

ATTACKING ILLEGALITY WITH MORE ILLEGALITY. THE CASE OF FEDERAL
PRESIDENTIAL INTERVENTION IN THE STATE OF MICHOACÁN, MEXICOJerjes Aguirre Ochoa¹Hugo Amador Herrera Torres²**Abstract**

Mexico has experienced the worst crisis of violence in its contemporary history as a result of the war on organized crime (drug-trafficking) launched by the federal government in 2007. During this war, the federal government and its agencies responsible for ensuring public safety (army, police) have committed countless violations of the country's institutions. This article applies a qualitative methodological approach to analyze the effects of the political and juridical intervention by Mexico's federal government in the state of Michoacán in 2014. Our hypothesis is that the government attacked the crimes generated by the operations of organized delinquent groups by committing violations of the law itself; an attempt to resolve lawlessness with more lawlessness. The Mexican government's lack of any clear commitment to the rule of law weakens the actions it implements to combat drug cartels, and contributes to perpetuating the corruption that is one of the main structural causes of criminal violence in the country.

Keywords: organized crime, corruption, unconstitutional acts, Self-Defense groups, Mexico

INTRODUCTION

Over the past ten years, Mexico has suffered the worst crisis of violence in its contemporary history as a result of the so-called 'war on drug-trafficking' launched by the federal government in 2007. According to official data, from 2007 to 2015 more than 107,000 people fell victim to drug-related violence in the country (SESNP, 2015). In effect, Mexico plunged into an armed conflict as groups of soldiers and police invaded entire regions in operations designed to "exterminate" the drug cartels, primarily by capturing the 'capos' and their lieutenants, as the prevailing concept is that the structures of organized crime groups will be weakened if they cannot maintain areas under their solid command.

But those attacks on the leaders set off internal struggles over the control of organizations and the

¹ Researcher at the State University of Michoacán de San Nicolas de Hidalgo, México. Member of the National System of Researchers of Mexico and Michoacán Academy of Sciences. E-mail: jerjes_99@yahoo.com

² Young researcher at the State University of Michoacán de San Nicolas de Hidalgo, México. Member of the National System of Researchers of Mexico and Michoacán Academy of Sciences. E-mail: dondurito06@yahoo.com.mx

commercial routes for transporting drugs to the United States. What's more, the government's actions ruptured balances of power that criminal groups had established among themselves and that served to contain violence at relatively low levels (Ríos, 2013). But since 2007, the cost in terms of human lives has been enormous, while collateral negative effects include: Mexico's poor image on the international stage, difficulties in strengthening democracy, problems in bilateral relations with the U.S. and several Central American nations, and reduced private investment, among others. To make matters worse, all three levels of government in Mexico (federal, state and municipal) have high levels of corruption; indeed, their activities largely fail to obey established legal strictures and institutional norms. The actions of soldiers and police to combat trafficking have accentuated corruption and the deterioration of the nation's institutions, while directly and severely violating the human rights of its citizens. *Human Rights Watch* (2015) found that during this struggle numerous violations of human rights have been committed. Thus, the roots of the violence that Mexico is currently experiencing do not lie only in confrontations between the army/police and the cartels, and/or among the cartels themselves, and/or in the demand for drugs in the U.S., but also in the corruption and institutional weakness that characterize the country. Mexico's institutions have countless vacuums of authority and have never achieved sufficient legitimacy, so the cartels –and other informal social groups– have found it quite easy to move in and fill them (Aguirre, 2013).

The objective of this article is to analyze the political-judicial intervention by Mexico's federal government in the state of Michoacán in 2014, when President Peña Nieto imposed a *Commissioner* with orders to restore social order in the state. But the presence of this "informal" authority figure only served to further concentrate power and contributed to the lack of rule of law. Analyzing this case is important because it reveals many of the contradictions and limitations of the Mexican government's global strategy to control organized crime.

The strategy adopted to combat organized crime in Mexico is rife with events in which the State has violated fundamental human rights, especially those related to its commitment to safeguard the integrity of its citizens (PRODH, 2016). But appointing this Commissioner in Michoacán was a measure in which the State clearly and intentionally violated the political sovereignty of the state of Michoacán in an attempt to salvage an unsustainable situation of criminal co-government: an unconstitutional act that showed a complete lack of respect for existing judicial statutes and Mexico's Constitution³. Our central hypothesis is that many of the actions implemented by the government to battle drug-trafficking violate its own legal statutes; that is, it opted to attack illegality with more illegality.

³ Article 40 of Mexico's Constitution establishes that: *"It is the will of the Mexican people to constitute themselves in a representative, democratic, federal Republic composed of States that are free and sovereign in all matters concerning their interior regimen."* No disposition in this *Magna Carta* mentions that an authority figure can be designated by the Federal Executive Branch to govern a state.

In this regard, the figure of the Commissioner constitutes an especially notorious example, for naming such a figure has no basis in the Constitution, where it is not mentioned or even contemplated. Rather, it was a measure that obeyed the older, informal rules of Mexico's political system when the President wielded absolute power (Stephen, 2006). Implementing actions that lie outside institutional frameworks in an attempt to control violence not only weakens the legitimacy of government, but demonstrates clearly the State's failure to recognize that the origins of violence reside precisely in the absence of a culture of legality.

METHODOLOGY

Few studies of topics related to organized crime in Mexico have been conducted *in situ* in regions plagued by high rates of criminal activity (Burgos, 2011; García, 2014; Guerra, 2015). Without doubt, this void of academic research and accurate, on-the-ground information has contributed to some degree to the Mexican government's failure to develop adequate strategies to combat the plague of organized crime. Many peculiarities and specific details of the phenomena of crime in Mexico are known only in the broadest of terms based on qualitative research. But this is hardly surprising, given the extreme difficulty of conducting *in situ* research in the existing conditions of insecurity that prevail throughout the country. Journalistic work has some similarities to academic research, but the activities of investigative reporters in Mexico are fraught with danger (Garza, 2016); indeed, Mexico is among the countries with the highest number of journalists that have been murdered by organized crime groups. In states marked by intense criminal activity –like Michoacán– these problems are even more severe. Organized crime is a very sensitive and very poorly-documented topic because conditions make it extremely difficult and perilous to attempt to gather primary, qualitative data.

In light of the aforementioned conditions, the present study is also qualitative in nature. Adopting a critical perspective, it describes incidents that occurred in Michoacán between 2010 and 2015 utilizing an ethnographic approach that follows and analyzes key events along a continuum. It is based on documental sources, interviews with actors in the state, and our own experiences in the area. The principle body of data was obtained through a series of 35 interviews that lasted, on average, about one hour and allowed us to inquire more deeply into the strategy that the Mexican government has adopted in its fight against organized crime. The interview protocol was designed to identify people's perceptions of how closely the government's actions comply with the country's legal framework. To protect the researchers' own personal safety, none of the interviews were recorded. Instead, detailed notes were taken after each one.

The good reputation and prestige of the University where we work, as well as the authors' networks of social contacts in the state, played important roles in programming interviews and interactions with individuals. Interviews usually began as informal chats into which we gradually introduced such elements as politics, crime and

corruption. Interviewees included state and federal congressmen, senators, public officials in charge of social programs, former police officers, regional prosecutors, local businessmen, journalists, and teachers, and were conducted at public, sporting and school events, family gatherings, and in respondents' offices, etc. In order to obtain better information, we felt it was best not to disclose our academic interest in crime and violence. Data-gathering began in 2014, shortly after the appointment of the Commissioner in January of that year, and ended in February, 2015. In addition to these activities, we attended political meetings, official reunions with government functionaries and press conferences, while also keeping a close eye on reports in the media and official government pronouncements.

INSTITUTIONAL WEAKNESS, CORRUPTION AND DRUG-TRAFFICKING IN MEXICO

Mexico has long been an important drug-producing country, largely stimulated by the high demand for narcotics in nearby U.S. markets, but is not yet considered a significant drug-consuming nation. The country's Constitution clearly prohibits activities related to drug-trafficking, but for decades they have been –in fact, still are– tolerated by the federal government. That kind of criminal activity based primarily on drug-trafficking never constituted a threat to the country's national security, nor did it affect to any degree the *status quo* of Mexico's political elites.

In response to increased pressure from the U.S. government to combat trafficking in the 1980s, Mexican authorities began to pursue traffickers, but its actions failed to significantly curtail cultivation and commercialization. During that period, the cartels consciously strove to minimize violence so as not to call the government's attention to its operations (Valdés, 2013; Daniel, 2015), but when the U.S. closed commercial routes through the Caribbean in the 1990s to make it more difficult to smuggle drugs from Colombia on the Atlantic side, Mexico became the alternative route that Colombian traffickers were forced to use; circumstances that fortified cartels there. Then, in 2000, Mexico's transition to democracy combined with the consolidation and growth of the cartels to expose the weakness of the country's institutions.

Though Mexico won independence early in the 19th century, it has never been able to consolidate a solid democracy based on the rule of law. Indeed, public life in Mexico has long been governed largely by informal rules and processes that are far-removed from the rule of law and formal juridical considerations.

Indeed, in the 20th century, Mexico lived under the one-party rule of the Institutional Revolutionary Party (PRI, *Partido Revolucionario Institucional*), which established clientelist and corporative relations with most other political groups. The PRI was managed directly by the President in turn and the country's political system, in reality, constituted a complex machinery based on political negotiation and cooptation (Ames, 1970; González,

1965; Edmonds, 2013; Ai Camp, 2013). Mayors (called *presidentes municipales*), governors and federal congressmen and senators were named by the President, who also controlled judicial power. Every six years, the outgoing President handpicked his successor in a system that functioned for over 60 years.

The existence of a “strong President” did generate political stability for decades and contributed to Mexico’s remarkable economic growth from the 1950s through the late 70s. However, the centralization of power inevitably produced widespread corruption and a clientelist culture while effectively impeding democratic development. Then, in 2000, for the first time in decades, the electorate chose a President from a different party, thus inaugurating the transition to democracy at the federal level. Unfortunately, one of the conditions that came to light in this new phase was an alarming degree of institutional weakness. To mention but one example, judicial power was still in an embryonic stage. In 2007, Felipe Calderón was elected as the second President of the post-PRI era. Calderón began his term by introducing a strategy that called for the intense persecution of the leaders of criminal groups. Those –seemingly positive– measures set off internal disputes, internecine struggles among the cartels’ leaders, and battles to control the main commercial routes for transporting drugs to the U.S. Subsequently, the ineffectiveness of the systems of administration of justice and the police forces combined with deeply-rooted political corruption and the undeniable strength of the cartels to plunge Mexico into a vortex of generalized violence.

CO-GOVERNMENT IN MICHOACÁN

When the PRI lost the presidency in 2000, Mexico’s states suddenly found themselves enjoying ample autonomy, as the longstanding, excessive control emanating from the center began to wane, leaving governors to exploit a newfound freedom for political maneuvering. To some extent, the power that presidents had exercised during the period of PRI domination was replicated in the states and governors cemented their control of judicial power, state congresses and public budgets, though these depended –and still do– mostly on federal resources. The only real counterweight they faced were congressmen from other political parties (Cejudo, 2012). One direct, immediate result of the absence of effective counterweights was the multiplication of cases of corruption. According to Casar (2015), from 2000 to 2013, 41 governors were accused in the press of corrupt acts, though only 16 were investigated and 4 actually punished. Corruption at all levels of government is a socially-accepted phenomenon in Mexico (Morris, 1999).

Michoacán certainly participated in this experience. Located in western Mexico, it is the fourth-largest state in terms of migration to the U.S. with most of its municipalities registering medium-to-high indexes of migratory intensity (CONAPO, 2010). The level of economic growth has been insufficient to provide employment to a significant proportion of the Economically Active Population. Also, populace of Michoacán is

well-known for its critical stance regarding the national political system, and was an important bastion of the Democratic Current that, after emerging inside the PRI, became the National Democratic Front (*Frente Democrático Nacional*) and, finally, the Party of the Democratic Revolution (PRD, *Partido de la Revolución Democrática*), which has maintained great electoral strength in the state. The PRI governed there without interruption for several decades until the PRD won the 2001 and 2007 elections. But the PRI returned to power in 2012 with the election of Fausto Vallejo as governor (Herrera and Colín, 2015).

This long-time politician had a long and successful career in the public sector and was popular with voters, having served four terms as mayor of the state capital, Morelia. However, his first years as head of the state government were severely compromised by the increased activities of criminal groups. In 2007, a group calling itself the *Caballeros Templarios* (“Templar Knights”) began to consolidate a position as the main delinquent organization in the state (Grillo, 2013). Though initially it only offered logistical support to the cartels, it later became directly involved in drug-trafficking and complemented its income through kidnapping and extortion. The *Caballeros* (A derivation of *Familia Michoacana*) had introduced themselves to society as an organization that offered security services to businessmen, public officials and the citizenry in general a kind of guardian force dedicated to preserving the social order (Lemus, 2015). Due to the pervasive corruption in the state and municipal governments, some sectors of society welcomed its offer to provide security, considering it support from a group that “emerged from the community.”

In this regard, many of our interviews revealed acceptance of an external order imposed by criminal groups. Upon inquiring in greater detail, we found that people are generally mistrustful of written laws and norms, and even express disdain for them. Among other complaints, they mentioned the selective application of the law, interminable delays in judicial processes, and the corrupt practices that pervade the administration of justice. In stark contrast, the “order” proposed by criminals was described as swift and predictable in its application. Moreover, these groups of *michoacanos* (people born in the state) were applauded for defending local citizens from “foreign” cartels; that is, delinquent groups based in other states.

That was the first step along the path that led to the state’s ‘political class’ forging connections with the *Caballeros*. And that, in turn, opened the way to the second step: when that criminal organization began to finance electoral campaigns. It is no overstatement to say that in some electoral districts anyone who aspired to an office of public election in 2010 or 2014 had no choice but to obtain the ‘stamp of approval’ from this organized crime group commanded by a former inmate of the U.S. penal system (Morales, 2015). In addition to funding campaigns, the *Caballeros* intimidated opposing candidates. In various municipalities in Michoacán candidates simply had no other option than to court this group’s support (Aureoles, 2015).

During the 2012 electoral process, the support that criminal elements provided to numerous candidates

became clear; indeed, Governor Vallejo was forced to take political decisions in collusion with those who had helped him obtain his post (Olmos, 2014). In this way, the *Caballeros* came to exercise enormous influence in, for example, the Department of Public Security and the offices responsible for the state's finances, and soon they were heavily-involved in contracts for public works at the state and municipal levels. In effect, they formed a co-government that brought chaos and anarchy (Rivapalacio, 2014) as their influence spread to include some of the most profitable economic activities in the state, including avocado cultivation and other agricultural activities, and iron ore mining (Southwick, 2013). In the same period, most leading businessmen in the state became victims of extortion, forced to pay huge 'tariffs' (*cuotas*), a euphemism for protection money.

The interviews conducted indicate the acceptance of the order and the rules imposed by criminal groups. Practically, all the interviewees had some kind of direct or indirect interrelation with criminals. The presence of criminal groups involved the transfer of extortion payments to public officials for payment to criminals. The interviewees pointed out that in the case of the elections the high costs of a political campaign (Ugalde, 2013) were in many cases financed with resources from organized crime, opening the door of criminals to political activity.

It was in reaction to this scenario that, in January 2014, the federal government sent the aforementioned Commissioner –Alfredo Castillo– to Michoacán with instructions to re-establish conditions of social order that would allow development. Castillo had intimate links to the President. Immediately upon his arrival, he began to dismiss officials and appoint functionaries to take charge of public security and the state's finances. Meanwhile, the federal government projected a whole series of recordings and videos that showed work meetings involving key members of the state government and the *Caballeros* leaders. Those filtrations further undermined the governor's already fragile position, and he was forced to resign in April 2014.

Following the arrival of the Commissioner and the resignation of the elected governor, the State Congress –under great pressure from the federal government– named Salvador Jara as the interim governor. During the act where he was sworn into office, Jara practically confessed that he owed his appointment to the Commissioner. From that point on, all significant government decisions, including the designations of officials, were effectively taken by the Commissioner-*cum*-governor who replaced the cabinet with his handpicked team of collaborators. All those acts were serious violations of the principles of federalism and state sovereignty that are guaranteed in Mexico's Constitution.

When interviewees were asked about the legality of the federal government's action, they replied that they had accepted the imposition of the meta-constitutional figure of the Commissioner as the highest political authority in the state as just another measure in a long political tradition in this state in which the 'center' has often imposed governors, and where people place little importance on having representatives voted into office in free

elections. At the same time, however, they recognized the terrible situation of living in an area co-governed by criminal groups and state officials. Significantly, none of the public figures interviewed admitted to having any responsibility in the events that were unfolding in their home state.

THE FEDERAL GOVERNMENT'S POLITICAL-JURIDICAL INTERVENTION IN MICHOACÁN

The phenomenon of organized crime in Mexico must be analyzed in light of the country's profound institutional weakness, which can be traced all the way back to 1821 when it gained its independence from Spain. Today, almost 200 years have passed but the country has never been able to consolidate the 'rule of law' or create democratic institutions, as shown by the fact that one of the principle pillars of democracy –the separation of powers– has never been achieved: supreme command at the federal level still resides in the hands of the President, and in those of the governors at the level of the states.

Attempts to justify the designation of the Commissioner take us back to the debate between federalists and centralists in the second half of the 19th century; one that was resolved –supposedly– with the ratification of the Constitution of 1857, which was adopted only after Mexico lost over 4 million square kilometers of its territory to the U.S. One of the causes of that loss was, without doubt, a political structure that did not allow the states to fully collaborate in combatting the U.S. intervention of 1848. The 1857 Constitution did give Mexico a federal character, but in practice control has always resided in a Presidency endowed with meta-constitutional powers. The subsequent Constitution, formalized in 1917 as a product of the Mexican Revolution of the early 20th century, reaffirmed the republican character of the nation (Carpizo, 1987). As a result, throughout the 20th century political power continued to be wielded by the President in a tradition that remained unbroken until the elections in 2000 ushered in Mexico's transition to democracy.

The appointment of the Commissioner in Michoacán was, without question, a regression in advances towards achieving federalism, and a response to the problem of violence that lay totally outside the existing legal framework: truly a measure designed to resolve criminality by perpetrating other violations of law; for not only was the figure of the Commissioner completely unconstitutional, but his actions and strategies in Michoacán entailed additional illegalities. For example, he authorized the use of firearms by the so-called Self-Defense Forces (*Consejos Ciudadanos de Autodefensas, CCA*) that had taken up arms to rebel against the co-government of the *Caballeros Templarios* and state officials. The Commissioner actually negotiated agreements with the CCA that allowed them to use arms to capture the *Caballeros*' leaders, in part because the federal government thought that this would allow it to take advantage of the CCA's members' extensive knowledge of local terrains and the state's geographic conditions. In this case, the Commissioner not only tolerated, but actually fomented, the formation of

paramilitary groups despite the fact that Mexico's Constitution explicitly prohibits the civil population from bearing firearms!⁴.

The CCA are made up of heterogeneous masses of citizens, businessmen and members of criminal groups that oppose the *Caballeros*. The consolidation of the *Caballeros*' 'business model' based on extracting 'rent' from civil society through payment of protection money was the principle factor that led to the formation of the CCAs. But many of the CCAs' leaders were men who had been –or still were– involved in drug-trafficking; far from the ordinary, well-intentioned citizens who had initiated resistance against the *Caballeros* (*Cuarto Oscuro*, 2015; *Excelsior*, 2015; Becerril, 2014). The muddled origins of the CCA and the participation of men with ties to criminal groups meant that the dismantling of the *Caballeros Templarios*' simply opened the door to other cartels that were more than happy to try to establish their dominion in the state. Most important among these was the *Nueva Generación* cartel (CNGJ) based in the neighboring state of Jalisco (Macías, 2014). Members of the CNGJ quickly infiltrated the ranks of the CCAs, encouraged by the fact that the government's misguided attempt to weaken one cartel through the Commissioner's efforts had simultaneously emboldened another, similar group. In fact, there is evidence that the Commissioner was aware of the presence of CNGJ members in the CCAs (Monroy, 2015; Karam, 2014).

The next strategy implemented by the federal government was to disarm the CCA (which, the reader will recall, had been empowered by the Commissioner to bear arms!). The disarmament process led directly to the deaths of members of those self-defense forces in confrontations with the federal police. On January 6, 2015, 16 were killed in a skirmish with federal forces (Castellanos, 2015), and numerous reports circulated of ordinary citizens being tortured due to their alleged involvement with organized delinquency (Villavicencio, 2014). To make matters worse, the CCAs began to fight among themselves because they represented different cartels, all anxious to establish themselves as the new dominant group in a state that constituted a significant prize due to its strategic position on the drug routes from South America to the U.S. through the Pacific port of Lázaro Cárdenas (Herrera and Colín, 2015).

This situation offers some indications of the failed actions and legal errors committed by the federal government. While it is true that its illegal support of the CCAs contributed to undermining the operations of the *Caballeros Templarios*, its violations of the Constitution and its woefully inadequate political calculations triggered collateral effects that have been truly tragic. The intervention of a meta-judicial figure –the Commissioner– raised serious questions concerning the federal government's commitment to democratic institutions, while at the same time compromising the authority of the governor of Michoacán. The government's

⁴ Article 10 of Mexico's Constitution sanctions the use of small-caliber firearms under strict conditions, but under no circumstances does it authorize the use of high-powered weapons (machine guns, assault rifles, hand grenades) by common citizens. Despite this, the civil defense groups in Michoacán typically possess and wield such weapons.

actions in Michoacán were based on the old attributions that Presidents had enjoyed during the period of single-party rule, when they had the power to remove governors at their whim if they were considered inefficient or simply ceased to be “politically convenient” (González, 1965). In the case discussed herein, the federal government was able to implement this old usage in Michoacán because the governor belonged to the PRI. The imposition of the Commissioner accentuated suspicions that recent changes had done nothing to put an end to a culture in which democracy was still largely absent. The description of these events can be seen as a normal phenomenon in many countries in Latin America.

The imposition of a Commissioner in the PRI’s long-established style of governance, and one endowed with sweeping vertical powers over the system of the administration of justice, helped generate an atmosphere of illegality which propitiated violent events that caused the deaths of many civilians in circumstances that have rarely been clarified. In addition to the 16 deaths that occurred in Apatzingán –that we mentioned above– a confrontation between alleged hit men from organized crime groups and the federal police near the small town of Tanhuato, Michoacán, left 42 supposed delinquents dead, but only one police officer wounded! In both cases (Apatzingán and Tanhuato) investigations conducted by Independent Human Rights Offices identified abuses in the use of force by Mexico’s federal police, an agency that operated directly under the supervision of Commissioner Castillo (Riva Palacio, 2015). But unbridled violence was not the only problem, as the period during which the Commissioner governed Michoacán also produced cases of financial mismanagement and corruption, especially involving government contracts for public works (Arrieta, 2015). Finally, political differences with the Commissioner led to the selective imprisonment of some members of the CCA. The most notorious case was that of José Manuel Mireles, which became the subject of a documentary film, entitled *Land of Cartels*, that is in the process of being disseminated through international channels (Monroy, 2015; Smart, 2016).

When asked about these events, interviewees manifested their disagreement with the Commissioner’s actions that they considered were on the margins of the law, but they never mentioned taking any specific action against them or expressing their unconformity in public forums. Fear of the powerful figure of the president was the factor most often mentioned by interviewees in this regard, though some also emphasized the absence of the rule of law or a system of checks and balances that would make it possible to maintain a balance of power.

In January 2015, the federal government removed the Commissioner and returned formal authority to the interim governor, Salvador Jara, who was confirmed by the State Congress. The 2015 elections proceeded in an atmosphere of normality that produced a governor-elect from a different party, as voters returned the PRD to power. Those elections also reflected the fact that Mexico’s grand political parties are losing ground to minority parties. In fact, for the first time in Michoacán’s history, an independent candidate won the mayorship of the municipality of Morelia (the state capital). These results seem to show that the majority of the population decided

not to vote for the party in power, but to give the opposition an opportunity to govern, in the hope that it will do a better job; unfortunately, that is rarely, if ever, the case.

While it may seem that the networks of complicity that existed between government and drug-traffickers have been dismantled, violence persists; a clear reflection of the reality that criminal groups are going through a period of 're-accommodation'. Michoacán is still an arena where rival groups of drug-traffickers fight for control, a situation that continues to generate poverty and death.

CONCLUSIONS

The violence that drug-trafficking has unleashed in Mexico is nowhere near coming to an end. As long as the enormous stimulus of the market for the production and commercialization of narcotics exists, violence will continue to plague the country. In this scenario, the task of the Mexican government is to make a firm commitment to guarantee the democratic functioning of its institutions, based on the understanding that they need to be actualized and strengthened. Achieving this will not be easy, for those democratic institutions are still in an embryonic stage of development.

The strategy implemented by Mexico's federal government in 2007, based on the use of the army and police to capture the cartels' principle leaders, exacerbated an already violent situation as members of the cartels began to fight over spaces that were left vacant. At the same time, other groups were tempted to take advantage of the situation and fought to take over the region with its access to key, highly-profitable commercial routes. The competition among cartels to impose their control on territories also means that this category –cartels– is no longer really applicable to these organizations, because the government's strategy broke the equilibriums that those groups had once established among themselves.

In the case of Michoacán, institutional weakness and corruption allowed the formation of a co-government run by criminal organizations and state officials. No linear mechanism exists that is capable of putting an end to drug-trafficking and the violence it propitiates. The roots of this problem are found in the institutional weakness of the Mexican government, which is a product of a still-incipient process of democratization. The democratic transition in Mexico is very much 'in progress'. Its consolidation will require several more years. Our interviews reflect the existence of a tacit acceptance of the informal rules and of the absence of the rule of law on the part of local actors. The Mexican State's failure to comply with, much less fairly enforce, the law, serves only to strengthen the citizenry's adherence to informal rules and corrupt practices.

Of course, the demand for drugs in the U.S. is not going to wait for this democratic consolidation of Mexican society, so the government is facing a long period during which it must continue to wage its battle against criminal organizations with its incipient institutions of public security and administration of justice.

Existing evidence demonstrates that attacking crime by committing more illegalities only generates yet more crimes. In Michoacán, the federal government, through a figure not legally-recognized (the Commissioner), supported the formation of paramilitary groups (*Consejos Ciudadanos de Autodefensas*) on the margins of its own institutions, for the purpose of dismantling the operations of organized crime groups. But the results of this 'double illegality' include many negative effects: 1) the federal government's intervention violated the autonomy of a duly-constituted, sovereign state; and, 2) the imposition of a Commissioner accentuated suspicions in civil society that recent changes supposedly related to the democratization of the country were fictitious. In a context in which democracy has failed to give the Mexican people the results they expected, the mixture of an anti-drug strategy that runs counter to the rule of law with society's growing disenchantment with democracy may well produce negative consequences for both Mexico and the U.S.

ATACANDO A ILEGALIDADE COM MAIS ILEGALIDADE. O CASO DE INTERVENÇÃO PRESIDENCIAL FEDERAL NO ESTADO DE MICHOACÁN, MÉXICO

Resumo

O México experimentou a pior crise de violência em sua história contemporânea como resultado da guerra contra o crime organizado (narcotráfico) lançada pelo governo federal em 2007. Durante essa guerra, o governo federal e suas agências responsáveis pela segurança pública (exército e polícia) comprometeram incontáveis violações das instituições do país. Este artigo aplica uma abordagem metodológica qualitativa para analisar os efeitos da intervenção política e jurídica do governo federal do México no estado de Michoacán em 2014. Nossa hipótese é que o governo atacou os crimes gerados pelas operações de grupos de delinquentes organizados cometendo violações à própria lei; Uma tentativa de resolver a ilegalidade com mais ilegalidade. A falta de um compromisso claro do governo mexicano com o estado de direito enfraquece as ações que implementa para combater os cartéis de drogas e contribui para perpetuar a corrupção que é uma das principais causas estruturais da violência criminal no país.

Palavras-chave: crime organizado, corrupção, atos inconstitucionais, grupos de autodefesa, México

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Trabalho enviado em 04 de maio de 2017

Aceito em 21 de maio de 2017.