

Mexican congress lays legal foundation for martial law

By Neil Hardt
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A commission of the Mexican Chamber of Deputies voted overwhelmingly on March 29 to approve an amendment to the Mexican Constitution granting the president dictatorial powers to establish a state of emergency and suspend democratic rights.

Under the proposed amendment, which will now proceed to a vote in the full chamber, Article 29 of the constitution now reads:

“In cases of invasion, serious disturbances to the public peace, or anything else that places society in grave danger or conflict, the president of the United States of Mexico, with the approval of the congress or the permanent commission when congress has not been assembled, can restrict or suspend, throughout the entire country or in limited places, those rights and guarantees that are obstacles to confronting, quickly and easily, the situation.”

Fearing the emergence of social opposition in the working class, the Mexican ruling class is establishing the legal framework for martial law and military dictatorship. Mexico’s most basic democratic rights, including freedom of association, freedom of the press, and the right to a trial and due process, can now be subject to suspension at the request of the president and the acquiescence of a pliant legislative branch.

The law was passed with the support of all of the major Mexican political parties represented on the chamber’s Government Commission, including the PRI, PAN, PES, Greens, and PRD. The Citizens Movement refused to oppose the amendment while MORENA, the party of former Mexico City Mayor Andres Manuel Lopez Obrador, alone voted no.

PAN deputy Ulises Ramirez Nunez said that the state of exception is necessary because terrorists “have disrupted how we regulate our society.” Many of those voting in favor of the change cited the events of

September 11, as well as the recent terror attacks in Paris and Belgium, to justify the constitutional changes.

The claim that Mexico is under threat from ISIS, Al Qaeda, or other Islamic terrorist groups is aimed at masking the true content of the law: preparing for state repression of social opposition. Aside from dangers of “terrorism,” “natural disasters,” and “plagues,” the commission noted before Tuesday’s vote that the law “also refers to internal revolts, incursions of internal armed groups, grave threats to the peace or internal stability of the State, [and] economic crises that due to their gravity can generate altercations in the public order.”

The commission also noted that the law “is broad, adaptable, and capable of being applied to diverse situations that put society at risk.”

The true character of the amendment is further indicated by the approval by the State of Mexico, the country’s most populous state, which surrounds the Mexican capital, government of the “Atenco Law.” Passed on March 17 it gives the state government the power to invoke emergency rule. The law bears its name from mass demonstrations that took place in the city of San Salvador Atenco in 2006, when the government, under then governor, now president Enrique Peña Nieto, cracked down on those protesting the police’s forcible removal of farmers selling flowers from a market square. Police killed two people, arrested over 140, and sexually assaulted 26 women during the attack on demonstrators.

The amendment’s passage was likely secured after discussions with the US government, which has considered the option of establishing a state of emergency in Mexico for years. Cables published by Wikileaks exposed discussions between then-Mexican Secretary of Defense Guillermo Galvan and the Obama

administration in October 2009 on precisely this question.

One such cable, No. 3101, was filed by US Embassy Charge d'Affairs John Feely, who today retains the same position at the embassy.

“Defense Secretary Galvan raised recently the possibility of invoking Article 29 of the constitution to declare a state of exception in certain areas of the country,” Feely notes. “If written correctly and approved by Congress, it could give the military a temporary legal cover for its activities and perhaps allow it to focus more on operations and less on its critics.”

At the time, the US embassy was hesitant to support the move, writing that “any benefits” produced by “an Article 29 state of exception would be undermined by the high political costs of such an approach. With questionable support in Congress and limited political capital, he would put at risk popular and congressional support...” The cable concludes by noting that “the possibility of the declaration of a state of exception cannot be discounted at some future date.”

The overwhelming support in the Mexican legislature for such an amendment today speaks to growing conviction amongst the Mexican ruling class and its US imperialist supervisors that the “pros” of establishing police state methods of rule now decisively outweigh the “cons.”

The intervening seven years have produced a groundswell of popular opposition to the Mexican ruling class and the Mexican military. The 2014 kidnapping and disappearance of 43 Ayotzinapa student teachers at the hands of police and gangsters in the state of Guerrero produced widespread opposition as hundreds of thousands demonstrated calling for President Pena Nieto to resign over the government's complicity in the attacks. The government's grants of immunity to military forces involved in periodic citizen massacres like the 2014 Tlatlaya massacre, in which 22 civilians were gunned down, have also generated public outcry.

Alongside the ongoing political crisis, the continuing economic downturn has created a social powder keg. Between 2007 and 2012, the number of millionaires in Mexico increased by 32 percent, while the percentage of those in poverty increased from roughly 45 percent to 55 percent within the same period. In the midst of

this widening social chasm, the Mexican ruling class, working with US and European banks and corporations, is preparing to escalate its attack on public education, to privatize the state-owned Pemex oil company, and to gut the pensions and wages of Mexican oil workers.

In preparation for the outbreak of social opposition, the Obama administration has increased military and police ties to Mexico, training and arming the federal army, which already patrols the streets in Mexico's cities. According to a January 2016 report from the US Congress, “military cooperation between the two countries has been increasing, as have Department of Defense training and equipment programs to support the Mexican military.” In 2015, the US Northern Command “trained 4,598 military personnel, up from 3,413 in FY2014. Training has included courses on information fusion, surveillance, interdiction, cybersecurity, logistics, and professional development.”

The preparations for martial law taking place alongside increased collaboration between US imperialism and the Mexican armed forces are signs of the weakness of a capitalist class that can only respond to the desperate needs of workers and peasants with violence and repression.

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