

CARTELS, CORRUPTION, CARNAGE, AND COOPERATION

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Few problems regarding the United States/Mexican border offer more challenge than those pertaining to illicit drugs. Trafficking in marijuana, cocaine, heroin, methamphetamines, and several other psychoactive substances involves tens of billions of dollars, intricate networks of criminals in both countries, and cooperative arrangements with government agents, from local law enforcement to high levels of the Mexican government.

On the U.S. side, a key factor is an apparently insatiable demand for these drugs, combined with a longstanding legal policy of prohibiting their use. This combination drives the retail prices of the drugs to levels far beyond the cost of production, generating enormous profits for criminals and those who abet their activities.

For decades, a symbiotic relationship between the political establishment and criminal organizations in Mexico served as a check on violence and threats to insecurity. In recent years, that balance has been upset, as criminal factions have raised the level of violence against each other in the struggle over drug trade and against government forces that have moved against them in efforts to check that violence and establish a more legitimate democratic order.

The United States, concerned for the well-being of a major trading partner with whom it shares a 2000-mile border, has increased its own anti-drug forces along the border and has begun to send hundreds of millions of dollars to Mexico to help bolster its efforts to control and perhaps defeat the increasingly violent drug cartels. In addition, the two countries are working, with mutual apprehensions, to increase collaboration among their several anti-drug agencies. The outcome remains in doubt and no policy panaceas are in sight. It is possible, however, to offer plausible recommendations for improvement.

The Growth of the Drug Cartels

In 1914, the United States Congress passed the Harrison Narcotics Tax Act, the country's first major effort to regulate the production, importation, and distribution of opiate drugs such as heroin, opium, and laudanum. Federal, state, and local laws against marijuana, cocaine, and other drugs soon followed, often accompanied by harsh penalties for their violation. Mexico, a major producer of marijuana and a significant source of opium, enacted similar laws, thus criminalizing what had long been legal behavior. The passage of such laws did little to affect the desire for the drugs in question, so Mexican farmers and entrepreneurs, now operating as outlaws, developed ways of smuggling their contraband products across the border to the U.S. Although that task was fairly easy in the early years, the risks incurred in getting an illegal product from field to customer drove prices upward and produced substantial profits for those along the supply and delivery chain. The lure of lucre attracted a variety of criminal gangs to their enterprise. Eventually, as in many businesses, consolidation occurred and a powerful Guadalajara-based crime figure, Miguel Angel Félix Gallardo, managed to gain and maintain control over most of the cross-border drug business.

In September 1969, U.S. President Richard Nixon formally declared a War on Drugs, aimed at marijuana, heroin (from Asia as well as Mexico), cocaine (from South America), and newly popular drugs such as LSD. The key components of that war, now waged for forty years, have been eradication, interdiction, and incarceration. Despite the eradication of millions of marijuana, coca, and opium plants, the seizure of hundreds of tons of contraband, and the incarceration of hundreds of thousands of offenders, accomplished at a cost of hundreds of billions of dollars, the successes of the War on Drugs have been few and impermanent. Demand levels vary over time, but the supply is always sufficient to meet it, often with a product of high quality. Difficulties in bringing a drug to market may raise the price, but that can also increase profits, assuring a ready supply of volunteers willing to take the risks.

At times, apparent success in one arena produces devastation in another. In the early 1980s, for example, U.S. operations aimed at thwarting the smuggling of cocaine from Colombia via Florida and the Caribbean proved sufficiently effective that the Colombians turned to Félix Gallardo and the extensive smuggling organization under his control. Soon, Mexico became the primary transshipment route for an estimated ninety percent of the cocaine that reaches the United States, and the riches that accrued to that partnership grew to unimagined levels. Under Félix Gallardo's oversight, the Colombian-Mexican coalition operated rather smoothly, in spite of stepped-up efforts by U.S. agents at major transit spots along the border and U.S. pressure on the Mexican government to increase its own anti-drug efforts.

In 1989, prodded by the U.S. Drug Enforcement Administration (DEA), which furnished the Mexican government with intelligence about his activities and whereabouts,

Mexican Federal Judicial Police arrested Félix Gallardo in his home. For a time, he was able to oversee his operation by mobile phone from prison, but as key men in his organization began to jockey for the top position, he brokered an arrangement by which the emerging rivals divided up the key trade routes among themselves, thus giving birth to the four major cartels that have dominated the Mexican drug trade since then, although newer groups have entered the field, contributing to violence that has reached dramatic proportions.

The Sinaloan cartel, ensconced in the western region that still produces most of the marijuana and opium grown in Mexico and generally regarded as the most powerful of the cartels, is headed by Joaquin "El Chapo" ("Shorty") Guzman. A key Sinaloan faction led by the Beltran Leyva brothers sometimes appears to operate as a separate organization, acting independently or in league with other groups, such as the Juarez cartel.

The Juarez cartel was originally led by another powerful Sinaloan, Amado Carrillo Fuentes. After he died during plastic surgery intended to alter his appearance to foil authorities, the leadership fell to his brother, Vincent Carrillo Fuentes.

The Gulf cartel, directed from Matamoros, across from Brownsville, Texas, and operating in the states along the eastern (Gulf) coast of Mexico, was first headed by Juan Nepomuceno Guerra, who had risen to wealth and power by smuggling whiskey into Texas during the Prohibition. He was succeeded by a nephew, then by several other men, the most notorious of whom was Osiel Cárdenas Guillen, who was arrested by Mexican forces in 2003 and extradited to the United States in 2007 by the government of President Felipe Calderón. In the 1990s, Cárdenas was joined by a group of Mexican army commandos who deserted to seek a more rewarding life of crime. Known as Los Zetas and since enlarged by

new recruits, they have become notorious for their extreme brutality and brazen ways. With Cárdenas out of the way, Los Zetas have increased their clout in the organization, to the point that analysts often refer to the gang as the Gulf/Zetas or simply "The Company." Others see the Los Zetas as having achieved independent status.

Félix Gallardo ceded control of northwest Mexico to his seven nephews and four nieces of the Arellano Félix family, based in Tijuana, with direct access to the rich California market. Once enormously powerful and violent, the Tijuana operation has been weakened by the death or imprisonment of several of the brothers and other key figures and may be losing its grip on Baja California. Remaining elements, however, are quite deadly and have formed alliances with the Sinaloa and Gulf cartels.

In recent years, in response to developments such as the death of Carrillo Fuentes, the extradition of Osiel Cárdenas, and the strikes against the Tijuana cartel, other organizations have arisen to challenge this quartet. The most important of these is La Familia, based in the state of Michoacan and notorious both for horrendous attention-grabbing violence—for example, rolling heads of victims onto dance floors—and incongruous profession of a form of fundamentalist Christianity.

Smaller organizations exist and, along with the more established groups, have formed loose alliances based around the Gulf and Sinaloa cartels. These and internal rivalries within the larger organizations makes it difficult to sketch the situation with a sure hand. The rise of these smaller bands may be a temporary phase or it may signal the future situation, with more groups fighting over a market variously perceived as shrinking or limitless.

The Role of Corruption

It is crucial to recognize that these illegal operations, including a share of the violence, have occurred with the knowledge, permission, blessing, even encouragement of the Mexican political establishment, from local police and mayors to the highest levels of the ruling party, which for seventy years after its establishment in 1929 was the Partido Revolucionario Institucional (PRI). Like other institutions in Mexican society, the gangs operated in a patron-client or "elite-exploitative" relationship.¹ In return for being allowed to carry on their business without significant interference (or with overt assistance) from law enforcement personnel, the gang leaders were expected to pay what amounted to a franchise fee or tax on their earnings. The officials in question might simply accept a reasonable offer or, particularly at higher levels, might make their expectations explicit. Precise arrangements and levels of officials involved have varied and accounts of these actions by historians, social scientists, and law enforcement agents differ on details, but there appears to be little dispute regarding the overall pattern of thorough-going, institutionalized corruption. Lu s Astorga, a sociologist at the Institute of Social Research of the National Autonomous University of Mexico and a premier authority on Mexican drug trafficking, summarized the situation well: "The state was the referee, and it imposed the rules of the game on the traffickers. The world of the politicians and the world of the traffickers contained and protected each other simultaneously."²

Widespread discontent with the corruption and anti-democratic ethos of the PRI led to the rise and growing strength of the conservative National Action Party (PAN) and a leftist Party of the Democratic Revolution (PRD), and also to pressures for reform within PRI itself. Ernesto Zedillo, president of Mexico from 1994 until 2000, attempted some

reforms, even appointing a highly respected three-star general, [Jesus Gutierrez Rebollo] to head the nation's anti-drug program. To Zedillo's embarrassment, in less than a month on the job, the new Drug Czar was arrested and later convicted for being on the payroll of the Juarez cartel. Some crime figures went to prison during Zedillo's six years in office, but the cozy arrangement between the gangs and the government persisted. In 1996, in a book about the then-head of the Gulf cartel, journalist Yolanda Figueroa wrote, "It is impossible to move tons of cocaine, launder thousands of millions of dollars, maintain a clandestine organization of several hundred armed persons, without a system of political and police protection." She characterized this situation as "a clear example of how a criminal organization interrelates with a power group" and asserted that significant figures in the cartels go to prison only when the government no longer has a use for them or offers them up as a sacrificial lamb to appease the US desire for results in the war on drugs.³

PAN-member Vicente Fox, whose election in 2000 ended seven decades of PRI domination of the presidency, declared war on the cartels and sent federal police, backed up by the army, after them, resulting in the arrest of several high-profile drug trafficking figures but also in a sharp increase in violence as the gangs fought back, a harbinger of things to come. Since leaving office, Fox has said that the U.S. must at least consider the possibility of legalizing some drugs.⁴

Criminal Enterprise

Drug smugglers have proven to be resourceful, adaptable, practical, and persistent, choosing and inventing means to suit opportunity and thwart resistance. They have used airplanes, boats, and submarines, and sent people across the border with drugs stuffed into backpacks and luggage, strapped to their limbs and torsos, secreted in bodily cavities, and

swallowed in balloons to be eliminated on reaching their destination. But by far the most common method of transshipment is by motor vehicle—cars, vans, buses, trains, and, predominantly, trucks specially outfitted for the task with secret panels and other measures to disguise the nature of their cargo. U.S. and Mexican anti-drug forces develop new methods of detection and increase the number of inspectors at the border, but NAFTA effectively guaranteed that such measures would have limited impact. According to U.S. Bureau of Transportation Statistics, 4.9 million trucks crossed the U.S.-Mexico border in 2008.⁵ No matter how active the drug trade, only a small percentage of those trucks carry drugs into the U.S. or cash back to Mexico, and smugglers are caught from time to time, but the sheer volume of traffic makes it impossible for inspectors to check more than what amounts to a random sample of vehicles. News media periodically issue dramatic reports of record seizures of drugs, but supply on the street seldom seems affected for long and anti-drug agencies acknowledge that they have no reliable way of estimating the ratio of drugs seized to drugs available on the market.

Because marijuana is bulkier and smellier than other drugs in the trade, it is easier to detect. This, coupled with the fact that it is by far the most widely used of all illegal drugs and produces an estimated sixty to seventy percent of drug-related profits, has led the cartels to produce more of it in the U.S., closer to its markets. They are known to operate "grows" in Kentucky, long a major domestic producer of cannabis (the proper name for the drug), and have covertly cultivated extensive plots deep in national forests in California and the Pacific Northwest, where the overgrowth shields their plants from DEA surveillance planes. In 2007, DEA agents discovered several sizable marijuana fields in the Dallas area, most with similar campsites and equipment, suggesting that they were part of a

single larger operation, probably Mexican.⁶ Increasingly, growers—domestic producers as well as Mexicans—are moving indoors, to avoid detection and to produce larger quantities of high-potency product. .

Like other successful large enterprises, including the criminal bootlegging gangs that arose in the U.S. during the Prohibition era and developed both the wealth and experience that enabled them to survive when it ended, the cartels have branched into other fields of action that include importing guns and other weapons, smuggling of migrants, kidnapping, extortion, prostitution, and investing in real estate and various businesses, some for the purpose of laundering proceeds from crime and some just to make money in a legitimate business.

They also spend money to win the admiration of their local communities and the wider populace. Snakeskin boots, gaudy jewelry, high-powered trucks and SUVs, and beautiful women create an image that young men with few hopes for meaningful legal employment want to emulate. Generous funding of roads, schools, medical centers, communication systems, even churches and chapels helps soften disapproval and fear of their violent ways, turning them into folk heroes in the eyes of many and generating a genre of music, called *narcorridos*, that glamorizes their exploits. In Culiacan, gift shops sell trinkets that reference the drug trade, and people throughout Mexico who are involved in that trade pay homage to Jesus Malverde, a folklore figure they regard as their patron saint, asking him to deliver them from evil in the form of their rivals in crime and their enemies in law enforcement. And when the young narcos die in battle, as thousands of them have, their friends and relatives bury many of them in elaborate tombs that celebrate their brief careers.

Carnage

Like Prohibition-era gangs in the U.S., the Mexican cartels have used violence to establish control over their turf and, when they sensed opportunity, to muscle in on the territory of others. But the differences in scale are enormous. The legendary St. Valentine's Day Massacre, when assassins working for Al Capone's Italian gang killed key members of "Bugs" Moran's Irish gang in Chicago in 1929, Americans were stunned by the body count: *seven*. In Mexico, intra-cartel turf wars and battles between cartels and government forces have claimed an estimated 13,500 lives since January 2006. In this climate of carnage, the death of only seven gangsters might not even make the news. Indeed, nothing has done more to underline the critical situation threatening the stability of Mexican society than the unprecedented violence that has marked the nearly three years since President Felipe Calderón declared, on his first day in office, his determination to oppose the cartels with the full force of his government.

Calderón moved quickly to keep his promise, sending thousands of army troops—the number now exceeds 55,000—to areas known to be centers of cartel activity, reorganizing and upgrading the federal police, and setting out professional standards for state and local police. He can claim impressive results: arrests of 66,000 suspects; seizures of tons of drugs with an estimated street value of \$20 billion;⁷ and the extradition of several high-level drug traffickers, including Osiel Cárdenas. His government has also halted importation of ephedrine and pseudoephedrine, chemicals used to manufacture methamphetamines, and is moving toward building more than three hundred outpatient centers to treat a growing domestic drug problem. But the conflagration of violence that has accompanied Calderón's war on the cartels has sparked unwelcome talk of the possibility of Mexico's becoming a "failed state."

Most of the violence has been internecine, between cartels, factions therein, or opportunistic small gangs seeking to carve out a piece of the lucrative pie. Traffickers have long engaged *sicarios*, professional assassins, to eliminate rivals, to discipline their own troops for betraying them or for skimming money or drugs for themselves, and to intimidate police and public officials. The Zetas have served as an assassination unit for the Gulf cartel and the Sinaloa cartel employs a similar band called the Negros. Increasingly, the gangs use violence as a way to taunt and terrorize, beheading their victims, hanging their obviously tortured bodies in public places, dissolving their bodies in vats of lye, and posting videos of their grisly deeds on YouTube. In earlier times, government forces could keep the violence in check. Today, using weapons smuggled in from the U.S. and other countries, the cartels have more fire power than local police and, sometimes, than the army,

and they are willing to use it to protect or enlarge their turf and assert their independence of government forces.

U.S. officials and law enforcement personnel and, it appears, a majority of the Mexican public believe Calderón to be sincere in his desire to destroy the cartels and speed the process of reducing corruption, but serious misgivings have arisen. At first, the Mexican public applauded the president's vigorous campaign, but as the gangs have fought back, the violence has increased in intensity and has spread to previously peaceful areas, raising concern that Calderón underestimated the size and nature of the problem, that his policies have made things worse, and that the gangs might prevail throughout the country, as they already have in dozens of cities and towns.

Moreover, corruption remains a terrible problem. Most observers agree that the several law enforcement agencies operating at the border are widely compromised. Throughout the country, local police, underpaid, under-trained, and under-equipped, are clearly still on the take. In November 2008, federal agents and army troops relieved 500 Tijuana police officers of their duties, on suspicion that they were on cartel payrolls. Honest cops run the risk of contempt from their co-workers or of being killed because of fear they will expose the crooked ones. Hundreds of police have been killed in the past three years. Some no doubt conscientiously opposed the drug gangs; others, reportedly a majority, simply worked for the wrong gang. The corruption extends far up the line. In June 2007, Calderón ousted nearly 300 federal police commanders suspected or found guilty of corruption, replacing them with officers thoroughly vetted for their trustworthiness.⁸ Even those who pass such tests may succumb to temptation, or give in when a gang confronts them with the choice, "*plata o plomo*"—silver or lead, bribe or

bullet.

In August 2009, six members of an elite federal organized crime unit within the Attorney General's office were arrested on suspicion of passing information to the Beltran Leyva faction of the Sinaloa cartel. A year earlier, at least thirty-five agents from the same unit, including top officials ostensibly leading the crackdown against the cartels, were fired or arrested on similar charges. According to news accounts, they had for several years been receiving monthly payments ranging from \$150,000 to \$450,000 each, in return for keeping the cartels informed about government operations.⁹ Payoffs of such size are apparently not unique; wiretaps used to bring indictments against members of the Gulf cartel caught discussions of bribes of \$2 million.¹⁰ In May 2009, guards at a Zacatecas prison offered no resistance as 53 inmates walked out and drove away in a 17-car convoy.¹¹ Later that same month, federal agents accused ten mayors from the state of Michoacan of abetting La Familia drug traffickers.¹²

Those who criticize the gangs publicly or attempt to expose the corruption that enables them do so at their own peril. In April 2009, a Roman Catholic Archbishop in Durango wondered publicly why the authorities seem unable to locate Joaquin "El Chapo" Guzman, the most sought-after cartel figure in the country, since he was widely known to be living nearby. According to the Los Angeles Times, most local media did not report the explosive comments, and copies of national papers that ran the story appeared on few newsstands. A day or two later, the Archbishop backpedaled, claiming that he was simply repeating things of the sort people say to their pastor.¹³ The timidity of the media in this case is common and understandable. Gangs have attacked newspaper offices after they have published stories attacking the cartels or exposing their ties to public officials. The

international Committee to Protect Journalists calls Mexico "one of the deadliest countries in the world" for reporters, noting that at least twenty-seven journalists have been killed there since 2000, and seven others have disappeared.¹⁴ Many others exercise self-censorship, ignoring stories on drug trafficking and confining their reporting to "weddings, quinceañeras, and baptisms."¹⁵

Corruption, of course, is not the special province of Mexicans. As the U.S. Customs and Border Protection agency has stepped up hiring, it has had problems not only with agents who go bad while on the job but with some who are already in the employ of the cartels when they come to work. And it would be naive to imagine that the dispersal of drugs across the United States does not receive assistance from law enforcement agents, lawyers, judges, bankers, and business owners willing to profit from their positions.

To complicate matters further, the army, which has been one of the most respected institutions in Mexican society, is coming under increased scrutiny and criticism. Business owners claim that the presence of thousands of armed soldiers on the streets, sometimes storming into bars and restaurants to search everyone in the building, discourages tourism, a major component of the Mexican economy. Others report abuses that include illegal searches, arresting and detaining people without cause, beatings, theft, rape, and torture.¹⁶

In many areas, the army has essentially displaced the police. Calderón has insisted that the deployment of the military is a temporary measure that will end when local police and judicial systems have gained the ability to govern their areas safely and responsibly. He first estimated that might occur in 2009, but has reset the timetable to 2012.

Early in 2009, massive crowds blocked the international bridges in cities of Ciudad Juarez, Nuevo Laredo, and Reynosa, across from McAllen, Texas, and shut down roads in

Monterrey and Vera Cruz, chanting "Soldiers out!" and carrying banners decrying abuse by the army and the federal police. While citizen resentment of the army has indeed risen, it seems clear that the cartels had paid many of the demonstrators to take part, as a way of undermining confidence in the army.¹⁷

Observers also fear that sizable numbers of the troops will follow the example of Los Zetas and desert to the cartels.¹⁸ That fear is not groundless; in some cities, the Zetas have hung banners openly inviting the soldiers to join their ranks, offering "good wages, food and help for your family."¹⁹ The Economist magazine quotes Guillermo Zepeda of CIDAC, a think-tank in Mexico city, expressing the fear that "We may end up without trustworthy police and without a trustworthy army."²⁰ Some Mexican reports charge that "the army has pulled off a coup d'état, morphing into its own terrorist, drug-money collecting, gun-wielding cartel – morphing into an enemy in uniformed disguise to terrorize physically and spiritually the Mexican citizenry."²¹

Even the less pessimistic show concern that increased militarization, with the army's assuming many local responsibilities in addition to those of the police, poses a threat to democracy. Commenting on these developments, Mexican national security expert Erubiel Tirado predicts that, "The biggest question we are going to face is, how are we going to pull the soldiers off the streets?" The Economist has voiced similar concerns, noting that "Replacing the police by the army is fast taking on an air of permanence."²²

These problems, coupled with concern over the tremendous financial cost of Calderón's war on drugs at a time when the Mexican economy is already weak have led to increased doubt that the campaign will succeed. A July 2009 poll published in the daily Milenio newspaper reported that only 28 percent of the Mexican public think the

government is winning its fight with the cartels.²³ One observer with deep ties and personal experience in both the United States and Mexico compared the conflict among the cartels and between the cartels and the government to a sporting event. Spectators in both the government and the public may keep score as individual contests are won or lost and as teams move up or down in the rankings, but they understand that, at the end of the day, though much treasure will be expended and great damage done, drugs will still be desired, provided, and sold. And as long as societies and their governments treat drug use as a crime rather than as a matter of public health, the deadly game will continue, season after season.

Cooperation

In keeping with its long-standing confidence in the efficacy of force, the United States has endorsed and supported President Calderón's strategy. The U.S. has had anti-drug agents in Mexico since the 1920s, not always with Mexico's approval and usually limiting their activities to intelligence gathering. Since the 1970s, however, the DEA has been an active partner in Mexico's anti-drug programs. Its efforts to foster the development of a professional Mexican counterpart to itself, a primary goal, has been largely unsuccessful, but DEA agents have shared intelligence with Mexican agencies and played a significant role in developing and carrying out programs of eradication of marijuana and opium, seizure of contraband bound for the U.S., arrest and conviction of drug traffickers by Mexican authorities, and disruption of money-laundering operations. These cooperative efforts were able to register important victories, but the production and transshipment of drugs obviously did not cease. The U.S. has also provided financial assistance to Mexico's anti-drug efforts through the State department's International Narcotics Control and Law Enforcement account.²⁴

In November 2006, after meeting with President-elect Calderón, who had announced his intention to launch a major offensive against the cartels, President George W. Bush pledged to support those efforts with a significant increase in U.S. assistance. Originally called the Joint Strategy to Combat Organized Crime, the package became known as the Merida Initiative and authorized \$1.6 billion, to be disbursed over three years starting in 2007, to pay for military and law enforcement equipment, technical and tactical training, upgrading of intelligence capability, hardware such as helicopters and surveillance aircraft, and special equipment such as vans equipped with X-ray devices that can detect drugs by driving alongside vehicles as they line up at border crossings and ion scanners that can trace vapors from marijuana and other drugs.

Calderón has reciprocated by giving the U.S. something it had long sought: extradition of drug traffickers to the U.S., where they can be tried in U.S. courts and locked away in prisons from which they will be less likely to escape and that offer little freedom to direct their cartels by remote control. More than two hundred Mexican drug traffickers have been extradited to the U.S. so far under this arrangement. Few have been real kingpins, but even lesser figures have provided valuable information. For example, in August 2009, a communications expert for the Gulf cartel described the existence of a hand-held radio system that allowed gang members to communicate with each other outside cellular and landline telephone networks via a sophisticated network of radio towers and antennas stretching from the Rio Grande to Guatemala.²⁵ More important revelations may be in the offing. Osiel Cárdenas's trial, scheduled to begin in federal court in Houston in September 2009, was abruptly canceled, triggering speculation that the former head of the Gulf cartel might have struck a plea bargain that will offer some

leniency in return for critical information about cartel operations.

Despite these gains, real and potential, the benefits of extradition may turn out to be rather modest. Lower-level traffickers can be replaced rather easily. The same may be true for more important figures; University of Miami professor Bruce Bagley told the Los Angeles Times, "All extradition does is remove some of the top dogs, and others step in for them. It might actually increase the level of violence" as lieutenants vie with each other for leadership or as rival gangs take advantage of perceived weakness.²⁶

President Barack Obama has signed on to the Merida Initiative and views the widespread continuation of drug-related violence as a threat to both nations. In April 2009, new Homeland Security Secretary Janet Napolitano announced she would be sending hundreds more federal agents and other personnel to border areas, with a dual goal of helping President Calderón crack down on the cartels and preventing the violence from spilling across the border into the United States.²⁷

The combined efforts of U.S. and Mexican forces have had some impressive results: thousands of traffickers arrested, dozens of important crime figures indicted, tens of millions in illegal assets seized, thousands of tons of illicit drugs captured, millions of marijuana plants eradicated in both countries, and numerous clandestine drug labs discovered and dismantled. And yet, though prices and quality levels may vary over the short run, as do levels of use of given drugs, over the long run usage rates remain rather stable and users appear to have little trouble obtaining their drugs. Similarly, President Calderón's aggressive program has clearly had an effect on the cartels, weakening some and putting all on the defensive, but the cartels have shown a remarkable ability to adapt to adversity, and the level of violence has soared beyond all experience or expectation, with

no end in sight. The result, as University of Texas-El Paso professor Tony Payan aptly notes, is that “The border bears the cost of a war that cannot be won.”²⁸

What appear to be victories in the War on Drugs repeatedly create what veteran observers call the Balloon Effect—squeeze it in one place and it bulges up in another. The eradication of marijuana, coca, and opium crops in one region has repeatedly shifted cultivation to other areas, just as success in choking off their Florida and Caribbean supply routes led the Colombia cartels to shift their operations to Mexico. Similarly, recent successes of U.S./Mexican anti-drug efforts appear to have stimulated the marijuana trade across the U.S./Canadian border and to have led the Colombians and the Mexican cartels to pay more attention to a growing drug market in Europe. And, as noted, the killing or arrest of key traffickers opens opportunity for others to attempt to take their place.

Clearly, a key factor in this discouraging process is the truly enormous amount of money that can be made by dealing drugs, especially by those in charge of the dealing. The money enables the cartels to recruit whatever personnel they need, whether it be drivers and pilots, accountants and lawyers, computer and communications experts, or assassins and bodyguards, and to equip them with whatever they need to ply their trade. Of course, it also makes possible the corruption of law enforcement, political, and financial systems on both sides of the border, more thorough-going in Mexico but also significant in the United States.

The great bulk of that money comes from buyers in the United States. This has long been obvious, but only recently have Mexicans and other Latin Americans begun to insist that the U.S. acknowledge this fact and take sweeping steps to do deal with its implications. In the process, they have begun to urge the U.S. to reconsider its adamant insistence on

prohibition of the drugs in question. President Calderón, bristling at the suggestion that Mexico is on the verge of becoming a "failed state," has challenged the United States to take stock of its own failings, especially with regard to drug consumption and laws that facilitate the trafficking in guns and other weapons that have strengthened the cartels in their struggle with the federal police and the army.²⁹ Even more significantly, the former presidents of Mexico (Ernesto Zedillo), Colombia (César Gaviria), and Brazil (Fernando Henrique Cardoso) co-chaired a blue-ribbon Latin American Commission whose 2009 report, *Drugs and Democracy: Toward a Paradigm Shift*, explicitly called on the United States to acknowledge that its decades-long War on Drugs had failed and to give serious consideration to "diverse alternatives to the prohibitionist strategy that are being tested in different countries, focusing on the reduction of individual and social harm."³⁰

This message has been received. In her first visit to Mexico as Secretary of State, Hillary Clinton acknowledged that the United States' "insatiable demand for illegal drugs fuels the drug trade." Similarly, the newly appointed director of the U.S. Office of National Drug Control Policy, Gil Kerlikowske, has announced that he no longer wants to be known as the "Drug Czar" and is abandoning the rhetoric of a War on Drugs in favor of greater emphasis on prevention and treatment. In addition, authorities at the local, state, and national levels—for example, El Paso city council-member Beto O'Rourke, Arizona Attorney General Terry Goddard, California Governor Arnold Schwarzenegger, and U.S. Senator Jim Webb (D-VA)—are echoing the recommendation of the Latin American Drugs and Democracy Commission and calling for a comprehensive and open-minded examination of alternatives to drug policies notable for repeated failure.

It is difficult to predict the course of the current struggle that is wracking the border

cities and other locales deeper within Mexico. The Calderón government, encouraged and supported by the United States, may inflict such damage on the cartels that they will settle into a role similar to that of organized crime in the United States—a significant and chronic problem but not a generalized threat to security or to democracy and the rule of law.

Unfortunately, that is not likely to occur without much more bloodshed and financial drain. An alternative scenario, in which the government pulls back in admission of defeat, would be a disaster, but is not impossible to contemplate. Even the most optimistic of observers appear to believe that eventual success lies years in the future and will come only with great effort and cost. In light of these circumstances, the following recommendations are offered with justifiable humility.

Recommendations

- Because at least the major cartels have developed into full-scale criminal organizations, the Mexican government has little choice but to attempt to check their power and the damage they cause. Aggressive action by the Calderón government, advisable or not, has obviously exacerbated the violence. Insofar as possible, actions against criminals should be waged by the police rather than the army. The reasons for President Calderón's use of the army are understandable, given its numbers, its superior weaponry, and its reputation as a less corrupted institution. The costs of that decision are nevertheless high and becoming clearer. The Mexican government should work to shift from a mindset of war to one of crime fighting and to reduce the role of the army, while strengthening that of the police. Obviously, that process will be gradual and dependent on the success of the following recommendations.

- Given the role of corruption in the production and trafficking of drugs, Mexico must continue to build and reinforce professional civil service, law enforcement and judicial system, from local to federal levels, with effective measures to prevent, identify, check, prosecute, and punish corruption and violation of the rights of citizens. This will involve improvement in pay, higher educational requirements, vigilant screening, and continuing reinforcement of appropriate values and attitudes. Obviously, this is a mammoth and daunting task. The United States can offer assistance, technical and financial, but most of this work will have to be done by Mexicans.
- Some observers doubt that it will ever be possible to root out corruption in state and, in particular, local police forces. Jorge Castaneda, formerly Mexico's Secretary of Foreign Affairs, has characterized them as "not reformable" and has called for serious consideration of establishment of a national police force that could be socialized to higher professional standards and be less susceptible to corruption.³¹ Though obviously a sweeping and expensive measure, it is worth considering as an alternative to what has been an intractable problem.
- Both countries must work to improve educational and employment opportunities, so that young people in particular do not turn to drugs and crime because they have abandoned hope of achieving a meaningful life by legal means.
- Both countries, in dialogue with other nations in the hemisphere, in Europe, and elsewhere, should examine the drug policies and programs of other countries, to consider viable alternatives to a policy of strict prohibition. By its action in the summer of 2009, the Mexican Congress has provided a large-scale laboratory

experiment by decriminalizing possession of small amounts of marijuana, cocaine, heroin, methamphetamine, and other drugs as a means of removing the threat of prosecution from non-problematic small-time users and allowing police to concentrate attention on serious crime, including major drug traffickers. (It should be noted that some strong advocates of decriminalization believe this policy to have serious flaws, such as allowing consumers caught with amounts slightly over technical limits to be classified as dealers and thereby subject to much harsher penalties than before the law was passed.) A growing number of countries, or states within them, including thirteen states in the U.S., have adopted similar policies, either officially or de facto. Usage rates have generally remained stable, without an increase in problems popularly associated with the drugs in question. Equally notable, the quite high usage rates in the United States persist despite some of the harshest penalties in the world. Looking with an open mind at various systems should help dispel the fear that any change to current policies will lead to catastrophe.

- The United States should legalize marijuana and decriminalize possession of most other now-illicit drugs. Although it would be politically easier to remove or reduce the penalties for possession of modest amounts of marijuana, if it remains illegal to grow or buy it, the money is still going to go into the hands of outlaws, with most of it going to the cartels in Mexico. Cocaine and heroin cost more on the street per unit, but marijuana users so outnumber users of other drugs that sales of cannabis account for an estimated sixty to seventy percent of cartel income. A system of legal production and sales, regulated and taxed in a manner similar to alcohol and

tobacco, would dam that river of cash to murderous criminals, reduce the ability of the cartels to corrupt government on both sides of the border, and, in the process, provide a major source of tax revenue for the U.S. that could be used for drug education and treatment. Perhaps the most common objection to a proposal of legalization is that it will lead to increased use of harder drugs. The fear is understandable but not supported by evidence, and prohibition clearly plays a role in whatever validity this "gateway" theory has, since the ban on legal sales of marijuana drives users to dealers who may offer them other and more profitable drugs.

- Both countries, but especially the U.S., should commit to widespread adoption of an approach known as "harm reduction," which accepts the fact that "drug-free" societies do not exist and policies based on utopian notions of "zero tolerance" inevitably fail. Instead, this approach focuses on reducing the negative consequences of both drug abuse and drug policy. Examples of harm-reduction measures that have proven to be effective include the following:
 - Needle exchange programs that provide injecting drug users with sterile syringes, to reduce the spread of blood-borne diseases such as HIV/AIDS and hepatitis C and to serve as a bridge to treatment programs by providing information and encouragement to users.
 - Heroin and opioid maintenance programs that provide addicts with low-cost, high-quality heroin or a synthetic opioid such as methadone, administered in a secure and hygienic environment under the oversight of health professionals. Such programs have been shown to enable addicts to stop committing crimes to

support their habit, to obtain productive work, and to stabilize their lives in other ways.

- Both countries need to place much greater emphasis on treatment of problem drug users. As is true with alcohol, a minority of heavy users consumes a preponderance of illicit drugs; a common estimate is that twenty percent of users account for eighty percent of consumption. Getting hard-core users to reduce or eliminate their consumption is a highly efficient and economical means of reducing drug harms. In a landmark comparison of the major means of controlling cocaine use in a number of countries, a RAND Corporation study determined that "treatment is 7 times more cost effective than domestic law enforcement method, 10 times more effective than interdiction, and 23 times more effective than...source control method[s]" such as eradication.³² In other words, every dollar or peso spent on treating someone already using drugs will have a much greater impact on the number of users, the amount of drugs used, and the overall cost to society than spending that money on eradication, interdiction, and incarceration. Yet treatment continues to be inadequate and of uneven quality. The United States should follow the Calderón administration's example of establishing hundreds of new treatment centers.
- Both countries should encourage and provide increased funding for Drug Courts. In the U.S., drug courts that prescribe regimens tailored to an offender's situation and provide diligent oversight of progress are a welcome alternative to incarceration and a criminal record. Despite a good record of success, the number of such courts is small relative to the number of people who could benefit from them. They are more successful with people who genuinely want to give up drugs than with people who

- simply want to avoid incarceration.
- Both countries should encourage and fund realistic drug education that deals honestly with available empirical data rather than either exaggerating or minimizing the harms of individual drugs, which vary greatly in their effects and dangers. Such education should give sustained attention to tobacco and alcohol, the world's two most deadly addictive drugs and the true gateway to use of both marijuana and harder drugs. It should also emphasize the risks of non-medicinal use of prescription drugs, now more widely used in the United States than any of the illegal drugs.

None of these recommendations is remarkable or original. They do, however, offer alternatives to policies that have proved demonstrably ineffective. The “justifiable humility” noted above is real. The expectation that the governments of the United States and Mexico will act on these recommendations is modest. The hope that they will be taken seriously is profound.

ENDNOTES

¹ Stanley A. Pimentel uses "elite-exploitative," which he attributes to Peter Lupsha, in "The Nexus of Organized Crime and Politics in Mexico," Chapter 2 of John Bailey and Roy Godson, Organized Crime and Democratic Governability: Mexico and the US-Mexican Borderlands, University of Pittsburgh Press, 2000.

² Tracy Wilkinson, "In Sinaloa, the drug trade has infiltrated 'every corner of life,'" Los Angeles Times, 12/18/08. Unless otherwise noted, all Los Angeles Times articles cited herein are part of an extensive and continuing reportorial series, "Mexico Under Siege—The drug war at our doorstep," and can be accessed by date at <http://projects.latimes.com/mexico-drug-war/#/its-a-war>.

³ Pimentel, "Nexus," p. 48. XXX

⁴ http://www.myfoxatlanta.com/dpp/news/Mexicos_Fox_Talks_About_Drug_Cartels_051109

⁵ http://www.bts.gov/press_releases/2009/dot054_09/html/dot054_09.html

⁶ <http://www.dallasobserver.com/2007-08-23/news/weed-killers/1>

⁷ 66,000 arrests, Los Angeles Times, 07/13/09; \$20 billion in drugs, LA Times, 06/03/08

⁸ Colleen Cook, *Mexico's Drug Cartels*, Congressional Research Service Report for Congress, October 16, 2007. <http://www.fas.org/sgp/crs/row/RL34215.pdf>, p. 10.

- ⁹ \$450,000 payoffs. “Levels of Prohibition: A Toker’s Guide,” *The Economist*, 03/15/09, http://www.economist.com/displaystory.cfm?STORY_ID=13234134 ; Los Angeles Times, 10/28/08.
- ¹⁰ \$2 million. Los Angeles Times, 07/21/09.
- ¹¹ Escape from Zacatecas prison. Los Angeles Times, 07/13/09
- ¹² Michoacan mayors. Los Angeles Times, 05/29/09
- ¹³ Archbishop. Los Angeles Times, 04/21/09.
- ¹⁴ <http://cpj.org/reports/2009/06/mexico-special-report-reporting-in-juarez.php> ; Colleen Cook, *Mexico’s Drug Cartels*, pp. 11f.
- ¹⁵ “weddings, . . .” Los Angeles Times, 06/11/08.
- ¹⁶ Army abuses. *REPORT to Inter-American Commission on Human Rights in Washington*, Los Angeles Times, 03/29/08, See also Los Angeles Times 07/13/09.
- ¹⁷ Protests. <http://news.bbc.co.uk/2/hi/americas/7896094.stm> news.bbc.co.uk—7896094.stm; Frontra NorteSur, “Border city protests seek oversight of Mexico’s military,” *El Paso Newspaper Tree*. <http://newspapertree.com/news/3435-border-city-protests-seek-oversight-of-mexico-s-military>; Robin Emmott, Mexico’s Calderon slams anti-army street protests,” Reuters news service, in *San Diego Tribune*, 02/19/09, <http://www3.signonsandiego.com/stories/2009/feb/19/11413912730/>
- ¹⁸ Frank Koughan, “U.S. Trained Death Squads?” *Mother Jones*, July-August 2009, <http://www.motherjones.com/politics/2009/07/us-trained-death-squads> .
- ¹⁹ “Good wages . . .” Los Angeles Times 06/03/08.
- ²⁰ Zepeda. “A Toker’s Guide,” *The Economist*, 03/05/09.
- ²¹ Army coup d’etat. “Is the Mexican Army the Biggest Cartel of All?, The Seminal,” <http://seminal.firedoglake.com/diary/7113> ; Cf. Charles Bowden, “We Bring Fear,” *Mother Jones*, July 2009, <http://www.motherjones.com/politics/2009/07/we-bring-fear> .
- ²² Army permanent? Tirado, Los Angeles Times 06/03/09. *Economist*, “Drug Violence in Mexico—Can the army out-gun the drug lords?”05/15/08.
- ²³ Roderic Ai Camp, “Drugs, guns and money: A violent struggle across the border.” *San Diego Tribune*, March 15, 2009. <http://www3.signonsandiego.com/stories/2009/mar/15/lz1e15aicamp224010-drugs-guns-and-money/> ; Milenio poll. Los Angeles Times, 07/15/09.
- ²⁴ Cook, *Mexico’s Drug Cartels*, passim.
- ²⁵ Cartel communications system. Dane Schiller and Susan Carroll, “Former Gulf Cartel insider spills his high-tech secrets,” *Houston Chronicle*, 08/25/09.
- ²⁶ Bagley, Los Angeles Times, 11/30/08.
- ²⁷ Napolitano. Los Angeles Times, 04/23/09.
- ²⁸ Tony Payan, “The Drug War and the U.S.-Mexico Border: The State of Affairs,” *South Atlantic Quarterly*, 105:4, Fall 2006, p. 13.
- ²⁹ Calderón. Los Angeles Times, 03/26/09.
- ³⁰ Latin American Commission. *Drugs and Democracy: Toward a Paradigm Shift*. Statement by the Latin American Commission on Drugs and Democracy, Open Society Institute, February 2009, p. 12. Available in pdf form at http://www.soros.org/initiatives/drugpolicy/articles_publications/publications/paradigm_20090218.
- ³¹ Jorge Castaneda on national police force. Presentation at Drug Policy Alliance Convention, Albuquerque, NM, November 13, 2009.
- ³² RAND. The quotation, slightly altered, is from a PBS Frontline website and is based on C Peter Rydell and Susan S. Everingham , *Controlling Cocaine: Supply Versus Demand Programs*, RAND 1994, p. xvi. For the study itself, see www.rand.org—MR331 http://www.rand.org/pubs/monograph_reports/MR331/

OTHER SOURCES

In addition to the above sources, along with many other published books and articles, I have benefited greatly from continuing dialogue with Professor José Luis Garcia-Aguilar at the University of Monterrey, and from interviews, mostly on condition of anonymity, with present and former agents of the DEA, the FBI, and the Border Patrol. These are referred to in the paper as “observers” or “sources.” I have recordings of all these interviews.