

# What We're Getting Wrong About Mexico

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In a meeting I had with a high-ranking military official in Afghanistan, the conversation turned to Mexico's ongoing drug violence. He exclaimed, "now there's a place that could use a dose of counterinsurgency." He seemed to be encouraging Andrew Bacevich's leeriness about the Department of Defense's current thinking on Mexico:

To frame the problem [in Mexico] as an insurgency almost necessarily invites a military response. I would be skeptical that a response that puts a primary emphasis on military power would be appropriate. The [US] military that once claimed to have war figured out with "shock and awe" as a model now claims to have war figured out as counterinsurgency. Rather than treating different cases as distinctive, I think there is a tendency to apply the template, and today the template is counterinsurgency.<sup>1</sup>

There has been a very active debate over how to describe the violence occurring in Mexico. Is it narcoinsurgency, narcoterrorism, or a crime wave that is gripping Mexico? This is more than a mere academic debate. Such distinctions may not seem important as all insurgent groups, terrorist organizations, and organized crime syndicates share a number of organizational and operational characteristics.

They are 1) involved in illegal activities and frequently need the same supplies; 2) exploit excessive violence and the threat of violence; 3) commit kidnappings, assassinations and extortion; 4) act in secrecy; 5) challenge the state and the laws (unless they are state funded); 6) have back up leaders and foot soldiers; 7) are exceedingly adaptable, open to innovations, and are flexible; 8) threaten global security; 9) quitting the group can result in deadly consequences for former members.<sup>2</sup>

Defining the particular type of organized violence has deep and far-reaching implications for policy makers responsible for designing the strategies that need to be implemented by those who face this ongoing violence on a daily basis. Terms such as "insurgency" and "terrorism" create policy options and strategic choices distinct from those that would be in responses to "criminality."

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Following a visit to Mexico in late 2008, General Barry R. McCaffrey (US Army, Retired), former head of the US Office of National Drug Control Policy, wrote that, “Mexico is not confronting dangerous criminality—it is fighting for survival against narcoterrorism.”<sup>3</sup> A growing number of scholars and commentators not only agree with McCaffrey’s assertion but go even further. Security historian and professor of public policy Hal Brands has called Mexican violence a “multisided narco-insurgency; well financed cartels are doing battle with the government and one another for control of the drug corridors into the United States . . . significantly destabilizing internal order in Mexico.”<sup>4</sup> Secretary of State Hillary Clinton described Mexico as “looking more and more like Colombia looked twenty years ago.”<sup>5</sup> The cartels are able to destabilize Mexico because they “have better weapons and better armor than Mexican or US law enforcement. They have similar, and often superior, training.”<sup>6</sup> They are, simply put, “the guerrillas next door.”<sup>7</sup> For political scientist and author Dr. Robert Bunker, the result is a “state that is no longer able to govern entire sectors within its sovereign territory and, instead, these areas have been taken over by a narco-insurgency and lost to the influence of criminal-based entities.”<sup>8</sup> The implications, according to author Max Manwaring, may be “some manifestation of state failure.”<sup>9</sup>

Given the nearly 40,000 deaths in Mexico since President Felipe Calderon declared a war against the cartels, and in light of the scope, intensity, and effects of the violence, it is tempting to agree with notions that Mexico is experiencing some type of intrastate war or direct assault on the state. If these arguments by the narcoinsurgency/narcoterrorism school are accurate in describing the situation in Mexico, they need to answer a number of troublesome questions.

### ***Beyond a Crime Wave, But Not Low-Intensity Conflict***

The first set of questions that the narcoinsurgency/narcoterrorism proponents have trouble reconciling is why the violence in Mexico began. If cartels are akin to insurgents or terrorists, what are their grievances and what political or social goals are they fighting to assuage these grievances? Put another way, what is the “rallying cry” for their constituency? The current outbreak of cartel violence is a continuation of the violence of the 1990s which was primarily motivated by new trafficking opportunities, the breakdown in the political-criminal nexus in Mexico, and improved border security. The success that cartels had in penetrating the political realm of Mexico or purging local communities of mayors and police through bribery, extortion, and coercive violence have ensured the smooth operation of profit-making activities via the drug trade. In the majority of instances, they have not “captured” the state to implement any social or political agenda, rather their objective has been to neutralize the power of the state. For example, according to the trial testimony of former Juarez police captain Juan Fierro Mendez, cartels seek to control smuggling routes known as *plazas* in an effort “to maintain order over the local, state, and federal agencies then to have free reign to continue trafficking drugs without any problem.”<sup>10</sup>

Terror and insurgent groups try to sway constituents with violence; cartels try to satisfy clients by circumventing or undermining the state.<sup>11</sup> Unlike terrorists and insurgents, the cartels in Mexico are not motivated to create a homeland to call their own, substitute their ideology for an existing one, or achieve any political goal routinely associated with armed groups that instigate social upheaval.

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Another critical question is whether tactical qualities of the cartels equal an insurgent or terrorist threat to the Mexican state. The narcoinsurgency/narcoterrorism school argues that they do because the cartels' sophisticated weaponry and proficiency of violence often match or outstrip the police and military. But equipment and tactics do not exist in isolation. Improved tactics, skills, and weapons are not a substitute for a strategic political objective which tactics are intended to serve. Having better weapons does not compensate for a cause. It would be as if J. Edgar Hoover declared Al Capone and his gang to be insurgents because they had tommy guns while local police merely had pistols. Another related question is who are the targets of cartel violence? The answer is revealing—less than ten percent of the deaths in Mexico have been agents of the state. If there were an all-out assault by the cartels against the Mexican state, as in an insurgency, the proportion would be much higher. Even violent acts by the cartels and gangs directed at government targets are meant as a signal for the government to retreat from its confrontational stance; they are designed to intimidate the government rather than to serve as a political statement.<sup>12</sup> In fact, the violence directed at the state mirrors the level and type of violence used by Colombia's Medellin cartel in the 1980s when Pablo Escobar directed an attack on the Palace of Justice and was responsible for the mid-air destruction of a passenger jet, killing 110 people. As with the Medellin cartel, Mexican cartels attempt to intimidate the state in an effort to protect their economic interests, avoid incarceration, and keep their families out of harm's way.<sup>13</sup> The fact that the narcoinsurgency/narcoterrorism school focuses the bulk of its attention on cartel violence directed against the state misses the important fact that the vast majority of violence is generated between and within cartels. Such omissions and lack of analysis result in a large gap in the overall assessment of what is actually happening in Mexico.

The strategic rationale for violence and the tactics employed by the cartels do not support the narcoinsurgency/narcoterrorism school's assessment of the situation in Mexico; and the fact that they fail to address questions about how to end the violence weakens their analysis even more. Most insurgent and terrorist groups have goals that are negotiable, once again because these goals are generally political in nature. Given the current level of violence, it is hard to foresee how negotiations with the cartels might occur. The criminal nature of the cartels' enterprises negates any possibility that the government and cartels

could find the common ground needed to initiate a “peace process.” Would the Mexican government grant pardons and amnesties for cartel leaders and gang members if they agree to cease operations? Such an offer, implausible as it may seem, would be rejected by a cartel whose main objective is to make money through illicit activities; it would be an invitation to go out of business.

Other than through successful peace negotiations, terrorism and insurgencies can end in a variety of ways. Insurgents and terrorist organizations may have been unable to pass their cause on to another generation of activists; they might lose popular support; sometimes they have transitioned into legitimate political entities; or they may have been defeated or repressed by the established authority and their leaders captured or killed.<sup>14</sup> Many organized crime groups have met similar ends, but they could have been defeated by financial strangulation, while it is almost impossible for an insurgent or terrorist organization to be defeated by dismantling its financial networks. Insurgent and terrorist organizations can support their armed struggles in any number of ways. For example, states may sponsor them, so may charities, sympathetic communities, and even other armed groups. But because an organized crime group is a profit-seeking entity at its core, governments that have executed long-term strategies directed at the cartels’ finances have been relatively successful. “Indeed, every time a criminal cartel has been challenged with the appropriate level of resources, legal tools and political determination, it has been defeated.”<sup>15</sup>

The proponents of the narcoinsurgency/narcoterrorism school are making the mistake of equating low intensity conflict with what might be better labeled “high-intensity crime.”<sup>16</sup> Professor John Mueller uses the term to describe criminal acts (looting, raping, trafficking in illicit goods) that occur during intrastate conflict and that might distort the political objectives of warring parties. The term, rather than its meaning, appropriately describes the Mexican trafficking organizations and their form of extreme violence. Mexico is not suffering from an insurgency or terrorist threat. The purpose of the violence executed by the cartels in Mexico is quite different. One person’s gangster is not another person’s terrorist or insurgent.<sup>17</sup> While insurgent, terroristic, and criminal violence may challenge the authority, legitimacy, and capacity of the state, they do so for varying reasons that should not be conflated. By challenging the authority of a government, all terrorists and insurgents may be considered criminals, but not all criminals are insurgents or terrorists.

Even though the current violence in Mexico cannot properly be classified as terrorism or an insurgency, it is more than just a crime wave by street gangs. High-intensity crime involves criminal activities that are more violent and widespread in scope and are usually, but not always, sustained over a long period. A crime wave is generally accompanied by a sharp uptick in illegal activities impacting a single city or neighborhood within a city; it is relatively brief and normally does not include increases in violence. Crime waves may include such things as burglaries and theft. Mexico by contrast has suffered multiple and sustained outbreaks of violence exemplified by an increasing number of murders, extortion, kidnappings, and mutilations. This level of violence has

been perpetrated by at least seven cartels and over two dozen groups and gangs in a number of cities over an extended period.

Beyond Mexico, there have been a number of other examples of high-intensity crime, including Colombia's struggle against the Medellin and Cali cartels; post-Soviet Russia's battles with the *mafija*; and Italy's crackdown on the Sicilian mafia. High-intensity crime in these cases are similar in structure to the factors influencing Mexico—a change in the political-criminal nexus, the emergence of new illegal opportunities, and a more confrontational approach by the state. In the case of Colombia, the Medellin cartel was trying to expand its reach into Cali's markets at the same time as the Colombian government was launching a crackdown against the Medellin cartel.<sup>18</sup> Pablo Escobar declared war against the Colombian government and attacked an array of civilian and state targets. The collapse of the Soviet Union and the Communist Party removed the social and political mechanisms that had permitted the elite exploitation of organized crime and kept the level of violence under control. The traditional *vory-v-zakone* mafia groups were challenged by new, more entrepreneurial, criminals; competition erupted between ethnic criminal organizations (Slavic groups versus those from the Caucasus), and competing criminal organizations fought for dominance in particular sectors of the economy. The Sicilian Mafia in the early 1990s attacked the Italian state in retaliation for a betrayal of the long-term relationship with the Christian Democrat Party in which political protection was traded for electoral support. This retaliation was manifested in the killings of magistrates and a broad campaign of intimidation, targeting civilians and even some of Italy's historic monuments.

In Mexico's recent spate of high-intensity crime, the targets of the cartels have been wide ranging—from police to journalists, from clinics to discos, military bases to children's birthday parties. "Criminal cleansing" has occurred in Mexican towns where cartels have ordered residents to leave or face possible death. High-intensity crime is complex in its manifestation and confounding to traditional military and law enforcement solutions. As a result, there is great difficulty for governments on either side of the border to fight this type of war and to bring the violence under control. As author R. T. Naylor argues, "The violence of the state is often a response to the violence of the criminal; the reverse is also true. And once the interactive cycle of violence is set in motion, it may be impossible to separate action from reaction, or to say for sure if the reduction in the use of violence on one side will lead to the same on the other."<sup>19</sup> This frustration over cause and effect is part of the reason why various individuals and organizations use inappropriate labels from other types of conflict to describe the situation in Mexico. "The nub of the problem, then, is that iron responses to violent non-state actors of all types and character . . . are no substitute for case specific, strategic judgments."<sup>20</sup> An alternative concept is required to more accurately describe and assess the ongoing violence in Mexico, its dynamics and its potential end.

## ***Violence and High-Intensity Crime***

Various groups are organized so that under certain conditions they will exercise collective violence to achieve a particular goal or set of goals. The violence in Mexico has often been confused with low-intensity conflict; however, there are differences between low-intensity and high-intensity crimes. In Mexico, as with the instances in Colombia, Russia, and Italy, high-intensity crime is due to a war waged by violent entrepreneurs who seek to prevail over one another and the state in a hypercompetitive illegal market. Violent entrepreneurs are mostly private groups that create “a set of organizational solutions and action strategies enabling organized force (or organized violence) to be converted into money or other valuable assets on a permanent basis . . . . Violent entrepreneurship is a means of increasing the private income of the wielders of force through ongoing relations of exchange with other groups that own other resources.”<sup>21</sup> For violent entrepreneurs, the use of force is simply an extension of the profit motive, rather than the extension of a political agenda. Violence itself is a means, not an end; it is “a resource, not the final product.”<sup>22</sup> Drug cartels are a type of violent entrepreneurship because they derive their income by force to succeed in private transactions that are circumscribed or prohibited by the state. As a resource, violence is exercised by the cartels to ensure that the product, which is illegal in nature, is delivered to its client base for profit.

Drug trafficking is a highly risky venture. Due to the product’s illegality, it is “vulnerable to lawful seizure as well as to theft; property rights cannot rely on written records and are generally poorly defined; liability is restricted to the physical person; individual mobility is greater; and agents are tougher, more prone to risk, and more secretive than their law abiding counterparts.”<sup>23</sup> When it comes to markets for illegal products, such as marijuana, heroin, cocaine, and methamphetamine, avenues for conventional settlement of disputes are not available. The main consequence for those operating in these illegal markets is far-reaching, because there is no legal arbiter or legitimate enforcer to guarantee an agreement among the participants to produce or deliver the commodity. All transactions related to illegal markets are prone to violence.

Most of the time “illegal drug markets are generally peaceable.”<sup>24</sup> Violent entrepreneurs at the higher end of the trafficking network often conduct themselves peacefully and cooperate with others while, at times, even colluding with state agents. This is another fact that separates violent entrepreneurs from insurgents, guerrillas, and terrorists. Namely, interactions between violent entrepreneurs (and the state in many cases) are characterized by considerable cooperation.<sup>25</sup> While this may belie the term “violent entrepreneurs,” it does not detract from the use of force as the means for ultimate arbitration should cooperation fail. This is dramatically demonstrated in a hypercompetitive illegal market having a number of unique characteristics. First, the commodity and its delivery are illegal and the market size for the commodity is great as well as the number of violent entrepreneurs seeking to control the distribution of commodity are numerous. Second, there is no powerful arbiter capable of enforcing agreements between these violent entrepreneurs. Third, the state’s actions to curtail the

market often results in a spin-off market emerging as a result of the competition over the commodity in dispute.

Narcotics trafficking is the *sine qua non* of a hypercompetitive illegal market because marijuana, heroin, cocaine and methamphetamine are all illegal products, as is their delivery. Although the environment surrounding this marketplace may appear peaceful, it is highly susceptible to the use of violence.<sup>26</sup> Disputes often arise over price, purity, delivery times and location, personnel, territory, payment, seizure, theft, and secrecy. With 1,500 metric tons of marijuana, 15 metric tons of heroin, 200 metric tons of cocaine, and 20 metric tons of meth coming from Mexico yearly,<sup>27</sup> the sheer volume of illegal narcotics trafficking when combined with the number of cartels and gangs involved almost guarantees violence at a geometric rate. In addition, the consumer market in Mexico is now a \$1 billion enterprise. According to a drug survey conducted by the Mexican health ministry, over 50 percent (465,000) more Mexicans have become addicted to illegal drugs since 2002.<sup>28</sup> With an ever-growing number of violent entrepreneurs operating within and competing for the same territory, there is little incentive to establish any long-standing balance of power between competitors. Alliances are *ad hoc* and only established for convenience, often deteriorating in extreme violence.

The scale of the drug trade, number of competitors, shifting alliances, and US and Mexico's interdiction efforts all help to explain why the cartels require these sophisticated arsenals. They are forced to increase acquisition of higher-end firearms and intelligence gathering technology in an effort to mitigate short- and long-term risk.<sup>29</sup> Many of the weapons that Mexican authorities face are equivalent to that encountered by US soldiers in Iraq and Afghanistan, to include improvised explosive devices. The introduction of Colombian cocaine into Mexico was especially pernicious. The extended supply route from the Andes into North America has proven difficult to secure, exacerbating security issues and requiring more firepower and intelligence.

Closely related to the multiple areas of contention is the second characteristic of a hypercompetitive market characterized by vicious competition in the absence of an arbiter capable of imposing order (a corrupt state, dominant cartel, or concert of cartels). This competition may be the result of deteriorating long-standing arrangements between cartels, state officials, or when the state actively seeks to curtail the market. In such an environment, "sellers compete, not by improving quality or reducing prices, but by acquiring more efficient violent skills in order to enlarge their share of the market."<sup>30</sup> A former agent with the Drug Enforcement Administration described how Mexican cartels behaved as a result of the lack of a powerful arbiter: "They would kill people who didn't cooperate. They would kill people who didn't pay a fee or a toll (for moving drugs through their territory). They would kill people who were not necessarily disloyal to them. They killed them to set an example."<sup>31</sup> The pressure from both the US and Mexican governments has only heightened this atmosphere of uncertainty for cartels. When the agents of the government begin to challenge organizations that are operating in the marketplace or make some attempt at

drastically reducing an organization's power, cartels have an incentive to resort to increased violence in an effort to protect themselves and their livelihoods.

Cartels in those hypercompetitive markets can actually be more violent than terrorist or insurgent groups, meaning that high-intensity crime can result in even greater violence and death than some low-intensity conflicts. Mexico is a perfect example of this environment; when the level and intensity of violence generated by the cartels is worse than that of the Zapatista insurgency during its heyday in the mid-1990s. In fact, more people have been killed by the cartels since 2006 than were killed by the Irish Republican Army and Loyalist groups during the decades long "Troubles" in Northern Ireland (over 3,500) and exceeds the number of deaths inflicted by Turkey's long-running Kurdistan Workers' Party (PKK) insurgent group (over 12,000). One confirming statistic is the fact that the world's highest murder rate is found in Ciudad Juarez, Mexico.<sup>32</sup>

Finally, hypercompetitive markets are also characterized by other collateral crimes such as kidnappings and contract murders that are actually submarkets spawned by competition over the illegal commodity in dispute. Enforcer groups are often hired to kidnap and kill those who have reneged on a deal or to kidnap and kill relatives of participants in the dispute. Much of the spillover violence in cities like Phoenix, Tucson, and San Diego is the product of this ancillary market. These activities become another source of illicit income and profit with all the accompanying consequences, pressures, and points of contention found in the main market. In Mexico, kidnapping is one of the least punished crimes; it rose fifteen percent in 2010 and has tripled since 2006.<sup>33</sup> These ancillary activities, in effect, become another market to fight over. For example, a portion of the violence in Tijuana during 2008 was related to a dispute over the Arellano Felix Organization's expansion into kidnapping.<sup>34</sup> The result of these additional submarkets is the exacerbation of the intensity and scope of the violence.

For governments, combating violent entrepreneurs in hypercompetitive illegal markets differs from fighting insurgents and terrorists. There are clients and demand drivers to take into consideration when confronting them that are different from dealing with insurgent or terrorist networks. Counternarcotics, counterinsurgency, and counterterrorism operations are not the same. Merely because they share a common prefix does not mean that they can be employed toward a common end. Notions of victory, defeat, armistice and peace conditions found in low-intensity conflicts are not suitable solutions for high-intensity crime. Wars can end, but crime rarely does. Drug trafficking has been especially difficult to eliminate, reduce, or control. For example, in those cases where governments have succeeded in capturing leading drug traffickers and disrupting their networks, they have simply created an opportunity for other criminal enterprises to assume the vacated market share.<sup>35</sup> Governments can reduce high-intensity crime by managing the hypercompetitive characteristics of the illegal markets or by eliminating and co-opting violent entrepreneurs in their efforts to mitigate the negative effects on society. Governments can also pressure violent entrepreneurs to a "break-even point" where cartels begin to view

violence as costing them more than the effort is worth. Nonetheless, in most cases where the violence has been reduced, the illegal markets have endured.

### ***High-Intensity Crime in Mexico***

The United States and Mexico will be inevitably bound together in whatever future scenario or scenarios unfold. Policies and strategies will have to be carefully coordinated to avoid stoking even greater cartel violence, increasing the amount of drugs smuggled into the United States, and possibly eroding Mexico's governmental capacity further. A lack of coordination or impromptu acts by either government only runs the risk of making the worst-case scenario a reality. Counterinsurgency and counterterrorism are incongruent means to defeat high-intensity crime. Adopting either of these strategies not only runs the risk of failure but also exacerbates the violence and ruptures US and Mexico relations. There are a host of other important issues unrelated to high-intensity crime that may be impacted, such as immigration, trade, and response to pandemics.

While an immediate goal is the reduction of violence in Mexico, expediency should not be a substitute for the creation of long-range, durable practices by legitimate institutions serving the citizens of a democracy. To confront high-intensity crime, Mexico, with cooperation from the United States, should engage in "high-intensity law enforcement," providing multifaceted and focused public safety in this complex law and order environment and doing so within strong constitutional boundaries. Rather than a military strategy focused on killing or capturing the enemy or a population-centric counterinsurgency campaign to secure the population, the focus of high-intensity law enforcement is to bring criminal offenders to justice and prevent an increase in violent crime.

This is not to suggest that the answer to Mexico's high-intensity crime is merely to flood the streets with police officers while dispensing basic civil liberties. Increased levels of policing, but not necessarily aggressive policing, is part of any response to high levels of crime. Mexico need not become a police state, or even a state full of police. In fact, the number of police officers is not a problem in Mexico. With 366 officers per 100,000 people, Mexico has a better ratio of police to citizens than the United States, Britain, France, or Italy.<sup>36</sup> The problem lies in their distribution; it is uneven and causing significant gaps in law enforcement capabilities. With over 2,000 municipalities, Mexico's municipal police are found in only 335 municipalities. Of these 335 municipalities, 87 utilize 69 percent of the resources and manpower, leaving the remaining municipalities with only 30 percent.<sup>37</sup> For example, there are not enough Mexican military or federal police to patrol the rugged terrain of Sonora and Chihuahua.<sup>38</sup> This effectively abdicates power in those regions to the Sinaloa cartel. Detering crime rests on the ability of the police to "gather evidence, solve crime and make arrests. Any measure associated with the cost of crime [on the part of a criminal] ultimately rests on this activity."<sup>39</sup> Reducing zones of impunity and sustaining their reduction can only be achieved through a thoroughly capable and non-corrupt police presence.

High-intensity law enforcement is a comprehensive, long-term strategy. It is an approach that addresses the many pieces of a complex problem, its goal is the reduction of the drug-fueled violence. Ideally, this strategy will result in a manageable law and order solution, similar to the organized crime threat found in the vast majority of other countries. It is not a military strategy that seeks victory as a viable goal. High-intensity law enforcement in this environment seeks to return criminal violence to the normal levels prior to 2006. This approach includes development programs and economic investment in the areas where cartels operate and recruit. If these programs are properly focused, they can aid in crime prevention in the long run. With persistence and creativity, this may lead to changes in civic culture that reject, or at least effectively resist, the allure of cartels and gangs.

A long-term commitment to high-intensity law enforcement needs to be paired with Mexican willingness to end the criminal-patronage networks. There needs to be enough political will to break the links between traffickers and politicians. Without a concentrated effort to weaken this political-criminal nexus, any attempt to challenge the cartels will be destined to fail.

A multinational presence is also part of any high-intensity law enforcement effort. Because drug violence impacts US interests and drug trafficking has regional implications, nations around the globe should be involved in assisting the Mexican government. In fact, other nations such as the United Kingdom, France, Italy, Spain, and Colombia have a history of successfully implementing tough law enforcement reforms; these experiences and expertise can be of great benefit to Mexico in its current struggle. The third member of North American Free Trade Agreement, Canada, also has a number of excellent resources that can be useful to Mexico. For example, the Royal Canadian Mounted Police (RCMP) has a splendid record of tackling money laundering, which could help Mexican authorities.

### ***High-Intensity Law Enforcement and the Future of Mexico***

High-intensity law enforcement is an imperfect approach to counter high-intensity crime, but it avoids the concept and policy traps presented by the various strategies associated with counterinsurgency and counterterrorism. The struggle against Mexico's violent entrepreneurs will be long and uncertain. As entrepreneurs of illegal businesses, the Mexican cartels will continue to innovate in their efforts to survive and generate profits. If such criminal innovation is to be countered, there needs to be mutually reinforcing cooperation from governments on both sides of the border. Hopefully, the result will be a more peaceful Mexico ensconced in a thriving and mutually beneficial relationship with the United States.

#### **NOTES**

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