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### Permalink

<https://escholarship.org/uc/item/8j647429>

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### Publication Date

2010

Peer reviewed

USMEX WP 10-01

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# Drug Trafficking Organizations and Counter-Drug Strategies in the U.S.-Mexican Context

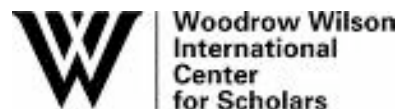
Luis Astorga and David A. Shirk

*Mexico and the United States: Confronting the Twenty-First Century*

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This working paper is part of a project seeking to provide an up-to-date assessment of key issues in the U.S.-Mexican relationship, identify points of convergence and divergence in respective national interests, and analyze likely consequences of potential policy approaches.

The project is co-sponsored by the Center for U.S.-Mexican Studies (San Diego), the Mexico Institute of the Woodrow Wilson Center (Washington DC), El Colegio de la Frontera Norte (Tijuana), and El Colegio de México (Mexico City).



## Drug Trafficking Organizations and Counter-Drug Strategies in the U.S.-Mexican Context

Luis Astorga and David A. Shirk<sup>1</sup>

“Si la perra está amarrada/ aunque ladre todo el día/ no la deben de soltar/ mi abuelito me decía/ que podrían arrepentirse/ los que no la conocían (...) y la cuerda de la perra/ la mordió por un buen rato/ y yo creo que se soltó/ para armar un gran relajó (...) Los puerquitos le ayudaron/ se alimentan de la Granja/ diario quieren más maíz/ y se pierden las ganancias (...) Hoy tenemos día con día/ mucha inseguridad/ porque se soltó la perra/ todo lo vino a regar/ entre todos los granjeros/ la tenemos que amarrar”

As my grandmother always told me, ‘If the dog is tied up, even though she howls all day long, you shouldn’t set her free ... and the dog the chewed its rope for a long time, and I think it got loose to have a good time... The pigs helped it, wanting more corn every day, feeding themselves on the Farm and losing profits... Today we have more insecurity every day because the dog got loose, everything got soaked. Together all the farmers, we have to tie it up.

“La Granja” (Teodoro Bello), Los Tigres del Norte

### Overview

The proliferation and impunity of organized crime groups involved in drug trafficking in recent years is one of the most pressing public concerns in Mexico and the U.S.-Mexico

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<sup>1</sup> The authors thank their research assistants Carlos Castañeda, Judith Dávila, Elisse Larouche, Ángela Bacca Mejía, and Nicole Ramos, as well as their colleagues Tani Adams, Sigrid Arzt, John Bailey, Howard Campbell, James Creechen, Robert Donnelly, Kathleen Frydl, Chappell Lawson, Matthew Maher, Eric Olson, Andrew Selee, Randy Willoughby, and the editors of this volume for the helpful comments and conversations that improved this chapter. During the drafting of this piece, the authors benefited in various ways from the coordination and support of the Center for U.S.-Mexican Studies, the Colegio de la Frontera Norte, and the Woodrow Wilson Center. The data presented here also reflect the research of the Justice in Mexico Project, and the generous support of the William and Flora Hewlett Foundation. The authors take sole responsibility for any errors and conclusions offered.

borderlands. These groups have perpetrated increasingly brazen, spectacular acts of violence that have resulted in thousands of deaths. From 2001 to 2009, there were more than 20,000 killings attributed to drug trafficking organizations (or DTOs), with the extreme levels of violence in 2008 and 2009 contributing to more than half of these.<sup>2</sup> While the vast majority of this violence reflects internecine conflicts between organized crime groups, at least 1,100 police officers and soldiers died in the line of fire from 2006 to 2009.<sup>3</sup> Moreover, while the vast majority of this violence remains concentrated within Mexico, particularly the central Pacific coast and northern Mexico, it has raised very serious concerns among U.S. observers about possible “spillover” into U.S. communities along the border.

In response to these trends, Mexico and the United States have taken significant measures to try to address the phenomenon of transnational organized crime. Over the last three decades, Mexico has relied heavily on the armed forces to combat drug trafficking, deploying troops for crop eradication and other counter-drug operations, enlisting military personnel in civilian law enforcement posts, and utilizing soldiers in other day-to-day order maintenance functions, as is well documented (Camp 1992; Celia Toro 1995; Turbiville 1997; Flores Pérez 2009; Moloeznik 2009). However, this pattern accelerated greatly during the Fox and Calderón administrations, which

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<sup>2</sup> The Trans-Border Institute (TBI) maintains a database of drug killings reported by *Reforma* newspaper at the *Justice in Mexico* project website ([www.justiceinmexico.org](http://www.justiceinmexico.org)). See also: Moloeznik (2009).

<sup>3</sup> The Mexican attorney general’s office released official figures in August 2008 that identified DTO-related violence as the cause of deaths for more than 450 police officers from December 2006 and June 2008. From June 2008 to September 2009, TBI recorded more than 700 additional police deaths.

deployed tens of thousands of troops throughout the country. In terms of efforts to reduce the violence, the militarization of domestic public security in Mexico has brought mixed results, at best. Mexico's military enjoys ample public confidence, but lacks the legal mandate and training for domestic law enforcement and criminal investigations. At worst, as Moloeznik (2009) suggests, militarization has produced a dramatic increase in human rights violations, contributed to corruption and defection among Mexican military personnel, and unnecessarily escalated the level of conflict and violence. Still, given the dysfunctions of civilian law enforcement agencies, Mexican officials appear to be at a loss for any effective alternative strategy.

For its part, the United States has sought to assist Mexico by channeling aid, in the form of training and equipment, through the Mérida Initiative. The Mérida Initiative will provide Mexico with \$1.4 billion in U.S. equipment, training and other assistance from 2008 through 2012, on top of the more than 4 billion that Mexico spends annually combating drug trafficking.<sup>4</sup> In parallel, the United States has also deployed additional manpower and money to its southwest border in an attempt to stave off a possible cross-border overflow of violence from Mexican organizations. Thus far, the major successes of these efforts include a steady stream of arrests and extraditions targeting organized crime, as well as record seizures of drugs, guns, and cash. However, progress on the metrics that really matter—reducing the availability, consumption, or psychotropic potency of

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<sup>4</sup> Chabat (2002) indicates that Mexico spent about \$100 million in counter drug efforts in 1991, \$500 million in 1995, and \$1 billion by 1997. An inquiry to the Mexican Embassy found that the allocation designated explicitly for counter-drug spending in Mexico's federal budget for the 2009 fiscal year was \$4.3 billion. These figures do not necessarily include other ancillary or indirect expenditures attributable to drug-related activities, such as state and local expenditures to arrest or incarcerate offenders for petty drug crimes, or "narcomenudeo." Chabat (2002) p. 142.

drugs— has remained illusive for both countries.<sup>5</sup> Indeed, by some accounts, despite a nearly forty year effort to wage the “war on drugs,” drugs are more accessible, more widely utilized, and more potent than ever before.<sup>6</sup>

This chapter explores two fundamental questions pertaining to Mexico’s ongoing public security crisis. First, why has Mexico experienced this sudden increase in violence among trafficking organizations? Second, what are the current efforts and prospective strategies available to counter Mexican drug trafficking networks? In the process, we explore the development of Mexico’s DTOs, with particular emphasis the relatively stable equilibrium among such groups in the 1980s and the subsequent fracturing of that arrangement. We also identify and consider the merits of the three conceivable scenarios for managing drug use —complicity with traffickers, confrontation of traffickers, or changing the paradigm for regulating drug use— all of which have inevitable undesirable effects.

### **The Evolution of Drug Trafficking in Mexico**

Mexican drug trafficking organizations have roots dating back to the early twentieth century, when laws in the United States and worldwide began to prohibit the production, distribution, and consumption of alcohol and psychotropic substances. At the time, Mexico was a low-level supplier of drugs, and Mexican smugglers mainly trafficked in homegrown marijuana and

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<sup>5</sup> Reuters (2007) and Walsh (2009).

<sup>6</sup> Use of the “drug war” metaphor dates back to the Nixon administration, which made important administrative changes —notably the creation of the Drug Enforcement Administration— to reorganize agencies and prioritize counter-drug efforts. The Obama administration has steadfastly avoided use of the term “war on drugs.” Brooks (2009).

opiates grown in areas that today remain important production zones. Most notable is the “Golden Triangle” region where the northern states of Durango, Chihuahua, and Sinaloa meet, though south coastal states like Michoacán and Guerrero remain important areas for production. Traffickers like the notorious Enrique Diarte moved illicit drugs through Mexicali and Tijuana in the 1940s, in leagues with U.S. organized crime figures like Max Cossman. Meanwhile, around the same time, Enrique Fernández Puerta became known as the Al Capone of Ciudad Juárez, Mexico’s largest border city, through his activities as a bootlegger, counterfeiter, and drug trafficker and helped lay the foundations for the production and transit of drugs into the United States.<sup>7</sup>

Over time, Mexican DTOs grew and flourished thanks in part to the “balloon effect,” in which changing market dynamics and enforcement efforts displaced and redirected drug flows. By the 1970s, the emergence of the U.S. counter-culture movement and the breaking of the “French connection” for heroin trafficking in the late-1960s produced a significant increase in demand for illicit drugs from Mexico. Meanwhile, greater U.S. consumption of cocaine in the 1970s and 1980s led to the rise of powerful Colombian DTOs, which moved the Andean-produced drug into Miami via the Gulf of Mexico and the Caribbean. As U.S. interdiction efforts in the Gulf gained ground, the Colombians increasingly relied on Mexican smuggling networks to access the United States. Later, with the disintegration of Colombia’s major DTOs in the late 1980s and early 1990s, Mexican DTOs began to play a larger role in controlling smuggling routes into the United States.<sup>8</sup> By 1991, Mexico reportedly accounted for an estimated 300-350 tons of cocaine and roughly a third of all heroin and marijuana imported into the United States.<sup>9</sup>

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<sup>7</sup> Astorga Almanza (1999).

<sup>8</sup> Celia Toro (1995).

<sup>9</sup> Gerth (1988), Miller (1991).

Major drug trafficking operations came to fruition in Mexico with auspicious timing. On the one hand, Mexico was experiencing intense processes of economic integration that opened new channels of commerce with the United States. The same factors that boosted legitimate economic activity in the NAFTA countries —the new global economy, in general— also benefited the “illicit economy” (Friman and Andreas 1999; Naim 2006). As is well documented, in this context, small, highly flexible, and loosely constructed global networks of criminals and terrorists can now share information, transfer and launder funds, and ensure “just in time” deliveries of contraband with astounding agility.<sup>10</sup> In a “flatter,” “borderless” world, illicit non-state actors can outmaneuver and even challenge states, using the same financial and physical infrastructure, technologies, and organizational models of globalization, as made painfully obvious by the September 11, 2001 terrorist attacks in the United States (Nicaso and Lamothe 2005; Van Schendel and Abraham 2005; Naim 2006; Glenny 2008).

On the other hand, many scholars have also pointed the importance of the structure and integrity of state institutions as a factor that shapes the behavior of illicit organizations. As Campbell (2009) notes, “states and illicit or illegal activities are not separate, distinct fields of social action, but are tightly intertwined in a dialectical relationship.”<sup>11</sup> As is well documented, for many decades Mexico had in place a highly centralized power structure that was not only permissive, but protective of organized criminal activities (Astorga Almanza 2007; Flores Pérez

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<sup>10</sup> Andreas and Snyder (2000), Andreas (2001), Andreas and Biersteker (2003), Ganster and Lorey (2005), Schendel and Abraham (2005), Sheth (2005), Townsend Gault and Nicol (2005), Zureik and Salter (2005), Glenny (2008). Moisés Naím, *Illicit: How Smugglers, Traffickers and Copycats are Hijacking the Global Economy*. (London: William Heinemann, 2006)

<sup>11</sup> Campbell (2009), p. 9.



2009; Snyder and Duran-Martinez 2009). Thanks to these conditions, Mexican drug trafficking organizations went virtually unchallenged by the state, operated in relative harmony, and grew extremely powerful. <sup>12</sup>Indeed, as we discuss in greater detail below, the state itself was highly complicit with illicit drug trafficking organizations. Today, the picture looks substantially different, in large part because of Mexico's domestic political transformation over the last two decades. As Snyder and Duran-Martínez (2009) discuss, major institutional changes in the Mexican coercive apparatus in the late 1980s, the rise of democratic pluralism, and the decentralization of power in the Mexican political system complicated the equation, and destabilized the equilibrium that had developed between state actors and organized crime. These shifts have produced a more complicated and inconsistent relationship between the Mexican state and the transnational organized criminal networks that once enjoyed *carte blanche* in Mexico. As a result, DTOs became embroiled in a fierce fight to protect their *plazas*, or zones of control, and sustain their access to the lucrative U.S. market, where cocaine prices dramatically exceed those found in Mexico.

Thus, while there was competition among Mexican DTOs in the past, they did not operate on the same scale, they were not directly challenged by the state, nor did they employ violence to as great a degree as we have seen recently. The 1980s were an important turning point, as Flores (2009) demonstrates through in-depth interviews with key protagonists, the protection and involvement of key government actors and institutions became critical to the evolution of Mexican

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<sup>12</sup> Mares (2009) notes that illicit crime persists both in developed and developing countries, what varies from one institutional context to another is the method of “concealment.” During the 1980s, the ability of DTOs to conduct clandestine, illicit activities was largely undisturbed thanks to the complicity of state actors at the very highest levels of power. Mares (2009).

DTOs.<sup>13</sup> Thanks to single party rule under the Institutional Revolutionary Party (*Partido Revolucionario Institucional*, PRI), Mexico's power structure was extremely centralized and hierarchical, which had important implications for the locus and effects of official corruption.<sup>14</sup> With a complete lock on control of the Mexican state, the PRI held a strong monopoly on legitimate use of force, territorial control, and the power to grant impunity to organized crime.<sup>15</sup> Of course, while the PRI regime was not tolerant of criminal activity in general, such activities were more likely to be tolerated when they promised a substantial payoff to corrupt government officials. Moreover, since corruption frequently occurred at very high levels, this produced a substantial "trickle down" effect, creating a blanket of impunity that offered considerable protections to those organized crime groups that could afford it. Particularly significant was the Federal Security Directorate (*Dirección Federal de Seguridad*, DFS), which oversaw domestic security matters from 1947 to 1987.<sup>16</sup> DFS was a primary instrument of social and political control for the central government, and enjoyed vast, relatively unchecked powers. During the 1980s, under President Miguel de la Madrid (1982-88), Mexican DTOs developed especially close ties to the DFS, then

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<sup>13</sup> Flores Pérez (2009).

<sup>14</sup> Astorga Almanza (1995), Astorga (2000), Astorga Almanza (2002).

<sup>15</sup> We must, of course, be cautious in our terminology. Every state has limits to the extent of its "monopoly" on the means of coercion; in the PRI monopoly was arguably contested and undermined at many levels and in many ways, as long demonstrated by Rubin (1997) and Shirk (2005) among others. Likewise, despite its authoritarian tendencies, the legitimate authority of the PRI regime was widely recognized and even accepted, as demonstrated by such scholars as Magaloni (2006) and Greene (2007).

<sup>16</sup> Astorga Almanza (2007).

headed by José Antonio Zorrilla Pérez. Complicity between the DFS and Mexican DTOs ensured that organized criminal activity was extensively protected and well regulated.

As such, Mexico's integration into the extremely profitable cocaine market in the 1970s and 1980s enabled Mexican DTOs to achieve a level of prosperity, access, and protection beyond the wildest dreams of Colombian traffickers. As Colombian DTOs fractionalized and imploded in the late 1980s and early 1990s, Mexico emerged as the hub of drug trafficking into the U.S. market, with Mexican DTOs increasingly controlling both the forward and backward linkages. Moreover, thanks to the protection of the state, competition among Mexican DTOs was significantly limited, with territories and markets often clearly demarcated, leading some to refer to these organizations as "cartels," a term that we avoid here for several reasons.<sup>17</sup> This relative harmony was possible in large part because of the explicit and implicit arrangements with government officials that established "plazas" and rules of the game.

The most important network of Mexican traffickers to benefit from this arrangement originated from the Pacific coastal state of Sinaloa, characterized by rough and difficult to access terrain and an ample coastline. The pioneering efforts of earlier Sinaloa traffickers had made the state the cradle of illicit drug cultivation and smuggling in Mexico, and laid the groundwork for later networks, notably that of Miguel Angel Félix Gallardo, one of the first traffickers to develop

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<sup>17</sup> In Mexico and in the popular press, the term "drug cartel" is commonly used to describe these organized crime groups. However, there is some debate about the appropriateness of this term, so throughout this chapter we give preference to the term drug trafficking organization (or DTO). For more discussion on this terminology see the work of Ibid, Gayraud (2007).

ties with Colombian suppliers.<sup>18</sup> Félix Gallardo was a former police officer, who —thanks to close ties to political figures at the state and national level— developed an extensive trafficking empire and became one of Mexico’s wealthiest drug barons. The network that Félix Gallardo cultivated — often called the Guadalajara DTO— included many of Mexico’s most notorious contemporary drug traffickers, most of them also heralding from Sinaloa: members of the Arellano Felix family, Rafael Caro Quintero, Amado Carrillo Fuentes, Juan José “El Azul” Esparragoza, Ernesto Fonseca, Joaquín Guzmán Loera, Héctor “El Güero” Palma, Manuel Salcido, and Ismael Zambada, among others.

This network constituted a vast, well-protected illicit coalition of traffickers, who operated with substantial impunity, saw relatively little infighting, and attained incredible wealth. However, the relatively stable equilibrium among this coalition came to an end soon after the February 1985 kidnapping, torture and murder of DEA agent Enrique “Kiki” Camarena and his pilot, Alfredo Zavala Avelar, in Mexico City. Camarena was instrumental a major bust in November 1984, in which several thousand tons of marijuana were seized at “El Búfalo,” Rafael Caro Quintero’s 220 acre ranch in Chihuahua, which was manned by thousands of employees. Flores recalls claims by alleged witnesses that top-level defense and interior ministry personnel were involved in the decision to torture and kill Camarena and Zavala (Flores Pérez 2009). Flores also notes that the major traffickers who were ultimately prosecuted for the Camarena-Zavala killings —Félix Gallardo, Caro Quintero, and Fonseca Carrillo— each reportedly held false DFS credentials that they received directly from the agency’s head, Zorrilla Pérez. Accusations against high-ranking officials were never proved, but strong suspicions led to intense U.S. pressure on Mexico and the

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<sup>18</sup> At the height of his empire, Félix Gallardo was reportedly worth \$1 billion and owned 25 homes and seven ranches. Lieberman (1990).

ultimate dismantling of the DFS.<sup>19</sup> Although its replacement, the Federal Judicial Police, was also thoroughly corrupted in subsequent years, the hierarchy and controls that once protected and facilitated coordination among Mexican DTOs were significantly compromised and a once grand coalition began to fracture.

Héctor Luis “El Guero” Palma Salazar was the first prominent defector. In 1988, Palma branched out to form his own organization, betraying Félix Gallardo, whom he once served as a bodyguard.<sup>20</sup> Palma’s defection drew a harsh response from Félix Gallardo—who never forgave his protégé—and marked the first break from the relatively disciplined, hierarchical model that had come to define organized crime in Mexico. In April 1989, months after Palma’s defection, Félix Gallardo was arrested and incarcerated in response to pressures resulting from the Camarena murder.<sup>21</sup> Félix Gallardo continued to have some influence from behind bars, yet his arrest signaled the end of a once cohesive network of traffickers, and a new era of competition and violence among Mexican DTOs.<sup>22</sup> From behind bars, Félix Gallardo exacted his revenge on Palma, arranging the murder of his wife and two children and reportedly sending Palma the woman’s decapitated head. Thus, began a blood feud that gave rise to to unprecedented extremes of violence, and a new era of competition and conflict among Mexican drug trafficking organizations.<sup>23</sup> Following Félix Gallardo’s arrest, Palma and other Sinaloan traffickers battled over the remnants of the Guadalajara

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<sup>19</sup> Mabry (1989) p. 148.

<sup>20</sup> Veledíaz (2007).

<sup>21</sup> Miller (1991), Boudreaux (2005).

<sup>22</sup> Félix Gallardo allegedly continued to operate his trafficking networks from the confines of his prison cell, with the assistance of his brother Jose Luis and Clemete Soto Pena.

<sup>23</sup> El Universal (2005), Veledíaz (2007).

organization. After Palma was himself arrested in 1995, his associates Joaquín Guzman Loera (alias “Shorty,” or El Chapo), Ismael Zambada, and members of the Beltran Leyva family continued to manage these operations. Guzman had previously coordinated airplane logistics for Félix Gallardo, and under his leadership a powerful new organization —often referred to as the Sinaloa DTO— gradually accumulated a major share (as much as half) of the Mexican drug trade. Guzman acquired a reputation for both ingenuity and brazen violence, and also accrued a massive fortune; by 2009, he was believed to be one of the world’s richest people.<sup>24</sup>

The rise of the Sinaloa DTO involved an intense conflict with another offshoot from Guadalajara DTO. This network —often referred to as the Arellano Felix organization, or the “AFO”— involved members of the Arellano Felix family (comprising six brothers and four sisters), who are believed to be blood relations to Félix Gallardo. Initially, the eldest brother, Francisco Javier, headed the family’s business operations until his arrest in December 1993. Thereafter, two brothers, Benjamin and Ramon, respectively, took over the AFO’s operations and enforcement.<sup>25</sup> The AFO developed links to law enforcement and government officials —allegedly doling out \$1 million a week in bribes— and cordial relations with “Juniors,” the young scions from wealthy and powerful Mexican families.<sup>26</sup> The AFO also acquired a reputation for its unabashed use of violence and intimidation, including the assassinations of rivals and journalists.<sup>27</sup> In the process, the AFO developed a lucrative franchise system for moving drugs into the United States, exacting tolls and

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<sup>24</sup> Forbes (2009).

<sup>25</sup> Richards (1999), p. 24.

<sup>26</sup> Miro (2003), p. 7. See also: Richards (1999)p. 24.

<sup>27</sup> Frontera Norte Sur (2004).

fees for protection to a loose confederation of other traffickers from Central Mexico.<sup>28</sup> This effort to extort other traffickers was a major source of conflict as the Sinaloa DTO attempted to branch into Baja California's lucrative smuggling corridors, and refused to pay tribute to the AFO. In 1992, Guzman reportedly sent 40 gunmen to attack the Arellanos in a Puerto Vallarta discotheque; nine were killed, but the Arellanos escaped.<sup>29</sup> Later, in May 1993, Cardinal Juan Jesús Posadas Ocampo was shot to death at the Guadalajara airport in an alleged case of mistaken identity that brought much greater scrutiny on the DTOs.<sup>30</sup> In the aftermath of Posadas Ocampo's murder, the AFO's Sinaloa-based rivals suffered the arrest and incarceration of both Guzman in 1993 and Palma in 1995.<sup>31</sup>

Meanwhile, the AFO faced continued competition, since the Sinaloan DTO was closely allied to the organization headed by Amado Carrillo Fuentes. As noted above, Carrillo Fuentes, a.k.a. the "Lord of the Skies," had also worked with Félix Gallardo and pioneered large airborne

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<sup>28</sup> Miro (2003), p. 7.

<sup>29</sup> Miller (1993).

<sup>30</sup> The official story suggested that as AFO gunmen seeking to assassinate Guzman confused the Cardinal's limousine for that of the drug kingpin. There is significant controversy and mystery around the Posadas Ocampo killing. It would be difficult to mistake Guzman for a man of God. There were also allegations that Posadas Ocampo was in fact the actual target of the assassination, which raises controversial questions about possible links between the Church and traffickers. Guzman was also allegedly responsible for nine more bodies —relatives and associates of Félix Gallardo— that showed up on a highway in Guerrero later that year.

<sup>31</sup> Veledíaz (2007).

shipments to transport drugs from Colombia to the United States.<sup>32</sup> During the 1990s, Carrillo Fuentes rose to become Mexico's wealthiest and most powerful trafficker by developing an organization with substantial operations in the El Paso-Ciudad Juárez trade corridor.<sup>33</sup> This network, also known as the Juárez DTO, involved "approximately 3,300 persons in as many as 400 cells distributed across 17 Mexican states."<sup>34</sup> The Juárez DTO enjoyed protection from high-level officials in the Mexican Federal Judicial Police, as well as Mexico's drug "czar" Gen. Jesús Gutiérrez Rebollo, who was eventually arrested for corruption in February 1997.<sup>35</sup> Months later, in July 1997, Carrillo Fuentes mysteriously died on the operating table of his plastic surgeon. Thereafter, the overall influence of the Carrillo Fuentes network was significantly diminished, though it is believed that Amado Carrillo Fuentes' brother, Vicente, took over the coordination of its operations in collaboration with other family members.<sup>36</sup> Moreover, it appears that the intense violence that began to surge in northern Mexico in 2004 coincided with a significant rift between the Juárez DTO and its former allies in the Sinaloa DTO.

While the trafficking organizations described above had a common heritage derived from the Felix Gallardo network originating in Sinaloa, the late 1990s also saw the rise of another important network, known as the Gulf DTO because of its origins and operations in the border state of Tamaulipas, along the Gulf of Mexico. Its founder, Juan Nepomuceno Guerra, got his start in cross-border smuggling by bootlegging alcohol in the Prohibition era. Later, in the 1980s, the

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<sup>32</sup> Reed (1997).

<sup>33</sup> Cook (2008).

<sup>34</sup> Miro (2003), p. 8.; Richards (1999).

<sup>35</sup> PBS Website (2009)

<sup>36</sup> Reuters (2009).



networks he forged were taken to a new level by his nephew, Juan García Abrego, who developed ties with Colombia's Cali-based DTO and secured protections from the Mexican government.<sup>37</sup> Indeed, over the course of the next several years, García Abrego and the Gulf DTO allegedly enjoyed protection from the Federal Judicial Police and the Attorney General's office.<sup>38</sup> By 1989, Abrego's organization was reportedly moving an annual total of 40 tons of cocaine into the United States. In 1996, however, García Abrego was arrested and later extradited to the United States, where he had been added as the first drug trafficker on the FBI's 10 most wanted list in 1995.<sup>39</sup>

García Abrego's downfall led to an internal contest for power between members of his own organization.<sup>40</sup> After a series of clashes and betrayals, Osiel Cárdenas Guillén, a former quasi-official police informant, or *madrina*, emerged as the new leader of the organization.<sup>41</sup> In 2001, Cárdenas succeeded in attracting new muscle by corrupting elite Mexican military personnel from the Army Special Forces Air and Amphibian units (known by their Spanish acronyms, GAFE and GANFE, respectively) that had been sent to capture Cárdenas. Becoming Gulf DTO enforcers, this

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<sup>37</sup> Dillon (1996), Castillo and Torres Barbosa (2003).

<sup>38</sup> Dillon (1996).

<sup>39</sup> Ibid, Dillon (1996)

<sup>40</sup> Castillo and Torres Barbosa (2003)

<sup>41</sup> In the process, his traitorous reputation earned Cárdenas the nickname "the friend killer," (or *mata amigos*); Among other betrayals, Cárdenas is rumored to have killed Rolando Gómez in order to steal Gomez's wife. Cárdenas also acquired a reputation for his effective control of the "small border" (*frontera chica*) of Tamaulipas until his arrest in a spectacular, televised shoot out in Matamoros in March 2003.

group formed a masked commando brigade commonly known as *Los Zetas*, and fused with the Gulf DTO to form an amalgam known simply as “La Compañía.”<sup>42</sup>

In short, DTOs in Mexico consist of numerous actors working within a vast supply chain, consisting of individuals operating independently, specialized and tightly knit groups, as well as larger, more hierarchical networks. These connections, of course, included important mid-level drug trafficking networks, like the Sonora-based Caro Quintero organization and the Colima-based Amezcua organization, to which we give less attention.<sup>43</sup> What is clear is that, as Mexico’s DTOs began to take on greater market share in the 1980s, they enjoyed a significant degree of hierarchy and cohesion, thanks in large part to the existence of a protective centralized power structure. By the late 1990s, however, there were four major DTOs fiercely vying for control of Mexico’s lucrative drug trade in a new era of competition characterized by levels of extreme, high profile violence of a kind never seen before. This pattern has continued to unfold over the course of the last decade.

### **Fractionalization and Conflict Among Mexican Drug Trafficking Organizations**

After 2000, the degree of competition and conflict among the major Mexican DTOs intensified dramatically. We noted above that this dissolution was partly attributable to reorganization of Mexico’s police agencies in the late-1980s, but also important was the rise of political pluralism in Mexico and the destabilizing effects of counter-drug enforcement efforts on drug trafficking networks. Over the 1990s, a gradual trend toward pluralism at the local and state level created a more diverse and complex political landscape. With the PRI’s loss of its absolute

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<sup>42</sup> Veledíaz (2007), Grayson (2008).

<sup>43</sup> Richards (1999), p. 24-5.

majority in the lower house of the federal legislature in 1997 and the 2000 election of president Vicente Fox, a candidate of the National Action Party (PAN), this trend advanced to the national level. In some cases, political change increased the political impetus to promote transparency, good governance, and a tougher approach toward organized crime; in others, it merely disrupted political connections to favor one organized crime group over another.

To be sure, none of Mexico's major parties have proved immune from corruption. Today, a look at Mexico's political map after the 2009 elections shows us that the trafficking corridors for cocaine and other drugs are concentrated states still governed—in most cases without interruption—by the old ruling party: the Pacific Coast (Oaxaca, Colima, Nayarit, and Sinaloa), the Yucatán peninsula (Campeche, Quintana Roo, and Yucatán), the Gulf states (Tabasco and Veracruz), and the better part of the northern border region (Tamaulipas, Chihuahua, Nuevo León, and Coahuila). However, other major corridors are controlled by parties from the PRI's traditional opposition, including states in the border regions (Baja California-PAN, Sonora-PAN, and Chiapas-PRD) and states along the Pacific Coast (Jalisco-PAN, Michoacán-PRD, and Guerrero-PRD). Mexico City, another major drug trafficking zone, is governed by the PRD. Still, while no party is immune from the effects of corruption, there have been more visible efforts by Mexican authorities to take on crime and corruption, particularly at the federal level. At the outset of the Fox administration, the federal government sacked 46 top customs officials, while his successor dismissed hundreds of mid-level customs officials in 2009. In 2009, ten mayors (and other state and local officials) in the state of Michoacán were arrested by federal authorities for having ties to drug trafficking organizations in May 2009. While corruption no doubt persists at all levels and across all parties, these efforts represent a significant shift from the 1980s.

Meanwhile, U.S. law enforcement and interdiction measures also had important, if sometimes unintended effects on Mexican DTOs. Numerous U.S. federal and subnational law

enforcement initiatives have helped dismantle Mexican DTOs in recent years, sharing intelligence and arresting and prosecuting several major Mexican traffickers. For some Mexican analysts, there is some question as to whether sufficient efforts have been made to target the “U.S. cartels.” This is a point beyond the scope of this chapter, but it is important to note here the very different structure and function of organized crime in the two countries. In the United States, there is less need—and arguably less impunity—for retail operations to develop highly sophisticated organized crime networks to connect to their Mexican wholesalers. To be sure, like other global enterprises, these networks incorporate foreign elements in ways that significantly confuses what constitutes a “Mexican” trafficking organization. However, while leaving minor retail distribution to U.S. gangs and other groups operating at a lower level, it is the more sophisticated Mexican DTOs that primarily handle the difficult challenge of smuggling goods across the border and into major markets. Indeed, this particular challenge increased for Mexican smugglers increased over the 1990s, and especially in the aftermath of the September 11, 2001 terrorist attacks, as tighter border security controls made it more difficult to traffic illicit contraband into the United States. This, in turn, led to more innovative smuggling methods, including the use of tunnels and maritime vessels.<sup>44</sup>

Partly due to the above-noted factors, Mexican DTOs suffered disruptions that altered the balance of power and contributed to fractionalization and infighting.<sup>45</sup> In February 2002, Ramón Arellano Félix was killed in a shoot-out with police in Mazatlán, Sinaloa (possibly in a clash with

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<sup>44</sup> Ellingwood (2008).

<sup>45</sup> We use the term “fractionalization” deliberately in opposition to the term “fragmentation,” with an emphasis on the emergence of new factions and networks in place of old ones (rather than the atomization of organized crime networks, which is the government’s goal).

Zambada's forces), while Benjamín was arrested in the state of Puebla the next month.<sup>46</sup> In 2003, the arrest of Osiel Cárdenas and his top lieutenant, Adán Medrano Rodríguez, delivered a significant blow to the Gulf DTO. In 2005, respectively, authorities arrested Juárez DTO leader Ricardo García Urquiza. In the wake of these upsets, the major DTOs became locked in an intense struggle for control, with the remnants of the Tijuana and Gulf DTOs battling the Juárez and Sinaloa DTOs, whose allied forces became known as “The Federation” or the “Golden Triangle” alliance.<sup>47</sup> In the process, the AFO suffered additional losses —Eduardo Arellano Félix was captured in October 2008— and a bloody clash ensued between Fernando Sánchez Arellano Félix (son of Enedina Arellano Félix) and Teodoro García Simentel (head of one of the AFO's subsidiary smuggling operations). Meanwhile, newly emergent groups —notably the Beltran Leyva organization (which broke from the Sinaloa DTO) and La Familia Michoacána (LFM)— entered the fray, contributing to further violence and a recasting of alliances. For example, the emergence of the LFM appeared to provoke a spike in violence in Michoacán, a strategically positioned marijuana growing area and receiving point for cocaine shipments. Because the LMF lacks control of any significant smuggling points into the United States, it had to fight vigorously for market share and forge alliances with more established DTOs to gain access to the U.S. market.

Meanwhile, recent years have seen the proliferation lower level organized crime networks, with new groups and gangs operating at the street level and contributing to the growing phenomenon of “*narcomenudeo*,” or small-time drug dealing. Moreover, as Mexican DTOs have become more decentralized and fractionalized, their operations have diversified to include other criminal activities, such as kidnapping and even petty crime that would have been below such

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<sup>46</sup> Miro (2003).

<sup>47</sup> Trahan, et al. (2005/12/13).

organizations in the past (e.g., bank robbery, grand larceny, etc.). Above all, each successive disruption of drug trafficking networks has intensified conflict and competition among organized crime groups, thereby contributing to unprecedented, high intensity violence.

Indeed, since the outset of the Fox administration, DTOs have contributed to a startling number of killings, or “narcoejecuciones.” From 2001 to 2004, the number of killings attributed to DTOs each year increased modestly from 1,080 to 1,304. The number increased more substantially to 1,776 in 2005 and 2,221 in 2006, when central Mexican states like Michoacán and Guerrero experienced a surge in violence.<sup>48</sup> Later, however, the larger share of killings shifted to northern and border states, with a significant portion of the 2,300 DTO-related killings in 2007 concentrated in Baja California (154 drug killings, or 5.14 per 100,000), Sonora (125, or 5.07 per 100,000), and Chihuahua (148, or 4.45 per 100,000). In 2008, there was a dramatic increase to more than 5,000 DTO-related killings, with violence heavily centered in the state of Chihuahua, and especially the border city of Ciudad Juárez. (See Figures 1 and 2). The more than 1,600 DTO-related killings that Chihuahua experienced in 2008 reflected a rate of 49.3 per 100,000 inhabitants, a five fold increase in the state’s rate of killings from the previous year.<sup>49</sup> (See Table 1).

Table 1

ABOUT HERE

By 2009, *Reforma* reported more than 6,500 killings, including more than 2,000 in the state of Chihuahua, a record level of DTO-related violence in Mexico (Shirk 2009). By comparison, a recent study by Fernando Escalante examined homicide rates in Mexico, Colombia, and the United

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<sup>48</sup> Moloeznik (2009).

<sup>49</sup> These statistics were gathered from *Reforma* by the Justice in Mexico Project and are available at [www.justiceinmexico.org](http://www.justiceinmexico.org).

States between 1990 and 2007, and found that “the problem of homicide in Mexico is much more similar to that of the United States than that of Colombia” (Escalante Gonzalbo 2009). In 1991, with a rate of about 380 per 100,000, the city of Medellín alone accounted for roughly 6,500 out of 28,280 homicides in Colombia (Osorno 2009). Even after 2007, when violence surged sharply in Mexico, U.S. Ambassador Carlos Pascual pointed out that the 2007 homicide rate for New Orleans was much greater than that of Ciudad Juárez in 2009. Such palliatives offer little comfort, of course, given that Mexico’s public security challenges are distinctly different from those of the United States, as is the capacity of the two countries to manage problems of crime and violence.

Figures 1 & 2

ABOUT HERE

Particularly disturbing is that high-profile violence in Mexico has come to threaten law enforcement personnel, journalists, and even elected officials. For example, in February 2009, soon after his appointment as head of public security in the resort city of Cancun, retired brigadier general Mauro Enrique Tello Quiñones and two others were tortured and killed in Quintana Roo, apparently by members of the *Zetas*.<sup>50</sup> In May 2009, Carlos Ortega Melo Samper, a reporter for *Tiempo de Durango*, was killed during an attempted kidnapping while he was returning home in the state of Durango, days after he had been threatened by the mayor and local prosecutor’s office.<sup>51</sup> In August 2009, PRD politician Armando Chavarría, a local deputy from Chilpancingo, Guerrero, was assassinated outside his home. A high-ranking member of the PRD in his state, Chavarría had been secretary general of the Guerrero state government from 2006 to 2008, but resigned in May of that

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<sup>50</sup> Aranda, et al. (2009), Blancas Madrigal (2009), Medellín (2009).

<sup>51</sup> La Jornada (2009), Maldonado (2009).

year after 17 assassinations with high-powered weapons (AK-47s and AR-15s).<sup>52</sup> Such examples give serious pause, as they illustrate the type of violence that has coincided with the unraveling of Mexican drug trafficking networks, and the degree to which representatives of the Mexican state are under siege. Below, we consider the efforts that have been made to confront such organizations.

### **Evaluating Efforts to Combat Mexican Drug Trafficking**

We look at three levels of analysis in efforts to combat DTOs. First, we consider multilateral efforts at the international level, which largely reflect the policies and agendas of the major Western powers, particularly the United States. Second, we consider how Mexico and the United States have worked to develop stronger collaborative relationships, including closer cooperation on extraditions and a new aid package to bolster Mexican security. Finally, we consider Mexico's efforts to combat organized crime domestically by deploying its well-respected military to combat drug trafficking and efforts to improve the integrity of its law enforcement agencies.

#### International Counter Drug Trafficking Initiatives

Multilateral efforts to combat drug consumption began with the 1909 International Opium Commission conference brought together 13 countries in Shanghai, resulting in a 1912 agreement to monitor and restrict the manufacture and distribution of opium. While this initiative was interrupted by World War I, the provisions of the Shanghai convention were ultimately incorporated into the 1919 Treaty of Versailles. Subsequent international conventions initiated under the auspices of the League of Nations—in 1925, 1931, and 1936—were later interrupted by

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<sup>52</sup> Cervantes Gómez (2008), El Universal (2008), Cervantes (2009) Cervantes (2009), Cervantes and Covarrubias (2009).



World War II, postponing further coordination on these efforts until the creation of the United Nations and the convocation of a new series of international agreements in 1953, 1961, and 1971 (International Narcotics Control Board (INCB) 2009).<sup>53</sup> In 1988, a new convention broadened the scope of these efforts by including other forms of organized crime, including money laundering, as part of the agenda. In general, most of these agreements were driven by the United States and other developed countries, and established the international framework—and the essentially punitive approach—that dominates worldwide today in regulating the production, distribution, and consumption of psychotropic substances.

As a result of these initiatives, there are numerous international governmental organizations (IGOs) that work at a global level to combat drug trafficking, with particularly important roles played by the U.N. International Narcotics Control Board (INCB), the U.N. Office on Drugs and Crime (UNODC), the World Customs Organization, and the international police organization known as Interpol. However, some analysts suggest that international efforts to combat DTOs and other forms of organized crime are being decentralized and increasingly channeled to regional IGOs (as well as multi- and bi-lateral initiatives) in Europe and the Americas. Fazy theorizes that this

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<sup>53</sup> Three successive agreements were promulgated in Geneva in the 1920s and 30s: the International Opium Convention in 1925, the Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs in 1931, and the Convention for the Suppression of Illicit Traffic in Dangerous Drugs in 1936. In a series of negotiations forged in New York, the United Nations oversaw the 1953 Protocol for Limiting and Regulating the Cultivation of the Poppy Plant, the Production of, International and Wholesale Trade in, and Use of Opium, the 1961 Single Convention on Narcotic Drugs, and the 1971 Convention on Psychotropic Substances. International Narcotics Control Board (INCB) (2009).

trend reflects the greater difficulty with which developed countries like the United States are able to maintain control of the international agenda, due to the growing role of lesser developed countries that are less supportive of sustaining current drug policy (Fazey 2007). While this may be the case, at a March 2009 forum to evaluate the last ten years of international drug policy that was hosted by the United Nations in Vienna, the General Assembly offered no major changes to an overall strategy that remains heavily slanted toward punitive, rather than preventive measures. Hence, international drug control efforts remain largely focused on the use of interdiction and coercive law enforcement measures rather than on harm reduction and public health approaches. As we discuss below, this general tendency is visible in the U.S.-Mexican context, although there appears to be increasing consideration of alternative approaches, both in terms of bilateral initiatives to combat organized crime and greater emphasis on reducing and regulating demand.

### U.S.-Mexico Collaboration

U.S.-Mexican cooperation in security matters has been subject to significant fits and starts throughout the post-war era. In September 1969, for example, the Nixon administration sought to clamp down on drug flows from Mexico by dramatically and unilaterally slowing traffic at the border in Operation Intercept. The move reflected Nixon's campaign promises to the U.S. "silent majority" that he would take a tough stance against the emerging counter-culture of drugs, but drew the ire of Mexican politicians who saw the move as a serious breach of trust between the two nations (Doyle 2003). Although the two countries subsequently made important strides —joint border control efforts through "Operation Cooperation" in October 1969, collaboration on "Operation Condor" in 1975,<sup>54</sup> and the 1978 U.S.-Mexican Extradition Treaty— bi-national

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<sup>54</sup> Craig (1980), Toro (1999).

cooperation also saw significant setbacks in the 1980s and 1990s, with U.S. frustration over the aforementioned Camarena murder in 1985 and revelations of high-level corruption in Mexico. Meanwhile, Mexico also experienced frustration as a result of U.S. unilateralism (e.g., Operation Casablanca) and significant violations of Mexican sovereignty (e.g., the abduction of Dr. Álvarez Machain) that hindered greater cooperation. Moreover, the aftermath of the September 11, 2001 terrorist attacks produced serious tensions —U.S. pressure on Mexico related to the Iraq war effort and controversies regarding U.S. border security measures— between the two countries.

In recent years, however, Mexico and the United States have engaged in much closer collaboration in counter-drug efforts. Cooperation has advanced significantly on the extradition of criminals, exchange of information, police and legal training, and the sharing of equipment and technology, thanks in large part to high-level diplomacy. During U.S. President George Bush's 2007 goodwill tour of Latin America, conversations with Guatemalan President Oscar Berguer and Felipe Calderón laid the groundwork for the development of a regional security plan to control immigration and combat drugs, arms trafficking, and transnational gangs.<sup>55</sup> Some elements of this plan developed into what became known as the Mérida Initiative, a three-year agreement to provide U.S. support for Mexican security measures. In 2008, the U.S. Congress released the first installment of \$400 million to Mexico, and though U.S. legislators initially delayed the second installment in 2009 due to concerns about Mexican human rights violations, the Obama administration remained supportive of the policy.

Under President Obama, the United States and Mexico have sought to disrupt the southbound smuggling of firearms and bulk cash. The widespread availability of firearms in the United States —particularly high-powered weapons (including high-caliber pistols, semi-automatic

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<sup>55</sup> El Universal (2007).

assault weapons, and armor-piercing 50 caliber sniper rifles)— creates a readily accessible market for illegal weapons trafficking into Mexico, where there are strict limitations on the possession of firearms. According to the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), among weapons confiscated in Mexico and subsequently traced by U.S. authorities, more than 90 percent came from the United States.<sup>56</sup> While there is some controversy about these estimates, a significant number of weapons clearly make their way from the United States into Mexico. About one in eight licensed gun dealers —an estimated 6,700 out of some 54,000 nationwide —are located along the U.S.-Mexico border, and U.S. gun shops are weakly regulated, with only 5 percent of the country’s gun dealers inspected annually.<sup>57</sup> Meanwhile, there are significant barriers to cooperation, since Mexican law enforcement authorities do not have direct access to the information utilized by ATF for gun traces. At the same time, both countries have looked to bulk cash smuggling as another area of possible collaboration. DTOs generally smuggle their bulk cash profits into Mexico, since U.S. law establishes strict reporting requirements for monetary instruments in the United States [§ 31 U.S.C. 5316] and U.S. law enforcement targets money laundering operations more actively than in

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<sup>56</sup> Serrano, Richard A. 2008. “U.S. Guns Arm Mexican Drug Cartels,” *Los Angeles Times*, August 10.

<sup>57</sup> Estimates for the total number of gun dealers and gun shops in the United States vary. In January 2008, Mexican Ambassador Arturo Sarukhán criticized the availability of weapons along the border: “Between Texas and Arizona alone, you’ve got 12,000 gun shops along that border with Mexico.” (Corchado and Connolly 2008). More commonly, the figure of 6,700—three dealers for every mile along the border—has been used by the ATF and in media reports. Corchado (2008) Marks (2006) Serrano (2008).

Mexico.<sup>58</sup> Still, overall U.S. seizures of bulk cash capture a relatively small portion of the estimated \$18 to 39 billion in annual revenues that various sources estimate as the total repatriated profits of Mexican drug trafficking organizations. Hence, there is room for greater cooperation in attacking DTOs financial operations, as well as other areas, such as satellite and communications surveillance.

### Mexico's Domestic Efforts to Combat Drug Trafficking

In Mexico, law enforcement and judicial institutions suffer significant limitations in capacity —and, in some cases, troubling dysfunctions— that reduce their effectiveness in combating even ordinary forms of crime, sophisticated transnational organized crime syndicates. Local and state law enforcement agencies, in particular, suffer a lack of institutional capacity and, in any event, most drug-related crimes pertain to federal jurisdiction. Most Mexican police officers have had few opportunities for educational development, and lead lives that are terribly impoverished. Operationally, local law enforcement officers—who represent the vast majority of Mexican police—are not authorized to receive crime reports from citizens, are not equipped to conduct criminal investigations, and are not properly prepared to preserve crime scenes and evidence. Even at the federal level there have been obstacles and troubling breaches of institutional integrity, including corruption at the highest levels. All of this impedes effective law enforcement, hinders international security cooperation, and results in low public confidence in the Mexican justice sector as a whole. The imperfections of Mexico's domestic police forces have paved the way

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<sup>58</sup> U.S. Immigration and Customs Enforcement (2008).

for the “militarization” of public security, as Mexican public officials have encouraged ever deeper military involvement in counter drug efforts and other aspects of public safety.<sup>59</sup>

In contrast to police, the military enjoys a high degree of public confidence —typically ranked higher than any other government institution in public opinion polls— and is widely believed to be the best hope for promoting law and order in Mexico. Moreover, the militarization of Mexico’s anti-drug initiatives is a decades long phenomenon, a “permanent campaign” that stretches back to the deployment of troops in counter-drug initiatives as early as the 1930s.<sup>60</sup> The militarization of Mexican domestic security has included not only the deployment of military troops in troubled states, but also the appointment of military personnel to head civilian law enforcement agencies and the wholesale recruitment of soldiers to the ranks of law enforcement agencies. By the mid-1990s, more than half of Mexico’s 32 states had military officers assigned to police command positions, and hundreds of military personnel were incorporated into rank and file positions in other civilian police agencies, according to a 1997 report by the Strategic Studies Institute of the U.S. Army War College.<sup>61</sup> After 2000, Mexican presidents Vicente Fox (2000-2006) and Felipe Calderón (2006-2012) significantly deepened military participation in domestic public security initiatives. During the Calderón administration, in particular, tens of thousands of troops were deployed throughout the country, though the overall effectiveness of this strategy is highly questionable. While the government claims that its troop deployments to Chihuahua produced a 30% decrease in violence from January to March 2009 compared to the previous three months, a comparison of the last six months of 2008 and the first six months of 2009 reveals a decrease of

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<sup>59</sup> Moloeznik (2009).

<sup>60</sup> Ruiz-Cabañas (1993), Astorga Almanza (2003).

<sup>61</sup> Schulz (1997).

only 16% (from 1,068 to 896 killings). Worse, comparing the same six-month time periods revealed dramatic *increases* in other Mexican states —Coahuila (from 8 to 108), Durango (from 161 to 343), and Michoacán (from 135 to 203)— which have sustained overall high levels of violence nationwide. Thus, at best, troop deployments appeared to merely displace the violence, perpetuating the so-called “balloon effect” that has manifested throughout the history of drug control efforts.

Meanwhile, there are several hazards to military participation in domestic public security since it lacks the proper mandate and training for law enforcement and criminal investigations, and its involvement has been accompanied by significant allegations of human rights abuses.<sup>62</sup> Moreover, there are major questions about whether the military is truly immune from the kind of corruption found in Mexican police agencies, and whether its integrity can be sustained over an extended period. Indeed, there have been important examples of military corruption, as noted above. Also, as Moloeznik points out, there have been disturbingly high levels of defection by Mexican military personnel, with at least some developing ties to organized crime (Moloeznik 2009). Indeed, organized crime groups have brazenly recruited military personnel to join their ranks, with promises of higher pay, better food, and a more glamorous lifestyle. In some cases the defection of military forces —such as the Zetas— to work with DTOs has led to more extreme use of violence; indeed, in addition to the Zetas, the Sinaloa DTO developed its own elite enforcer groups (Los Negros, Los Pelones, and La Gente Nueva), as has the Carrillo Fuentes organization (La Linea and Los Aztecas). Also concerning is that, while its overall popularity remains high, the military has become a target of popular protest. In February 2009, protestors demonstrated in Monterrey, Ciudad Juárez, Nuevo Laredo, and Reynosa, criticizing the military’s involvement and blocking roadways and ports of entry. The fact that these protests were likely instigated by drug

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<sup>62</sup> Reforma (2009).

traffickers offers little comfort, since it suggests a troubling capacity for such groups to manipulate certain sectors of society and public opinion at large (Emmott 2009; Gutiérrez 2009; López Velasco 2009; Reforma 2009; Tapía 2009).

Still, the Calderón administration views the military's involvement in domestic security matters as a necessary measure to break organized crime —perceived as a national security threat— into a public security problem. Still, the idea that the military is “temporarily” involved in the drug war is questionable. Considering how long the military has been involved in the drug war, it is unclear when the military's mandate for participation in domestic affairs will finally end. Government authorities have insisted that the military remain involved in the fight against organized crime until there are significant advances in the professionalization of domestic police forces. For example, by late summer 2009, there were 10,000 federal forces (including about 2,000 federal police and 8,000 soldiers) stationed in Ciudad Juárez, and the top civilian police forces were headed by military personnel. PRI Mayor José Reyes Ferriz said in April 2009 that these troops would be gone within six months, since it would take that long to install a well equipped local police force. Later, he indicated that troops would slowly reduce their street patrols after September 15<sup>th</sup>, while federal forces (PGR, SEDENA, and federal police) would continue to combat organized crime in the city. However, with more killings in early September, Reyes indicated: “we believe it will be convenient for the Army to remain in the city for six more months” (Reforma 2009).

Meanwhile, a major reform of Mexico's domestic public security apparatus appears a distant prospect. That said, Mexico has made important efforts to “purify” its domestic police forces. Indeed, the Mexico City newspaper *Reforma* reported that in 2008 there were 759 police arrested in sixteen Mexican states (most of them with ties to drug trafficking). In 2008 and 2009, a sweep called “Operation Cleanup” exposed corruption among some of the highest-ranking officials in Mexican law enforcement, including Mexico's drug czar in the 1990s, two former directors of



Interpol Mexico, and personnel in the office of the Attorney General's special prosecutor against organized crime. Such steps against law enforcement corruption constitute important efforts to introduce greater integrity to domestic law enforcement organizations.

Meanwhile, Mexico has also introduced significant institutional changes, passing new legislation in 2009 giving more investigative powers to the Public Security Ministry (SSP), creating a new Federal Police force, and replacing the Attorney General's Federal Agency of Investigations (AFI) with the new Federal Ministerial Police.<sup>63</sup> Under these reforms, agents of the Attorney General's new police force will have greater powers to investigate crimes but will also be subjected to more rigorous vetting. These reforms also effectively bestowed investigative powers upon what was previously the Federal Preventive Police (PFP), which carried out a strictly preventive function, and created the new Federal Police (PF) within SSP. Under the new law, Federal Police officers will be able to collaborate with the PGR on its investigations, operating under the supervision of the Attorney General. Of significant concern to advocates of civil liberties, the Federal Police's new investigative powers include the ability to seek judicial orders to monitor telephone, satellite, and internet communications in the investigations of organized crime activity. Other dedicated responsibilities of the Federal Police now include functions formerly performed by the AFI: securing crime scenes, carrying out arrest warrants, and processing evidence. Federal Police agents will also have authorization to operate undercover to infiltrate criminal organizations.

### **Prospective Scenarios and Policy Recommendations**

We have examined the recent evolution of drug trafficking in Mexico and the underlying causes of the violence that has proliferated among DTOs over the last two decades. We have also

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<sup>63</sup> El Economista (2005), El Financiero (2009).

provided an assessment of the strategies used to combat organized crime the international context and in Mexico, emphasizing the significant role that the military and recent efforts to reform domestic law enforcement. We now turn to the possible course of future events and the strategic options for meaningful bi-national cooperation to address Mexico's current crisis. Looking forward, we see three conceivable scenarios for reducing violence among Mexican DTOs: complicity with organized crime, confrontation with drug trafficking networks, or tolerance of drug consumption.<sup>64</sup>

The first scenario —complicity— is the prospect of some sort of pact, or *pax mafioso*, established between state actors and organized crime groups, which could help to reduce conflict among organized crime syndicates, as in the past. Generally speaking, complicity with organized crime is highly undesirable to officials on both sides of the border. That said, it is clear some politicians —particularly at the state and local level— have considered or entered into explicit relationships with drug trafficking organizations in an attempt to keep the peace. The case of Mauricio Fernández Garza, the 2009 PAN mayoral candidate and former mayor (1989-91) in the city of San Pedro Garza García in the state of Nuevo León is illustrative. Fernández Garza, the scion of one of the wealthiest families in Mexico and mayoral candidate in the country's wealthiest municipality, reportedly indicated his willingness to negotiate with traffickers in audio-recorded statements that were leaked to the press mid-campaign. Fernández Garza defended his remarks, which he claimed were taken out of context, and went on to win the election.<sup>65</sup>

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<sup>64</sup> Chabat (2002) offers four scenarios that overlap somewhat with those we offer here: 1) do nothing, 2) do something inadequately, 3) do less, or 4) radically alter current drug policy. Chabat (2002).

<sup>65</sup> Richards (1999), El Universal (2009).

However, immediately upon taking office, Fernández Garza stated that an alleged local drug trafficker named Héctor “El Negro” Salgada was no longer a threat, indicating the mayor’s prior knowledge of Salgada’s imminent death (his body was found a few hours later in the trunk of a car). Later, in the aftermath of the Beltrán Leyva raid in December 2009, a vehicle bearing the insignia of San Pedro Garza García was found in the possession of drug-traffickers. The mayor also admitted employing an informant named Alberto Mendoza Contreras, who was later arrested in March 2009 and found to have ties to the BLO (of which the mayor denied any knowledge). All these incidents have further fueled speculation that the mayor had struck an agreement with drug traffickers. True or not, the prospect is especially troubling because —unlike the past, when national level state structures effectively dominated and controlled organized crime— sub-national authorities lack the coercive capability to control organized crime, and are more likely to be controlled by it. As Sergio Arredondo, head of the PRI’s association of mayors, observed: “What organized crime mainly asks from mayors is very simple: 'You see nothing,'... [Mayors are caught] between the sword and the wall... They're fighting against an enemy that's much better equipped, much better financed.”<sup>66</sup>

In this context, a return to the centralized, hierarchical model that once characterized Mexican organized crime is not likely to be feasible, given Mexico’s more pluralistic and decentralized political system. Indeed, even if Mexico’s once powerful PRI —which continues to govern more than half of Mexico’s state governments and the vast majority of municipalities— were to recapture presidency 2009, it is not clear that it could recreate the top-down controls of organized crime that formerly existed under past PRI governments, even if this was desirable. Perhaps the best hope for a *pax mafiosa* is for traffickers themselves to arrive at some cooperative

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<sup>66</sup> Ellingwood (2009).

arrangement —either explicit or implicit— to establish clearly demarcated territories, distinct product lines, pooled resources, or even shared distribution channels. However, this would require extraordinary negotiating or mediating capabilities that do not appear to exist among Mexican organized crime groups at present. Hence, the prospects for the state and/or organized crime groups to sort out their differences and cohabitate peacefully seem very limited for the foreseeable future.

A second scenario would involve reducing DTOs capacity to sustain large-scale operations through a strategy of direct confrontation. The Mexican federal government explicitly embraces this outcome as the objective of its strategy to confront organized crime, which essentially seeks to disrupt, dismantle, and ultimately atomize major DTOs, breaking them into smaller networks that can be more readily managed by state and local law enforcement agencies. Here, the critical question is whether the government can succeed. The government's current strategy makes several questionable presumptions: 1) that massive military deployments are more effective than more precisely targeted counter-drug operations,<sup>67</sup> 2) that present initiatives to combat organized crime can avoid the corruption that has plagued past efforts, 3) that disruption and fractionalization of DTOs will not cause a realignment among these organizations (e.g., the Zeta-Beltran Leyva-Carrillo-Zeta networks), and 4) that fragmentation into smaller, more diversified criminal

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<sup>67</sup> According to former Colombian president Caesar Gaviria, while the message that President Calderón has sent —that violence and impunity will not be tolerated— is appropriate, massive military deployments simply do not work in the long run, and bring significant short- and medium-term risks of corruption and violations to human rights. Gaviria asserts that a more effective strategy employs elite counter-drug units and effective intelligence work of the kind that has proved successful elsewhere. Otero (2009).

organizations (if achieved) would somehow prove more manageable.<sup>68</sup> Of course, even if all of these assumptions hold true, the government's strategy would simply redirect major drug trafficking operations outside of Mexico, perpetuating the "balloon effect" that has characterized the drug war since its inception.

A third and final scenario for reducing DTO-related violence is to rethink the paradigm for managing drug consumption, moving away from the absolute prohibition of drug production, distribution and consumption toward a policy regime where these activities are regulated in some significant way. Many view this scenario as the least politically viable of the three. Yet, in recent years, there has been a growing number of calls to rethink international and domestic policies for managing drug consumption and addiction. There are basically two possible strategic options: decriminalization or re-legalization. Both countries have moved tentatively in this direction. In August 2009, President Calderón moved to decriminalize the possession of amounts of illicit drugs deemed for personal use.<sup>69</sup> Over the last decade, in part due to the growing costs of drug-related arrests, many U.S. states have moved to eliminate jail time and reduce fines associated with minor possession of illicit drugs, and 13 have laws permitting medical use of marijuana.

Decriminalization is deemed to have two main advantages. First, it theoretically allows beleaguered law enforcement agencies to concentrate on large-scale trafficking operations (though opponents object that it also increases other illegal activities).<sup>70</sup> Second, decriminalization

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<sup>68</sup> The government's model appears to be Colombia, where the atomization of organized crime networks has resulted in widespread, low level crime and violence, and the displacement of tens of thousands of people from their local communities.

<sup>69</sup> Avilés Allende (2009).

<sup>70</sup> Emmott (2009).

eliminates harsh criminal penalties, theoretically making addicts more inclined to seek treatment and making it possible to deal with drug use as a public health problem. Despite these supposed benefits, however, Mexico's minor possession law does not provide significantly greater support for the treatment of addicts, and only decriminalizes very small quantities. Moreover, as long as the production and distribution of drugs remains illegal, decriminalization may make law enforcement's job more difficult by expanding the market share of the criminal organizations that purvey and profit from illicit drugs. As a drug control strategy, decriminalization therefore faces critics on both sides: those who view it as promoting greater illicit drug use and profits, and those who see it as an inadequate substitute for full-scale legalization.

For most policy makers, however, the subject of legalization is considered taboo, as it has little popular support, especially for drugs deemed highly addictive and destructive (such as cocaine, heroin, and methamphetamines).<sup>71</sup> Still, the possibility of drug legalization has long been championed by libertarians,<sup>72</sup> and has begun to gain political traction in both Mexico and the United States, as well as internationally. Indeed, in a joint statement to the Latin American Commission on Drugs and Democracy, former presidents Fernando Henrique Cardoso (Brazil), César Gaviria (Colombia), and Ernesto Zedillo (Mexico) expressed their opinion that prohibition and criminalization of consumption has not worked and alternative approaches are needed.<sup>73</sup>

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<sup>71</sup> Beltrán (2009), Center (2009).

<sup>72</sup> Trebach and Zeese (1992).

<sup>73</sup> Cardoso, et al. (2009).

Generally speaking, however, there has been little serious attempt to gauge the possible consequences of legalization for the United States, Mexico, or other drug-producing countries.<sup>74</sup> Many pro-legalization activists assume that it will be a simple cure-all for drug-related crime and violence. Yet organized crime is highly adaptable and would no doubt venture into other high-profile criminal activities (such as kidnapping or pirated materials). Legalization is therefore unlikely to be a magic bullet in the fight against organized crime. Moreover, as with other controlled substances, like tobacco and alcohol (whose costs to society arguably outweigh any tax revenue they generate), legal recreational drug use represents a potentially serious harm, including traffic fatalities, overdoses, addiction, and other impacts (such as second-hand effects on unborn children). In the end, any effort to evaluate the merits of current policy versus legalization must conduct a careful accounting of the likely costs and benefits of either approach. Also, whether permitted or prohibited, more resources must to be directed to reducing drug consumption. The National Institute on Drug Abuse (NIDA) estimates that in 2006 only 2.5 million U.S. citizens received treatment for drug and alcohol addiction, out of an estimated 23.6 million U.S. citizens in need. NIDA estimates conservatively that illicit drug consumption costs the United States more than \$181 billion annually, and that the effects of addiction can be considerably reduced by a greater concentration on treatment.<sup>75</sup> Hence, moving toward a policy regime that treats drug use as a public health problem could yield significant dividends, at significantly lower cost than both countries are currently paying in the war on drugs.

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<sup>74</sup> There are important exceptions. Reuter (1993), MacCoun and Reuter (2001), Boyum and Reuter (2005).

<sup>75</sup> National Institute on Drug Abuse (2008).

## Conclusion

Over the last two decades, there have been three successive generations of Mexican drug trafficking organizations. With each generation there has been a shift in the balance of power, and the emergence of different poles of dominance in Mexico's drug trafficking underworld. First, there was a relatively uni-polar arrangement under Miguel Angel Felix Gallardo in the mid-1980s. Next, there came a fractioning of trafficking networks, and a brief bipolar moment as the Arellano Félix organization faced competition from Amado Carrillo Fuentes and his allies in the 1990s. Finally, there has developed an increasingly multi-polar constellation of trafficking organizations with varying specializations and capacities in the late 1990s and 2000s. In the process, like other global supply chains, organized crime groups operating via Mexico have become increasingly decentralized, diversified, and complex. Smaller affiliated criminal organizations play varying roles as franchisees, precursor and retail suppliers, local and wholesale distributors, cross-border smugglers and logistical facilitators, and enforcers, among other activities.<sup>76</sup>

Generally speaking, efforts to combat trans-national crime —particularly with regard to drug trafficking— through tougher security measures have borne less than satisfactory results. Governmental and intergovernmental reports —such as the U.S. State Department's *International Narcotics Control Strategy Report* (INCSR) and the *United Nations Office on Drugs and Crime's World Drug Report* (UNODC-WDR)— tend to measure the drug war's accomplishments in terms of eradication, interdiction, and disruption of drug production and distribution networks. Yet, despite billions spent in anti-drug enforcement and heightened border security measures, there is no indication that illicit northbound flows of drugs —not to mention southbound flows of weapons and cash— have been significantly diminished as a result of these efforts. Indeed, for every dollar

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<sup>76</sup> Miro (2003), p. 15.



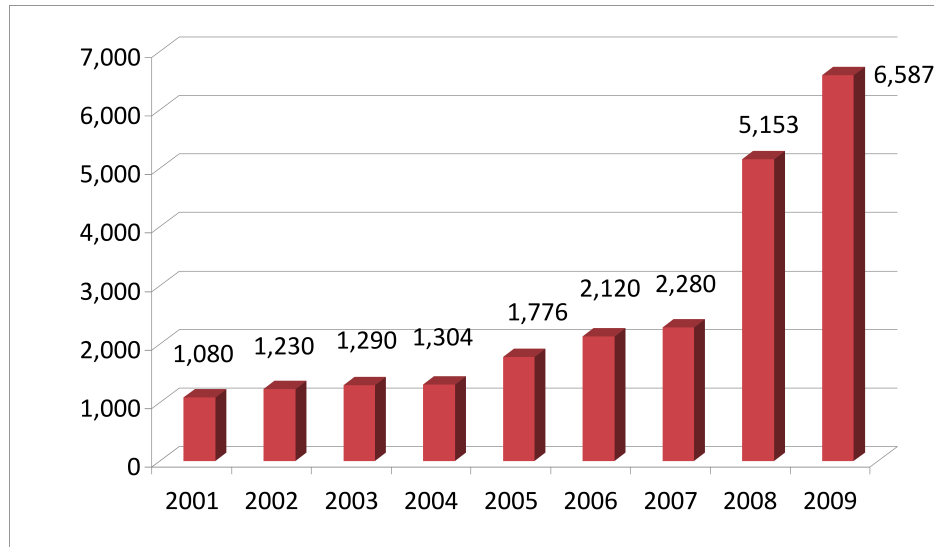
invested in U.S. counter-drug enforcement, it is not clear that there is any significant impact on either of the two performance indicators that matter: the availability of drugs (in terms of quantity, price, or accessibility) or people's inclination to consume them. Hence, our assessment is that there is a need to seriously reevaluate current approaches, and work toward alternative solutions to dealing with drugs and organized crime as separate problems.

**Table 1. Rate of Drug-related Killings by State, per 100,000 inhabitants, 2006-2009**

<u>Rank</u>	<u>Ejecuciones Rate*</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>
1	Chihuahua	3.9	4.4	49.3	61.4
2	Durango	4.2	8.5	17.4	41.1
3	Sinaloa	13.3	13.1	25.7	28.9
4	Guerrero	5.9	8.0	9.1	20.3
	<b>Border States (only)</b>	<b>2.96</b>	<b>3.16</b>	<b>12.57</b>	<b>13.45</b>
5	Baja California	5.6	5.1	19.9	10.1
6	Michoacan	13.6	6.0	5.8	9.4
	<b>National Average</b>	<b>2.0</b>	<b>2.2</b>	<b>4.8</b>	<b>6.1</b>
7	Sonora	2.5	5.1	5.5	6.1
8	Morelos	0.6	1.0	1.6	4.6
9	Coahuila	0.7	1.1	2.0	3.4
10	Jalisco	0.7	1.3	2.1	3.0
11	Aguascalientes	0.3	2.4	3.1	3.0
12	Guanajuato	0.5	0.8	1.2	2.9
13	Tabasco	0.9	1.2	1.0	2.6
14	Edomex	0.2	0.8	2.5	2.4
15	Nayarit	0.1	0.2	0.5	2.3
16	Nuevo León	1.2	2.5	1.8	2.2
17	Zacatecas	0.9	0.9	1.7	2.2
18	Quintana Roo	0.8	2.8	1.4	2.1
19	Colima	0.3	0.0	0.5	2.0
20	Distrito Federal	1.6	1.6	1.6	2.0
21	Tamaulipas	5.9	2.9	3.5	1.5
22	Hidalgo	0.7	1.5	1.5	1.5
23	Chiapas	0.3	0.3	0.7	1.1
24	Querétaro	0.0	0.2	0.4	0.8
25	Veracruz	0.3	0.7	0.4	0.8
26	Puebla	0.1	0.0	0.3	0.5
27	San Luis Potosi	0.0	0.5	1.3	0.3
28	Tlaxcala	0.0	0.1	0.1	0.3
29	Campeche	0.4	0.3	0.4	0.3
30	BC Sur	0.2	0.2	0.0	0.2
31	Oaxaca	0.5	1.0	1.4	0.2
32	Yucatán	0.0	0.1	0.9	0.0

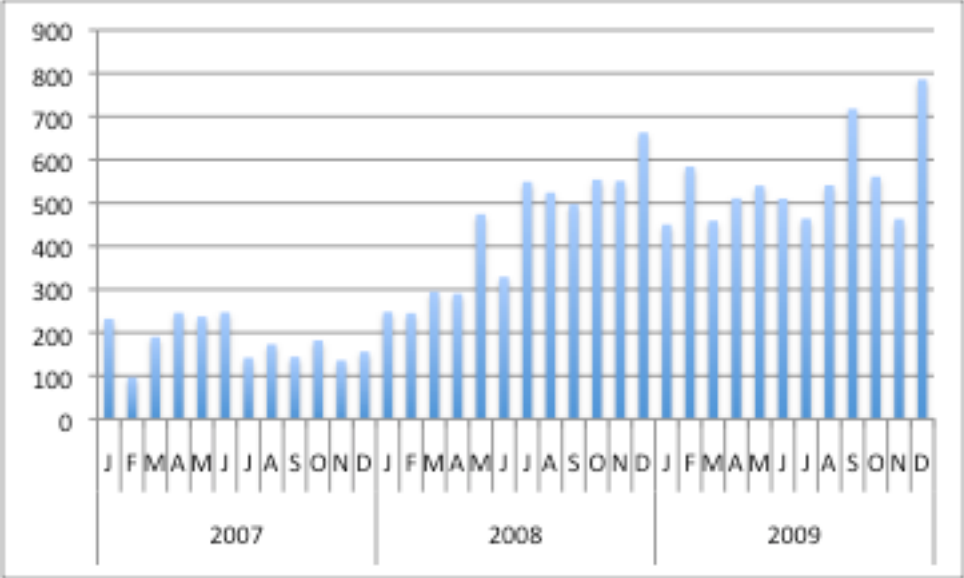
Note: Rate calculated using annual population estimates obtained from the Consejo Nacional de Población ([www.conapo.gob.mx](http://www.conapo.gob.mx)).

**Figure 1. Number of Drug-related Killings in Mexico, 2001-09**



**Sources:** Data for 2001-2005 from Marcos Pablo Moloeznik, "Principales efectos de la militarización del combate al narcotráfico en México," in *Renglones*, No. 61, Sept. 2009-Mar. 2010, Guadalajara: Instituto Tecnológico y de Estudios Superiores de Occidente, A.C., 2009. Data for 2006-2009 compiled from Reforma in Justice In Mexico Project Narcobarometer Database ([www.justiceinmexico.org](http://www.justiceinmexico.org)).

**Figure 2. Estimated Number of Drug-Related Killings in Mexico, by Month, 2007-09**



Source: TBI database of drug-related killings reported by Reforma newspaper. Note that because these figures draw on weekly estimates, there is overlap across some months.

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## ENDNOTES