



Altar to *La Santa Muerte* outside Nuevo Laredo

State of Siege: Drug-Related Violence and Corruption in Mexico

Unintended Consequences of the War on Drugs

By Laurie Freeman

The war on drugs plunged Mexico into violent depths in 2005, especially along its northern border. Drug-related homicides soared, and former elite soldiers on the payroll of a drug cartel were responsible for numerous kidnappings and killings. Murder victims' tortured bodies frequently appeared on roadsides in key drug trafficking hubs throughout the country – and scores more victims, including more than 40 U.S. citizens, vanished without a trace. From within maximum security prisons, cartel leaders continued to run their illegal enterprises, killing rival inmates and ordering hits on enemies beyond the prison walls. Wild shootouts erupted on city streets as police and soldiers battled criminals, who on occasion were themselves law enforcement officials in the employ of traffickers.

This record-breaking year of drug-related violence closed on a chilling note – with the release of a video showing four bound and bloodied men describing to unseen interrogators their work as drug cartel assassins and alleging corruption in the highest levels of Mexican law enforcement. The video ends when one man is shot point-blank in the head by his off-camera captor.

Hundreds of soldiers and federal police were deployed to a number of Mexican cities ravaged by drug-related violence, but the killings continued, in some cases at accelerated rates. The border city of Nuevo Laredo, for example, which recorded 180 killings in 2005, witnessed 93 in the first four months of 2006 alone.

Drug traffickers have become the law of the land in many Mexican cities because of their ability to corrupt and threaten public officials. People view the police with distrust



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and fear, and believe that every security force – whether municipal, state, or federal – has a core group of members who are aligned with one cartel or another.

Overcoming the violence and corruption wracking Mexico will be incredibly difficult; uncovering the truth from beneath its tangled web may be impossible. But reducing drug-related violence and corruption is necessary for Mexico to become a country governed by the rule of law.

However, the nature of the drug trade and the current policies used to combat it mean that Mexico cannot achieve this task alone. The United States in particular must share responsibility for overcoming violence and corruption in Mexico for two reasons. First, cocaine, heroin, marijuana, and methamphetamines are trafficked through Mexico to meet demand in the United States, which remains strong and in some cases appears to be growing. Even more fundamentally, the United States has chosen to prohibit such drugs, a strategy that in all probability keeps drug use lower than would be the case under some form of legalization, but at the cost of creating a large black market where violence and corruption are the coin of the realm. There is no sign that either the Democratic or Republican party is contemplating a shift away from the basic U.S. stance of drug prohibition, meaning that Mexico will have to contend with the consequences for the foreseeable future.

Drug prohibition as enacted and enforced by the United States may be intended to keep drug use low, but there can be no doubt that it also stimulates and nourishes organized crime, both within and beyond U.S. borders. The consequences – richer, more powerful criminal organizations that create mayhem and flout the rule of law – are no less real for being unintended. The U.S. public and policymakers must be honest about this tradeoff and not avert our gaze from the corruption and violence that drug prohibition and the continuing U.S. demand for illicit drugs have helped to fuel in Mexico and other Latin American countries.

This is not to suggest that even a sharp reduction in the profits generated by the

illicit drug trade would transform Mexico overnight into a paradise of good government and rule of law. The drug trade did not create the institutional problems that have long plagued Mexico, such as widespread corruption, ineffective and abusive police forces and prosecutors' offices, and a weak judiciary. But the drug trade does feed upon, magnify and exacerbate these problems. A frank acknowledgement on the part of both the U.S. and Mexican governments of shared responsibility for the causes of the violence besieging Mexico is the first step to finding more effective approaches to reducing it.

This brief provides an overview of the current drug trafficking landscape in Mexico and the extreme drug-related violence it has generated in recent years – including more than 2,000 murders since 2005, most of them unresolved. It also analyzes the impact of U.S. and Mexican policies intended to address the problems of violence and corruption, and offers recommendations for how Mexico and the United States can more effectively confront them.

It is important to bear in mind that drug prohibition and the sizable U.S. market for illegal drugs make the challenge of ensuring public order and public safety in Mexico immensely more difficult. Under these conditions, dramatic improvements should be considered unlikely. With expectations tempered, modest but nonetheless significant improvements should be the goal.

Cartel Competition

Most analysts trace the current brutal phase in Mexico's drug war to early in the administration of President Vicente Fox, when one cartel leader escaped from prison and members of rival groups were killed and jailed. These incidents are thought to have altered the balance of power among Mexico's four main drug trafficking organizations (the Sinaloa, Tijuana, Juárez, and Gulf cartels, named after their places of origin), which responded by waging an all-out war for control of key trafficking routes.

In January 2001, Joaquín "El Chapo" Guzmán of the Sinaloa cartel escaped

from the Puente Grande federal maximum security prison, spirited out in a laundry bin after bribing a chain of prison guards and employees.

Meanwhile, the Fox Administration began closing in on the Tijuana cartel, which was led by brothers Ramón and Benjamín Arellano Félix. Ramón was killed by police in February 2002, and a month later the Mexican army captured his brother Benjamín. These blows against the Tijuana cartel strengthened its Sinaloa rivals, allowing them to focus their efforts on Nuevo Laredo.

Nuevo Laredo is the most important launching point for illegal drugs entering the United States. Every day an estimated 6,000 trucks, carrying 40 percent of all Mexican exports, cross into Laredo, Texas, where Interstate 35 whisks them up to Dallas, and from there throughout the United States. The very conditions that make Nuevo Laredo so attractive to legal commerce also make the city ideal for the illicit drug trade.

Like Chapo Guzmán of the Sinaloa cartel, Osiel Cárdenas of the Gulf cartel was also making inroads into Nuevo Laredo. In early 2002, Cárdenas enticed a few dozen elite soldiers – members of special forces groups that had been sent by the Mexican government to combat drug trafficking in northern Mexico – to desert the army and become his enforcers and security specialists. Known as the Zetas, their inside knowledge of the Mexican security forces and their expertise with sophisticated weaponry, intelligence gathering, surveillance techniques, and operational planning gave Cárdenas an edge over his competitors. According to the FBI, “Unlike other traffickers, the elite military background of its leaders allows [the] Zetas to mount complicated, precise operations.”¹

Both the U.S. and Mexican press have reported that some Zetas received U.S. military training while they were members of the Mexican special forces groups, or GAFEs (*Grupos Aeromóviles de Fuerzas Especiales*). While WOLA was unable to confirm those allegations, it is clear that some of the Zetas were GAFE members and that hundreds of GAFE members were

trained at Fort Bragg and Fort Benning in the mid-to-late 1990s as part of a U.S. program to train and equip Mexican soldiers for anti-drug operations, under the logic that the police had been infiltrated, out-gunned, and generally overwhelmed by the cartels. The GAFEs’ training emphasized small unit tactics, use of advanced weapons, surveillance techniques, and intelligence gathering. They were deployed to various parts of Mexico, particularly in the north, to combat drug traffickers.²

Cárdenas reportedly sent the Zetas to Nuevo Laredo to eliminate some of the local traffickers who had traditionally controlled the drug trade there. Their murders in May 2002 allowed Cárdenas to consolidate his grip over the city. He enjoyed supremacy for almost a year before his arrest in March 2003 after a fierce gun-battle against Mexican soldiers in the streets of Matamoros. He was sent to the La Palma maximum security prison outside Mexico City.

The arrests of Arellano and Cárdenas, rather than halting the flow of drugs, merely altered the balance of power among cartels and opened a Pandora’s Box of violence. With Nuevo Laredo up for grabs, the Sinaloa cartel, bolstered by blows against its rivals, moved in with a vengeance. Violence skyrocketed as the Zetas battled to retain the Gulf cartel’s power over the city, and the Sinaloa cartel’s gunmen vied to wrest it from them.

Putting some of the country’s most-wanted cartel leaders in prison did not effectively remove them from the drug trade. Federal prisons, which had once been considered less corrupt than state ones, became infiltrated by organized crime. Traffickers were able to hold lengthy meetings with visitors and send orders through them regarding cartel operations. Prisoners had access to a range of perks and luxury items such as stereos, televisions, special food and clothing, and cell phones; they were also able to smuggle in weapons. These lax conditions allowed jailed traffickers to continue running their businesses from the relative safety of prison. Cárdenas retained control of the Gulf cartel thanks to these conditions and to the loyalty of the Zetas.

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PHOTO BY LAURIE FREEMAN, WOLA

Offerings to La Santa Muerte, Nuevo Laredo

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To shore up his weakening hold over that turf, Cárdenas allegedly made an alliance with Arellano in prison (facilitated by the fact they were kept in adjacent cells). Police reportedly uncovered a video of Cárdenas, Arellano, and other traffickers holding a friendly meeting with the superintendent of La Palma prison in early December 2004.

Traffickers’ control over the prison also allowed them to order executions of rival traffickers within. Drug-related

violence shifted into high gear on the last day of 2004, when Chapo Guzmán’s brother was assassinated in La Palma prison. (His killing followed the murders of two other La Palma prisoners – including the shooting death of one of Guzmán’s associates in October.) The murder of Guzmán’s brother sparked a new round of killings as cartels sought to exact vengeance against each other or retaliated against the government for its subsequent clampdown on the prison system.

On January 14, 2005, amid rumors that the Zetas were planning to help Cárdenas escape, the Mexican government sent nearly 1,000 soldiers and federal police to re-take La Palma prison, in order to separate kingpins from one another (to prevent both burgeoning alliances and deadly disputes) and transfer others to a maximum security prison in Matamoros. The cartels retaliated by kidnapping and executing six Matamoros prison employees. Their tortured bodies, blindfolded and with hands bound, were found on January 20 in an SUV outside the prison entrance. They had been abducted as they were leaving prison the morning before by a group of gunmen, presumably the Zetas, who had set up a fake roadblock.

Welcome to Nuevo Laredo

Two massive concrete skeletons, wrapped in cloaks and carrying sickles, stand guard on the side of the highway leading into Nuevo Laredo from the south. Behind them are several chapels filled with pictures of menacing skeletons and candles, beer cans, cigarettes, and other offerings to the “La Santa Muerte,” or the cult of Saint Death.

This foreboding presence is a source of strength for local drug traffickers seeking protection in a dangerous business, as well as a warning to outsiders who venture to Nuevo Laredo to make their fortunes in the lucrative drug market.

And it is an unfortunate though fitting symbol of Nuevo Laredo, which as the center of Mexico’s drug war has become the country’s murder capital. During 2005, there were more than 180 killings in this city of 350,000 (compared with 68 the year before), and the murder rate during the first four months of 2006 was even higher.³ From January through May 2006, there were 114 drug-related killings in Nuevo Laredo, compared with 45 during the same period the previous year.⁴ Shootouts on city streets are frequent occurrences, some lasting as long as 30 minutes; on occasion cartels have used grenades and bazookas to attack their enemies and intimidate their critics.

While Nuevo Laredo was always an important drug trafficking hub, the city has never experienced violence of this nature or intensity before. In the past, the drug trade through the city was controlled by two local groups that divided the city in half, more or less respected each other’s turf, and conducted their business in relative calm. That changed after the arrival of the Zetas, who eliminated local traffickers so that the Gulf cartel could seize control of the Nuevo Laredo corridor.

The Zetas have pursued a number of strategies for gaining the upper hand in Nuevo Laredo. They have cowed and corrupted the municipal police, converting them into their spies, protectors, and enforcers. Municipal cops under their control kidnap members of competing drug trafficking organizations and hand them over to the Zetas to be held for ransom or tortured into revealing information about their

operations. The Zetas have also formed networks of look-outs and informants among local taxi drivers, food vendors, and others who monitor comings and goings of rival traffickers and law enforcement officials. The Zetas have become involved in extortion and kidnapping as lucrative side businesses. They have also implemented a systematic campaign to manipulate press coverage of the drug war.⁵

To compete against these tactics, enforcers for the Sinaloa cartel (known as the Negros) responded in kind, bribing, threatening, and killing police and other public officials, intimidating the media, and engaging in a bloody street war with its Gulf cartel rivals. And as the cartels battled each other, violent ambushes, shoot-outs, and murders became routine occurrences in Nuevo Laredo.

The federal government sent more than 700 soldiers and federal and state police to patrol the city in early March 2005, but violence continued to escalate. In one of the most brazen attacks, radio journalist Guadalupe García Escamilla, who had been receiving death threats over the police radio frequency, was shot nine times outside her Nuevo Laredo office on April 5, 2005. She died after more than a week in intensive care.

As bodies piled up, Nuevo Laredo's mayor appointed Alejandro Domínguez, a well-known businessman, to serve as the city's police chief. Domínguez made it clear that he would not negotiate with the cartels. As he was leaving his office on June 8 – his first day on the job – he was ambushed and killed by gunmen.

In response, on June 11 the Mexican government launched Operation Safe Mexico (*Operativo México Seguro*, OMS), which involved sending hundreds more troops and federal police to Nuevo Laredo and other cities wracked by violence, in an attempt to wrest control from drug traffickers and corrupt police.

Federal forces entering Nuevo Laredo encountered serious resistance from the municipal police, who shot at them to defend their turf; forty-one municipal police were arrested. Federal officials removed all of the city's 700 police officers from their

jobs while investigating them for corruption, and less than half were cleared to return. Further evidence of the municipal cops' ties to traffickers came on June 26, when the federal police rescued 44 people that municipal police had kidnapped on behalf of the Zetas.

Yet violence did not abate after the federal forces' arrival in Nuevo Laredo with OMS. The following month, on July 28, explosions and gunfire shook a neighborhood near downtown Nuevo Laredo's main shopping complex as drug traffickers battled each other with AK-47s, bazookas, and grenades for at least thirty minutes. None of the myriad municipal, state, and federal security forces stationed in Nuevo Laredo arrived at the scene. The U.S. consulate closed the next day, citing safety concerns for its employees and Mexicans seeking visas.

Hundreds more Mexican police and soldiers moved into Nuevo Laredo to try to restore order, but violence continued. On August 5, city council member Leopoldo Ramos, president of Nuevo Laredo's public security commission, was killed along with his bodyguard by gunmen who shot up his truck with automatic weapons.

Violence seemed to lessen towards the end of 2005, but spiked again in mid-January 2006. Around noon on February 2, armed men attacked a group of Federal Preventive Police agents (*Policía Federal Preventiva*, PFP), injuring two agents and two civilians. The gunmen were allegedly trying to kill two detainees in PFP custody. On February 5, the newspaper *El Mañana* published a photo of one of the injured agents, revealing his identity and information linking him to the Sinaloa cartel. On February 6, two masked gunmen entered the offices of *El Mañana*, shooting assault rifles and throwing at least one grenade; one reporter was critically injured in the attack.

In March, Tamaulipas state police chief Victor Berrones and another officer were killed in Nuevo Laredo by gunmen who sprayed their patrol car with bullets for more than 15 minutes. Six hundred federal agents arrived in Nuevo Laredo on March 15 to crack down on continued crime and violence, and the next day four of them were ambushed and killed by gunmen. The agents

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were members of a special operations and intelligence unit of the PFP who had been conducting surveillance of an office building housing the Federal Investigative Agency (*Agencia Federal de Investigaciones*, AFI). A week later, Nuevo Laredo police chief Omar Pimentel resigned after eight months on the job. (When this report went to press in early June, he had still not been replaced.)

On April 8, armed men attacked municipal police, killing one. A week later, on April 25, gunmen shot forty rounds at two other municipal police who were guarding the house of the city's number two police official. One was killed and the other was injured. Two days later, on April 27, gunmen attacked a group of mechanics in their workshop; a 58-year-old woman who was grocery shopping was caught in the crossfire and died immediately. She was the 93rd victim to die violently in Nuevo Laredo since the year began.

Paralyzed by Fear

Widespread and unchecked violence creates a palpable sense of fear and tears at the social, cultural, and economic fabric of Nuevo Laredo. As the war between cartels rages, no one – not police, not journalists, not ordinary citizens – knows whom they can trust, so they trust no one. In the words of one journalist, violence and fear “render the state useless and the citizenry defenseless.”⁶

According to one U.S. official, “It is impossible to overestimate the level of fear on the Mexican side among government and police officers.”⁷ Because there are two groups fighting for supremacy, anything public servants do that is interpreted as benefiting one group – such as trying to take down its rival – makes them the target of the other. As a result, fear paralyzes them into inaction. Municipal and state officials also insist that the problem is not theirs to solve, since drug trafficking is a federal crime, or they engage in denial, claiming that the situation is improving and that the violence will soon end. It seems as if many Mexican officials are resigned to let events unfold and to let one group win so the violence will finally abate.

Residents are afraid to go out for fear of getting caught in the crossfire. Those who can do so move their homes and businesses across the border to Laredo, Texas, leaving empty shops and restaurants behind them. Many residents who remain have participated in a campaign for peace, but that effort was hobbled by rumors that people with peace stickers on their cars would be shot. People are resigned to the violence; one reporter remarked that, “in Nuevo Laredo, drug trafficking and death are as natural as our having coffee right now.”⁸

There are currently about 40 U.S. citizens who have vanished in and around Nuevo Laredo. Some of the American victims may have been involved in the drug trade. Others appear to have been innocent victims of kidnapping for ransom schemes or simply of thugs accustomed to operating beyond the reach of the law. Among the missing is Jerry Contreras, a 17-year-old from San Antonio, Texas. He had driven to the town of Piedras Negras in Tamaulipas state to attend a baby shower. According to witnesses, “he became involved in a minor accident with a gold SUV, whose enraged driver rammed Contreras’s Ford Escort, followed him to the party and threatened him. Contreras ran and hid in a grocery store, but several armed men dragged him out. He has not been seen since.”⁹

One priest in Nuevo Laredo admitted to being careful not to speak out too forcefully against violence and corruption, out of fear that he could make the situation worse or invite the wrath of an unknown, hidden enemy that “could be in the government itself.”¹⁰

Silencing the Media

Journalists, too, are terrified of the hidden enemy lurking within and without. They wonder which of their colleagues may be on the payroll of drug traffickers. They anguish about what might happen if sensitive information slips through their filters and is published in the paper.

The drug war is having a chilling effect on the Nuevo Laredo news media. Although the morning and evening editions of

local newspapers carry screaming headlines and graphic photos of the city's latest murders, there is little real coverage of the drug war gripping the city. The basic information regarding the killings – the who, what, when, and where – is covered, but the *why* and *how* are notably absent. Journalists are no longer willing to ask those questions; they are afraid of where the answers will take them or how the answers will endanger them. This chilling effect fostered a desire for anonymity among journalists who provided background for this publication.

Since March 2004, three journalists have been killed in Nuevo Laredo: *El Mañana* editor Roberto Mora García, radio reporter Guadalupe García Escamilla, and radio announcer Ramiro Téllez Contreras. None of these crimes has been credibly resolved. Police charged Roberto Mora's neighbors, a gay couple, with his killing, alleging it was a crime of passion. Both men were tortured into confessing to the murder, and one of them, U.S. citizen Mario Medina, was stabbed to death in prison two months later.¹¹

Media self-censorship is a natural reaction to the danger drug-war reporting poses for journalists everywhere. But it has taken on unique characteristics in Nuevo Laredo, where manipulating the media has become a weapon in the war between drug trafficking organizations. Through bribery and threats, the cartels seek to manage their publicity, in order to minimize knowledge of their weaknesses, avoid calling too much attention to their strengths (which could invite unwanted law enforcement), and turn public opinion against rival groups and their protectors in law enforcement agencies.

The Zetas in particular reportedly have undertaken a deliberate media campaign aimed at highlighting rival traffickers' responsibility for crimes of violence and corruption, building up the myth of the Zetas' indomitable power, and downplaying events that expose the Zetas' weaknesses. Numerous journalists described how the Zetas approach reporters, offering bribes and intimidating them with veiled threats ("Don't write about that, it's dangerous") or more explicit ones. The Zetas also subject journalists to the "*levantón*," by which they

force them into cars and drive them around for several hours, beating them and instructing them as to how to cover the news.¹²

Reporters also told WOLA that the Zetas have a press liaison who tells reporters what they can and cannot print about specific drug-related incidents. The Zetas don't like to see stories about their dead; it detracts from their aura of power. When a man worshiping at the altar to death at the entrance to Nuevo Laredo was gunned down in March 2006,¹³ for example, local journalists who went to cover the incident were intercepted, turned away, and told to only report the barest of the facts, and not to even mention where the murder took place.¹⁴ The Zetas also try to highlight unfavorable coverage of rival cartels, either by submitting written stories to media contacts or by providing them with incriminating photos and information.

The Sinaloa cartel also uses the media to attack its rivals in the Gulf cartel. On May 28, 2006, wanted drug trafficker Edgar "La Barbie" Valdez published a paid ad in a Mexico City daily in which he described the Zetas as "narco-kidnappers and murderers of women and children," accused them of a campaign to discredit him, and alleging that they have bought protection from state officials and agents in Mexico's federal attorney general's office.¹⁵ Valdez is believed to be the head of the *Negros*, the Sinaloa cartel's answer to the Zetas.

Stories that anger cartels can endanger journalists and their colleagues, making decisions about what to report incredibly difficult for the local media, who have to balance their duty to provide information with their responsibility to protect their employees from reprisals. Shaken by the grenade attack against *El Mañana*, the newspaper decided not to cover the drug war any more, telling its readers in a letter that, "To avoid any infiltrations we have decided to suspend any publication of anything that has to do with the war taking place in Nuevo Laredo."¹⁶ One newspaper owner interviewed by WOLA said he agrees not to publish stories that the Zetas don't want to see in print, in order to protect his employees, but that he refuses to run stories attacking the Zetas' rivals,

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PHOTO BY LAURIE FREEMAN WOLA

Federal Preventive Police on patrol in Nuevo Laredo.

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because doing so would amount to taking sides in the cartels' battle and endanger his employees even more.

Self-censorship has also been made necessary by the fact that some journalists do accept bribes and take sides in the war between cartels. Not long after Guadalupe García's death, rumors began to circulate that she was not an innocent victim, but had actually been paid by the Zetas to control the kind of drug-related news that aired on her program by downplaying her coverage of the Gulf cartel. Some dismiss the allegations as a convenient way for the authorities to let themselves off the hook for not investigating the crime. But many others, including local journalists, believe the allegations that García was somehow working for the Gulf cartel.

Whether or not these allegations are true, they are poisonous to the public's trust in the media, put all journalists at risk, and cripple the possibilities for real investigative journalism. Intrepid journalists who dig too deep into one cartel's network of complicity and corruption may be perceived as taking sides. This stifles reporting on organized crime and its link to law enforcement institutions.

A Failed Show of Force

According to federal officials, the purpose of Operation Safe Mexico (OMS) was "to confront and combat the eruptions

of violence that have appeared in recent dates in certain regions of the country, the product of disputes between organized crime groups."¹⁷ Originally carried out in three states – Tamaulipas, Baja California, and Sinaloa – the Operation later extended to others, including Michoacán, Mexico State, Guerrero, and Chiapas.

By some initial accounts, OMS in Nuevo Laredo seemed specifically targeted at breaking the drug cartels' penetration of the municipal police. According to presidential spokesman Rubén Aguilar, "there is reasonable evidence that drug trafficking has penetrated municipal police structures..., and this operation is, above all, an investigation into the [local] police..."¹⁸ He added that OMS intended to purge local police bodies infiltrated by drug-related corruption. Indeed, its first major action was detaining hundreds of Nuevo Laredo police suspected of ties to traffickers and subjecting them to drug and lie detector tests.

In addition to conducting the Nuevo Laredo police purge, federal agents in Tijuana, Mexicali, Culiacán, and other cities were "deployed to the streets, plazas, avenues, and neighborhoods to reinforce security and deter and prevent the commission of all kinds of crimes."¹⁹ They stepped-up their investigation of federal crimes, executed outstanding arrest warrants, and established checkpoints to search for illegal drugs and weapons and to detain wanted criminal suspects. While deployed to these cities, federal agents were also supposed to undertake "broader and deeper ... investigations related to the leaders of criminal gangs" and "gather evidence against dangerous criminals that have remained beyond the reach of the law through acts of corruption and intimidation with the local authorities."²⁰

It may have originally been conceived as an operation to combat violence and police corruption in key drug trafficking hubs, but OMS turned out to be little more than a catch-all for already ongoing federal government efforts to prevent and investigate a range of federal crimes, including drug trafficking, drug dealing, contraband, migrant trafficking, vehicle theft, and illegal weapons possession. Although the presence of the army and federal police was intensi-

fied in certain cities, what distinguished OMS from the federal government's normal activities (with the exception of the Nuevo Laredo police purge) was the intensity of the effort – the strategy had not changed at all.

Soon, any federal law enforcement effort – such as the deployment of soldiers to eradicate illegal drugs, a task the army has been carrying out since the 1940s – was characterized as part of OMS. Mexico's response to these “eruptions of violence” in Nuevo Laredo, then, differed little from its ongoing federal law enforcement or counter-drug efforts.²¹

OMS has failed to achieve its objectives. Rather than reduce drug-related violence and police corruption in Nuevo Laredo, both appear to be on the rise. It is widely believed that drug cartels have infiltrated all of the security forces in the city, with some supporting the Gulf cartel while others work for their competitors from Sinaloa. According to journalists and U.S. officials, the Zetas continue to control a core group of the Nuevo Laredo municipal police and use violence and threats to intimidate the rest. Federal police forces have also allegedly been infiltrated; analysts point out that there have been no arrests of major drug traffickers in Nuevo Laredo despite an intense federal law enforcement presence since June 2005. Other suspicious incidents point directly to collusion between cartels and corrupt police agents, such as when the PFP agent injured in an ambush allegedly turned out to working for the Sinaloa cartel.

Causes of Violence

Drug-related violence in Mexico is largely a consequence of the drug trade's illegality. Drug markets “operate without the usual protections against fraud and violence offered by the [legal] system. ... Contracts cannot be enforced through written documents and the legal system; agreements are made hurriedly, sometimes in ambiguous code, and orally.”²² As a result, contracts are settled privately and often with violence. Violence, in addition to being used between competing organizations, is also a tool for disciplining subordinates, punish-

ing traitors, and moving upward in the ranks within an organization.

Violence between competing organizations can easily intensify as they get greedy for more of the profits. If the only thing preventing one group from dominating the market is its rival, eliminating the competition and reaping the benefits can be preferable to dividing up territory and settling for less. Similarly, violence is often the product of personal vendettas between drug traffickers, who strike at each other's organizations to avenge murders of family members or close associates. Once these reprisals start, they easily spiral out of control and overshadow the business side of the drug trade. The fight between the Gulf and Sinaloa cartels has personal overtones: Osiel Cárdenas was allegedly responsible for the murder of Chapo Guzmán's brother, setting off a violent chain reaction of reprisals.

Increased rates of drug-related violence in Mexico in recent years can also be attributed to the Mexican government's successful capture of top traffickers, which has weakened formerly powerful organizations, opening space for others to move in and replace them. A blow to one cartel becomes a business opportunity for another, and the winner uses violence to establish control over new routes and territories. For this reason, “aggressive drug enforcement might actually increase drug-related violence.”²³ The violence in Nuevo Laredo is certainly an example of the unintended consequence of Osiel Cárdenas's incarceration.

Much the violence is caused by the fight for control of the “*plaza*,” or the concession to run the narcotics racket through the city; drug traffickers essentially pay off authorities in exchange for the rights to traffic drugs unmolested into the United States.²⁴ But the violence is also about ensuring that the money from drug sales makes it back to the cartel bosses in Mexico, who want to benefit from the price markup that occurs after drugs successfully cross the border. In order to ensure that the money reliably comes back to them, cartel bosses must exert control along the length of the distribution network. Loyalty is essential; violence is a way to achieve it by discouraging double-crossers.

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Increased rates of drug-related violence ... can also be attributed to the Mexican government's successful capture of top traffickers.... A blow to one cartel becomes a business opportunity for another, and the winner uses violence to establish control over new routes and territories.

The Zetas have imbued the drug war in Nuevo Laredo with particular brutality, generating violence that is “more sophisticated and more savage.”²⁵ The Zetas use advanced weaponry to attack and ambush rival organizations but also kidnap and execute their enemies, then burn their bodies in fuel-filled barrels. The Zetas zealously guard the Gulf cartel's turf and collect taxes on illicit activities in the Gulf cartel *plazas*, kidnapping, beating, torturing, and sometimes killing those who refuse to pay. These same techniques are used to discipline collaborators who lose or steal shipments or cooperate with rival organizations and to gather intelligence about rival groups. Despite the deaths of some of the original Zetas, membership continues to grow through new recruits, including some from the police and military; one FBI assessment reports that the new members “are allegedly more violent than their leaders and may be behind much of the drug-related turmoil occurring along the border.”²⁶

The existence of the Zetas prompted the Sinaloa cartel to organize a similar band of enforcers, the Negros, with its own style of violence and a penchant for high-powered assault weapons. They are thought to be responsible for the recent rise in attacks against police officers in Nuevo Laredo, in an attempt to wrest control over the local police from the Zetas.²⁷

Many also attribute the rising drug-related violence in Mexico to that country's political transition from one-party rule to electoral democracy. Academic Luis Astorga argues that under the PRI, police and intelligence institutions – notably the Federal Security Directorate (DFS) and the Federal Judicial Police (PJF) – regulated, controlled, and contained the drug trade, protecting drug trafficking groups and mediating conflicts between them. Yet as the PRI lost its hold on power, state apparatuses no longer set the rules of the game or resolved conflicts. Traffickers resorted to violence to enforce deals with customers, settle scores with competing organizations, and intimidate or exact revenge against law enforcement agents.²⁸

And finally, drug-related violence is fueled by the relative ease with which

traffickers obtain weapons, increasingly high-caliber weapons like AR-15s and AK-47s. About 80 percent of illegal weapons in Mexico are trafficked from the United States,²⁹ most of them purchased legally at gun shops or gun shows (which allow unlimited purchases of handguns and automatic weapons, sometimes without any background check), then transferred to third parties or re-sold on the black market.³⁰

Some Mexican and U.S. officials attempt to paint a positive picture of Mexico's counter-drug campaign, even claiming that rising violence is an indicator of success. In one interview, President Fox said, “Why are we having all these homicides and all these crimes on the streets? Because we've been winning the campaign. The more we destroy the production of drugs, the more we catch drugs in transit,...the more [drug traffickers] are desperate and challenging the authorities.”³¹ U.S. drug czar John Walters made a similar claim about the rise in Mexico's drug-related murders: “Unfortunately this is one of the possible signs of the efficacy” of anti-drug efforts.³²

But an increase in murdered traffickers doesn't translate into fewer drugs entering the United States. Rival traffickers or those new to the business are only too eager to replace them and move a product for which there continues to be strong demand. Despite the increasing body count, Mexico continues to be the transit route for 70 to 90 percent of the illegal drugs trafficked into the United States.³³

It is disturbing that the rising murder rate is being used as an indicator of counter-drug success. First, it assumes that the victims are drug traffickers and that their murders will have an impact on the drug trade. Second, by attributing the murders to underworld vendettas and implying that the victims were traffickers who got their comeuppance, it belies a disregard for the rule of law, where suspected criminals are innocent until proven guilty and are prosecuted in the courts rather than summarily punished. And third, it assumes that innocents will not be harmed.

These sentiments are shared by many politicians and law enforcement officials throughout Mexico. In Nuevo Laredo, a

Drug Related Violence Sweeps Across Mexico

Though Nuevo Laredo is the epicenter of drug-related violence, the problem has reached extreme and in some cases unprecedented levels throughout Mexico. According to Mexican newspaper *El Universal*, Mexico witnessed at least 1,537 drug-related killings between February 18 and December 31, 2005.¹ Drug-related homicides continued apace in 2006, with 860 from January to mid-June.²

Tijuana, Baja California state: There were a record-breaking 396 drug-related homicides in 2005, compared with 355 in 2004. The violence is attributed to the weakening of the Arellano Félix cartel and attempted inroads into their territory by other trafficking groups, principally the Sinaloa cartel. Cartel enforcers were responsible for kidnapping and killing businessmen and other prominent residents. In one brutal case, a popular local priest, Luis Velázquez Romero, was killed allegedly after he tried to break up a bar brawl. He had been taken to his car, where he was handcuffed and shot six times in the head and neck.³

Acapulco, Guerrero state: Along Mexico's southern Pacific coast, Guerrero has long been home to much of the country's poppy and marijuana fields, as well as the point of entry for US-bound Colombian cocaine. As elsewhere in Mexico, competition for control over resources and key routes has led to brutal violence. The narco-video was allegedly filmed in Acapulco in May 2005 by enforcers for the Sinaloa cartel who had kidnapped, tortured, and killed rival Zetas. Many of the victims are police officers, who "are turning up dead in unprecedented numbers, and their stations are being attacked by hit men wielding fragmentation grenades."⁴ On April 20, 2006, the heads of two men, one of them a police officer, were discovered in a plaza in downtown Acapulco along with the message "So that you learn to respect." The killings were thought to be retribution for a shootout between police and traffickers earlier in the year, in which four suspected traffickers were killed. The decapitated police officer had been involved in the shootout; his body was found with its right hand cut off.⁵

Ciudad Juárez and Chihuahua City, Chihuahua state: In recent months Ciudad Juárez and Chihuahua City have witnessed numerous drug-related homicides, shoot-outs, and disappearances. By mid-June 2006, 108 people had been killed in Ciudad Juárez, many of them showing signs of torture.⁶ Overcrowded prisons led to deadly riots; one such incident claimed the lives of nine prisoners. In Chihuahua City in early May, a state official was shot more than 30 times by gunmen. Later that month, two municipal police who were guarding the home of a suspected drug trafficker were killed by unknown gunmen in a violent shoot-out.⁷ A state investigative policeman was also implicated in the incident, and the attorney general soon fired several police for their possible links to traffickers. The scandal prompted calls for the army to patrol the streets of both cities.

Culiacán, Sinaloa state: Sinaloa is one of Mexico's principal drug trafficking hubs. For the past decade there have been approximately 500 violent murders annually, most of them drug-related.⁸ In the first four months of 2006, Sinaloa saw 142 drug-related homicides, with nearly half of those occurring in Culiacán. In response to this violence the mayor of Culiacán concluded that, "only fools... and the dead are not afraid."⁹ Like other states plagued with drug-related violence, Sinaloa police are constantly under attack from the cartels' enforcers; at the same time, there are allegations that organized crime has infiltrated law enforcement forces. For example, in the first months of 2006, 132 state police officers were discharged from their duties "for loss of trust," according to the state attorney general.¹⁰

1 "Guerra entre narcos deja mil 537 ejecutados este año," *El Universal*, 31 December 2005.

2 Roberto Barboza Sosa and Edgar Ávila Pérez, "Ola de violencia en cinco estados," *El Universal*, 11 June 2006.

3 Richard Marosi, "Priest's Slaying Shakes Tijuana," *The Los Angeles Times*, 27 October 2005.

4 Héctor Tobar and Carlos Martínez, "Drug Cartels Bring Rivalry and Death to Southern Mexico," *The Los Angeles Times*, 4 November 2005.

5 Héctor Tobar, "2 More Victims in War of Drug Cartels," *The Los Angeles Times*, 21 April 2006.

6 Armando Rodríguez, "Tres muertos más en Juárez; ya van 108," *El Diario de Ciudad Juárez*, 11 June 2006.

7 Javier Saucedo, "Analizan si Ejército debe hacer patrullaje en Juárez," *El Diario de Ciudad Juárez*, 30 May 2006.

8 Javier Cabrera Martínez, "Cuestionan la efectividad del México Seguro," *El Universal*, 28 May 2006.

9 Javier Cabrera Martínez, "Sólo los muertos y los locos no tienen miedo," *El Universal*, 12 April 2006.

10 Javier Cabrera Martínez, "'Limpieza' en Policía Ministerial de Sinaloa," *El Universal*, 5 March 2006.

Some Mexican and U.S. officials attempt to paint a positive picture of Mexico's counter-drug campaign, even claiming that rising violence is an indicator of success.... But an increase in murdered traffickers doesn't translate into fewer drugs entering the United States.

Like violence, drug-related corruption is a product of the black market. Doing business entails bribing and intimidating public officials and law enforcement and judicial agents – on both sides of the border.

municipal official involved in police-community relations told WOLA, “Those of us who are free of any guilt feel safe in Nuevo Laredo” and “people who are afraid are either involved in crime or don’t know about proper safety measures.”³⁴ Tamaulipas Governor Eugenio Hernández Flores sounded a similar refrain when he said, “The people of Tamaulipas who behave themselves have nothing to fear” unless they “are in some way involved with organized crime.”³⁵ In Tijuana, one police official’s remarks to that effect – “The narcos are killing each other off – that’s good. The only problem is, it’s happening in broad daylight”³⁶ – was backed up by Mayor Jorge Hank’s statement that “Any honest citizen shouldn’t be worried.”³⁷

There are plenty of reasons for honest citizens to be worried. Innocent bystanders *are* caught in the crossfire. The rising violence and impunity create a heightened sense of insecurity for all citizens – they know that those responsible for the murders are still at large, willing and able to strike again. And drug-related corruption deprives citizens of professional and effective law enforcement and judicial institutions. As these institutions become infiltrated by organized crime, they cease to represent the state but serve criminal interests instead.

No one is safe if killers are allowed to operate with impunity, settling accounts as they see fit, because it creates a parallel power structure outside of the rule of law that challenges the state’s authority. It also creates a situation in which authorities can easily depict homicide victims as having been involved in the drug trade, in a bid to wash their hands of the obligation to seriously investigate the murders. Even more troubling is when organized crime infiltrates state institutions to the point that members of police forces act as their armed enforcers and protectors, leaving citizens with nowhere to turn if they are victims of crime or violence.

Drug-Related Corruption

Like violence, drug-related corruption is a product of the black market. Doing busi-

ness entails bribing and intimidating public officials and law enforcement and judicial agents – on both sides of the border. Corruption can exist without organized crime, but organized crime cannot survive without corruption, and it looks for opportunities to create and deepen corruption.

The drug trade has exacerbated existing corruption in Mexico, where institutions are weak, lacking in transparency or oversight, and have few effective mechanisms for deterring, detecting, and punishing corruption. Even after the wholesale purge of the Nuevo Laredo police force, corruption continues to crop up. After surviving the June 2005 purge, another 57 agents were forced to leave the force in early 2006. A high-ranking municipal police official in Nuevo Laredo explained that it is not his agency’s job to detect and root out corruption within its ranks – that is a job for federal police officials. He said it was his agency’s policy to cooperate with the federal police in their investigations into municipal police corruption, but that it would be unfair to his officers to institute a system by which citizens could anonymously denounce police corruption.³⁸

Perhaps the most convincing evidence that Mexican law enforcement forces have been infiltrated by organized crime was the “narco-video” first reported in November 2005 by the *Dallas Morning News*. The video showed four captured members of the Zetas describing to unseen interrogators their work as drug cartel assassins. (Mexican officials confirmed that two of the men were former soldiers.) The men described what they called a “*guiso*” (“stew”): “The *guiso* is when they grab somebody, extract information from him or drugs or money from him, something like that; [then] they take away from him whatever they wanted, whatever he carried that was an offense. After having him tortured, he is executed or sent to a ranch or to those places, and there they give him the last shot and throw him into a barrel and burn him with different fuels, like diesel and gasoline.”³⁹ The captured Zetas also described their links to Mexican law enforcement agents, implicating high-ranking officials, and went into detail about their methods for kidnapping,

Major Drug Cartels in Mexico



Sinaloa Cartel

Sinaloa is a state on the west coast of Mexico that has long been a source of marijuana and poppy crops, as well as home to some of Mexico's most notorious drug traffickers, including Joaquín "El Chapo" Guzmán. Guzmán, current leader of the Sinaloa cartel, escaped from a federal maximum security prison in January 2001. With the help of Edgar "La Barbie" Valdez, who reportedly organized a group of enforcers known as the Negros, Guzmán is fighting against the Gulf cartel for control of Nuevo Laredo.

According to the State Department, the Sinaloa cartel (also known as the Guzman-Loera Organization) "smuggles multi-ton cocaine shipments from Colombia through Mexico to the United States. ... Guzman-Loera has bases of operation in Sinaloa, Sonora, and Chihuahua, Mexico. The organization has distribution cells throughout the United States, including cells in Arizona, California, Texas, Chicago, and New York."¹

Gulf Cartel

The Gulf cartel is based in the northeastern cities of Reynosa and Matamoros near the Gulf of Mexico. Its leader is Osiel Cárdenas Guillen, who was arrested in March 2003 and continues to direct the cartel from a federal maximum security prison. He maintains the loyalty of the Zetas, former special forces who deserted the army to work for him as hit-men and security specialists.

Tijuana Cartel

The Tijuana cartel, based in northwest Mexico, is run by the Arellano Félix clan. Although the cartel was dealt serious blows in 2002 – enforcer Ramón Arellano Félix was killed by police, and his brother Benjamín, considered the brains of the organization, was captured by soldiers – it continues to smuggle large quantities of marijuana, methamphetamine, and cocaine from Mexico into the United States.

Juárez Cartel

Vicente Carrillo Fuentes is head of the Juárez cartel, which, according to the State Department, "controls one of the primary transportation routes for billions of dollars worth of drug shipments entering the United States from Mexico annually."² He took over the cartel after his brother, Amado Carrillo Fuentes (known as the "Lord of the Skies") died during plastic surgery in 1997.

1 U.S. Department of State, Narcotics Rewards Program, Bureau for International Narcotics and Law Enforcement Affairs, <http://www.state.gov/p/inl/narc/rewards/c13369.htm>

2 Ibid.

A number of FBI undercover investigations revealed that U.S. soldiers conspired to use the protection afforded by their military uniforms and vehicles to traffic drugs through southwestern states.



PHOTO ORIGINALLY PUBLISHED IN THE DALLAS MORNING NEWS

Members of the Zetas, captured by rival traffickers, under interrogation before being killed. This photo was taken from the “narco-video” in which Zetas describe their work as Gulf cartel hit-men and allege corruption in the highest ranks of Mexican law enforcement.

torturing, and killing rival traffickers, as well as for recruiting other hit-men from police and military forces. The video ends when a gloved hand with a gun approaches one of the men’s heads and shoots him point blank.

The video raised a number of questions: Were the video’s allegations linking top Mexican officials to the cartels true? Were current or former soldiers or police officers responsible for the video? Why had it been made and sent to the media? And the most unsettling question of all: Is there any Mexican law enforcement agency that can be trusted?

The Mexican government’s shifting and contradictory response to the video did little to resolve the questions about its origins and authenticity or the growing doubts about the trustworthiness of Mexican anti-drug agencies. In the article that first revealed the video’s existence, Mexico’s top organized-crime fighter was quoted as saying that the men’s statements were coerced as part of a “counterintelligence strategy” by one cartel to force the

government to mount a more energetic attack against its rival.⁴⁰ The day the story broke, however, he announced that eight agents from the elite Federal Investigations Agency (AFI) – a police force created early in the Fox Administration to replace the notoriously corrupt federal judicial police – were in custody in connection with the kidnapping and murder evidenced in the video, and that three more federal agents were being sought.⁴¹ Yet the following day, the local Mexico City authorities announced that five of the eight AFI agents detained in connection with the four men’s kidnappings and murders – which had occurred in May 2005 – had been freed three months prior for lack of evidence.⁴² (The other three federal policemen remained in Mexico City prisons on drugs and kidnapping charges.)

Complicating matters further, two days later Mexico’s attorney general announced that federal police had not been involved at all, arguing that the video was a set-up to tarnish the reputation of Mexican law enforcement.⁴³ But a day after that, his office

released a report confirming doubts about the AFI's trustworthiness; according to the report, 1,493 AFI agents (out of a force totaling about 7,000) were under investigation for possible criminal activity and 457 were facing prosecution.⁴⁴

Subsequent U.S. and Mexican press reports based on Mexican court files have concluded that AFI agents probably kidnapped the Zetas in the resort city of Acapulco, then handed them over to members of the Sinaloa cartel to be interrogated and executed.⁴⁵ Some U.S. and Mexican officials believe that current or former soldiers were responsible for the video.⁴⁶

Traffickers must also corrupt U.S. law enforcement officials in order to move drugs through the United States. A number of FBI undercover investigations revealed that U.S. soldiers conspired to use the protection afforded by their military uniforms and vehicles to traffic drugs through southwestern states. One sting operation ("Tarnish Star") nabbed 13 current and former soldiers, who pled guilty to conspiring to take bribes in exchange for transporting cocaine between Texas and Oklahoma.⁴⁷ According to prosecutors, "the defendants agreed to wear their military uniforms during the trips to protect the cocaine from police stops, searches, and seizures."⁴⁸ A related operation, "Lively Green," involved 50 current and former military and law enforcement personnel in Arizona who pled guilty to similar charges.⁴⁹ FBI probes have also detected corruption within the Border Patrol, such as the case of a senior agent and his brother who accepted \$1.5 million in bribes in exchange for allowing truckloads of marijuana to pass through checkpoints near Hebronville, Texas.⁵⁰ There are undoubtedly many other examples of corruption on the U.S. side. Although U.S. institutions are firmer than their Mexican counterparts, there is certainly enough corruption to allow illegal drugs to continue to flow.

Lessons from the Past

As terrifying as the violence is, and as shocking as the corruption and incompetence it reveals, the situation is not totally

unprecedented. During the mid-to-late 1990s, when the Arellano Félix cartel of Tijuana and the Carillo Fuentes cartel of Juárez were battling for dominance of Mexico's drug trade, one of their main battlegrounds was Ciudad Juárez, and their war produced the kinds of violence and complicity with security forces not unlike Nuevo Laredo today.

In Ciudad Juárez during that time hundreds of people were murdered and at least 90 people, including 22 U.S. citizens, were "disappeared." In a pattern later echoed by the Zetas in Nuevo Laredo, "the evidence in some cases suggests that the victims were arrested and killed by Mexican police officers or soldiers who were hired by traffickers to eliminate rivals or punish debtors. In other cases, the victims appear to have been detained for interrogation by anti-drug agents before they vanished."⁵¹ These abductions were frequently witnessed by many, whether neighbors who saw uniformed police breaking into victims' homes or passers-by who saw police stop traffic and forcibly carry people off. The federal attorney general's office said that investigations into 45 disappearances revealed federal police involvement.⁵²

Juárez cartel leader Amado Carillo Fuentes's death in 1997 led to a further spike in homicides in an underworld war of succession. Traffickers hired gunmen to brazenly assassinate their rivals, often catching innocent bystanders in the crossfire. One month after Carillo's death, for example, gunmen armed with assault rifles walked into a Ciudad Juárez restaurant, killing six people and wounding three; the press reported that five of the six killed had no links to the drug trade. A month-long series of such daytime attacks claimed at least 20 lives.⁵³

The Mexican government responded with an operation similar to OMS to combat crime and violence by sending army troops to replace corrupt federal police and prosecutors in Ciudad Juárez. These military personnel were soon tainted, and corruption extended upwards to Mexico's drug czar, General Gutiérrez Rebollo. His arrest revealed that what had looked like a serious effort to dismantle the Arellano

Drug-related violence in Mexico is rooted in and inseparable from U.S. policy – on the one hand, the U.S. government's prohibition of drugs like marijuana, cocaine, and heroin, and on the other, its failure to substantially shrink U.S. demand for these illegal substances. As such, it is not a problem that Mexico can solve on its own.

Unfortunately, the U.S. government has offered little in response to the violence afflicting Mexico.

Félix cartel was really an attempt to give power to their rivals.

One lesson that can be drawn from this experience – and that is ringing true in Nuevo Laredo today – is that a massive display of force does not fundamentally impact drug trafficking or drug-related crime or violence in the long term. It may give the impression of strong and decisive action, temporarily providing a sense of security. It may even quell violence for a time – although there is evidence that stepped-up police and military presence may actually cause violence to increase, as arrests produce vacuums that traffickers fight one another to fill. But ultimately these shows of force achieve little in the face of what is a problem of supply and demand. New traffickers crop up to replace the ones who have been detained or killed; new police and soldiers brought in to replace corrupt ones are themselves corrupted or killed.

The homicide rate today in Ciudad Juárez is not as high as it was when cartels were battling for control. This cannot, however, be attributed to any positive action by the government. Rather, one cartel gained the upper hand. The violence that goes on today is generally within the dominant cartel, not between competing ones. The city remains a drug trafficking hub where violent crimes are committed with impunity and police institutions are deeply corrupted. In one case from January 2004, a state police commander and several agents allegedly participated in the murders of eight men whose bodies were buried in the backyard of a Juárez cartel operative; the Chihuahua state attorney general resigned soon after because of the scandal.⁵⁴

Another lesson is that the violence and corruption produced by the black market allow organized crime to infiltrate law enforcement institutions, undermine the rule of law, and erode respect for basic human rights. Thriving criminal organizations must undermine law enforcement and judicial institutions in order to avoid accountability for their crimes, severely compromising the government's ability to promote and protect human rights and the rule of law in the process. In Ciudad Juárez, drug trafficking has so thoroughly corroded

police and judicial institutions that they are unwilling and unable to provide public safety or uphold the rule of law. Crimes against innocent victims – whether perpetrated by common criminals or members of organized crime networks – go unpunished as a result. Impunity for the murders of women in Ciudad Juárez, for example, can largely be attributed to widespread corruption caused by the thriving drug trade.

Conclusion

Drug-related violence in Mexico is rooted in and inseparable from U.S. policy – on the one hand, the U.S. government's prohibition of drugs like marijuana, cocaine, and heroin, and on the other, its failure to substantially shrink U.S. demand for these illegal substances. As such, it is not a problem that Mexico can solve on its own.

The prohibition of drugs fuels violence, plain and simple. Similar violence does not exist in markets for legal goods like cigarettes or alcohol. Clear rules and regulations are in place for the buying and selling of those goods, and any disputes can be handled by the legal system. The U.S. government, having chosen prohibition, should recognize that violence, as the arbiter of the black market, is its natural byproduct. Prohibition's side-effects are so destructive in Mexico because they eat away at already corrupt institutions that have not traditionally had the will or the ability to enforce the law or provide public safety, causing violence to spiral out of control.

Because the U.S. government is likely to remain committed to drug prohibition, it is important for U.S. policymakers to be aware of the consequences of this policy decision and to think much more seriously about how to help Mexico reduce the resulting violence, gain the upper hand against drug traffickers, and bring the most violent criminals to justice. As long as drugs are illegal, there will be a certain level of violence associated with the trade. The question becomes how to reduce it.

Unfortunately, the U.S. government has offered little in response to the violence afflicting Mexico. The State Department's

International Narcotics Control Strategy Report (INCSR), an annual document detailing U.S. counter-drug policy, barely mentions escalating drug-related violence in Mexico, let alone outlines a realistic strategy for confronting it. Its recipe for improving Mexico's ability to combat drug trafficking organizations continues to call for "better equipment, training, and investigative tools" for police and prosecutors, as well as "prosecutorial and judicial reform ... to match advances in the quality and ability of law enforcement."⁵⁵ Its assessment of the quality of the Mexican police is hard to take seriously. Its claim that the "AFI [Federal Investigations Agency] has developed into the centerpiece of [the Government of Mexico's] efforts to promote more professional, honest, and effective law enforcement institutions"⁵⁶ is hard to reconcile with allegations that some AFI agents work as enforcers for the Sinaloa cartel, or the PGR's own admission that one-fifth of its force was under investigation for criminal activity.

In interviews, U.S. officials are genuinely worried about escalating violence and corruption in Mexico, but when asked what can be done, many throw up their hands in dismay and resignation. On the one hand, they view corruption as endemic to Mexico – they've seen these kinds of corruption scandals and spikes of violence before. On the other hand, they had high hopes that the Fox Administration would make significant headway against police corruption and ineptitude – a sense that was bolstered by arrests of major cartel leaders – but the AFI has fallen far short of U.S. expectations that it could be a clean, effective, and professional police force. U.S. officials were initially ecstatic about the impact that jailing top traffickers would have on the drug trade, but these hopes have proven false as well.

And so U.S. drug policy toward Mexico continues on auto-pilot, with scant evidence of serious thinking of what might best help Mexico deal with the problem of drug-related violence and corruption. U.S. officials offer canned words of encouragement and on occasion issue reprimands, such as when Ambassador Garza chastised the Mexican government for having a "tendency to focus on public relations instead of

public security."⁵⁷ Mainly U.S. officials urge Mexico to stay the course, even though the police purges and federal law enforcement and military deployments have not managed to quell the violence, reduce the flow of drugs, or substantially transform corrupt law enforcement institutions.

Policy-makers in the United States need to recognize that increased crime, violence, and corruption are the tradeoff for relatively lower levels of drug use – and that Mexico is paying the price for that decision. Since the U.S. government is intent on retaining prohibition, it has an obligation to help Mexico and other countries under assault from criminal violence spawned by that policy.

To help Mexico reduce drug-related violence and corruption, the United States should:

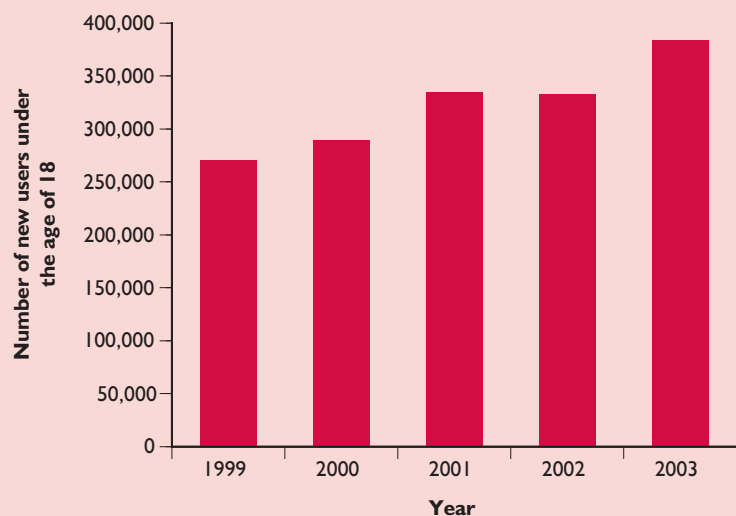
- 1 **Reduce U.S. demand for drugs through wider implementation of evidence-based prevention strategies, improved access to high-quality treatment, and closer supervision of drug-involved offenders on probation or parole.**

Increasingly violent competition between Mexican drug cartels is aimed at one goal – profiting from the U.S. drug market.

Mainly U.S. officials urge Mexico to stay the course, even though the police purges and federal law enforcement and military deployments have not managed to quell the violence, reduce the flow of drugs, or substantially transform corrupt law enforcement institutions.

U.S. Cocaine Initiation on the Rise

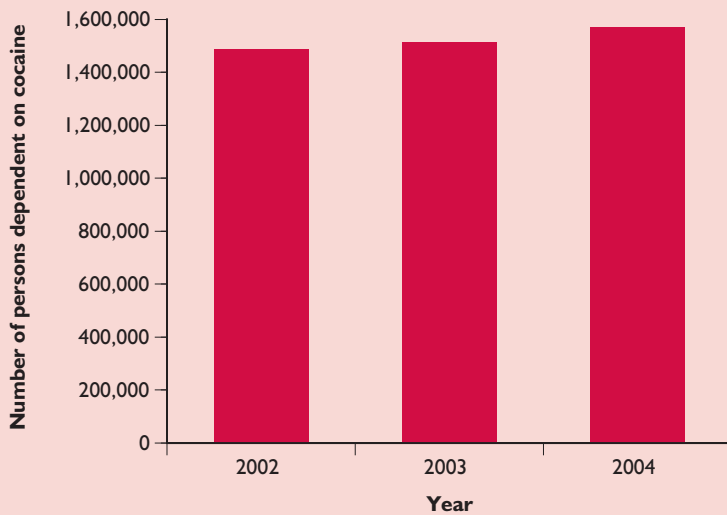
Number of people under age 18 using cocaine for the first time



Source: U.S. Substance Abuse and Mental Health Services Administration (SAMHSA), *National Survey on Drug Use and Health (NSDUH)*, 2003 and 2004 reports.

U.S. Cocaine Dependence and Abuse Increasing

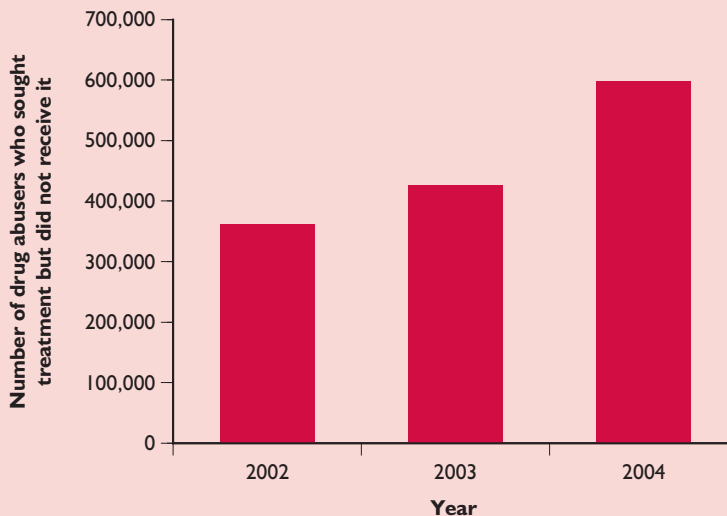
Number of people aged 12 and older dependent on or abusing cocaine



Source: U.S. Substance Abuse and Mental Health Services Administration (SAMHSA), *National Survey on Drug Use and Health* (NSDUH), 2003 and 2004 reports.

Growing Unmet Need for Treatment in the U.S.

Number of people abusing drugs who wanted treatment but did not receive it



Source: U.S. Substance Abuse and Mental Health Services Administration (SAMHSA), *National Survey on Drug Use and Health* (NSDUH), 2003 and 2004 reports.

The drug trade is lucrative because millions of Americans use drugs.⁵⁸ Significantly shrinking the U.S. markets for cocaine and heroin would be of tremendous benefit to the United States as well as to Mexico and other nations suffering the depredations of the drug trade.

Certain school-based prevention programs have demonstrated their value in reducing use rates both of licit substances like alcohol and illicit substances like marijuana and cocaine. The quantifiable benefits of such programs are several times greater than the costs of program implementation.⁵⁹ But the potential of prevention programs has been limited in practice because only about one-third of school districts are teaching proven, research-based curricula,⁶⁰ and fewer still are implementing these curricula with fidelity.⁶¹ Whether viewed primarily in terms of public health, education, or criminal justice, effective prevention programming makes for a worthy investment. The federal government should do more to ensure that all school districts – but especially those whose students appear most at risk of substance abuse – have the resources and expertise to implement proven prevention programming.

Treatment's effectiveness in reducing drug use is supported by three decades of scientific research and clinical practice.⁶² A landmark study in California found that every dollar invested in treatment saved the state's taxpayers \$7 in future costs, primarily by preventing crime.⁶³ Compared to alternative strategies, treatment is also an exceptionally cost-effective way to reduce drug consumption. In 1994, the RAND Corporation found that as a means of reducing cocaine consumption, treatment for heavy cocaine users is 23 times more effective than drug crop eradication and other source-country programs, 11 times more effective than interdiction, and three times more effective than mandatory minimum sentencing.⁶⁴

But even the best treatment cannot work for those who do not seek it, or for those who cannot gain access when they do seek it. Of the estimated 8.1 million Americans who needed treatment for an illicit drug use problem in 2004, only 1.4 million (17 percent) received it. On aver-

age in 2003 and 2004, nearly a quarter of a million people who sought but did not receive treatment for alcohol or illicit drug use problems cited prohibitive costs, insurance limits, and other barriers to access.⁶⁵

Treatment's benefits can be accentuated by improving rates of treatment participation by heavy users, who generate the lion's share of profits for drug traffickers. Although heavy users are a minority of the drug-consuming population, because they consume larger quantities of drugs at higher frequencies and for longer periods of time, they account for a large proportion of the cocaine and heroin consumed in the United States.⁶⁶ A heavy user of cocaine "uses 25 times as much of the drug in his or her lifetime as the average person who consumes cocaine for some period of time but never turns to heavy use."⁶⁷ As explained in a recent authoritative review of U.S. drug control policy, "treatment attacks demand directly, whereas enforcement does so by raising prices.... Thus, while treatment unambiguously reduces the dollar value of the black market, enforcement may or may not."⁶⁸

Closer supervision of drug-involved criminal offenders on probation or parole, with continued liberty contingent on reducing or eliminating drug use, could cut total cocaine and heroin consumption even more. Since most of the cocaine sold in America is consumed by people who are at least nominally under the control of the criminal justice system, efforts to reduce cocaine demand should focus on this group.⁶⁹ For those probationers and parolees who prove unable to abstain from drugs under the threat of frequent drug tests and predictable sanctions, treatment should be offered or required. Such an effort would require re-investing in probation and parole systems, which have been neglected even as budgets for building and operating prisons have swelled, and ensuring ready access to high-quality, community-based treatment.

An ambitious and targeted demand reduction effort along these lines would be of tremendous benefit to the United States – in terms of reduced drug use and reduced public health and criminal justice costs – and assuming there is no shift away from

prohibition, it is the U.S. policy approach that would be most helpful to Mexico. The close economic integration between Mexico and the United States underscores this point. The United States cannot simultaneously open its borders to legal trade and seal them off from drugs. As long as demand exists in the United States, traffickers will find ways to satisfy the demand, by sneaking through legal ports of entry or tunneling under the border.⁷⁰

② Strengthen U.S. regulations governing gun sales in order to make it more difficult for weapons sold in the United States to fall into the hands of criminals in Mexico.

Easy access to handguns and assault rifles contributes to the violence gripping Mexico. Because most of Mexico's illegal firearms were originally obtained legally in the United States and then re-sold on the black market, closing loopholes in U.S. gun sale regulations would have an important impact on the availability of small arms in Mexico.

One major loophole is that background checks do not apply to all gun sales in the United States. An estimated four out of every ten guns sold in the United States are sold by unlicensed dealers with no background checks at all.⁷¹ Although background checks are required of individuals purchasing guns from licensed dealers, in most states they do not apply to sales at gun shows or to some sales on the Internet. Furthermore, many states (including the border states of Arizona, New Mexico, and Texas) do not limit sales of handguns, assault weapons, or magazines. As a result, it is relatively easy for people to purchase guns with the intent of trafficking them to Mexico, or for criminals to pay people to purchase guns for them. Limiting these "straw purchases" will help reduce the gun sales that supply traffickers. Several organizations, including Amnesty International and the Brady Campaign to Prevent Gun Violence, have specific policy recommendations about how to establish and enforce stricter and more effective regulations on gun sales.⁷²

Tightening restrictions on gun sales in the United States will make it more difficult for drug traffickers to obtain weapons

In times of crisis, seeking a quick fix is understandable. But at this stage – multiple quick fixes later – it is clear that little has been repaired. Instead of quick fixes or shows of force, Mexico needs to undertake serious justice sector reform.

The United States must encourage Mexico to implement profound police and prosecutorial reform.

but will not eliminate their ability to do so, especially if there is strong demand for these weapons in Mexico. Demand for weapons will exist as long as drug traffickers battle each other for control of smuggling routes, and as long as they can get away with murder.

③ Help Mexico restore public order and provide public security for its citizens by supporting comprehensive police and justice reform and by aiding Mexico's efforts to bring the most violent criminals to justice.

Faced with rising violence, Mexico's inclination has been to deploy police and soldiers, in the hope that they will catch criminals and their presence will have a deterrent effect. That is certainly the theory behind Operation Safe Mexico. But this approach should be carefully reconsidered in light of continued high violence in Nuevo Laredo.

At best, this strategy diverts drug trafficking to other areas, but as it spreads to new regions, so do the violence, crime, and corruption that accompany it. At worst, aggressive drug enforcement actually exacerbates drug-related violence for two reasons: 1) competition for control of the trade increases after people are displaced from territories or structures, and 2) aggressive enforcement tends to winnow out the weakest criminal organizations and leave the most ruthless, corrupting, and violent ones standing.⁷³ Another problem with this approach in Mexico is that it assumes the police and soldiers being deployed to restore order will not succumb to the corruption that has so decimated the local police forces. The Zetas should serve as a cautionary example that not even the Mexican military – considered to be the cleanest and most professional of the country's security forces – is resistant to corruption.

In times of crisis, seeking a quick fix is understandable. But at this stage – multiple quick fixes later – it is clear that little has been repaired. Mexico's law enforcement and judicial institutions continue to be ineffective, unprofessional, and corrupt, making them incapable of imposing public order, providing public safety, or bringing

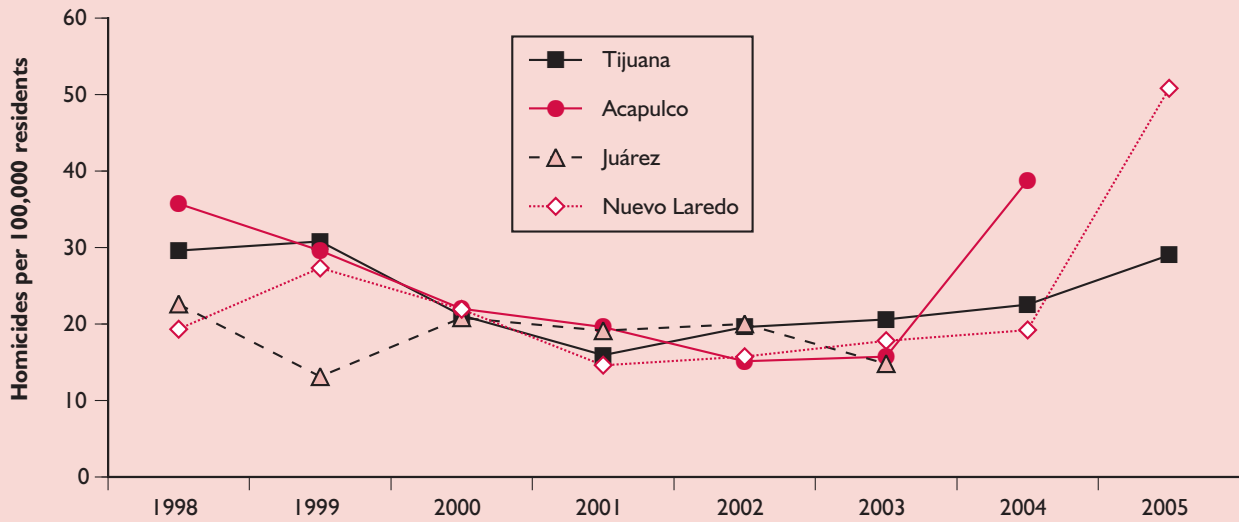
criminals to justice. The drug trade is not solely to blame for the justice system's flaws and failures, which are rooted in Mexico's authoritarian past, but it has certainly exacerbated them.

Given the persistent failures of Mexican law enforcement and judicial institutions, authorities on both sides of the border find it tempting to advocate an increased role for the Mexican military in fighting drugs and organized crime. The military is thought to be more effective and less corrupt than the police, an impression bolstered by its capture of several of Mexico's most wanted drug traffickers. But involving the military in drug control is a mistake. Despite its prestige, the Mexican military is not immune to corruption; its secretive nature and lack of external oversight may actually foster corruption while keeping it more hidden from sight. Drug-related corruption within the military poses a different and perhaps greater threat than corruption within the police, because the military is a powerful and independent institution that is subject to little civilian oversight. Finally, military and police forces have distinct roles that should not be confused. The military is trained to use overwhelming force to defeat an enemy and as such cannot be a substitute for functioning civilian police and judicial institutions. Even when the military is used "temporarily" in police roles, this is rarely accompanied by a long-term plan to reform and strengthen civilian law enforcement institutions, which is ultimately what is needed in order to ensure public safety and access to justice for victims of crime.

Instead of quick fixes or shows of force, Mexico needs to undertake serious justice sector reform. There is no substitute for functional institutions to deliver justice. The crisis in Nuevo Laredo highlights that police and judicial reform is an urgent matter, but it is also a long-term project.

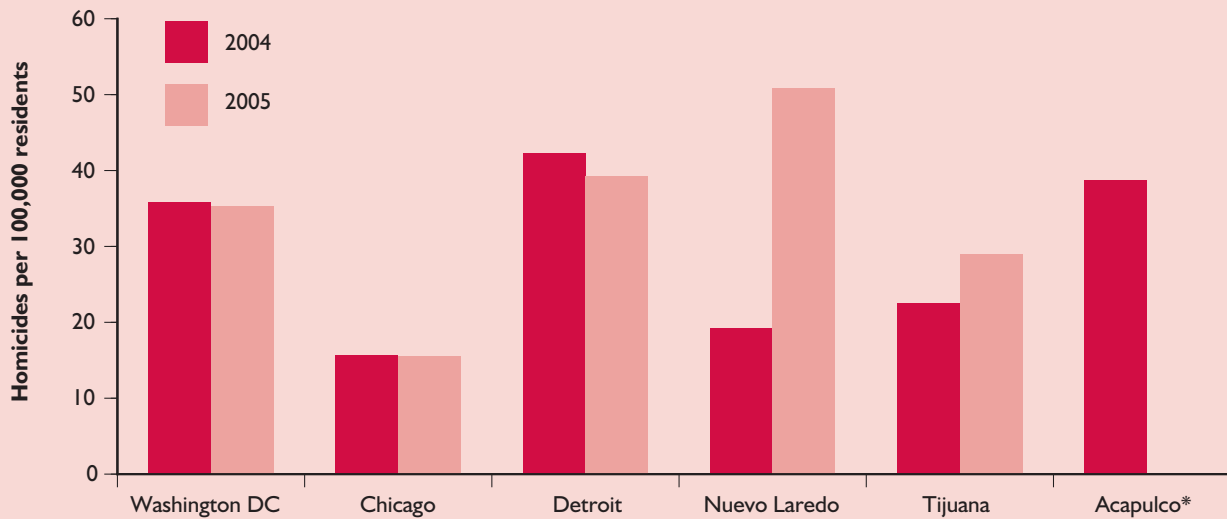
Strengthening Mexico's justice system requires action on both sides of the border. Mexico is ultimately responsible for reforming its police and judicial institutions. But because these institutions are under assault from violent drug cartels – which are stimulated by demand for prohibited drugs in the United States – the U.S. government

Homicide Rates in Selected Mexican Cities



Source: Arturo Arango and Cristina Lara, *Instituto Ciudadano de Estudios sobre la Inseguridad, AC*.

Homicide Rates in Selected U.S. and Mexican Cities, 2004–2005



Compiled by WOLA from 2004 Uniform Crime Reports, *Sistema Municipal de Base de Datos (Instituto Nacional de Estadística, Geografía e Informática)*, and U.S. and Mexican press reports

* Authorities in the state of Guerrero would not provide WOLA with homicide statistics from Acapulco for 2005, citing them as "very sensitive."

Police in Mexico need to “have a reason to get up and go to work in the morning.”

shares responsibility for this task. Within the context of continuing U.S. drug prohibition, there are two important things that the United States should do to help Mexico restore public order and promote public safety:

A. Support broad-based police and judicial reform in Mexico by shifting the focus of U.S. programs from providing police training and equipment to transforming structures, incentives, and controls within police and judicial institutions.

Although the U.S. government voices support for justice reform in Mexico, U.S. drug policy in Mexico focuses primarily on providing the Mexican security forces with the training and equipment necessary for eradication, interdiction, and intelligence sharing. There is also some emphasis on promoting rational career paths for police and prosecutors and improving information sharing and coordination within Mexico and bilaterally. These measures are all necessary for Mexico’s law enforcement agencies to be more effective. But they are insufficient in the absence of more fundamental police and judicial reform and professionalization.

First, they will not rid Mexico’s police forces of their historic weaknesses – especially in an environment where the major obstacle to effective law enforcement is corruption. All the training in the world will not ensure that policemen resist bribes from drug traffickers to look the other way or lend them a hand. Simply purging the police forces and prosecutors’ offices is not enough to eradicate corruption and criminality. Second, focusing efforts on strengthening police capacity will ultimately be ineffective if other justice institutions – including the courts – are not strengthened and reformed. Otherwise, cases against criminals will go nowhere because drug traffickers will attempt to corrupt and intimidate judges, rather than police and prosecutors, as a way of avoiding accountability for their crimes.

The United States must encourage Mexico to implement profound police

and prosecutorial reform that puts in place mechanisms for oversight and accountability, in order to deter, detect, and root out corruption. Deterrence is achieved through accountability – making examples of those who commit corrupt acts – and regular oversight – increasing the chance that corruption will be found out and letting police and prosecutors know that they are being watched.

To date there has been little progress on this front. Mexico touts high numbers of police and prosecutorial personnel who have received administrative sanctions as a result of internal investigations,⁷⁴ but it is not clear how many resulted in criminal sanctions against the implicated officials. Mexico has a history of criminal investigations that go nowhere, of police purges that do not involve punishment. The lack of any real individual accountability sends the message to law enforcement officials that they face few if any repercussions for criminal behavior. And without reforming the institutions themselves, any new investigators who come into the force can just as easily learn corrupt and criminal practices.

In addition to mechanisms to deter negative practices, there need to be incentives to encourage positive ones. In the words of one U.S. official, police in Mexico need to “have a reason to get up and go to work in the morning,”⁷⁵ to feel like they are doing something valued and worthwhile. Who would want to become a police officer in Nuevo Laredo or similar cities? Currently their jobs are high risk for no reward other than what they can make on the side through bribes, extortion rackets, and other criminal endeavors. This attracts the wrong kind of people into the profession, or quickly teaches the wrong behavior to those who do enter the profession to serve the public interest.

Low salaries are an invitation to corruption. In Nuevo Laredo, municipal police earn about \$600 per month, one-fourth of what their counterparts in the Laredo police force make, though the cost of living is comparable and the risks associated with the job are infinitely greater. This is barely enough to raise families on, and certainly not enough of an incentive to withstand the temptation of corruption. Although



PHOTO BY REUTERS

Residents of Sinaloa state light candles at a peace rally protesting drug-related violence.

simply raising salaries is not enough to discourage corruption, ensuring that police earn a dignified salary, while also ensuring that there are mechanisms to detect and punish corruption and criminality, is a good start towards improving the police forces.

In the absence of real structural reform, the Mexican government must resist the temptation to pass new laws granting federal police and prosecutors greater and more flexible powers to investigate organized crime. President Fox's justice reform proposal, for example, sought to deny due process guarantees to anyone accused of participating in organized crime (defined broadly in Mexico as whenever three or more people conspire to commit multiple crimes). Under Mexico's criminal justice system, prosecutors are able to win convictions based on little more than confessions, creating incentives for extracting confessions through torture. Coercing confessions is much easier than actually investigating crimes, while still allowing the authorities to claim that crimes have been solved. Giving police and prosecutors license to ignore due process guarantees would not enhance their investigative ability, but rather "remove incentives for thorough investigation, increasing the likelihood that the innocent would be convicted and that some of the most hardened criminals would be left free, ultimately making prosecutors less effective at combating organized crime."⁷⁶

Likewise, until police and judicial systems at the state level are adequately reformed, it is unwise for Mexico to give

state and municipal police a role in investigating and prosecuting *narcomenudeo*, or local-level dealing, as the Mexican Congress recently voted to do. For one, they are considered more incompetent and corrupt than the federal police; giving them a role in drug enforcement will increase opportunities for abuse and corruption. Furthermore, as we've seen in the United States, a dramatic intensification of retail-

level enforcement has succeeded in filling U.S. prisons with drug offenders, but drugs remain readily available.

B. Help Mexico bring the most violent criminals to justice.

Few if any drug-related killings in Nuevo Laredo or other cities plagued by narco-violence are ever solved or prosecuted, making violence an even more attractive way to settle disputes, intimidate critics, or eliminate rivals. And each new wave of unsolved killings further undermines the public's faith that the Mexican government can or will punish violent offenders. This means that officials, journalists, and ordinary citizens have even less reason to resist the drug cartels' attempts to intimidate them – they know the state will not protect them if they make a principled stand.

Investigative shortcomings are only partially to blame for impunity for drug-related murders. There is a general lack of political will to solve or punish these crimes, in part stemming from corruption and fear. State officials claim that a murder is a matter of federal jurisdiction if it is somehow related to drugs. Federal officials open investigations that go nowhere. It is easy for the authorities at all levels to dismiss the murders as traffickers killing other traffickers, and in doing so shrug off their responsibility to investigate, prosecute, and prevent them – they can just say the victims had it coming and end it at that. Not even the murders of fellow police officers are adequately investigated by law enforcement agents.

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By demonstrating its strength – not through a show of force, but through the rule of law – the Mexican government will be more successful at bringing violent criminals to justice and ensuring public safety for its citizens.

Mexico needs to investigate the murders, apprehend the criminals responsible for committing and ordering them, and bring the perpetrators to justice for these crimes. Doing so would send the signal that these murders will not continue to go unpunished, and would give citizens a reason to have faith in the government's willingness and ability to enforce the rule of law. Yet doing so also presents a brutal conundrum: Locking up major cartel leaders will in all likelihood open doors for new traffickers to enter the trade, inciting a violent struggle for succession. But failing to punish them for these crimes undermines the rule of law. The government cannot surrender its obligation to ensure public safety and bring major criminals to justice for the countless killings they have ordered and carried out.

Because Mexico has a long way to go to create institutions that can reliably provide justice and public safety, and because the criminals that have been locked up have been able to continue running their violent enterprises from prison, Mexico should in the meantime carefully consider extraditing major criminals to the United States to be prosecuted for drug trafficking and related crimes. Indeed, because the United States has no small measure of responsibility for the traffickers' criminal actions, it shares responsibility for ensuring they are brought to justice. Extradition should not be seen as a panacea, or an excuse for inaction on Mexican reform,

but as a stop-gap measure that helps the Mexican government show it will not cede to violent drug traffickers. The U.S. government should not insist on extradition without also making a commitment to help Mexico clean and strengthen its justice system so that it can function properly in the future.

Bringing violent criminals to justice will allow the Mexican government to demonstrate that it is willing and able to confront powerful drug traffickers. Convincing both criminals and citizens of this fact will enhance the government's long-term efforts to tackle its organized crime problem. Criminals with inside knowledge of organized crime networks must be encouraged to collaborate with investigators and will be more likely to do so if they think they are on the losing side. And citizens who believe their government is working to protect them from harm will in turn support the government and create the political will necessary to sustain long-term reform efforts. Half-hearted or incomplete justice reform efforts may make matters worse, because when these efforts fail they will reinforce the impression that the government is powerless in the face of organized crime. By demonstrating its strength – not through a show of force, but through the rule of law – the Mexican government will be more successful at bringing violent criminals to justice and ensuring public safety for its citizens.

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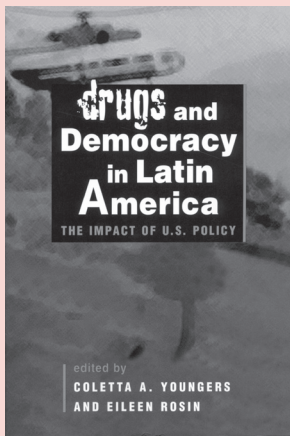
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WOLA Staff

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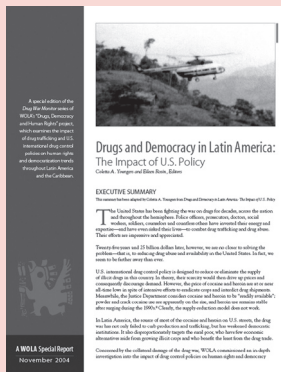
Other WOLA Publications on Drug Policy



Drugs and Democracy in Latin America: The Impact of U.S. Policy. The ten-chapter study, edited by Coletta Youngers and Eileen Rosin, is the culmination of a three-year project which incorporates the work of over twenty researchers from the U.S. and Latin America. The volume provides the first comprehensive review of U.S. drug-control efforts in the region and analyzes why they have failed to reduce the supply of cocaine and heroin entering the United States. The book also shows how, in country after country, U.S. drug control policies have caused widespread and often profoundly damaging harm to citizens' lives as well as to their nations' democracies. Divided into country-by-country case studies, the book documents

how drug policies have fueled social conflict, undermined democracy, violated human rights and civil liberties, and altered civil-military relations in countries that have not completely left behind their authoritarian and abusive pasts.

The **Executive Summary** of the book is available on WOLA's website at www.wola.org. The book can be ordered through Lynne Rienner Publishers.



Are We There Yet? Measuring Progress in the U.S. War on Drugs in Latin America.

This brief examines the changes in price, purity, and availability of illegal drugs, as well as trends in U.S. drug consumption, and critiques the standards by which the U.S. government measures progress in the drug war. The data, which covers 1981 through mid-2003, is the first comprehensive analysis of prices and purity since mid-2000, before implementation of Plan Colombia began. This publication is also available on WOLA's website.



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To Contact Us

Washington Office on Latin America
1630 Connecticut Avenue, NW, Washington, D.C. 20009
Telephone: 202.797.2171 • Facsimile: 202.797.2172
Email: wola@wola.org • Web: www.wola.org

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