allende represents a military exploit. But Orlando Letelier, ambassador to Washington under Allende, had a different view. He saw the takeover as an "equal partnership" between the generals and the intellectuals: the military provided the brutal force, and the Chicago Boys wrote the free-market economic program for the country's new government.[142]

Pinochet's rule was to be marked by three discrete types of shock. First, there was the shock of the military coup, which led to the death of President Allende and transformed the capitol into a war zone.[143] Immediately thereafter came what Friedman termed economic "shock treatment,"[144] as well as the shock of widespread torture and the executions of civilians.[145]

Friedman explicitly advised General Pinochet against the gradual imposition of free market policies—he used the phrase economic "shock treatment" in his communications with the General, assuring him that a strict application of free market fundamentals would allow the Chilean economy to self-correct its high inflation, which had jumped to 375 percent during the first year and a half of Chicago-style reforms under Pinochet.[146] Friedman advised cutting government spending by 25 percent and to move towards completely free trade.[147] He suggested that the hundreds of thousands of people who would be let go from their jobs in the public sector would be able to find work in the

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[141] *See* Jonathan Kandell, *Augusto Pinochet, Dictator Who Ruled by Terror in Chile, Dies at 91*, N.Y. TIMES, Dec. 11, 2006, http://www.nytimes.com/2006/12/11/world/americas/11pinochet.html?pagewanted=all.
[142] KLEIN, *supra note* 2, at 71. The Chicago Boys wrote a 500-page document known as "The Brick," detailing the economic program that the military junta followed in Chile. *See id.* The policies that it outlines would later be imposed on numerous other countries in the context of various types of crises. *See id*. at 78.
[143] *See id*. at 71, 75–76.
[144] *Id.* at 71.
[145] *See id.* at 76–77.
[146] *Id.* at 79, 80–81.
[147] *Id.* at 81.

private one.[148] Following this advice, Pinochet privatized nearly 500 state-owned companies and banks, releasing them immediately into private hands, and cut spending by 27 percent, to half of what it had been under Allende, with health and education sectors taking the deepest blows.[149]

Pinochet was a brutal dictator; his regime was notorious for its human rights violations.[150] Within days of Pinochet taking power, approximately 13,500 civilians were arrested and detained.[151] Thousands were held at the two main football stadiums in the capital city of Santiago, where they were tortured and executed.[152] The regime was characterized by repression—the press was subjected to censorship, and labor unions and strikes were prohibited.[153] Over 3,200 people disappeared or were executed and nearly 28,000 people were tortured,[154] sending a clear and threatening message to any potential dissenters. At least 80,000 were imprisoned and 200,000 fled the country in political exile.[155] The Chicago School economists refused to recognize any relationship between their policies and the use of political terror,[156] even though the Chicago Boys worked with the military in the period leading up to the coup and during the economic restructuring of Chile took place immediately upon the government overthrow.[157]

Pinochet's economic shock program brought extreme wealth to a limited number of elites,[158] but it also signaled the onset of widespread poverty in Chile. Prices soared while wages dropped.[159] Approximately 74 percent of the income of an average Chilean family went to buy bread, while basic items such

[148] *See id*. at 80–81.
[149] *Id*. at 82.
[150] *See* KANDELL, *supra* note 141.
[151] KLEIN, *supra* note 2, at 76 (citing a declassified CIA report).
[152] *See id*. at 76-77.
[153] *See* KANDELL, *supra* note 141.
[154] *Id*.
[155] KLEIN, *supra* note 2, at 77.
[156] *See id.* at 118.
[157] *See id.* at 117.
[158] *See id.* at 85–86.
[159] *See id.* at 111.

as milk and bus fare became out of reach for many.[160] Privatization was imposed on Chile's public schools, its health care system, and even its social security system.[161] The socio-economic situation was so dire that one of the Chicago Boys, somewhat of a dissident from the group, drew a direct line from the brutality of the free-market economic policies to the violence that Pinochet used to repress civil society, linking the two as mutually reinforcing. He wrote that Friedman's economic adjustments brought so much suffering that the changes could not have been "imposed or carried out without the twin elements that underlie them all: military force and political terror."[162]

The majority of the people who were detained, tortured, and executed in Chile were not "extremists" or "fanatics," as the government claimed; instead, they were people that the dictatorship had identified as potential threats to its neoliberal economic program.[163] Systematic raids directed at workers in factories led to the mass arrest of people involved in the labor movement beginning on the day of the coup.[164] Farmers were also targeted. Not only did the state's terror campaign remove potential roadblocks to the economic program, but it also effectively sent a message to those who witnessed the disappearances, ensuring that the streets remained "clear and calm."[165] Sergio de Castro, who was educated at the Chicago School and intimately involved with the planning of the coup, did not turn a blind eye to the military excesses of the regime as he served as minister of economics under Pinochet. To the contrary, he wrote that the neoliberal, free-market reforms never could have happened before the coup because public opinion was "very much against" such policies. He continued, "[i]t was our luck that President Pinochet understood and had the character to withstand criticism," noting that

[160] *Id.* at 84.
[161] *See id.*
[162] *Id.* (quoting Chicago School-educated Gunder Frank).
[163] *Id.* at 106.
[164] *See id.*
[165] *Id.* at 111.

"'authoritarian government' is best suited to safeguarding economic freedom because of its 'impersonal' use of power."[166]

The shock doctrine model that emerged in Chile under Pinochet is based on exploitation of a period of crisis in order to push through radical economic changes. The privatization of crisis creation and crisis response[167] characterizes what Klein terms the "shock doctrine" today. Various aspects of the US national security apparatus have undergone a profound privatization process, particularly under the Bush administration. Functions that were once iconic to the state law, such as the military, border control, prisons, and surveillance technology, have become parts of the private sector.[168] This arrangement represents a new form of disaster capitalism within which "wars and disaster responses are so fully privatized that they are themselves the new market."[169]

Donald Rumsfeld, Secretary of Defense under President George W. Bush, was close friends with Milton Friedman, who admired Rumsfeld for his commitment to deregulated markets.[170] Rumsfeld is now said to have presided over a "transformation" of the US military, reducing the number of its troops, and outsourcing many of its functions to private contractors. While the Pentagon was already notorious for contracting out weapons manufacturing, the hiring of corporations such as Blackwater and Halliburton to "perform duties ranging from high-risk chauffeuring to prisoner interrogation to catering to health care" represented an entirely new arena of privatization.[171] These changes did not reduce the budget of the military (Rumsfeld requested an 11 percent budget increase shortly after taking the position); instead, in line with corporatist principles, the move redistributed funds from the public to the private sphere.[172]

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[166] *Id.* at 110–11.
[167] *See id*. at 288–89.
[168] *See id*. at 288.
[169] *Id.* at 13.
[170] *See id.* at 289.
[171] *Id.* at 285, 291.
[172] *See id.* at 287.

Dick Cheney, vice president under Bush, also helped to advance the use of private contractors in the military context, an endeavor he had begun earlier as Secretary of Defense under Bush Sr. when he hired Halliburton's engineering division, Brown & Root, to identify tasks performed by US troops that could be contracted out for a profit. This initiative led to the Logistics Civil Augmentation Program, or LOGCAP, and the creation of a service contract for providing largely unlimited "logistical support" for the military, which Halliburton later won.[173] Cheney then moved into the private sphere during the Clinton administration, serving as CEO of Halliburton Company. Under his leadership, the company nearly doubled the amount of money that it procured through contracts with the US government from $1.2 billion to $2.3 billion, particularly by providing troops abroad with services such as "fast-food outlets, supermarkets, movie theaters, and high-tech gyms."[174] Lockheed Martin, the world's largest defense contractor, similarly moved into logistical support during this period under the leadership of Cheney's wife, gaining contracts to sort the mail, cut Social Security checks, and conduct the US census.[175]

This corporatist orientation means policy decision making is increasingly framed by private interests while government activities are designed to function as an unending marketplace for private, contract-seeking agencies.[176] The federal government's response to the 9/11 attacks, for example, has been characterized by the creation of the war on terror, whose goals appear to be focused on "regulat[ing] and control[ing] the citizenry"[177] and creating a

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[173] *Id.* at 291.
[174] *Id.* at 350.
[175] *See id.* at 351.
[176] *See id*. at 300, 306; CHOMSKY, *supra* note 73, at 132 ("The most effective way to restrict democracy is to transfer decision making from the public arena to unaccountable institutions: kings and princes, priestly castles, military juntas, party dictatorships, or modern corporations.").
[177] KLEIN, *supra* note 2, at 307 (quoting Peter Swire, US government privacy counselor during Clinton administration).

profitable, long-term market centered on the homeland security industry[178]—as opposed to a policy that prioritizes the safety of its residents.[179] The homeland security industry is now larger than Hollywood and the music business, contracting out any number of surveillance, intelligence gathering, and data mining technologies and services.[180] Major contracts, such as that for US VISIT, a screening program that takes digital fingerprints of visitors and noncitizens upon arrival in the US, have been awarded based on political connections instead of quality products.[181] With little oversight provided by the Department of Homeland Security, companies may promote their products at flashy trade shows, overcharge for their services, and provide faulty products, with little to no accountability, particularly to constituents.[182] As the *New York Times* discerned in 2007, "Without a public debate or formal policy decision, contractors have become a virtual fourth branch of government."[183]

There is little discussion of the implications of being "engaged in a fully privatized war built to have no end."[184] The 2003 invasion of Iraq, arranged under the auspices of the "Shock and Awe" strategy, which was conceptually developed at the National Defense University,[185] was designed to overwhelm and psychologically torture the public by destroying its phone system, electricity, and cultural fabric contained in the nation's museums and

[178] *Id.* at 306.
[179] *See id.* at 299. *See generally* DEEPA FERNANDES, TARGETED: HOMELAND SECURITY AND THE BUSINESS OF IMMIGRATION 170–71 (2007) (analyzing the post-9/11 growth of what Fernandes terms the "immigration-industrial complex," in which the government increasingly relies on the for-profit, private sector to carry out immigration enforcement; as a result, its policies increasingly reflect the interests of big business).
[180] *See* KLEIN, *supra* note 2, at 306.
[181] *See* FERNANDES, *supra* note 179, at 179–181. Some of these monitoring methods have been problematic in that they target immigrants and noncitizens while failing to enhance safety. *See id*. at 175.
[182] *See id.* at 175.
[183] KLEIN, *supra* note 2, at 299.
[184] *Id.* at 306.
[185] *Id.* at 329. *See* Sue Chan, *Iraq Faces Massive U.S. Missile Barrage*, CBS NEWS (Feb. 11, 2009, 8:51 PM), http://www.cbsnews.com/stories/2003/01/24/eveningnews/main537928.shtml.

libraries.[186] The rebuilding of Iraq was then contracted out. Private accountants were hired to "build a 'market-driven system'" in the country; think tanks were hired to help privatize Iraqi companies, and private security firms and defense contractors were hired to train Iraq's new army and police.[187] Without oversight and not subject to any regulations, these companies often proceeded to subcontract out the duties, and the bulk of the work was never completed.[188]

At home, the war on drugs similarly appears to be built to have no end, creating a long-term source of profits for certain security-oriented companies. Drug laws take most of the credit for filling our prisons, and private prison companies continue to benefit from these laws by obtaining government contracts. As governor of Texas, George Bush increased the number of private prisons from twenty-six to forty-two, despite stories of prisoner maltreatment within such institutions.[189] Since 9/11, private-prison companies have benefitted as national security concerns have been mobilized to target and detain noncitizens.[190] Companies in the business of immigration detention can be paid roughly $85 per detainee, per day, by the Department of Homeland Security.[191] The US government's increasing reliance on detention in the arena of immigration enforcement has been partially driven by private prison corporations seeking to expand their government contracts.[192]

In essence, the shock doctrine allows neoliberal capitalism to find new markets in every step of its own expansion: the creation of disaster or crisis (the drug problem, the "criminal alien" problem, the devastation of Iraq); the

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[186] *See* KLEIN, *supra* note 2, at 334–36.
[187] *Id.* at 348.
[188] *See id.* at 356–57.
[189] *See id.* at 294.
[190] *See* FERNANDES, *supra note* 179, at 194.
[191] *Id.* at 194.
[192] *See* Laura Sullivan, *Prison Economics Help Drive Ariz. Immigration Law*, NPR (Oct. 28, 2010), http://www.npr.org/2010/10/28/130833741/prison-economics-help-drive-ariz-immigration-law (regarding the influence of private prison companies in drafting Arizona's anti-immigrant law and proposing it to the state's legislators).

neoliberal restructuring that often occurs behind closed doors during moments of crisis (the economic changes under Pincohet); and the response to disaster (rebuilding Iraq, imprisoning drug offenders, detaining immigrants). Intervention no longer simply represents a means to the end of protecting corporate interests, as it did in Chile.[193] The process of destruction and reorientation is now so "fully privatized" that intervention is the end itself, creating deep and long-lasting opportunities for companies to profit from the exploitation of crisis.[194]

IV. NEOLIBERALISM & RESISTANCE IN MEXICO

The signing of NAFTA in 1994 represents the formalization of neoliberalism in Mexico.[195] While the agreement has been commended in elite circles for opening corporate investment across national borders, it has also been condemned for undermining the gains of working communities,[196] weakening environment regulations,[197] and threatening the food security of Mexico.[198] The fact that NAFTA opened borders for the movement of capital, but not for workers, also faces widespread criticism.[199] NAFTA's impact warrants a deeper critique, however, with respect to the wealth gained by transnational companies on the one hand, and the systemic violence experienced by the poor and middles classes on the other. In a climate of deepening social inequalities, anxiety about protecting business interests in

[193] *See* KLEIN, *supra* note 2, at 310–11.
[194] *Id.* at 13.
[195] *See* María Eugenia Padua, *Mexico's Part in the Neoliberal Project*, 8 U.C. DAVIS J. INT'L L. & POL'Y 1, 16 (2002). NAFTA refers to the North American Free Trade Agreement among the United States, Mexico, and Canada. *Id.*
[196] *See* DAVID BACON, ILLEGAL PEOPLE: HOW GLOBALIZATION CREATES MIGRATION AND CRIMINALIZES IMMIGRANTS 51 (2008) (noting that job security and workers' rights have been undermined in all three signatory countries).
[197] *See* CHOMSKY, *supra* note 73, at 122–23.
[198] *See* LAURA CARLSEN, *NAFTA is Starving Mexico*, HUFFINGTON POST (Oct. 31, 2011, 12:40 PM), http://www.huffingtonpost.com/laura-carlsen/nafta-is-starving-mexico_b_1067761.html [hereinafter *NAFTA is Starving Mexico*].
[199] *See* BACON, *supra note* 196, at 51.

Mexico has risen, meaning that political dissent, including organized movements like the Zapatistas, may be of heightened concern for the Mexican and US governments.

A. NAFTA Expanded Corporate Wealth and Undermined Collective Socio-Economic Security

In terms of trade integration, NAFTA is a success. The agreement's primary goal was to diminish barriers to investment and trade, and, by those measurements, NAFTA has succeeded.[200] A small circle of investors have prospered under NAFTA. By 2005, merchandise trading between Mexico and the United States had increased 227 percent.[201] Wal-Mart became the largest retailer in Mexico.[202] US-based agribusiness giant Cargill saw its income increase by 660 percent since NAFTA began, reaching $3.95 billion in fiscal year 2007–08.[203]

NAFTA's impact, however, on the socio-economic security of many people in Mexico has been staggering. The treaty's launch was marked by a monetary crisis in 1994, the year it came into effect. The value of the peso dropped from 3.4 to 7.2 to the dollar within a week, and prices in Mexico soared by 24 percent in the first four months of 1994.[204] Privatization allowed Mexican industries to be sold to US-based corporations, which meant that unions were busted and workplace conditions worsened.[205] Mexico's main north-south rail line came under the ownership of the US-based company Union Pacific, and

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[200] *See* GARY CLYDE HUFBAUER & JEFFREY J. SCHOTT, NAFTA REVISITED: ACHIEVEMENTS AND CHALLENGES 63 (2005).
[201] *Id.* at 18.
[202] *See* BACON, *supra* note 196, at 63.
[203] Laura Carlsen, *Trade Disagreement: The Inequalities of NAFTA*, CHRISTIAN CENTURY, Sept. 8, 2009, at 10.
[204] HUFBAUER & SCHOTT, *supra* note 200, at 10. The issue of whether NAFTA caused the crash is the subject of some debate, but Jeff Faux, founding director of the Economic Policy Institute, argues that the crash was directly related to the speculative bubble created around Mexican assets by NAFTA. *See* BACON, *supra* note 196, at 61.
[204] *See* BACON, *supra* note 196, at 58–59.
[205] *Id*.

employment in the rail industry dropped from over 90,000 to 36,000.[206] The leaders of the railroad union, who once commanded a national presence, were imprisoned, and the union disappeared from Mexican politics.[207] Longshoring wages, once $100–160 per day, plummeted to $40–50 per day after the Mexican ports were sold to US-based corporations.[208] By 1995, one year into the agreement, one million jobs had been lost.[209] The growth of corporate retail like Wal-Mart affects the livelihood of innumerable family-owned and small businesses. Twelve years after NAFTA, real wages for Mexican workers had been reduced by 22 percent, even though worker productivity had risen by 45 percent.[210]

Changes in agricultural policies under NAFTA also had a devastating impact in Mexico. While subsidies from the Mexican government to its farmers became illegal, major subsidies from the US government to its growers remained protected.[211] After the elimination of Mexican subsidies, hundreds of thousands of family farms and small farms could no longer make a living by selling the food that they produced.[212] Rural communities that once survived on subsistence agriculture now face malnutrition and starvation, and Mexico is increasingly dependent on expensive food imports.[213] Two million farmers have been forced to leave their land, internally displaced or forced into the migration stream toward the United States.[214]

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[206] *Id*.
[207] *See id.* at 59.
[208] *Id.*
[209] *See id.* at 62.
[210] *Id.* at 59.
[211] *See id.* at 62. Free trade neoliberal policies often require countries in the global South to open their markets while allowing countries in the North to remain protectionist. *See* Carmen G. Gonzalez, *Deconstructing The Mythology of Free Trade: Critical Reflections on Comparative Advantage*, 17 BERKELEY LA RAZA L. J. 65, 65 (2006). This practice places Southern countries at systematic disadvantage, and it has been heavily criticized. *Id.*
[212] *See* Gonzalez, *supra* note 211, at 62.
[213] *See NAFTA Is Starving Mexico*, *supra* note 198.
[214] *Id.* Additionally, people have left their land as a result of the privatization of land, which occurred on a broad scale under NAFTA. Since Mexico's land reform policies of 1917, land had been held in *ejidos*, a system of land tenure in which the land was held in communes,

As a result of NAFTA's impact on Mexico's economy, more people left Mexico for the United States in the years after NAFTA was passed than in any other period,[215] with over six million people crossing the border within thirteen years of NAFTA's implementation.[216] Yet, the US immigration debate does not acknowledge the role of economic displacement in producing the Mexico-US migration stream.[217] The US immigration system also fails to acknowledge this role—most workers displaced from Mexico since NAFTA have arrived in the United States without immigration authorization.[218]

Notably, the displacement of people and their subsequent undocumented movement across borders tends to benefit both the cartels and US companies that depend on cheap labor.[219] Transnational cartels make tens of millions of dollars each year engaged in the unauthorized movement of migrants.[220] Entire US industries, including the agricultural sector and food processing,[221] the paper industry,[222] tourism—including the hotel and restaurant industries—and domestic services[223] depend on migrant labor. Many companies profit immensely from the labor of undocumented workers, who are "more vulnerable and socially isolated," allowing for their work to be compensated at lower rates.[224] The displacement of workers caused by neoliberal reforms,

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among farmers, and could not be sold. NAFTA changed that—it removed Article 27 of the Mexican Constitution, allowing *ejidos* to be sold. After land sales were completed, many of the people who used to work the land became wageworkers employed by other landowners or moved to cities to find jobs. BACON, *supra* note 196, at 58.

[215] BACON, *supra* note 196, at 51.

[216] *See id.* at 64.

[217] *See id.* at 67. "The whole process that creates migrants is […] displacement, an unmentionable word in the Washington discourse." *Id*. at 68.

[218] *See id.* at 64.

[219] *See* Morales & Watt, *supra* note 28 ("Transnational drug cartels and corporations, in many ways, are the prime beneficiaries of NAFTA.").

[220] *See* MEXICO UNCONQUERED, *supra* note 5, at 134.

[221] *See* BACON, *supra* note 196, at 80.

[222] *See id*. at 66.

[223] *See id*. at 80.

[224] *See id*. at 81. In 1994, the Urban Institute estimated that the labor of undocumented workers produced tens of billions of dollars for California's economy, each worker contributing an average of $45,000. They received an average annual income of only

including NAFTA, has provided cartels with a steady stream of "walking merchandise"[225]: people seeking assistance in crossing the border without authorization despite the severe risks they face on such a journey. Displacement has also supplied the US economy with an "army of available workers": a mobile workforce that typically arrives with a "vulnerable, second-class status, at a price that [employers] want to pay."[226]

B. The Zapatistas and Resistance of NAFTA

> "No amount of law-and-order, however, can quell deepening unrest in a world demarcated so deeply by wealth and poverty."
> —Tom Hayden, *The Zapatista Reader*[227]

The Zapatista Army for National Liberation deliberately timed its uprising for the day that NAFTA came into effect on January 1, 1994.[228] As Mexican farming subsidies were made illegal and US products flooded the market, the Zapatistas foresaw the consequences that would be felt in Mexico's southern rural regions,[229] calling NAFTA a "death sentence" for indigenous communities.[230] The group started what has been called the first major movement to challenge neoliberalism, and it has sustained eighteen years of organized opposition, bringing visibility to the fallout of programs like NAFTA and to the struggle of indigenous peoples.[231] Additionally, the Zapatista uprising has sparked a broader mobilization of groups demanding a

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$8,840, however, a "much smaller percentage of the value" that they produced compared to that which was received by workers with either citizenship of resident status. *Id*. at 80.
[225] TO DIE IN MEXICO, *supra* note 4, at 131–34.
[226] BACON, *supra* note 196, at 67.
[227] THE ZAPATISTA READER 2 (Tom Hayden, ed., Avalon Publ'g Group 2002).
[228] *See* BACON, *supra* note 196, at 63. *See also* Robert Paul Maddox, *"Today We Say, Enough!" The Zapatista Rebellion, Autonomy, and the San Andres Accords*, 1 REGENT J. INT'L L. 47, 47–48 (2003) (explaining that the Mexican government was "taken by surprise" when the Zapatistas took up arms in the morning of the same day that NAFTA was slated to come into effect).
[229] *See* BACON, *supra* note 196, at 63.
[230] CHOMSKY, *supra* note 73, at 122.
[231] *See* Marcella Salas Cassani, *Zapatistas: 18 Years of Rebellion and Resistance*, AMERICAS PROGRAM (Jan. 1, 2012, 8:00 PM), http://www.cipamericas.org/archives/5918.

more inclusive democratic model in Mexico and an end to free-trade economic policies.[232]

The Zapatista uprising marked an "enormous blow to business and government interests," and it has "since acquired profound symbolic significance" for those interested in resisting the free-trade model of global integration.[233] As such, the rebellion has fueled anxiety about the safety of NAFTA investments. One of Mexico's main goals in signing the agreement was to increase its share of foreign direct investment,[234] as companies are often attracted to Mexico because they can pay residents lower wages.[235] Analysts cited the Zapatista uprising as one of the main reasons for the devaluation of the peso in December 1994 because the uprising caused uncertainty among investors.[236] The implication here may be that anti-neoliberal movements are incompatible with NAFTA.[237]

Since bursting onto the political scene, the Zapatistas have been targeted by the Mexican government in a "low-intensity" war.[238] In 1995, the Mexican army invaded Zapatista territory, triggering the displacement of approximately 10,000 to 20,000 people.[239] In the years following, Zapatista communities have essentially lived under military and police occupation, with as many as 65,000

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[232] *See Armoring NAFTA*, *supra* note 56.
[233] TIMOTHY A. WISE, HILDA SALAZAR & LAURA CARLSEN, EDS., CONFRONTING GLOBALIZATION: ECONOMIC INTEGRATION AND POPULAR RESISTANCE IN MEXICO 12 (2003).
[234] *See* HUFBAUER & SCHOTT, *supra* note 200, at 30.
[235] *See* BACON, *supra* note 196, at 59.
[236] *See* HUFBAUER & SCHOTT, *supra* note 200, at 9-10. *See also* Keith Bradsher, *Crisis in Mexico: Washington; Political Perils Showing in Free Trade Accord*, N.Y. TIMES, Dec. 23, 1994, http://www.nytimes.com/1994/12/23/business/crisis-in-mexico-washington-political-perils-showing-in-free-trade-accord.html?scp=1&sq=1994+peso+crisis&st=nyt.
[237] *See* Morales & Watt, *supra* note 28.
[238] LYNN STEPHEN, ZAPATA LIVES!: HISTORIES AND CULTURAL POLITICS IN SOUTHERN MEXICO 177-78 (2002).
[239] *See id*. at 198.

troops stationed in the conflict zone.[240] Paramilitaries often carry out the dirty work of the state.[241] Zapatista women report experiencing a continuous threat of rape and harassment by the military, police, and paramilitaries because of their political involvement.[242] In 1997, forty-six indigenous women, children, and men from the Tzotzil community of Acteal were massacred by paramilitaries, this being one of the most brutal examples of the violence.[243]

Since the escalation of the war on drugs, the militarization of Mexico has heightened, allowing the state to criminalize expressions of social resistance.[244] Although Zapatista territory has experienced significantly less drug-related violence than the rest of Mexico, "there has been an increase in state violence against those communities under the pretext of looking for narcotics."[245] In the climate of "overwhelming violence and impunity" created in the war, the "assassinations of political opponents—indigenous rights leaders, human rights advocates, anti-mining activists, guerrilla insurgents—are quickly swept into the ever rising body count without much attention or outcry."[246]

This dynamic is not lost on the Zapatistas. In May 2011, the group held one of their biggest demonstrations to protest Calderón's violent antidrug strategy.[247] Over 15,000 supporters joined the group, and they marched in

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[240] Shannon Speed, *Actions Speak Louder than Words: Indigenous Women and Gendered Resistance in the Wake of Acteal*, *in* WOMEN OF CHIAPAS: MAKING HISTORY IN TIMES OF STRUGGLE AND HOPE 48 (Christine Eber & Christine Kovic eds., 2003).
[241] *See id.* at 51–52 (describing the brutality of the Acteal massacre). *See* STEPHEN, *supra* note 230, at 199.
[242] *See* STEPHEN, *supra* note 240, at 177–78.
[243] *See id*. at 199; Speed, *supra* note 240, at 47–48. Following the massacre, women in Chiapas mobilized while soldiers were entering communities and destroying property. *See* Speed, *supra* note 240, at 53–54. Women, including some who were barefoot with babies on their backs, responded by launching stand-offs, blocking the roads leading into towns. *See id.*
[244] Delgado-Ramos & Romano, *supra* note 30, at 96.
[245] Morales & Watt, *supra* note 28.
[246] TO DIE IN MEXICO, *supra* note 4, at 29.
[247] Gloria Muñoz Ramírez, *Zapatistas March in Solidarity Against Calderon's Drug War*, AMERICAS PROGRAM (May 28, 2011, 12:35 PM), http://www.cipamericas.org/archives/4673. The Zapatistas marched in solidarity with a much larger movement for peace and an end to the drug war taking place in the same period. *See id.*

silence calling for an end to the war. They carried thousands of signs bearing the messages, "No more blood," "We're fed up," and "Stop Calderón's War."[248] Near the end of a speech, one *comandante* repeated a message seven times, a message intended for all the victims of Calderón's war and their families: "You are not alone."[249]

V. THE USE OF SHOCK: MÉRIDA, NARCO-CORRUPTION, THE SECURITY INDUSTRY, AND A NATIONAL CRISIS

While still negotiating NAFTA, Mexico strove to show that it was cracking down on the narcotics industry in order to calm US concerns that opening the countries' shared border to investment and trade would also allow an increased flow of illicit substances.[250] The *New York Times* ran a front-page story reporting that the drug traffickers intended to use the trade agreement for their own benefit as a cover for their operations—Congress demanded assurance that the border would be "locked tight from drug runners."[251]

Proponents of NAFTA in both governments helped to "recraft" Mexico's antidrug image.[252] Mexico stepped up its drug control efforts while the US State Department published positive yearly reviews detailing the number of drug seizures made by Mexican authorities, the number of drug-related arrests, and the number of poppy and marijuana crops destroyed.[253] Once NAFTA was passed, however, anxiety about border policing and security has only intensified, especially around the two main cross-border flows that NAFTA does not regulate: immigration and illicit drugs.[254]

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[248] *Id.*
[249] *Id.*
[250] *See* PETER ANDREAS, BORDER GAMES: POLICING THE U.S.-MEXICO DIVIDE 57–58 (2000).
[251] *Id.* at 58.
[252] *Id.* at 57.
[253] *See id.*
[254] *See id.* at x.

A. Mérida: An Initiative to Armor NAFTA

The years since NAFTA's passage have been marked by an escalation in joint security initiatives between the two countries.[255] In 2005, just over a decade into NAFTA, the United States, Canada, and Mexico signed a regional defense program called the Security and Prosperity Partnership (SPP), which was widely understood as an effort to expand NAFTA.[256] The SPP's official mission aimed to "increase security and to enhance prosperity among the three countries through greater cooperation."[257] In a post-9/11 world, it also aimed to make the United States' "war on terror" into a regional security issue.[258] According to Thomas Shannon, US Assistant Secretary of State for Western Hemisphere Affairs, the SPP was intended to address any security concerns that might be implicated in cross-border economic cooperation.[259] The underlying mission of the program crystallized when he stated, "[t]o a certain extent, we're armoring NAFTA."[260]

The history of the Mérida Initiative and US funding for Mexico's war on drugs can be traced back to the SPP,[261] whose agenda covered 300 different

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[255] *See id.* at 56.

[256] *See Bush, Harper and Calderon Hold Summit to Expand NAFTA*, DEMOCRACY NOW! (Aug. 21, 2007), http://www.democracynow.org/2007/8/21/headlines#2 ("The North American leaders are meeting to discuss expanding NAFTA by agreeing to the so-called Security and Prosperity Partnership."). *See also* Steve Schifferes, *NATFA Trade Talks Likely to Stall*, BBC NEWS (Aug. 18, 2007, 1:41 AM), http://news.bbc.co.uk/2/hi/business/6940189.stm (referring to the SPP discussions held at Montebello, Quebec, in August 2007 as "NAFTA trade talks").

[257] *Armoring NAFTA*, *supra* note 56. *See North American Leaders Show Unity*, BBC NEWS (Mar. 23, 2005, 5:42 PM), http://news.bbc.co.uk/2/hi/americas/4376431.stm.

[258] Katherine Sciacchitano, *From NAFTA to the SPP: Here Comes the Security and Prosperity Partnership, but—What Security? Whose Prosperity?*, DOLLARS & SENSE, http://www.dollarsandsense.org/archives/2008/0108sciacchitano.html (last visited Apr. 15, 2012).

[259] *See Armoring NAFTA*, *supra* note 56.

[260] *Id.*

[261] Laura Carlsen, *A Primer on Plan Mexico*, COUNTER PUNCH (May 8, 2008), http://www.counterpunch.org/2008/05/08/a-primer-on-plan-mexico/ [hereinafter *A Primer on Plan Mexico*].

policy arenas,[262] including immigration, the environment, and food regulations, among others.[263] Originally, it was thought that President Bush would unveil the details of the Mérida Initiative at a SPP meeting in Montebello, Quebec, in August 2007, but the plan's release was delayed, possibly due to a large presence of protesters and high levels of tension between activists and police.[264] The SPP had come under intense criticism in all three countries.[265] A broad coalition of labor activists, environmentalists, and human rights advocates[266] were outraged by the closed-door nature of the talks.[267] Five hundred protesters converged on the Quebec meeting, and police resorted to tear gas and pepper spray during confrontations.[268] In 2009, the SPP was declared inactive, for reasons that are not entirely clear.[269]

The Mérida Initiative, on the other hand, was formally announced in October 2007.[270] The $1.4 billion aid package was discussed at SPP meetings, and the US State Department has made it clear that there is a link between the SPP and the Initiative.[271] Although the militarization of Mexico's drug war is narrower in its agenda than the SPP and, in the end, more politically

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[262] *See New Democrats Celebrates Victory Over SPP*, NDP (Oct. 1, 2009), http://www.ndp.ca/press/new-democrats-celebrates-victory-over-spp.
[263] *See Bush Heads to New Orleans for SPP Summit*, DEMOCRACY NOW! (Apr. 21, 2008), http://www.democracynow.org/2008/4/21/headlines#12.
[264] *See A Primer on Plan Mexico*, *supra* note 268. *See Clashes Break Out at Summit Protest*, CBC NEWS (Aug. 20, 2007, 6:15 PM), http://www.cbc.ca/news/canada/story/2007/08/20/nafta-summit.html.
[265] *See A Primer on Plan Mexico*, *supra* note 261.
[266] *See* Bruce Campion-Smith, *Closed-Door Talks Rile Protesters*, THESTAR.COM (Aug. 17, 2007), http://www.thestar.com/News/article/247242.
[267] *See* Stuart Trew, *Behind Closed Doors: What They're Not Telling Us About the Security and Prosperity Partnership of North America*, INTEGRATE THIS! (Aug. 2007), http://canadians.org/integratethis/backgrounders/guide/index.html.
[268] *See Clashes Break Out at Summit Protest*, *supra* note 264. Canadians expressed particular concern over the potential loss of sovereignty in the SPP. *See id.*
[269] *See New Democrats Celebrates Victory Over SPP*, *supra* note 262. The press release from the New Democratic Party of Canada expresses victory over the SPP's "quiet cancellation," stating that the SPP threatened to undermine democratic institutions in favor of big business. *Id.*
[270] *See A Primer on Plan Mexico*, *supra* note 261.
[271] *Id*.

sustainable, its impact on civil society in Mexico has been no less than devastating.

B. Narco-Corruption as a Reflection of Corporatism

> "When activities thought of as corrupt become so prevalent in a government that it is impossible to speak of an institution free of them, when corruption ceases to be an aberration and becomes an integral part of the system, it is then no longer accurate to speak of corruption as such."
>
> —John Gibler, *Mexico Unconquered*[272]

Eduardo Valle, former advisor to the Mexican attorney general, stated in 1995 that the drug industry had become "driving forces, pillars even, of our economic growth."[273] The US Drug Enforcement Administration (DEA) estimates that the illicit drug industry has earned Mexico between $30 billion and $50 billion in profit annually for the last twenty years.[274] The industry is often said to be second only to oil in its earning capacity for Mexico; its profits may exceed the oil industry, but no official numbers exist to compare the two.[275]

The rise of corporatism in the United States has developed slowly over time; eventually, the "so-called revolving door" that characterized relationships between government and business was replaced by an "archway"; in the context of disaster response, entire industries have "set up shop inside the government."[276] The revolving door between cartels and the Mexican state, in the context of drug trafficking, became an archway in the 1990s, when direct

[272] MEXICO UNCONQUERED, *supra* note 5, at 54.
[273] ANDREAS, *supra* note 257, at 60.
[274] EL SICARIO, *supra* note 26, at 10. *See Mexican Drug Gangs 'Spread to Every Region of US'*, BBC NEWS (Mar. 10, 2010 8:38), http://news.bbc.co.uk/2/hi/americas/8588509.stm (reporting that an estimated $40 billion is moved back into Mexico from the United States each year from illicit drug sales).
[275] *See* EL SICARIO, *supra* note 26, at 10.
[276] KLEIN, *supra* note 2, at 316.

participation by Mexican government actors in the drug business accelerated substantially.[277]

Drug cartels function like other businesses in certain aspects of their structure and in their need for some level of cooperation from the state in order to prosper. The common workers in the drug trade, the sellers and smugglers, are largely made up of individuals with few socio-economic opportunities, who, upon entering the drug business, deal with an "unpredictable career that often leads to prison, death, or ruin."[278] Trafficking organizations are at least partially hierarchical structures,[279] and, similar to other capitalist businesses, the lowest members make relatively little profit while the upper echelons may accumulate startling levels of wealth.[280]

In order to maintain control of transportation routes, cartels require a certain amount of cooperation from the police, military, and government officials.[281] The most powerful cartel in a given area receives law enforcement protection.[282] In some respects, local government and law enforcement may not have a lot of choice in deciding whether to cooperate with drug traffickers. From January to October 2010, eleven municipal mayors were killed in Mexico—more than one death of an elected official per month.[283] The killings

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[277] *See* MEXICO UNCONQUERED, *supra* note 5, at 53–54.
[278] CAMPBELL, *supra* note 6, at 106. "[M]any of the functions of a cartel are in fact carried out by cells, which are groups of outsourced growers, packagers, drivers, warehouse guards, gunmen, street sellers, etc., who have little or no connection to the larger drug organization." *Id*. at 19.
[279] CAMPBELL, *supra* note 6, at 21.
[280] *See* CLARENCE LUSANE, PIPE DREAM BLUES: RACISM AND THE WAR ON DRUGS 89–94 (1991). "El Chapo" Guzman, leader of the Sinaloa cartel, has been listed yearly by Forbes as one of the most powerful people in the world since 2010 and has been on the Forbes list of billionaires since 2009. *Joaquin Guzman Loera*, FORBES, (March 2012), http://www.forbes.com/profile/joaquin-guzman-loera/.
[281] CAMPBELL, *supra* note 6, at 23.
[282] *Id*. ("Authorities provide official documentation for loaded airplanes, freight trucks, and cars and allow traffickers to pass freely through airports and landing strips, freeway toll roads and desert highways, and checkpoints and border crossings").
[283] *See* Eduardo Guerrero Gutiérrez, *Cómo Reducir La Violencia En México [How to Reduce the Violence in Mexico]* (Nov. 3, 2010), http://www.nexos.com.mx/?P=leerarticulo&Article=1197808.

are assumed to have been committed by criminal organizations to intimidate the government.[284] They likely occurred either because the local governments began refusing to facilitate cartel activities or because the governments began to impede the activities of the cartels. Either way, the deaths imply that cartels need the government to cooperate in order to do their business, and that they are prepared to obtain that cooperation through any means necessary.[285]

El Sicario, an anonymous ex-employee of the drug business, maintains that all of the law enforcement academies in Mexico have been used as training grounds by the cartels.[286] Students learn how to handle weapons, recognize faces, pursue people in an urban chase without losing them, and conduct surveillance, all of which are of use to the cartels.[287] El Sicario recounts his own story of working for the cartels from the time he began training with the police, explaining that fifty of the two hundred students he graduated with were already on the payroll of a drug trafficking organization.[288]

The "explosion of violence" in recent years has not slowed the drug trade. In fact, El Sicario suggests that "the atmosphere of unrestrained violence acts as a smokescreen for the real business and that the money flow is now better than ever."[289] Additionally, workers economically displaced in the wake of NAFTA have begun growing illicit drugs, supplying the cartels with merchandise. As a result of the free-trade agreement, "[b]y 2007 a kilo of illicit drugs could get a price 300 times higher than a kilo of maize; a kilo of marijuana or poppies was worth more than a ton of beans."[290] The number of hectares dedicated to growing poppies eventually outnumbered those which are dedicated to growing maize.[291] By all accounts, the cartels have not suffered in the midst of

[284] *See id.*
[285] *Id.*
[286] *See* EL SICARIO, *supra* note 26, at 74.
[287] *See id.*
[288] *See id.* at 72–76.
[289] *Id.* at 26.
[290] Morales & Watt, *supra* note 28.
[291] *Id*.

NAFTA and the militarization of Mexico's war on drugs, nor has the presence of narco-corruption diminished.

C. A Privatized War in which the Weapons Industry Fuels Both Sides

The merging of corporate, political, and financial interests in the arena of national security is reflected in US aid to Mexico for the drug war;[292] in particular, private profits are generated in the US weapons industry, which supplies arms to both the traffickers and the Mexican state.

The US arms industry benefits from supplying the traffickers. Organized crime organizations and their members need access to high-power weapons like "missiles launchers, machine guns, and grenades."[293] Because Mexico has stricter gun laws than the United States, "American guns are pouring over the border."[294] Today, there are about 15 million illegal firearms in Mexico, 90 percent of which likely came from the United States.[295] As a result, Calderón complains that his government is "outgunned"[296] by the cartels' access to US weapons and justifies his militarized approach to antidrug policy on this basis.

On the other side of the drug war, Mexican law enforcement received $132.5 million, which funded security and surveillance equipment as well as training.[297] Most of these funds went to the Federal Police Force, with the rest to Customs, Immigration, and Communications.[298]

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[292] This merging of corporate and government interests was described earlier in reference to the "prison industrial complex" in the United States and in reference to US military presence in Iraq. *See generally* KLEIN, *supra* note 2, at 283–322 (describing the outsourcing of military functions to private contractors, which high-level government officials directly profited from due to ties in the corporate security industry).

[293] *Mexico: U.S. Must Stop Gun Trade At Border,* CBS NEWS (May 8, 2009, 2:34 PM), http://www.cbsnews.com/stories/2009/02/28/world/main4835694.shtml (citing an interview with President Calderón).

[294] *Plan Mexico and the US-Funded Militarization of Mexico*, DEMOCRACY NOW! (July 31, 2008) http://www.democracynow.org/2008/7/31/plan_mexico.

[295] Morales & Watt, *supra* note 28.

[296] *Mexico: U.S. Must Stop Gun Trade At Border*, *supra* note 293.

[297] *See A Primer on Plan Mexico*, *supra* note 261.

[298] *See id.*

US defense corporations receive contracts to supply arms to the Mexican government through this funding. Over 40 percent of the Mérida Initiative's money goes to defense companies; the funding was used to purchase eight Bell helicopters, which cost $13 million each, for the Mexican Army and two CASA 235 maritime patrol planes, which cost $50 million each, for the Mexican Navy.[299] Bell Helicopter is owned by another company named Textron.[300] Textron, a publically traded company, is governed by a board that includes Kathleen M. Bader, who sat on President Bush's Homeland Security Advisory Council for seven years and was a director of Halliburton, the company that received many of the contracts to rebuild Iraq.[301]

The Mérida Initiative's emphasis on weapons and security "structurally revamps the basis of the binational relationship in ways meant to permanently emphasize military aspects over much-needed development aid and modifications in trade and investment policy."[302] The direct presence of the US military in Mexico's territory would be illegal, and it would also provoke a strong nationalist reaction from Mexico.[303] Instead, the Mérida Initiative allows the United States to fund, train, and equip Mexican law enforcement in way that supports US corporate security interests and simultaneously "armors" NAFTA by militarizing civil society. Because of the high levels of narco-corruption and human rights violations committed by state security forces, it is also increasingly a source of brutal and systemic state-sanctioned violence.

D. Reality on the Ground: Collective Trauma and a National Crisis

> "[W]hat is increasingly clear is that if this is a war,
> it is being waged, at least in part, by powerful

[299] *Id*.
[300] *See* BELL HELICOPTER, http://www.bellhelicopter.textron.com/en/index.cfm (last visited Apr. 15, 2012).
[301] *See Kathleen M. Bader*, TEXTRON, http://www.textron.com/about/leadership/board_of_directors/bios/bader-kathleen.php (last visited Apr. 15, 2012).
[302] *A Primer on Plan Mexico*, *supra* note 261.
[303] *See* Morales & Watt, *supra* note 28.

> forces of the Mexican government against
> poor and marginalized sectors of the Mexican people."
> —El Sicario (The Assassin)[304]

> "They took a cloth . . . and they wrapped it around my head except for my nose . . . later I learned that this was what they called "the mummy" . . . They left me like this and began to do the thing with the water again, but this time the water came in directly through my nose. They repeated this three times. That's when I said, 'That's it, I'll confess to whatever you want.'"
> —Marcelo Laguarda Dávila, Monterrey, Nuevo León[305]

"We have a national emergency here," said Mexican poet and novelist Javier Sicilia, whose 24-year-old son was gunned down in the drug violence in 2011.[306] The concepts of shock and psychological and physical trauma as analyzed in Klein's work[307] becomes particularly salient in examining the on-the-ground reality of the drug war. In real terms, the war on drugs has directly increased human rights abuses and has escalated the drug war to the point of generating a collective crisis within Mexican society.[308]

In November 2011, Human Rights Watch published a 212-page report documenting what many in Mexico were already acutely aware of: the abuses committed by the Mexican authorities since the militarization of counternarcotics operations in 2006. The report provides a damning account of the widespread use of illegal detentions, kidnappings, forced disappearances, and extrajudicial killings.[309] These abuses represent a systemic problem—that is, they are not isolated incidents or aberrations.[310] Moreover, in Mexico, there

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[304] EL SICARIO, *supra* note 26, at 19.
[305] HUMAN RIGHTS WATCH, *supra* note 3, at 31 (citing Human Rights Watch interview with Marcelo Laguarda Dávila in Monterrey, Nuevo León on Dec. 9, 2010).
[306] *Mexico Anti-Drug War March Heads to Ciudad Juárez*, DEMOCRACY NOW! (June 6, 2011), http://www.democracynow.org/2011/6/6/headlines#14.
[307] *See* KLEIN, *supra* note 2, at 77.
[308] *See A Primer on Plan Mexico*, *supra* note 261.
[309] *See, e.g., id.* at 58, 125, 161.
[310] *See id.* at 5.

is virtually no investigation into the abuses, meaning that law enforcement and drug cartels commit them with overwhelming impunity.[311]

Human Rights Watch documented 170 cases of torture committed by all levels of security forces involved in antidrug efforts: the Army; Navy; Federal Police; and state, local, and judicial investigative police.[312] Most victims were arrested under the pretext of committing a crime, held for hours or days, prevented from contacting family or loved ones, and tortured for information about organized crime or for a confession regarding involvement in organized crime.[313] One woman in Tijuana reported being raped and tortured while in custody. Officials then brought out pictures of her children and partner, threatening to target them if she did not maintain her false confession.[314] An indigenous woman in the state of Guerrero described how plainclothes police entered and searched her home. They interrogated her and her four sons about a man whose name she was unfamiliar with, and then beat them with rifles. She and one of her sons were forced into vehicles, then punched and kicked repeatedly on the way to the police station. The officers threatened to kill her son if he did not offer them information about a woman who had disappeared.[315] Evidence has surfaced that the United States has engaged in training the Mexican police in torture techniques as part of the Mérida Initiative, likely through private contractors.[316] In one video, "the contractor drags an officer through his own vomit;" another shows "a victim given shots of water up his nose."[317]

Arbitrary detention and forced disappearances have also become widespread; detentions are never officially registered, and security forces often deny having the victim in custody when their family comes searching for

[311] *See id.* at 8–10.
[312] *See id.* at 28.
[313] *See id.*
[314] *See id.* at 33.
[315] *See id.* at 36–37.
[316] *See Plan Mexico and the US-Funded Militarization of Mexico*, *supra* note 294.
[317] *Id.*

them.[318] Military officials acknowledge that nearly 20,000 civilians have disappeared between 2007 and 2010.[319] For example, in June 2011, a 22-year-old taxi driver in the state of Nuevo León was stopped at a Navy checkpoint, removed from his taxi, and put into a Navy pick-up truck.[320] His father, also a taxi driver, was there, and asked the officials why his son was being detained.[321] He was told that if his son was "not involved in anything," he would be brought back.[322] Five months later, his family filed complaints with both the state and federal prosecutor's offices, but they still have no information about their son.[323] Instead of pursuing such complaints, government officials have a practice of preemptively classifying the incidents as *levantones*, referring to kidnappings carried out by an organized crime group.[324]

The cartels also use torture to force confessions, and they regularly disappear people. In October 2010, a lawyer was kidnapped from his desk at his office.[325] He soon appeared in a series of internet videos sitting handcuffed, surrounded by men wearing black ski masks.[326] With guns pointing at his head and body, he recounted on camera his involvement with the Juárez Cartel, stating that he and his sister, the former state attorney general, both worked for the cartel and had organized political murders from their positions.[327] His sister says that his kidnappers tortured him as revenge against her for firing 350 police and prosecutors for corruption.[328] A few days later, his body turned up,

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[318] HUMAN RIGHTS WATCH, *supra* note 3, at 125.
[319] *See id.* at 130.
[320] *See id.* at 126.
[321] *See id.*
[322] *Id.*
[323] *See id.* at 126.
[324] *See id.* at 129–30.
[325] *See* William Booth & Nick Miroff, *Mexican Drug Cartel Forces Lawyer's Video Confessions*, WASH. POST (Oct. 30, 2010, 11:20 PM), http://www.washingtonpost.com/wp-dyn/content/article/2010/10/30/AR2010103004757.html?wprss=rss_world.
[326] *See id.*
[327] *See id.*
[328] *Id.*

half-buried, in a rural area.[329] According to El Sicario, there are several "clandestine cemeteries" around Ciudad Juárez and the rest of the country, some of them mass graves where the cartels bury their victims.[330] Also in October 2010, gunmen fired on three buses carrying workers coming home from work at a manufacturing plant, leaving four dead and fourteen injured.[331] Another shootout at a birthday party left fourteen youth dead.[332] The local police said the goal of these murders was to destabilize the government and law enforcement, implying that they were committed by criminal organizations.[333]

Even when the Mexican authorities target their antidrug efforts at a cartel member or leader (as opposed to innocent victims, as described above), these encounters often end in brutal and public displays of violence, spreading terror among the general population.[334] In December 2009, at least two hundred Mexican troops, acting on intelligence from the United States, stormed an upscale apartment complex in the city of Cuernavaca and killed drug lord Arturo Beltrán Leyva[335] along with other cartel members.[336] The highest-level assassination of a cartel leader yet in the drug war, the killing was lauded as "a

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[329] *See* EL SICARIO, *supra* note 26, at 26.
[330] *Id.* at 116 (giving the example of people who were killed for trying to move drugs independently).
[331] *See* Randal C. Archibold, *Civilians Falling Victim to Mexico Drug War*, N.Y. TIMES, Oct. 28, 2010, http://www.nytimes.com/2010/10/29/world/americas/29mexico.html?_r=1&ref=drug_trafficking.
[332] *See id.*
[333] *See id.*
[334] *See* HUMAN RIGHTS WATCH, *supra* note 3, at 4–5 (pointing out that the witnessing of public displays of violence "sow[s] terror" within all ranks of civil society).
[335] *See* Julie Watson, *Arturo Beltran Leyva, Top Cartel Kingpin, Killed In Shootout with Mexican Navy*, HUFFINGTON POST (Dec. 17, 2009 06:08 PM), http://www.huffingtonpost.com/2009/12/17/arturo-beltran-leyva-top-_n_395431.html.
[336] *See* Efrain Hernandez Jr., *Will the Violent Death of Mexican Drug Lord Arturo Beltran Leyva Bring More Bloodshed*, L.A. TIMES (Dec. 18, 2009, 9:58 AM), http://latimesblogs.latimes.com/laplaza/2009/12/mexico-drug-lord-arturo-beltran-leyva-cartel-mexican-navy-president-felipe-calderon-drug-war.html.

convincing blow" to the cartels[337] and a "rare success for Mexican and US intelligence officials."[338]

The execution had other consequences on the ground, however. Residents of the apartment complex witnessed a violent military assault—they were evacuated and held at a gymnasium in the complex while helicopters circled low, grenades exploded, and machine guns were fired.[339] The shootout was vicious, lasting between one and two hours, and residents were left to clean up the bloodstains.[340] Afterwards, Cuernavaca was left wondering if the death would lead to more violence, with cartel members battling to replace the boss, or if the death would prompt a rival cartel to attack.[341] A Wikileaks cable reveals that the Mexican authorities conceded that "[a] spike [in violence] is probably likely in the short term as inter- and intra-cartel battles are intensified by the sudden leadership gap in one of the country's most important cartels."[342] Fulfilling this prediction, in August 2010, four decapitated bodies were found hanging by their ankles from a major bridge in Cuernavaca.[343] Their heads were found next to the highway along with a handwritten sign indicating that anyone supporting a particular person in taking control of the cartel, which had

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[337] Elisabeth Malkin, *Mexico Deals a Blow to a Cartel but Warns of Continued Drug-Related Violence*, N.Y. TIMES, Dec. 17, 2009, http://www.nytimes.com/2009/12/18/world/americas/18mexico.html.
[338] Watson, *supra* note 335.
[339] *See id.*
[340] *See* Hernandez Jr., *supra* note 327.
[341] *See* Ken Ellingwood, *Mexico Under Siege: Drug Cartel Chief is Dead, but Now What?*, L.A. TIMES, Dec. 18, 2009, http://articles.latimes.com/2009/dec/18/world/la-fg-mexico-shootout18-2009dec18.
[342] Brady McCombs, *Border Boletín: WikiLeaks Mexico Cables, Part II (Updated)*, ARIZ. DAILY STAR, (Dec. 3, 2010, 10:52 AM), http://azstarnet.com/news/blogs/border-boletin/article_3ebcf400-ff07-11df-b940-001cc4c03286.html.
[343] *See Bodies Hung From Bridge in Cuernavaca, Mexico*, BBC NEWS (Aug. 22, 2010), http://www.bbc.co.uk/news/world-latin-america-11054730.

been without a leader since Beltrán Leyva's murder, would suffer the same fate.[344]

In some ways, the Mexican authorities sent a similarly militant message in killing Leyva: those who it confronts in the course of the drug war will be met with violence—no formal charges will be made, no due process of law will be awarded. The pattern of terrifying violence—torture, disappearances, and extrajudicial killings—committed directly by the state, and documented by Human Rights Watch, reflects nothing less than the imposition of mass trauma by the state on its populace. Under Pinochet's notoriously brutal regime, over 3,000 people were killed or disappeared and at least 80,000 were imprisoned.[345] In Mexico, 47,000 people have died, and the war still continues.

Analyzing the shock doctrine in the Chilean context, discussed earlier, reveals parallels between the economic shocks implemented under Pinochet and the physical shocks of torture and terror administered by his regime. In Mexico, these same parallels can be identified. The militarization of Mexico's antinarcotics policies through the Mérida Initiative grew out of the SPP discussions, which represented an effort to "armor NAFTA."[346] The militarization of Mexico under the pretext of the war on drugs reflects the heightened security concerns that have surfaced in the context of increased transnational trade and investment. These connections suggest that the economic shock of neoliberal restructuring under NAFTA and the physiological shock and collective trauma of widespread violence and militarization since Calderón's war began are related.

Just as Pinochet once faced charges in international courts for the abuses committed by his regime,[347] Mexican activists and human rights lawyer Netzai

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[344] *Four Headless, Mutilated Bodies Hung from Cuernavaca Bridge*, BORDERLAND BEAT (Aug. 23, 2010), http://www.borderlandbeat.com/2010/08/4-headless-mutilated-bodies-hung-from.html.
[345] KLEIN, *supra* note 2, at 77.
[346] *See Armoring NAFTA*, *supra* note 56.
[347] *See Obituary: Augusto Pinochet*, BBC NEWS (Dec. 10, 2006), http://news.bbc.co.uk/2/hi/americas/472707.stm.

Sandoval filed a complaint in November 2011 with the International Criminal Court in The Hague, alleging the commission of war crimes and crimes against humanity by both Mexican security forces and drug cartel leaders.[348] While this type of legal advocacy is invaluable, examining Mexico's war on drugs through the lens of the shock doctrine suggests that the broader framework of neoliberalism and the context of socioeconomic disparities should also be challenged, as the connections between these ostensibly separate spheres—economic policy and political terror—become clearer.

VI. CONCLUSION

> "We're here to tell ourselves and them that we will not turn this pain in our souls, in our bodies, in[to] hate nor in[to] more violence, but in[to] a vehicle to help us restore love, peace, justice, dignity and the stuttering democracy that we're losing, […] that we still believe that it's possible to rescue and reconstruct the social fabric of our peoples, neighborhoods and cities."
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> —Javier Sicilia, speaking in Mexico City, May 2011[349]

In May 2011, more than 100,000 people, led by Sicilia after his son was killed by gunmen, marched from Cuernavaca to Mexico City, demanding an end to the war on drugs in Mexico.[350] These mobilization efforts are part of breaking the silence around US-led antidrug laws and policies, and it is time for our domestic legal and socio-political discourses to follow suit. "[O]nce the mechanics of the shock doctrine are deeply and collectively understood," Klein

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[348] *See Mexico Activists Seek ICC Investigation of Drugs War*, BBC NEWS (Nov. 25, 2011, 5:30 PM), http://www.bbc.co.uk/news/world-latin-america-15899687.

[349] *"A War on Civilians"*, *supra* note 1. Sicilia's son was murdered by gunmen in 2011; he has since become a leader in the movement demanding an end to the war on drugs in Mexico. *Id*.

[350] Tim Padgett, *Why I Protest: Javier Sicilia of Mexico*, TIME, Dec. 14, 2011, http://www.time.com/time/specials/packages/article/0,28804,2101745_2102138_2102238,00.html.

writes, entire communities become "shock resistant."[351] Ultimately, this article aims to demonstrate the need to develop a deeper understanding of the war on drugs and, by extension, the need for broad demands in order to advance meaningful social change.

In sum, I suggest here that the political logic of Mexico's war on drugs is a product of neoliberalism—the grueling socio-economic stratification created and enforced through austerity measures, deregulation, privatization, and free-trade agreements—and the militarized control that represses dissent in the face of deepening disparities. In order to effect change, our critique must move beyond the parameters of the US and Mexican government's stated antidrug policy objectives. Criticizing the war on drugs for its failure to eradicate drug trafficking[352] fails to account for the socio-economic and political contexts within which this program was developed and legitimated.

In writing about the human rights violations committed by Pinochet's government, Orlando Latelier, wrote that the "system of institutionalized brutality, the drastic control and suppression of every form of meaningful dissent is discussed (and often condemned) as a phenomenon only indirectly linked, or indeed entirely unrelated, to the classical unrestrained 'free market' policies that have been enforced by the military junta.[353] The "entirely unrelated" ideology cleans the economic regime of its crimes—while the torture and human rights abuses are condemned, the economic free-market policies are applauded,[354] operating on the presumption that the two constitute separate dynamics. This article represents a call for the need to depart from the "entirely unrelated" ideology.

The war on drugs in Mexico is not solely about human rights violations, nor is it just about narco-corruption or the arms trade. Instead, militarization allows

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[351] KLEIN, *supra* note 2, at 459.
[352] *See, e.g., Global War on Drugs 'Has Failed' Say Former Leaders*, BBC NEWS (June 2, 2011, 4:30 PM), http://www.bbc.co.uk/news/world-us-canada-13624303.
[353] KLEIN, *supra* note 2, at 117. Latelier was a former member of the Allende administration and was arrested and tortured by Pinochet. *Id*.
[354] *Id.* at 117–18.

the Mexican authorities to target groups that are working to develop alternatives to the predominant socio-economic channels under the pretext of antidrug actions. The profound levels of violence and the climate of fear produced by the war on drugs in Mexico act as mechanisms that thwart the democratic participation of civil society. The human rights abuses and widespread state-sanctioned violence committed via the war on drugs in Mexico can be seen as an effective and profitable method (for some) of protecting US-led neoliberalism.

The urgency of the situation points to the need for building an analysis that understands and challenges the complexities of neoliberalism, government antidrug policy, immigration enforcement, and state-sanctioned violence. Social Justice movements must continue seeking alternatives to free-market economic policies and neoliberal narratives and to demand an end to all forms of state-sanctioned violence—these arenas form part of our resistance to the war on drugs, both in the United States and in Mexico. An inquiry into the war on drugs that is devoid of a critique on these related matters risks "sacrific[ing] the broad goals that might connect a new social movement strong and ambitious enough to take on inequalities that single-issue politics only ever ameliorate, but never reverse."[355]

[355] DUGGAN, *supra* note 13, at xx.