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In Mexico, Ambivalence on a Drug Law

By [MARC LACEY](#)

TIJUANA, [Mexico](#) — Yolanda Espinosa's eyes darted this way and that. Her hands trembled. For Ms. Espinosa, a cocaine and heroin addict in desperate need of a fix, a new Mexican law decriminalizing the possession of small quantities of drugs had a definite appeal.

"That's good," she said in her mile-a-minute speaking style. "Real good."

But as someone fed up with her life in Tijuana's red light district, where she and hundreds of other addicts live in flophouses and traipse through the streets in search of their next dose, Ms. Espinosa also had her doubts about what Mexico's politicians had done.

"No one should live like I live," she said. "It's an awful life. You do anything to satisfy your urge. You sell your body. It ruins you. I hope this won't make more people live like this."

Ms. Espinosa's ambivalence reflects her country's. Under siege by drug traffickers, Mexico took a [bold and controversial step](#) last week when it opted to no longer prosecute those carrying relatively small quantities of [marijuana](#), cocaine, heroin and other drugs. Instead, people found with drugs for "personal and immediate use," according to the law, will be referred to free treatment programs where they will be considered patients, not criminals.

The decriminalization effort, which many lawmakers endorsed with little enthusiasm, is intended to free up prison space for dangerous criminals and to better wean addicts away from drugs. It is not the only legislation put forward that would probably never have been considered were the country not in the midst of a bloody and seemingly endless drug war.

Capital punishment, which has not been carried out in Mexico for nearly 50 years, is now being offered by some lawmakers as an answer to the nation's ills. In April, Congress debated whether to make marijuana legal altogether, a measure President [Felipe Calderón](#) fiercely opposes.

Under the new law, a police search that turns up a half-gram of cocaine, the equivalent of about four lines, will not bring any jail time. The same applies for 5 grams of marijuana (about four cigarettes), 50 milligrams of heroin, 40 milligrams of methamphetamine or 0.015 milligrams of LSD.

"I could have all that and they wouldn't touch me?" Ms. Espinosa asked with surprise. She was hardly the only one who missed the government's announcement, which was intentionally low-key. Fearful that the law would be misconstrued, the government enacted it with little fanfare on Thursday.

"This is not legalization," Bernardo Espino del Castillo of the attorney general's office told The Associated

Press. "This is regulating the issue."

The battle against the drug cartels, which has resulted in more than 11,000 deaths since Mr. Calderón took office in December 2006, will continue unabated, officials insist. Revising drug possession laws, in fact, will help focus the drug war more effectively, they say.

Besides taking the focus of law enforcement officials off small-time users, the law allows the state police to arrest those with up to 1,000 times the personal consumption amounts, people who would be considered dealers. Anyone with larger amounts would be seen as trafficking drugs, and would be handed over to federal authorities.

"With this reform we will make the combined capability of enforcement against this crime a legal and operational reality," Attorney General Eduardo Medina-Mora told a conference of state prosecutors last week.

Mexico's approach won praise from organizations that consider the jailing of users a waste of resources that does not reduce drug consumption. In the United States, some states have decriminalized the possession of small amounts of marijuana but not other drugs.

"The decision by the Mexican government to decriminalize the consumption of small amounts of drugs constitutes a step in the right direction after decades of failed policy," said Juan Carlos Hidalgo, the [Cato Institute](#)'s project coordinator for Latin America. "It is in line with efforts by other Latin American leaders and governments who are increasingly skeptical of Washington's prohibitionist drug policies."

Ethan Nadelmann, executive director of the [Drug Policy Alliance](#), said the approach in Mexico "contrasts sharply with the United States, where arrests for marijuana possession hit a record high last year — roughly 800,000 annually — and now represent nearly half of all drug arrests nationwide."

Even before the new law went into effect, Mexicans caught with small amounts of drugs were not routinely prosecuted, officials said. But the change takes the discretion of whether to throw drug users in jail away from police officers, who frequently shook down people by threatening them with arrest.

As Ms. Espinosa spoke, a police car went by and she hopped up from the curb. "Let's move," she said.

Under the law, people caught with drugs for the third time would be forced to go to treatment. Mr. Calderón had proposed a tougher version that would have jailed people who repeatedly failed to follow through with treatment. The version that Congress passed specified no penalties for noncompliance.

A similar law passed in 2006, but the president at the time, [Vicente Fox](#), rejected it under pressure from the United States. Now, Mr. Fox is speaking of the need to consider legalizing marijuana, and the United States government has remained largely silent on the change.

At one Tijuana drug treatment center, a former addict was not convinced that going easy on those found with drugs was the right approach. "With everything that's happening, we need to distance ourselves from drugs," said the former addict, Luis Manuel Delgado, 50, who is also the center's assistant director. "Imagine if I told the people in here that it was now legal for them to have a little. No way."

Jailing addicts helps them reach rock bottom and decide to turn their lives around, Mr. Delgado said. Others, however, contend that prison time in Mexico only exposes users to even more dangerous prisoners, who can then recruit them into the drug business. And drug use is rampant behind bars in Mexico, making it no real refuge from the streets.

Besides an upsurge in [drug-related violence](#) tied to traffickers supplying the lucrative United States market, Mexico also finds itself grappling with many more domestic users. One government survey put the number of addicts at 460,000, over 50 percent more than in 2002.

Like Ms. Espinosa, a 50-year-old mother who has not seen her children in years, many addicts live dismal lives. In border cities like Tijuana, poverty, proximity to the United States and an ample supply of drugs make the addiction rates among the highest in all of Mexico. A recent study showed that as many as 67 percent of the more than 1,000 intravenous drug users tested in Tijuana were positive for tuberculosis. Other researchers have put HIV rates in Tijuana at more than triple the national average.

Ms. Espinosa, deported nine years ago from the United States, where her family remains, wants to leave her life of high highs and low lows behind. "I've gotten clean before," she said. "I lasted three years. Then I relapsed."

As her eyes scanned the street scene, she continued: "It's hard. But I'm going back. Really. I'm going to go back."

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