

PERFORMING IN TERROR: MEXICO’S
INEFFECTIVE ATTEMPT AT DISMANTLING
CARTEL ORGANIZATIONS THROUGH THE
CENSORSHIP OF FREE SPEECH

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INTRODUCTION

For almost two decades, Mexico’s government has been in conflict with the Mexican cartel, battling the war on drugs.¹ This war has deteriorated the power of Mexico’s federal and state governments, as cartels have gained influence both within government institutions and across various cartel organizations.² Consequently, the federal government has taken a step back from confrontation with the cartels, leaving local and state authorities to adopt differing approaches to addressing the issue.³

Meanwhile, select cartel organizations have turned to aiding their communities in hopes of gaining public support.⁴ This public

1. CFR.org Editors, *Mexico’s Long War: Drugs, Crime, and Cartels*, COUNCIL ON FOREIGN RELATIONS (Feb. 21, 2025, 3:30 PM), <https://www.cfr.org/background/mexicos-long-war-drugs-crime-and-cartels>.

2. *Id.* (explaining how cartel organizations pay off “judges, police, and politicians” to retain political power).

3. *See id.* (explaining that Mexican President López Obrado’s “hugs, not bullets” strategy deemphasized federal crackdowns and left space for local actors, including vigilante autodefensas).

4. Vanda Felbab-Brown, *Mexican Cartels are Providing COVID-19 Assistance. Why That’s Not Surprising*, BROOKINGS (Apr. 27, 2020), <https://www.brookings.edu/articles/mexican-cartels-are-providing-covid-19-assistance-why-thats-not-surprising/>.

support has manifested itself in several different ways, including songs, television series, and even merchandise depicting prominent cartel figures and their general lifestyle.⁵ In response, local and state governments have taken action by restricting freedom of speech and preventing musicians from performing or singing about narcoterrorism.⁶ While it is undeniable and imperative that the Mexican government dismantles these organizations, it must not do so at the expense of its citizens.

This Comment examines the cultural influence of cartel organizations on the Mexican population and the government's response to their growing power, particularly in its efforts to target these groups. Section II discusses the background and development of cartel organizations and their present influence on popular culture. Section III examines the role and cultural significance of narcocorridos as well as the responses of local Mexican governments. Section IV proposes that the Mexican federal government focus on directly addressing the root issues causing the bans by incapacitating cartel members and deterring violent behavior rather than infringing upon citizens' fundamental rights. Finally, Section V concludes by emphasizing the importance of dismantling cartel organizations and focusing on the reduction of violent crimes.

II. BACKGROUND AND DEVELOPMENT: THE CARTEL'S LONGSTANDING HISTORY AND RELATIONSHIP WITH MEXICAN CITIZENS.

A. *The Rise of the Mexican Cartel*

The rise of the Mexican cartel can be largely attributed to the Colombian drug trade in the 1960s and 1970s, which demanded a direct route into the United States to disseminate the illicit

5. Alexandra Garcia, *Music Fit for a Kingpin: How Popular Culture is Redefining Cartels' Social Role*, BROWN POL. REV. (Mar. 16, 2016), <https://brownpoliticalreview.org/25964/>.

6. Alexandra Mendoza, *Tijuana Prohíbe los 'Narcocorridos' en Espectáculos Públicos [Tijuana Bans 'Narcocorridos' at Public Performances]*, L.A. TIMES (Nov. 10, 2023, 1:15 PM), <https://www.latimes.com/espanol/mexico/articulo/2023-11-10/tijuana-prohibe-los-na-rnocorridos-en-conciertos>.

narcotics that Colombia was producing.⁷ At the time, Mexico's federal government and the Institutional Revolutionary Party allowed the development of these drug markets, opting for strict regulation as opposed to complete eradication.⁸ Eventually, the United States aided Colombia's efforts to dismantle Colombian cartel organizations in the late 1990s.⁹ While Colombia's strategy proved to be effective, the demand for the illicit substances did not waver, leaving Mexican cartel organizations to replace Colombian cartels as the new producers and distributors.¹⁰ The Guadalajara Cartel was one of the first cartel organizations in Mexico, but it soon lost control after its leader was captured, paving the way for emerging groups to seize territories and consolidate power.¹¹ Simultaneously, Mexican citizens' faith in the Institutional Revolutionary Party began to falter; the party was accused of election fraud, was deemed responsible for the Tlatelolco massacre, and was criticized for entering into the North American Free Trade Agreement in 1994.¹² The dwindling faith proved to be costly for the Institutional Revolutionary Party as they quickly lost political power and, in turn, lost control of the drug organizations whose establishment they had regulated and controlled.¹³ Today, these organizations have increased not only in power but also in size and quantity.¹⁴ In 2023, approximately 198 armed groups were active in Mexico, making them the fifth-largest employer in the country.¹⁵

7. Lindsey A. Beckstead, *Drug Cartels and Government in Mexico: A Replication and Extension* 3 (Aug. 2023) (Graduate Thesis, Utah State Univ.).

8. *Id.* at 3–4.

9. Genaro Aguilera-Reza, *The Story of Drug Trafficking in Latin America: Historical Background from Colombia to Mexico, Recent Developments and Possible Solutions* 3 (2014) (Unpublished manuscript, Univ. of Kent).

10. *Id.* at 4, 8–9.

11. *Id.* at 3–4, 5.

12. Jared Olson, *The Fall of Mexico's PRI party, a Once-Dominant Political Force*, ALJAZEERA (May 31, 2024), <https://www.aljazeera.com/news/2024/5/31/the-fall-of-mexicos-pri-party-a-once-dominant-political-force>.

13. *Id.*

14. Thomas Graham, *Mexican Cartels are fifth-largest employers in the country, study finds*, THE GUARDIAN (Sep. 21, 2023), <https://www.theguardian.com/world/2023/sep/21/mexico-cartels-fifth-largest-employer-study>.

15. *Id.*

The surge in cartel organizations has prompted competing organizations to win over the hearts of Mexican citizens.¹⁶ For example, during the COVID-19 pandemic, employees of El Chapo's daughter handed out boxes filled with food, face masks, and hand sanitizers.¹⁷ Acts such as these were and continue to be publicized on social media, all as an effort to procure public support.¹⁸

B. *The Pervasive Influence of the Cartel on Mexico's Popular Culture*

1. The Cartels' Grasp on Television Viewers

Coupled with their direct influence and interactions with Mexican citizens, the growth of cartel organizations has had an enormous impact on Mexican popular culture, including media, music, and even religion.¹⁹ Television series, movies, and Mexican soap operas serve as prime examples of how much influence these organizations have on the media and how their popularity has allowed these stories to flourish on viewers' screens.²⁰ *Miss Bala*, an American remake of the Mexican film, follows the story of a young woman, Gloria Fuentes, who travels to Mexico to support her friend in a beauty pageant.²¹ However, Gloria's plan quickly

16. Felbab-Brown, *Mexican Cartels are Providing COVID-19 Assistance*, *supra* note 4.

17. Drazen Jorgic, *El Chapo's Daughter, Mexican Cartels Hand out Coronavirus Aid*, REUTERS (Apr. 17, 2020), <https://www.reuters.com/article/world/el-chapos-daughter-mexican-cartels-hand-out-coronavirus-aid-idUSKBN21Z0C0/>.

18. *Id.*

19. Garcia, *supra* note 5.

20. *Id.* (discussing television shows such as *Narcos*, *El Cartel*, and *Breaking Bad* that glorify cartels and influences audiences through popular media); see Carlos A. Gutiérrez, *Narco and Cinema: The War Over Public Debate in Mexico*, HEMISPHERIC INST., <https://hemisphericinstitute.org/en/emisferica-82/gutierrez.html> (discussing how Mexican films depict cartel influence and narco-culture); see also Victoria Dittmar, *Mexico's Narco Soap Operas*, OPEN DEMOCRACY (Dec. 30, 2016), <https://www.opendemocracy.net/en/democraciaabierto/mexico-s-narco-soap-operas/> (explaining how popular telenovelas depict organized drug crimes and their influence on Mexican media).

21. Justin Chang, *Gina Rodriguez Thriller 'Miss Bala' is a Generic Hollywood Remake*, L.A. TIMES (Jan. 31, 2019, 6:00 AM), <https://www.latimes.com/entertainment/movies/la-et-mn-miss-bala-review-20190131-story.html>.

falls apart when her friend is kidnapped.²² Gloria initially turns to the police for help, but soon becomes entangled with cartel organizations in her quest to locate her captured friend.²³ *Miss Bala* is based on the true story of Laura Zúñiga, a woman who lost her Miss Mexico International 2008 and Reina Hispanoamericana 2008 titles after being associated with cartel organizations.²⁴

Netflix's hit television series *Narcos: Mexico* is similarly inspired by true events and follows one of the founders of the Guadalajara Cartel, Rafael Caro Quintero, the right-hand man to Felix Gallardo, the leader of the Guadalajara Cartel.²⁵ The series aims to depict the origins of the cartel in Mexico and has enjoyed widespread popularity among viewers.²⁶ While television series may seem insignificant and disconnected from viewers' lives, religion is closely intertwined with citizens' daily lives, and cartel organizations have slowly but surely encroached upon religion.²⁷

2. The Cartels Infiltrate Religion

The ongoing presence of cartel organizations in Mexico has had a significant influence on religion. According to the 2020 Mexican government census, around 78% of the Mexican population identifies as Roman Catholic.²⁸ *La Santa Muerte*,

22. Elena Nicolaou, *Miss Bala is Inspired by the Long History of Mexican Pageant Queens & Drug Lords*, REFINERY 29 (Jan. 29, 2019, 1:35 AM), <https://www.refinery29.com/en-us/2019/01/222904/miss-bala-true-story-real-person-laura-elena-zuniga>.

23. *Id.*

24. *Id.*

25. Peter Mutuc, *Narcos: Mexico's Rafa Caro Quintero: Real Life & True Story*, SCREEN RANT (July 14, 2022), <https://screenrant.com/narcos-mexico-rafa-quintero-what-happened-updates-today/>.

26. See Charlie Ridgely, *Fan-Favorite Netflix Series Dominates Every Streaming Service with Final Season*, COMICBOOK (Dec. 16, 2021, 10:46 PM), <https://comicbook.com/tv-shows/news/netflix-streaming-ratings-narcos-mexico-final-season-top-charts/> (explaining how *Narcos: Mexico* became the most popular show after its release).

27. See Kate Kingsbury & Andrew Chesnut, *Not Just a Narcosaint: Santa Muerte as Matron Saint of the Mexican Drug War*, 4 INT'L J. OF LAT. AM. RELIGIONS 25, 45 (2020) (explaining drug dealers often pray to the saint, Santa Muerte, who has been known as a saint of the drug war).

28. U.S. DEP'T OF STATE, *2022 Report on International Religious Freedom: Mexico* (2022), <https://www.state.gov/reports/2022-report-on-international-religious-freedom/>

which roughly translates to Saint Death, is classified as a folk saint, as opposed to a Catholic Saint who has been officially recognized by the Catholic church.²⁹ Although the origins of *La Santa Muerte* are not linked to criminal organizations, the surge in devotees of the figure may be imputed to individuals linked to criminal organizations.³⁰ The rise in popularity can be attributed to the alleged protection the folk saint offers.³¹ Specifically, *La Santa Muerte* is said to shield her worshipers and their illicit substances from authorities.³² Consequently, the composition of her devotees has led *La Santa Muerte* to be referred to as a narco-saint.³³ In fact, this widespread belief was so prominent that it prompted the Mexican government to order the destruction of a multitude of shrines devoted to the folk saint in 2009.³⁴

Nazario Moreno Gonzalez, a founding member of the Familia Michoacán, is a prime example of how cartel organizations have leveraged religion to shape their organization's image in an effort to consolidate power among citizens.³⁵ This cartel organization posed as a vigilante group, asserting claims that the organization was protecting the state of Michoacán.³⁶ The organization would punish alcoholics, enforce curfews, and attack rival gangs, all while its members carried Bibles around the city.³⁷ Moreno faked his death in 2010, leading his followers to venerate Moreno himself as a saint, create statues of him, and collect his self-written spiritual manual to honor him.³⁸ Moreno was honored

mexico/#:~:text=According%20to%20the%202020%20Mexican,Judaism%2C%20Jehovah's%20Witnesses%2C%20The%20Church.

29. Kingsbury & Chesnut, *supra* note 27, at 27.

30. *Id.* at 41.

31. *Id.* at 30.

32. *Id.*

33. *Id.* at 45.

34. *Id.* at 25.

35. InSight Crime, *Nazario Moreno Gonzales Alias 'El Chayo'*, INSIGHT CRIME (July 24, 2019), <https://insightcrime.org/mexico-organized-crime-news/nazario-moreno-gonzalez-el-chayo-el-mas-locol/>.

36. Tracey Knott, *Dead Drug Boss 'Sainted' in Mexico*, INSIGHT CRIME (July 19, 2012), <https://insightcrime.org/news/brief/dead-drug-boss-sainted-in-mexico/>.

37. *Id.*

38. Ioan Grillo, *Mexico's Craziest Drug Lord 'Died' Twice and Used to Dress as God*, TIME (Mar. 11, 2014 2:53 PM), <https://time.com/19936/nazario-moreno-knights-templarmichoacan/>.

with altars in the state of Michoacán, and his followers often prayed to Moreno, requesting protection and absolution from sin.³⁹ However, the cartel's influence extends beyond religion and television series; they have also had a profound impact on music.⁴⁰

3. The Cartels Redefine Traditional Mexican Ballads

The cartel's influence has permeated music on both sides of the Southern Border. Narcocorridos are Mexican ballads with a focus on themes of drugs and crime, typically depicting the lives and stories of cartel figures.⁴¹ However, stories about drug smugglers and cartel figures have not always been the prevalent theme of corridos.⁴² Corridos, which are rooted in Mexican culture, often recounted stories of bandits and heroes who would come to their community's aid when the government had failed or neglected to do so.⁴³ Similarly, Mexican citizens used corridos to promulgate information at a time when they had few alternatives.⁴⁴ The ballads served as a news bulletin to disseminate encounters that had occurred between rivals and organizations.⁴⁵ These encounters ranged from assassinations to feuds and even instances involving corruption.⁴⁶ The popular Mexican band, Los Tigres del Norte, released the song *Contrabando y Traición* ("Contraband and Betrayal") in 1974, which became the first hit narcocorrido.⁴⁷ This song illustrated the story of Emilio Varela and Camelia 'La Tejana,' a pair of lovers engaged in a drug smuggling operation whose fate resulted

39. La Redacción, *En Michoacán Veneran al Capo Nazario Moreno*, PROCESO (July 10, 2012, 11:25), <https://www.proceso.com.mx/nacional/2012/7/10/en-michoacan-veneran-al-capo-nazario-moreno-105455.html>.

40. See Louis M. Holscher & Celestino Fernández, *Contrabando Y Corrupción: The Rise in Popularity of Narcocorridos*, in BEGINNING A NEW MILLENIUM OF CHICANA AND CHICANO SCHOLARSHIP, 161, 162 (Jaime H. Garcia ed., 2001) (describing the rise of 'narcocorridos').

41. *Id.* at 161.

42. Sarah Goldsworthy Berry, *Pancho Villa and the Lord of the Skies: Narcocorridos in the Mexican Corrido Tradition* 1 (June 2011) (graduate thesis, W. Or. Univ.).

43. *Id.* at 12.

44. Holscher & Fernández, *supra* note 40, at 163.

45. *Id.*

46. *Id.* at 167.

47. *Id.* at 166–67.

in betrayal and, ultimately, death.⁴⁸ In the modern day, narcocorridos endure countless critiques, the majority claiming that they glamorize a dangerous lifestyle.⁴⁹ Nonetheless, the cartel members at the epicenter of narcocorridos have been analogized to the earlier archetypes in corridos: those who were forced to resort to crime and establish their own rules to rectify the government's failures.⁵⁰

III. ANALYSIS

A. *The Rise in Popularity of Narcocorridos*

Social media platforms and the internet make it easier than ever to communicate and exchange ideas throughout communities. Consequently, narcocorridos are easily accessed through streaming services and are often shared on social media platforms.⁵¹ Today, Latin singers are performing and writing narcocorridos more than ever as the music genre has thrived among Latinos.⁵² Unfortunately, a steep price has accompanied the genre's rise in popularity as artists who compose and perform narcocorridos often receive threats from rival cartel organizations.⁵³ Moreover, criminal organizations sometimes take advantage of these artists' platforms by commissioning artists to perform and write narcocorridos about prominent cartel figures and their legacies.⁵⁴

48. Los Tigres Del Norte, *Contrabando y Traición*, GENIUS, <https://genius.com/Los-tigres-del-norte-contrabando-y-traicion-lyrics> (last accessed Nov. 24, 2024).

49. Holscher & Fernández *supra* note 40, at 168.

50. Berry, *supra* note 42, at 1.

51. Bernd Debusmann Jr, *Narcocorridos: Mexico's Bloody Drug Ballads Have American Ears Tingling*, BBC (Feb. 10, 2023), <https://www.bbc.com/news/world-us-canada-64337404>.

52. Karol Suarez, *Mexico's 'Narcocorridos' Going Mainstream: What's Behind Their Popularity Explosion?*, COURIER J., (Apr. 27, 2023), <https://www.courier-journal.com/story/news/crime/2023/04/27/mexico-corrido-singers-peso-pluma-natanael-cano-popularity-explosion/70130265007/>.

53. See *id.* (discussing a narcocorrido band that faced death threats from the Sinaloa Cartel).

54. Nallely G. Murgia, *Narcocorridos: Music, Defiance and Violence in Transnational Contexts* 7 (May 2018) (graduate thesis, Cal. State Univ.).

Fuerza Regida is an American regional Mexican band whose narcocorridos often contain themes of illicit substances and hustling.⁵⁵ The band was recently forced to cancel a performance in Cancun, Mexico, after receiving a threat from a cartel organization.⁵⁶ The threat was published on a *narcomanta*, which stated that Fuerza Regida's then-upcoming concert would be the last one of their lives if they followed through with the performance.⁵⁷ Peso Pluma, a popular Mexican singer who has similarly incorporated drug trafficking themes and references to cartel members in his narcocorridos, released a hit song, *Siempre Pendientes* ("Always Aware"), which recounts the story of Joaquin "El Chapo" Guzman, the powerful former leader of the Sinaloa drug cartel.⁵⁸ Following the song's release, narcomantas similarly appeared all over Tijuana, Mexico, warning Peso Pluma that his upcoming show would be his last if he performed in the city.⁵⁹ These narcomantas prompted the artist to cancel his performance.⁶⁰ Most recently, the Mexican band, Grupo Firme, was forced to call off its show in Mazatlán, Mexico, after a

55. Fidel Martinez, *Meet Fuerza Regida the Hardest-working Act in Música Mexicana*, L.A. TIMES (Aug. 28, 2024), <https://www.latimes.com/delos/story/2024-08-28/fuerza-regida-pero-no-te-enamores-jesus-ortiz-paz-street-mob-records-jersey-corridos>.

56. Jeanette Hernandez, *Fuerza Regida Cancels Cancun Show After Alleged Cartel Threat*, REMEZCLA (Apr. 19, 2024), <https://remezcla.com/music/fuerza-regida-cancels-cancun-show-after-alleged-cartel-threat/>.

57. *Id.* A narcomanta is a message, usually a threat, displayed publicly by cartel organizations, typically on cloth or cardboard. See Alicia Civita, *Fuerza Regida Cancels Cancun Concert Amid Death Threats, Facing Repeat Sec. Concerns*, THE LATIN TIMES (Apr. 19, 2024), <https://www.latintimes.com/fuerza-regida-cancels-cancun-concert-amid-death-threats-facing-repeat-security-concerns-553283>.

58. Kate Linthicum, *Pop Star Peso Pluma, who Praises 'El Chapo' in His Songs, is Threatened with Death by a Rival Drug Cartel*, L.A. TIMES (Sep. 13, 2023, 3:35 PM), <https://www.latimes.com/world-nation/story/2023-09-13/pop-star-peso-pluma-who-praises-el-chapo-in-his-songs-threatened-by-rival-drug-cartel>.

59. *Id.*

60. Linthicum, *Pop Star Peso Pluma*, *supra* note 58; Ruthless Mexican Cartel Threatens to Kill Famed Singer, Other Artists: "This Is the Last Time You Will Receive a Warning," CBS NEWS (Jan. 8, 2025, 6:09 AM), <https://www.cbsnews.com/news/cartel-death-threats-singer-natanael-cano-mexico/> (reporting that Peso Pluma canceled a Tijuana concert after receiving threats from the cartel).

narcomanta was issued.⁶¹ The threat, which addressed the band but also anyone involved in the production of the performance, reminded Grupo Firme that the cartel organization knew the band resided in Tijuana, Mexico.⁶² This incident was distinctive from the aforementioned because this cartel organization accompanied their message with a cooler holding a severed head.⁶³ Unfortunately, there is no current information as to whether officials are investigating the origin of the threat or the homicide.⁶⁴

B. Narcocorrido Artists: A Target and an Asset for Cartel Organizations

Narcocorrido artists are not new to the unceasing threats and violence that accompany those who write and perform narcocorridos, as they have been frequent targets throughout the years. In 2006, Valentin Elizalde, a Mexican artist who honored Joaquin “El Chapo” Guzman in his music, was murdered approximately twenty minutes after he performed at a fair in Reynosa.⁶⁵ After his performance, he was chased by two vehicles that then opened fire in front of witnesses.⁶⁶ In 2018, Javier Reyes, a singer who also specialized in narcocorridos, was shot dead in Mexico City.⁶⁷ Unsurprisingly, there is no mention of a conviction for the party responsible for the artist’s mysterious death.⁶⁸ Reyes’ untimely demise transpired after he performed his song about El Ojos and a song about Amado Carillo Fuentes, an

61. Jorge Rodríguez-Jiménez, *A Severed Head and a Clear Message: Grupo Firme Pulls the Plug on Concert After Brutal Cartel Threat*, MITÚ (Feb. 28, 2025), <https://wearemitu.com/wea-remitu/entertainment/grupo-firme-cancel-show-manzanatlan/>.

62. *Id.*

63. *Id.*

64. *Id.*

65. Hector Tobar, *Mexican Singer Dead, Ambushed After Concert / Valentin Elizalde Shot Multiple Times in Apparent Gang Hit*, SFGATE (Nov. 26, 2006), <https://www.sfgate.com/news/article/mexican-singer-dead-ambushed-after-concert-2484232.php>.

66. *Id.*

67. The Associated Press, *Singer of ‘narco-ballads’ shot dead in Mexican capital*, THE SEATTLE TIMES (Feb. 10, 2018, 1:14 PM), <https://www.seattletimes.com/nation-world/singer-of-narco-ballads-shot-dead-in-mexican-capital/>.

68. *Id.*

infamous cartel leader who was known as the “Lord of the Skies” and inspired the television series *El Señor de los Cielos*.⁶⁹ Unfortunately, these artists are only some of the many who have tragically lost their lives at the hands of these criminal organizations; such killings are often used to send a message both to rival organizations and to other musicians.⁷⁰ Nevertheless, cartel organizations target these musicians for a variety of different reasons.⁷¹ For example, cartel organizations have reached out with propositions to engage in illicit activities, but they have also commissioned narcocorridos for recruitment purposes and as an attempt to influence public policies.⁷²

C. Local Mexican Governments Take Action

While musicians have consistently experienced intimidation in Mexico, the surge in threats recently prompted local governments to implement ordinances in an effort to prevent any future threats or violence from occurring within their jurisdictions. Tijuana, which has had a substantially higher homicide rate in comparison to other Mexican cities, established a \$57,000 fine for any artist who “transmits, exhibits, sings or reproduces music, videos, images, or anything similar that promotes a culture of violence or apologizes for crime or illegal

69. The Associated Press, *supra* note 67; Adriana Correa, #1 Hit Series “El Señor de los Cielos” (Lord of the Skies) Season 4 Returns to Telemundo, NBC 6 SOUTH FLORIDA (Mar. 27, 2016, 6:14 PM), <https://www.nbcmiami.com/local/1-hit-series-el-senor-de-los-cielos-lord-of-the-skies-season-4-returns-to-telemundo/57382/>.

70. Ken Ellingwood, *Macabre Drug Cartel Messages in Mexico*, L.A. TIMES (June 11, 2008, 12:00 AM), <https://www.latimes.com/news/la-me-haven3-story.html> (detailing that the cartel uses killings to send messages to rivals and the community).

71. Leila Cobo, ‘It’s Like a Horror Movie’: The Grisly Details Behind Mexico’s Narcocorrido Murder Epidemic, BILLBOARD (Apr. 10, 2015), <https://www.billboard.com/pro/behind-mexico-narcocorrido-music-murder-epidemic/> (giving examples of why musicians are targeted by the cartel).

72. See Latin Am. Digit. Beat Staff, *More Than A Dozen Musicians Killed in Less Than Two Years in Apparent Drug-related Murders*, UNIV. OF N.M. DIGIT. REPOSITORY (Jan. 9, 2008), at 1, 3, <https://digitalrepository.unm.edu/sourcemex/5173/> (describing how cartels use the music industry to launder drug money); see also Chris Arsenault, *Narcocorridos: Mexico’s ‘Gangster Rap’*, ALJAZEERA (Aug. 21, 2012), <https://www.aljazeera.com/features/2012/8/21/narcocorridos-mexicos-gangster-rap> (explaining that cartel organizations hire artists to write songs touting their narco activities); Garcia, *supra* note 5.

acts in a live performance,” soon after *Peso Pluma* received the death threat.⁷³ Similarly, the city of Cancun adopted a ban soon after the threat to *Fuerza Regida* was issued for any show that promoted “any type of violence.”⁷⁴ Despite ongoing bans, Mexican artists and their narcocorridos continue to rise in popularity largely through streaming services.⁷⁵

D. Examining the Legal Authority of Local Mexican Governments

Mexico’s Constitution explicitly protects the right to freedom of speech under Article 6, along with the freedom to disseminate opinions, information, and ideas under Article 7.⁷⁶ Article 1 of the Mexican Constitution protects the Freedom of Speech of all individuals.⁷⁷ However, this right is subject to restriction when it “represents an attack to public morality, life, or individual rights, as well as when it produces a criminal offense or disturbs the public order.”⁷⁸ Unfortunately, journalists serve as an example to showcase how often this right is disregarded.⁷⁹ Journalists have

73. Whitney Eulich, *Censorship or Public Safety? Tijuana Bans ‘Narco Ballads’*, THE CHRISTIAN SCIENCE MONITOR (Dec. 21, 2023, 12:21 PM), <https://www.csmonitor.com/World/Americas/2023/1221/Censorship-or-public-safety-Tijuana-bans-narco-ballads>. Article 189 establishes that proceeds from the fines collected are to be allocated toward the funding of programs aimed at the prevention and treatment of addiction. See XXIX Ayuntamiento Tijuana, art.189 (Mex.).

74. Nathaniel Janowitz, *Cancun is Banning ‘Narco’ Concerts as Violence Soars*, VICE (May 24, 2023, 8:49 AM), <https://www.vice.com/en/article/cancun-is-banning-narco-concerts-as-violence-soars/>.

75. Anne Vigna, *Mexican Singers are Going Global – Despite Bans in Their Own Country*, LE MONDE (May 31, 2024, 12:30 PM), https://www.lemonde.fr/en/international/article/2024/05/31/mexican-singers-are-going-global-despite-bans-in-their-own-country_6673290_4.html#:~:text=Since%20the%201980s%2C%20narcocorridos%20have,%2C%20Mexicali%2C%20Chihuahua%20and%20Cancun.

76. Mex. 1917 (rev. 2015) [CONSTITUTION] 1917 arts. 6, 7.

77. *Id.* at art. 1.

78. *Id.* at art. 6.

79. See Edison Lanza & David Kaye, *Special Report on the Situation of Freedom of Expression in Mexico*, INTER-AM. COMM’N H.R. [IACHR], at 6 (2018), https://www.oas.org/en/iachr/expression/docs/2018_06_18_CIDH-UN_FINAL_MX_report_ENG.pdf (detailing the types of physical and social attacks experienced by journalists in Mexico and how Mexican government does little to provide redress, instead using law to silence and harass “critical reporting”).

been subjected to violence, most commonly in the form of physical attacks, intimidation, kidnapping, and even murder.⁸⁰ Not only has the Mexican federal government responded by acquiescing in the suppression of speech, but it has also exacerbated the problem by failing to investigate and prosecute those who commit these crimes.⁸¹ For most of the journalists being targeted, “assassination is always a possibility.”⁸² In other words, the federal government cannot currently be relied upon to enforce the protections that Article 1 has guaranteed.⁸³

E. Examining the Downsides of Government Actions

1. Silencing Artists Merely Provides for a Temporary Solution

While it is undeniable that Mexico has had difficulties controlling cartel organizations, silencing its people provides a temporary solution at best. The voices of citizens and musicians are stifled as they are both unable to express themselves whenever and wherever they wish; they must do so only when they are not violating a city ordinance.⁸⁴ Freedom of speech and freedom of expression are two of the most essential human rights, as they support the open dissemination of information.⁸⁵ Moreover, these rights provide citizens with a means to cope with the violence surrounding Mexico and serve as a mobilization tool,

80. *Id.* at 6–7.

81. *See id.* at 11, 13 (of the 84 journalist killings since 2010, Mexico's dedicated FEADLE team has declined to exercise jurisdiction in 37 cases, closed or suspended 16 investigations, and only launched criminal prosecutions in 3 cases).

82. U.N. Comm'n H.R., *Griselda Triana: Fighting for Freedom of Expression in Mexico*, UNITED NATIONS (Nov. 2, 2023), <https://www.ohchr.org/en/stories/2023/11/griselda-triana-fighting-freedom-expression-mexico>.

83. Lanza & Kaye, *supra* note 79, at 3, 6–7, 9–13.

84. *See* Mendoza, *supra* note 6 (detailing how Tijuana municipal regulations prohibit artists from performing narcocorridos in public shows); Salvador Rivera, *Narcocorrido Ban: Tijuana Clubs, Bars warned not to play music about Cartels or Drug Lords*, KXAN (Dec. 7, 2023), <https://www.kxan.com/news/narcocorrido-ban-tijuana-clubs-bars-warned-not-to-play-music-about-cartels-or-drug-lords/> (describing how Tijuana has expanded its ban on the public performance of narcocorridos to include bars, restaurants, and clubs).

85. *Freedom of Expression*, AMNESTY INT'L, <https://www.amnesty.org/en/what-we-do/freedom-of-expression/> (last visited Mar. 15, 2025).

making it easier to expose the government's shortcomings.⁸⁶ While it might seem that narcocorridos have placed infamous people on a pedestal, narcocorridos provide the government with an opportunity to discover what the people truly care about, whether it be the financial state of the country or even simply admiring the power of one individual to rebel against a broken government entity.⁸⁷

Despite the violence that has been associated with narcocorridos, taking something so rooted in Mexican culture is essentially depriving Mexican citizens of the power to voice their concerns and opinions in one of the primary ways available to them.⁸⁸ The idolization of narcoculture and cartel figures will not end simply because performances are banned; people will continue to have access to the internet and streaming platforms.⁸⁹ Moreover, censorship will likely increase the popularity of the music genre with its respective artists.⁹⁰ Former President Andrés Manuel López Obrador critiqued this music genre for its explicit themes, overlooking the social issues that are responsible for the popularity and praise of these songs.⁹¹ Nevertheless, even this former President advised that there was no need for the music genre to be prohibited or censored.⁹² The idolization of

86. See Holscher & Fernández, *supra* note 40, at 163, 169, 173 (indicating that narcocorridos have historically been used to document all kinds of daily occurrences and more recently have captured the issues that Mexicans face on either side of the U.S.-Mexico border such as corruption, poverty, and discrimination).

87. Ana Luisa Peña, *The Narcocorrido and the Construction of a Transnational Identity* 3, 5, 7, 15–16 (Nov. 2013) (M.A. thesis, Cal. State Univ.) (on file with the California State University, Bakersfield).

88. Meg Hilling, *Why are Mexican Corridos Gaining Popularity on the Music Charts?*, SCRIPPS NEWS (June 17, 2023), <https://www.scrippsnews.com/entertainment/music/why-are-mexican-corridos-gaining-popularity-on-the-music-charts>.

89. Eulich, *supra* note 73; Helena Simonett et al., *State Censorship and the Controversy Surrounding the Narcocorrido Genre in Mexico* 143, 145 (Anja Brunner & Hannes Liechti, eds., 2021), <https://vibes-theseries.org/simonett-burgos-moreno-narcocorrido/> (describing how internet streaming sources allow artists and audiences to produce and share narcocorridos “outside of state control”).

90. Eulich, *supra* note 73.

91. *AMLO Critica Letras de Corridos Tumbados: ‘No le va a Gustar a los Jovenes, pero no me Importa’*, EL FINANCIERO (June 26, 2024), <https://www.elfinanciero.com.mx/espectaculos/2023/06/26/amlo-critica-corridos-tumbados-en-conferencia-matutina/>.

92. *Id.*

cartel figures and their lifestyle is likely to continue because the government is not truly addressing the needs of the people, but instead choosing to ignore and silence them, thus providing the public with a temporary solution.⁹³ The Mexican government's actions convey a blatant disregard for the root cause of the problem; officials appear to be more concerned with portraying an illusion of progress and reform, even if the Mexican people are the ones who ultimately pay the price for their actions.⁹⁴

2. The Deprivation of Economic Profits

Cartel organizations as a whole are the fifth-largest employer in the country, and it is estimated that approximately 175,000 people are employed by the cartels.⁹⁵ Employment by these organizations continues to increase, as an estimated 350 people are hired per week.⁹⁶ This number is more than a statistic; it is an indicator that the Mexican people require financial resources and additional opportunities to succeed in various occupations.⁹⁷ Cartel organizations are viewed as a lucrative industry for many due to the economic benefits it promises members.⁹⁸ Mexican citizens have very few options that provide for a sustainable lifestyle, leaving them vulnerable to recruitment.⁹⁹ Banning music performances that contain narcocorridos would serve little to no purpose in addressing the root problem of why these cartel figures are so often placed on a pedestal.¹⁰⁰ Moreover, music

93. See Simonett et al., *supra* note 89, at 136, 137, 145–46 (detailing the ongoing violence and the failure of the Mexican government to make significant impacts on drug trafficking despite the ongoing bans on narcocorrido music and its public performance).

94. *Id.* at 133, 136, 137, 145–46.

95. Stephen Dinan, *Drug Cartels now Mexico's 5th-Largest Employer.*, THE WASH. TIMES (Dec. 31, 2024), <https://www.washingtontimes.com/news/2024/dec/31/drug-cartels-become-mexico-5th-largest-employer/>.

96. *Id.*

97. See *id.* (quoting the researcher Rafael Prieto-Curiel, that poverty and inequality serve as conduits to recruitment by the cartel but that the media portraying cartel figures as heroes also plays a role in recruitment).

98. Peña, *supra* note 87, at 9.

99. Sara Reardon, *Cutting Cartel Recruitment Could Be the Only Way to Reduce Mexico's Violence*, SCI. (Sep. 21, 2023), <https://www.science.org/content/article/cutting-cartel-recruitment-could-be-only-way-reduce-mexico-s-violence>.

100. Eulich, *supra* note 73.

performances by the artists and others provide an opportunity for citizens to make a profit.¹⁰¹ Street vendors and businesses surrounding venues are the ones who will bear the brunt of this censorship.¹⁰² Furthermore, cities will forego economic profits as tourists from neighboring cities will no longer travel to the city hosting the artist.¹⁰³ Consequently, this will affect a wide variety of industries, including lodging, retail, and food.¹⁰⁴ Moreover, the constant threats to artists in various regions might affect how often artists decide to conduct tours in Mexico. If other musicians take notice of how often artists are threatened and murdered, they may be less inclined to tour the region altogether. These decisions are likely to have long-term effects on Mexico's economy.¹⁰⁵ Therefore, the priority of the Mexican government should lie in improving the well-being of its citizens, not working against their interests.

3. The Endangerment of Artists

In the future, the adoption of similar bans across different cities could prove to be a rising trend, leading artists to cease performing in public altogether in Mexico.¹⁰⁶ As seen, artists receiving threats from criminal organizations is anything but a novel phenomenon.¹⁰⁷ The rise in different criminal organizations and factions over the years will likely cause an increase in these threats, as it will be nearly impossible for an artist to perform a

101. John Burnett, *Narcocorridos: Ballads of the Mexican Cartels*, WUNC (Oct. 10, 2009), <https://www.wunc.org/2009-10-10/narcocorridos-ballads-of-the-mexican-cartels>.

102. Rivera, *Narcocorrido Ban*, *supra* note 84.

103. Janowitz, *supra* note 74; Hernandez, *supra* note 56.

104. See Janowitz, *supra* note 74; see also Hernandez, *supra* note 56; Rivera, *Narcocorrido Ban*, *supra* note 84.

105. See Janowitz, *supra* note 74; see also Hernandez, *supra* note 56; Rivera, *Narcocorrido Ban*, *supra* note 84.

106. See Janowitz, *supra* note 74; see also Hernandez, *supra* note 56; Rivera, *Narcocorrido Ban*, *supra* note 84.

107. See Megan Janetsky, *Mex. Offers Protection to Famed Singer after Drug Cartel Death Threats*, AP NEWS (Jan. 8, 2025), <https://apnews.com/article/natanael-cano-mexico-corridos-chapitos-peso-pluma-sinaloa-cartel-47789cd8d983d2dc9c3ceabbe9fc3455>; Leila Cobo, *Peso Pluma Cancels Latin American Dates for 'Personal Reasons'*, BILLBOARD (Feb. 23, 2024), <https://www.billboard.com/music/latin/peso-pluma-cancels-latin-american-shows-personal-reasons-1235613299/>.

narcocorrido without offending a cartel organization.¹⁰⁸ Narcomantas are now seen as a part of Mexican citizens' everyday lives, often leaving artists to fend for themselves.¹⁰⁹ Instead of issuing protections to the artists and ensuring their safety, cities are issuing futile ordinances.¹¹⁰ Nathanael Cano, a Mexican singer who performs narcocorridos, recently received a death threat that was left hanging from a schoolhouse in Mexico.¹¹¹ However, contrary to past government practices, authorities offered protection to the singer, and an investigation was launched to determine those responsible for the narcomanta.¹¹² Unfortunately, it is undetermined if a conviction was secured.¹¹³

Mexican government entities should take a more active role in preventing these types of threats and ensuring that those who issue the threats are held responsible. By holding people who issue threats accountable, the government is likely to deter future acts.¹¹⁴ Conversely, by censoring artists, government entities are relinquishing their power to these organizations, allowing them to decide who can perform, what artists can perform, and on what terms artists are allowed to perform.¹¹⁵ In sum, increased threats and uncertainty might lead certain artists to halt performances in Mexico altogether, depriving citizens of cultural experiences and economic opportunities.¹¹⁶

108. Graham, *supra* note 14.

109. See Suarez, *supra* note 52 (describing the reason why people in Mexico gravitate towards this music is because it helps them process the violence in their everyday lives); see also Cobo, *supra* note 107 (noting an example where an artist had no option but to cancel his shows due to threats).

110. Eulich, *supra* note 73.

111. See Janetsky, *supra* note 107 (describing the cartel's warning to the singer to mind his business and that it was the last warning that he would receive before he would be shot).

112. *Id.*

113. *Id.*

114. See *id.* (mentioning that authorities offering state protection to artists can prevent aggression).

115. See Latin Am. Digit. Beat Staff, *supra* note 72, at 3 (detailing the alleged relationship between cartels and musicians, and the cartels' influence on public policy and elections).

116. Cobo, *supra* note 107.

4. A Slippery Slope

Banning narcocorridos from live performances may seem like a quick fix for preventing the glamorization of the “narco lifestyle”; however, it is just that: a quick fix accompanied by a steep price. Although it may not be outright apparent, restricting artistic freedom and, ultimately, freedom of speech is a dangerous action likely to have ripple effects in the future.¹¹⁷ When the government exercises its power to censor certain types of speech, it can lead to an overall increase in censorship across other areas and to a greater extent than before.¹¹⁸ In effect, acquiescence by the federal government effectively supports the actions of local governments and normalizes overreach.¹¹⁹ These acts are providing both the state and federal governments with an avenue to exercise greater power and influence on citizens in the future.¹²⁰ Even more concerning is the fact that the constitutionality of these ordinances is justified under broad grounds, which will ultimately provide government entities with endless justifications on which to base their arguments for future infringement challenges.¹²¹

Similarly, allowing restrictions on this single right—freedom of speech—undermines the other protections and guarantees afforded by the Political Constitution of the United Mexican States; if one right can be easily constrained, why should other rights be afforded different protections when they pose a similar threat in the future?¹²² Repeated infringement on rights guaranteed by a country’s Constitution will not only foster resentment within its people, but also deteriorate the trust and

117. Ashleigh A. Fugate, *Narcocultura: A Threat to Mexican National Security?* 62–66 (Dec. 2012) (masters thesis, Naval Postgraduate Sch.).

118. Sarah Devries, *Chihuahua’s Misogynistic Music Ban Is Great, But I’ve Got Questions*, MEXICO NEWS DAILY (Aug. 5, 2023), <https://mexiconewsdaily.com/mexico-living/chihuahuas-misogynistic-music-ban-is-great-but-ive-got-questions/>.

119. Garcia, *supra* note 5.

120. Devries, *supra* note 118.

121. See Constitución Política de los Estados Unidos Mexicanos, CP, art. 6, Diario Oficial de la Federación [DOF] 05-02-1917 (noting that the power to restrain freedom of speech is appropriate when it “represents an attack to public morality, life, or individual rights, as well as when it produces a criminal offense or disturbs the public order.”).

122. Devries, *supra* note 118.

legitimacy that Mexican citizens have placed in their government.¹²³ These infringements should be limited and narrow, only to be used as a last resort. Ultimately, attempting to quell cartel violence through the censorship of citizens and artists will not solve the root cause, but it will certainly pose long-term negative effects for Mexican citizens.¹²⁴

F. Examining the Benefits of Narcocorridos

1. Narcocorridos Create Community and Drive Sociopolitical Change

Music is a form of expression and undoubtedly an outlet used to project the voice of the collective.¹²⁵ It is a tool to unite those with similar experiences, and also an instrument used to critique the government; the music genre is reflective of the harsh reality that Mexican citizens face.¹²⁶ Many citizens are often caught in the crossfire between rival cartel groups and the federal government.¹²⁷ Narcocorridos bridge communities, providing a mild sense of consolation that they are not alone in their experiences.¹²⁸ Thus, narcocorridos provide people with a form of creative expression utilized to bring about the change they want to see in their communities.¹²⁹ More importantly, music is one of the most effective forms of journalism as it is easily accessible to audiences, and artists who perform it tend to have an established fanbase.¹³⁰

123. Fugate, *supra* note 117.

124. See Kate Linthicum, *Why Mexico Is Banning Drug War Ballads*, L.A. TIMES (May 11, 2025), <https://www.latimes.com/world-nation/story/2025-05-11/la-fg-mexico-narcocorrido-ban> (noting that censoring narcocorridos will only make the genre more appealing to the youth.).

125. Peña, *supra* note 87, at 1.

126. Parker Asmann, *Mexico's Narcocorridos: A Case of Misunderstanding?*, INSIGHT CRIME (Apr. 24, 2019), <https://insightcrime.org/news/mexicos-narcocorridos-case-of-misunderstanding/>.

127. *Id.*

128. Peña, *supra* note 87, at 13.

129. *Id.* at 16.

130. Harun Abubakar Siddique & Suleyman Sidal, *Music. Politics & Philosophy; How Music is Perceived as a Political Tool*, J. OF ACAD. PERSP. ON SOC. STUD. 94, 95, 102, 103 (2022).

Additionally, many people view cartel figures as reflective of themselves.¹³¹ Narcocorridos often present “rags to riches” stories of people who were brought up from nothing and ended up with an empire.¹³² These stories have been known to instill hope in the common man, desperate to escape his financial distress.¹³³ While they may come across as insensitive to some, they provide consolation and hope for others about their future, especially when the government is failing to do so.¹³⁴

G. A Case Study: The United States

Although a lack of censorship will undoubtedly lead to undesirable outcomes, the law cannot be justified by a façade of addressing public policy. A lack of censorship will inevitably lead to undesirable speech, which can range from mere government criticism to the glorification of illicit substances and even the incitement of violence.¹³⁵

An example of this can be seen in the United States when American rapper Ice-T released the song ‘Cop Killer.’¹³⁶ This song repeated the phrase “f*ck the police” while proclaiming that the artists were cop killers.¹³⁷ Cop Killer was met with immense backlash, leading former President George Bush to publicly denounce media encouraging violence against law enforcement: “I stand against those who use films, or records, or television, or video games to glorify killing law enforcement officers. It is sick.”¹³⁸ Ice-T released the song in response to a surge in police brutality against people of color, and while the rapper explained

131. Peña, *supra* note 87, at 14.

132. *Id.* at 3.

133. *Id.*

134. *Id.* at 16.

135. Siddique & Sidal, *supra* note 130, at 102.

136. Atreyi Banerji, *How Ice-T Stood Against Censorship and Fought for the Freedom of Speech*, FAR OUT (Feb. 16, 2021), <https://faroutmagazine.co.uk/how-ice-t-stood-against-censorship-fought-for-freedom-of-speech/>.

137. Ernie C. & Ice-T, *Cop Killer*, GENIUS (Mar. 10, 1992), <https://genius.com/Body-count-cop-killer-lyrics>.

138. Kory Grow, *Ice-T and the Controversial Hist. of Body Count's 'Cop Killer': Maybe You Should be Scared*, ROLLING STONE (Nov. 24, 2023), <https://www.rollingstone.com/music/music-news/body-count-cop-killer-ice-t-book-excerpt-1234876409/>.

that he was frustrated with police brutality, he clarified that he was not encouraging people to go out and commit murder.¹³⁹ Although this song sparked a major controversy about whether censorship was appropriate and constitutional, it also generated public discourse and highlighted the injustices that were occurring at the time; it empowered Americans to mobilize and speak out about the issues that mattered to them.¹⁴⁰ More importantly, the song communicated the broader systemic issues that required government intervention on a widespread scale.¹⁴¹

Nonetheless, it is imperative to recognize the risk that people will receive media, such as this, and interpret it as encouragement to commit violent actions and crimes, even when these actions have been explicitly denounced by the artist.¹⁴² Although far from ideal, this is just one of the many challenges associated with preserving an independent and autonomous society.¹⁴³ Citizens should remain free to listen or ignore anything that resonates or does not. Moreover, free speech should not be interpreted as being free of the consequences that flow from inciting violence and other crimes, but it is for that very reason that the justice system exists to correct such wrongs.¹⁴⁴

H. Mexico's Strategy: Hugs, Not Bullets

Mexican cities, such as Tijuana and Cancun, through the enactment of local ordinances, aim to address the violence and threats that accompany artists when they perform rather than the musicians themselves.¹⁴⁵ Riddled by violence, local governments are desperate to take any kind of action to subvert

139. *Id.*

140. *Id.*

141. *Id.*

142. See *id.* (illustrating that fans continued to act violently after Ice-T clarified he was not endorsing violence).

143. See Mike Davis, *Realities of the Rebellion*, AGAINST THE CURRENT (July-Aug. 1992), <https://www.marxists.org/history/etol/newspape/atc/5146.html>.

144. Erin C. Carroll, *The Violence of Free Speech and Press Metaphors*, 81 WASH. & LEE L. REV. 87 (2024).

145. See Linthicum, *Why Mexico Is Banning Drug War Ballads*, *supra* note 124 (explaining that music cannot promote violence).

the cartel's influence and power in their region.¹⁴⁶ However, this strategy is exacerbating the problem as the cartel's power grows in response to these ordinances; cartel organizations continue to have a say in who can perform and where they can perform by issuing these threats.¹⁴⁷ For example, the ordinance may ban all music performances that glamorize violence and illicit substances.¹⁴⁸ The artist can easily circumvent this by omitting any songs containing such themes and only performing those songs complying with the ordinance.¹⁴⁹ However, because cartel organizations tend to issue threats only after the music has already been written and/or released to the public, they are ultimately the ones with the final say, as few artists will risk performing after such a threat has been issued.¹⁵⁰ The government's legitimacy is eroded by this transfer of power and by adopting ineffective solutions that only serve to harm its citizens, rather than benefit them.¹⁵¹

To further complicate matters, the responsible parties at the root of the enactment of the ordinances are the cartel organizations that issue threats and execute them.¹⁵² Without them, there is little need for local governments to ban certain types of music themes from live performances.¹⁵³ A direct approach must be implemented to solve the rising threat of cartel organizations by dismantling them and thereby decreasing their influence and power over regions.¹⁵⁴ This strategy requires adjusting the federal government's treatment toward cartel organizations, as reform from the top down to the state and local governments is likely to create a lasting impact and set an

146. *Id.*

147. Hernandez, *supra* note 56.

148. Graham, *supra* note 14.

149. *See id.* (noting that Tijuana's mayor stated narcocorridos were banned but that the artists were still welcome).

150. *Id.*

151. Eulich, *supra* note 73.

152. *Id.*

153. *Id.*

154. Doug Livermore, *U.S. Intervention Against Mexican Cartels Carries Major Risks. Here's how to Mitigate Them*, ATLANTIC COUNCIL (Jan. 14, 2025), <https://www.atlanticcouncil.org/blogs/new-atlanticist/us-intervention-against-mexican-cartels-carries-major-risks-heres-how-to-mitigate-them/>.

important precedent.¹⁵⁵ The federal government is equipped with the manpower and resources necessary to enforce these organizations as opposed to local governments, which have finite resources and manpower.¹⁵⁶ Moreover, the federal government is the only entity with the power to enact uniform laws that govern the entire nation, while state and local governments are unlikely to reach a uniform consensus.¹⁵⁷ Leaving the issue in the hands of state and local governments will inevitably weaken the Mexican government's power, as cities with greater cartel influence, especially in local politics, are likely to respond with lenient or ineffective ordinances.¹⁵⁸

Current President Claudia Sheinbaum has followed her predecessor, Manuel López Obrador, in the federal government's treatment of cartel organizations.¹⁵⁹ President Claudia Sheinbaum's administration plans to continue the former administration's work with an increase in intelligence and investigative work, although it is unclear what the increase in work will entail.¹⁶⁰ Sheinbaum's strategy avoids direct armed conflict with cartel organizations and opts instead to increase economic opportunities for its citizens.¹⁶¹ While this strategy aims to curb the cartel's recruitment power, the penalties for cartel members continuing to engage in violence were not subject to

155. See *id.* (demonstrating that US partnership with Mexico and addressing corruption could dismantle the cartel).

156. See Francisco A. Avalos, *Researching Mexican Law and Mexican Legal System*, GLOBAL LEX (Nov./Dec. 2019), <https://www.nyulawglobal.org/globalex/mexico1.html>.

157. *Id.*

158. Livermore, *supra* note 154.

159. *Mexico's President Lays Out a Plan to Combat Cartel Violence: But it Looks Like More of the Same*, AP NEWS (Oct. 8, 2024), <https://apnews.com/article/mexico-president-sheinbaum-cartel-violence-strategy-d7c03d1bdfd3985f58b1f5a935c564af>.

160. See Patrick J. McDonnell, *No War on Narcos, Mexico's New President Vows as She Outlines Plan to Reduce Violence*, L.A. TIMES (Oct. 8, 2024), <https://www.latimes.com/world-nation/story/2024-10-08/no-war-on-narcos-mexicos-new-president-vows-as-she-outlines-plans-to-reduce-violence> (stating that the administration's priority was to close inequality gaps and generate opportunities while explicitly denouncing the "war against *el narco*.").

161. Mark Stevenson, *Mexico's President Says He Won't Fight Drug Cartels on U.S. Orders, Calls it a 'Mex. First' Policy*, AP NEWS (Mar. 22, 2024), <https://apnews.com/article/mexico-first-nationalistic-policy-drug-cartels-6e7a78ff41c895b4e10930463f24e9fb>.

sufficient consideration under the past administration.¹⁶² In fact, the former president was criticized for being too lenient with cartel members after fourteen police officers had been abducted, and he responded by saying he was “going to tell on [them] to [their] fathers and grandfathers.”¹⁶³ A citizen expressed his concern for the former president’s blatant disregard for his citizens, stating, “he was making fun of us.”¹⁶⁴ This leniency toward cartel members permits intimidation methods to both escalate and proliferate, all while local governments deflect responsibility onto musicians and those who enjoy narcocorridos.¹⁶⁵ Hence, a straightforward approach is needed to address the underlying cause of the bans on narcocorridos: cartel organizations.

IV. PROPOSAL

A. *Increased Sanctions for Cartel-Related Crimes*

The Mexican federal government should focus its efforts on increasing penalties for crimes that cartel organizations and their affiliates typically engage in, but also ensure it is enforcing penalties consistently to identify, incapacitate, and foster deterrence among cartel members.¹⁶⁶ This strategy provides for a straightforward approach as it addresses the root of the problem and will eventually diminish the violence and threats that are driving the enactment of narcocorrido bans.¹⁶⁷ Moreover, this approach is essential to prevent the degradation of human rights that will inevitably come about with local city ordinances

162. See *id.* (discussing the lack of enforcement against cartels).

163. *Id.*

164. *Id.*

165. Eulich, *supra* note 73.

166. Rafael Prieto-Curiel et al., *Reducing Cartel Violence: The Mexican Dilemma Between Social and Security Spending* (2025), <https://arxiv.org/abs/2508.06509>; Vanda Felbab-Brown, *Crime and Anti-Crime Policies in Mexico in 2022: A Bleak Outlook* (Jan. 24, 2022), BROOKINGS <https://www.brookings.edu/articles/crime-and-anti-crime-policies-in-mexico-in-2022-a-bleak-outlook/>.

167. See Graham, *supra* note 14 (explaining that censorship will not address the “root causes of violence”); Felbab-Brown, *Crime and Anti-Crime Policies in Mexico in 2022*, *supra* note 166.

enacting restrictions on the freedom of expression and the freedom of speech.¹⁶⁸

First, the Mexican federal government should increase penalties for anyone convicted of money laundering, human trafficking, and drug trafficking, with a strong focus on securing convictions for high-level cartel members. These crimes are just some of the few that are common amongst cartel organizations.¹⁶⁹ It is imperative that only these types of crimes are targeted to prevent overcrowding in Mexican prisons, to conserve limited resources, and to ensure convicted criminals are securely incarcerated.¹⁷⁰ Correspondingly, drug possession penalties should only be increased and pursued where there is an intent to distribute by the offender and where high quantities of illicit substances are present to prevent an increase in convictions of low-level cartel members and non-cartel affiliates.¹⁷¹ Funding should be increased and allocated toward the construction of additional prisons as well as programs and resources aimed at increasing federal investigatory agencies and prosecutors.¹⁷² To prevent judicial corruption from thwarting reform efforts, the identities of federal investigators and prosecutors should be concealed to the fullest extent possible.¹⁷³ Finally, it is imperative

168. María Luisa Paúl, *Tijuana Bans Cartel-Praising Ballads After Threat to Peso Pluma*, THE WASH. POST (Nov. 17, 2023), <https://www.washingtonpost.com/nation/2023/11/17/tijuana-bans-narcocorridos-peso-pluma-mexican-music/>.

169. Felbab-Brown, *Crime and Anti-Crime Policies in Mexico in 2022*, *supra* note 166.

170. Emelia Carroll et al., *Mexican Prison Reforms: Rights Guarantees or Parchment Guarantees?*, 2018 ITP Mex. 4.

171. Deborah Manzi & Francesco Calderoni, *An Agent-Based Model for Assessing the Resilience of Drug Trafficking Organizations to Law Enforcement Interventions*, 27 J. ARTIFICIAL SOCIETIES & SOC. SIMULATION 3 (2024), <http://jasss.soc.surrey.ac.uk/27/3/3.html>. (explaining the impact of incarcerating low verses high level cartel leaders on the ability of cartels to continue).

172. U.S. DEP'T OF STATE, *2024 Trafficking in Persons Report: Mex.* (2024), <https://www.state.gov/reports/2024-trafficking-in-persons-report/mexico/>.

173. Alan Feuer & Natalie Kitroeff, *U.S. Examined Allegations of Cartel Ties to Allies of Mexico's President*, THE N.Y. TIMES (Feb. 22, 2024), <https://www.nytimes.com/2024/02/22/world/americas/mexico-president-drug-cartel.html>; INT'L CTR. FOR TRANSITIONAL JUSTICE, *Guiding and Protecting Prosecutors: Comparative Overview of Policies Guiding Decisions to Prosecute* (Oct. 2019), https://www.ictj.org/sites/default/files/ICTJ_Report_GuidingProtectionProsecutors_Web.pdf.

that these crimes be investigated and prosecuted on a consistent basis to adequately advance deterrence and incapacitation policies.¹⁷⁴

Currently, Mexico's Federal Criminal Code establishes the criminal violation of money laundering practices.¹⁷⁵ Once culpability has been established, the penalty can range from five to fifteen years in prison, as well as a fine ranging from one thousand to five thousand times the Unit of Measurement and Update.¹⁷⁶ Criminal operations often consist of cartel organizations and low-level public servants jointly coordinating their efforts to launder assets.¹⁷⁷ Mexico's Federal Criminal Code proscribes increased penalties for public servants who currently hold a position (or held a position in the last two years before the crime) investigating, prosecuting, or executing criminal sanctions or with the division of the prevention of operations with resources of illicit origin.¹⁷⁸ While certain punishments are set in place for those who engage in operations with resources of illicit origin, these crimes rarely result in convictions, especially for public servants, due to the lack of investigative procedures and prosecutions.¹⁷⁹

Human trafficking, a crime also prevalent amongst cartel organizations, is outlined in Mexico's Federal Criminal Code.¹⁸⁰ The penalty outlined under the code is time in prison ranging from two to nine years and a fine ranging from fifty to five hundred times the Unit of Measurement and Update.¹⁸¹ Human

174. U.S. DEPT OF STATE, *supra* note 172.

175. Código Penal Federal, Capítulo II, [Federal Criminal Code, Chapter II] art. 400 Bis (Mex.).

176. *Id.*

177. Norma Sánchez, *Mexico's Organized Corruption Scourge*, GLOB. INITIATIVE AGAINST TRANSAT'L ORGANIZED CRIME (Nov. 9, 2022), <https://globalinitiative.net/analysis/mexico-organized-corruption/>.

178. Código Penal Federal, *supra* note 175.

179. See Guillermo Rivera, *Con AMLO, 731 denuncias federales por corrupción y sólo una sentencia*, PROCESO (Oct. 27, 2022), <https://www.proceso.com.mx/nacional/2022/10/27/con-amlo-731-denuncias-federales-por-corrupcion-solo-una-sentencia-295889.html> (noting that in 2022, although there was a multitude of investigations and seven hundred and thirty one complaints against public servants by federal agencies, only twenty-five were taken to court and only one resulted in a conviction).

180. Código Penal Federal, *supra* note 175.

181. *Id.*

trafficking is popular amongst cartel organizations as it provides them with an additional source of income as well as labor capital.¹⁸² Often, the victims of these crimes are migrants from South American countries who are traveling to the United States.¹⁸³ These victims are a common target for cartel organizations as most lack the financial resources or the sufficient means to report these crimes to law enforcement, making it easier for them to succumb to their will.¹⁸⁴ The human smuggling routes are often controlled by cartel organizations as they are similarly used for drug smuggling operations, thus allowing the organizations to easily benefit from a distinct trade with the same route.¹⁸⁵ The smugglers promise to provide migrants with passage into the United States in exchange for a fee; however, this fee is later increased throughout the journey, leaving most under the control of these organizations due to their lack of financial resources.¹⁸⁶ These migrants are then forced to work for these organizations either in the United States or Mexico to satisfy their outstanding debts.¹⁸⁷ Often, they are also subjected to inhumane conditions as organizations attempt to maximize their profits by packing vehicles with as many migrants as possible.¹⁸⁸

Unfortunately, the lack of resources and funding for investigatory agencies and prosecuting divisions has largely shielded human smugglers from consequences.¹⁸⁹ In 2023, only twenty individuals were prosecuted, yet that number is speculated to be lower, as there is an ongoing issue with inaccurate reporting due to the lack of coordination between

182. Adam Hewitt, *The Nexus Between Drug Trafficking and Human Trafficking*, HOPE FOR JUST. (June 10, 2024), <https://hopeforjustice.org/news/the-nexus-between-drug-trafficking-and-human-trafficking/>.

183. *Id.*

184. *Id.*

185. *Id.*

186. *Id.*

187. *Id.*

188. Brenda Medina, *Deadly Human Smuggling Through Mexico Thrives in 'Perfect Cycle of Impunity'*, INT'L CONSORTIUM FOR INVESTIGATIVE JOURNALISTS (Apr. 30, 2024), <https://www.icij.org/inside-icij/2024/04/deadly-human-smuggling-through-mexico-thrives-in-perfect-cycle-of-impunity/>.

189. U.S. DEPT OF STATE, *supra* note 172.

federal and state officials.¹⁹⁰ The lack of funding and such coordination has resulted in the dismissal of investigations, and prosecutors are often forced to charge individuals under alternative crimes.¹⁹¹ Moreover, corruption between government officials and cartel organizations makes it extremely difficult to investigate, prosecute, and secure convictions.¹⁹² Protecting the identities of those responsible for investigations and prosecutions will make enforcement more efficient by alleviating officials' and victims' fears regarding cartel retaliation, while also decreasing the probability that officials will be propositioned for bribes, thus reducing some amount of corruption.¹⁹³ Additionally, an increase in the minimum amount of time served for these types of crimes can also help mitigate corruption by reducing the amount of discretion that government officials have over the prison sentences of criminals.¹⁹⁴

Currently, there is a lack of transparency surrounding the sentences imposed on individuals who are convicted.¹⁹⁵ This makes it difficult for citizens to hold government officials

190. *Id.*

191. *Id.*

192. U.S. DEPT OF STATE, *supra* note 172; see Feuer & Kitroeff, *supra* note 173 (examining the potential relationship between Andrés Manuel López Obrador and cartel organizations but also the conviction secured against Mexico's former public secretary for receiving bribes from cartel organizations).

193. See Tyler Mattiace, *Double Injustice: How Mexico's Criminal Justice System Fails Victims and the Accused in Homicide Investigations*, HUMAN RIGHTS WATCH (Feb. 19, 2025) at 4-5, 44-45, 151, 153, 160 (detailing how many individuals fear reporting a crime since, "it could result in retaliation by the staff at their local prosecutor's office" and many police officers and prosecutors "sometimes solicit or accept bribes from people accused of crimes, often in exchange for releasing them, not executing arrest warrants, delaying the investigation, 'losing' or altering evidence, or reducing the severity of the criminal charges...").

194. See generally U.S. DEPT OF STATE, *supra* note 172 (demonstrating that the 2012 anti-trafficking law criminalizes sex trafficking and labor trafficking, prescribing penalties of five to 30 years' imprisonment, but the government does not actually investigate these crimes—in 2023 only 531 cases were investigated, which was a significant decline from 2022 where 831 crimes were investigated—and there is a lack of information on how government officials will prosecute the criminals).

195. See generally *id.* (explaining that the Mexican government did not provide sentencing details for convicted human traffickers, and due to the government's lack of a coordinated system to track data on its anti-trafficking law enforcement and victim protection efforts, it has made it "difficult for authorities to verify statistics, assess efforts, and appropriately allocate resources.").

accountable and to demand change when officials are failing to meet their obligations.¹⁹⁶ Reform in the human trafficking context, but also in the context of other crimes commonly engaged in by cartel organizations, would benefit from an increase in prison sentences and an increase in the funding of the organizations that investigate and prosecute these crimes.¹⁹⁷ Moreover, providing transparency in convictions and their respective sentences would assist with general deterrence principles, as it would communicate to cartel organizations and their affiliates that they will be subject to the full extent of the law when they engage in criminal acts.¹⁹⁸

Finally, drug trafficking and drug possession crimes are mandated by Articles 194 and 195 of Mexico's Federal Criminal Code.¹⁹⁹ Article 194 imposes a sentence ranging from ten to twenty-five years, along with a fine of one hundred to five hundred times the Unit of Measurement and Update on anyone who "produces, transports, traffics, trades, supplies or prescribes any of the narcotics indicated."²⁰⁰ Article 195 then imposes a prison sentence ranging from five to fifteen years and a fine of one hundred to three hundred and fifty times the Unit of Measurement and Update on anyone who possesses the narcotics specified for the purpose of carrying out the acts enumerated in Article 194.²⁰¹ Cartel organizations have expanded into other markets, including human smuggling, as described above; however, most of their profits are still derived from the trade of narcotics.²⁰² Similarly, reform in this area of the law should

196. Rivera, *Con AMLO*, *supra* note 179 (noting that in 2022, although there was a multitude of investigations and seven hundred and thirty-one complaints against public servants by federal agencies, only twenty-five were taken to court and only one resulted in a conviction).

197. Hewitt, *supra* note 182.

198. NATIONAL INSTITUTE OF JUSTICE, FIVE THINGS ABOUT DETERRENCE, U.S. DEPT' OF JUST. (2016), <https://nij.ojp.gov/topics/articles/five-things-about-deterrence> [hereinafter NIJ].

199. Código Penal Federal [Federal Penal Code] [CPF], Delitos Contra la Salud [Crimes against Health] [DCS] 14-08-1931, últimas reformas, DOF 16-07-2025 (Mex.).

200. Código Penal Federal [CPF], Capítulo I, art. 194(I).

201. *Id.* at art. 195.

202. Irene Mia, *The Expansion and Diversification of Mexican Cartels: Dynamic New Actors and Markets, in the Armed Conflict Survey 2024*, IISS (Dec. 12, 2024), <https://>

include increased penalties, including longer prison sentences and heftier fines to weaken the economic power of cartel organizations.²⁰³ Focusing investigative and prosecution efforts on those who have an intent to distribute and possess large quantities of narcotics will help dismantle these organizations by focusing on high-ranking members who have information on the organizations and their members.²⁰⁴ Ultimately, increasing penalties for crimes that cartel organizations partake in will make identification of cartel members and their affiliates more effective, while permitting selective sentencing enhancements as opposed to a uniform increase in penalties across Mexico's federal sentencing system.²⁰⁵ Thus, the government will be able to effectively allocate its finite resources by targeting the most dangerous and powerful offenders who truly require incapacitation from society.²⁰⁶

B. Deterrence and Incapacitation Purposes

While there are ongoing debates on whether longer prison sentences adequately deter crime, enforcing punishment consistently will send a clear message to the cartel: Mexico will no longer stand by while cartel actions continue to negatively impact Mexican citizens.²⁰⁷ For crimes most commonly associated with cartel organizations, increasing penalties for high-level officials in cartel organizations is bound to create a certain level of deterrence, but more importantly, it will help with incapacitation purposes.²⁰⁸ Current prison sentences are almost non-existent as they are infrequently pursued and rarely result in convictions.²⁰⁹ For decades, especially in the preceding years

www.iiss.org/publications/armed-conflict-survey/2024/the-expansion-and-diversification-of-mexican-cartels-dynamic-new-actors-and-markets.

203. Hewitt, *supra* note 182.

204. Livermore, *supra* note 154.

205. Hewitt, *supra* note 182.

206. NIJ, *supra* note 198.

207. *Id.*

208. *Id.*

209. Tyler Mattiace, *AMLO's Judicial Reform Overlooks the Key Weaknesses of Mexican Justice*, AMERICAS QUARTERLY (July 22, 2024), <https://www.americas>

with the former president's administration, cartel organizations have operated largely unchecked.²¹⁰ Successful investigations and prosecutions will inevitably lead to incarcerations, and increasing penalties will, at a minimum, serve incapacitation purposes.²¹¹ Incapacitation should be a primary focus as cartel organizations continue to grow exponentially.²¹²

C. Drawbacks

The constant and rapid growth of cartel organizations presents yet another challenging setback, as organizations will be difficult to dismantle over a single administration, even if the current administration decides to directly target cartel organizations.²¹³ Unfortunately, an increase in successful convictions among cartel members will not completely eradicate the problem, as there is always a possibility that they will escape or continue business as usual from prison.²¹⁴ A possible solution could come in the form of increased cooperation and agreements with other countries to hold Mexico's government accountable across different administrations with conflicting goals.²¹⁵ The United States has expressed an interest in prosecuting cartel members on United States soil, and recently, the Mexican government turned over "[twenty-nine] cartel figures" to the United States.²¹⁶ While turning over wanted high-profile cartel

quarterly.org/article/amlos-judicial-reform-overlooks-the-key-weakness-of-mexican-justice/.

210. See Carrie Kahn, *As Mexico's Dominant Cartel Gains Power, the President Vows 'Hugs, Not Bullets,'* NPR (July 23, 2020), <https://www.npr.org/2020/07/23/893561899/as-mexicos-dominant-cartel-gains-power-the-president-vows-hugs-not-bullets> (explaining the administration's lack of strategy to combat cartels as violence continues to rise).

211. NIJ, *supra* note 198.

212. *Id.*

213. Mia, *supra* note 202.

214. See *Official: Mexican Prison was Controlled by Jalisco Cartel*, THE ASSOCIATED PRESS (Oct. 1, 2020), <https://apnews.com/article/caribbean-drug-cartels-latin-america-prisons-mexico-8dbb703d620e01d4754801450eeb7b86> (explaining that the prison where the Joaquín Guzmán was kept in was controlled by the Jalisco drug cartel).

215. Livermore, *supra* note 154.

216. Fabiola Sánchez & Joshua Goodman, *Mexico Sends Drug Lord Caro Quintero and 28 others to the US as Officials Meet with Trump Team*, THE ASSOCIATED PRESS (Feb. 27, 2025), <https://apnews.com/article/mexico-drug-lord-rafael-caro-quintero-extradition->

members to the United States will increase relations between the two countries, it will also preserve the Mexican government's resources while also "increasing the perception that criminals will be caught and punished," thus helping deter criminal organizations from forming and individuals from committing acts that might result in their extradition to the United States.²¹⁷

V. CONCLUSION

Musicians and Mexican citizens have been constantly subjected to violence and threats from cartel organizations. Unfortunately, their fundamental freedoms of speech and expression are similarly under attack as citizens face pressure from local governments' actions. Rather than acquiescing to local government attempts to conceal systemic failure, the federal government should focus its efforts on addressing the root of the problem. This should be accomplished by increasing penalties for crimes commonly committed by cartel organizations and funding and protecting both investigators and prosecutors. The proposed strategy should be implemented to promote deterrence and incapacitate high-ranking cartel members to ultimately dismantle these organizations. Neglecting to address the underlying problems risks the degradation of Mexican citizens' constitutional rights and leaves them vulnerable to threats and violence from cartel organizations.

ad769ef1f2add8530f4b8b96d00bb4c; *Fact Sheet: President Donald J. Trump Proceeds with Tariffs on Imports from Canada and Mexico*, THE WHITE HOUSE (Mar. 3, 2025), <https://www.whitehouse.gov/fact-sheets/2025/03/fact-sheet-president-donald-j-trump-proceeds-with-tariffs-on-imports-from-canada-and-mexico/> (explaining that the reason they are proceeding with tariffs on Canada and Mexico is to protect Americans from the flood of drugs into America and their desire to hold cartel organizations accountable).

217. Livermore, *supra* note 154; NIJ, *supra* note 198.