



Statement before the Senate Committee on the Judiciary
Subcommittee on Border Security and Immigration
On “Narcos: Transnational Cartels and Border Security”

Mexico’s ‘Narco’ Crisis

Transnational Organized Crime on Our Doorstep

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OVERVIEW AND KEY POINTS

Thank you, very much, Mr. Chairman for the opportunity for me to offer my views on the high stakes involved in the US-Mexico relationship—particularly regarding the threat posed by Mexican organized crime organizations that are a part of an aggressive and sophisticated global crime network. This hearing is particularly timely because Mexico has a new president, Andrés Manuel López Obrador, who assumed power on December 1st with a clear mandate to fight corruption but whose thoughts of subduing narcoviolence with an “amnesty” and antipoverty programs are not reassuring.

For the last 20 years, the percentage of cocaine entering the United States transiting Mexico has never dipped below 90 percent—sustaining a public health and criminal justice crisis that has a \$200 billion annual impact on US society. The Mexican people see the problem another way: The demand for cocaine, heroin, and other drugs *by US consumers* sustains criminal groups that have attacked the rule of law, weakened institutions, and caused terror and death since the “war on drugs” began 50 years ago.

We must face this threat as partners. The United States could not begin to stop illicit drug trafficking without Mexico’s help. And, Mexico would pay a very dear price if it gave way to criminals who do much more damage than traffic drugs northward. Worse yet, if the rule of law in Mexico were any weaker than it is today, the negative impact on economic growth and social stability would be felt in both countries.

We share robust trade, financial and commercial ties, integrated supply chains, and cultural ties. The border is where we are joined, not divided. Over one million legal border crossings between the two countries occur each day, while \$1 million worth of trade takes place each *minute* between the US and Mexico.¹

It also is unwise to ignore the serious challenges at that same border, at a time when the threat of Mexican organized crime is grave and growing.

As someone with two decades of experience studying the security threat fueled by illegal drug trafficking, I believe *the crisis is worse than ever*—in the quality and quantity of the deadly products; the depth, breadth, and wealth of the networks that deliver them; and the inability or unwillingness of governments to confront the threat effectively.

- As marijuana is legalized or decriminalized in the United States, Mexican drug trafficking organizations are focusing on deadlier products. For example, since 2013, the production of heroin in Mexico has tripled, including the deadlier variety of white heroin.
- The availability of fentanyl, which is 30 to 50 times more potent than heroin, has increased dramatically in the last five years, with much of the supply originating in China

¹ Earl Anthony Wayne, “The Time to Build Lasting Bonds between US and Mexico is Now,” *The Hill*, November 29, 2018, <https://thehill.com/opinion/international/418932-the-time-to-build-lasting-bonds-between-us-and-mexico-is-now>.

and transiting Mexico. Such opioids are more available than ever, already causing about 70,000 deaths annually in the United States.

- An explosion of coca in Colombia stokes drug trafficking through Mexico. The UN estimates that coca cultivation exceeded 170,000 hectares in 2017; the US estimate was nearly 190,000 hectares in 2016—the highest amount ever recorded.² According to the US State Department, the potential of cocaine production has grown to an estimated 710 metric tons (MT) in 2016, up from 520 MT the year before.³
- Criminal street gangs from Central America—which are vertically integrated with gangs in every major US city—are now cautiously expanding their trafficking operations into Mexico. One of my sources has told me that 30 to 40 members of MS-13 traveled to the border city of Tijuana in recent months as part of that gang’s plans to expand its smuggling and distribution operations on the US border.
- Mexican organized crime is a critical component of a transnational organized crime network that has become more aggressive in carrying an asymmetrical threat to the US border. Every day this criminal network is busy optimizing the supply chain of illicit drugs to the North American, European, and other markets.
- The anti-drug alliance that once existed between the United States and responsible governments in Latin America has been lost. Leftist regimes provided an ideological pretext for destroying democracy and the rule of law, leaving countries bereft of effective criminal justice systems, independent judiciaries, and professional police forces. Populist authoritarians take advantage of these weak institutions to hold on to political power and surrender their territory to organized crime. It’s not ideological—it’s not a matter of right versus left, but right versus wrong.
- Today, there is a narcostate in Venezuela—led by a troika of gangsters masquerading as the leaders of a leftist revolution; it is estimated that these criminals have looted at least \$350 billion in Venezuelan oil revenue and profit further from narco-trafficking operations. A coca growers’ union leader, Evo Morales, has been president of Bolivia since 2006; and he is plotting to steal a fourth term. Central American governments in El Salvador and Nicaragua have been hijacked by organized crime; the Guatemalan and Honduran governments stand accused of corruption, and their weak anti-drug efforts depend on US aid.
- Venezuelan operatives linked to the narcoregime in Caracas carry out money laundering and smuggling schemes in Mexican territory with Mexican partners. These individuals, whose identities are known to US law enforcement and regulatory agencies have billions of dollars at their disposal. For more than a decade, Venezuelan-backed financial facilities in El Salvador (Alba Petroleos) and Nicaragua (Albanisa) have been suspected

² “UN says Colombia’s coca production surges to record high,” by CESAR GARCIA, Associated Press, September 19, 2018. <https://www.apnews.com/87a091dcbb7345e1a9c0e9daedb4b88d>.

³ Department of State, “International Narcotics Control Strategy Report,” March 2018, <https://www.state.gov/documents/organization/278759.pdf>.

by US authorities of carrying out vast money laundering operations on behalf of Colombian and Mexican criminal organizations and corrupt Venezuelans.

- Even in Colombia, after a \$10 billion US aid package under Plan Colombia, the government lowered its guard in a bid to make peace with narcoguerrillas—ending aerial fumigation, curtailing offensive operations against traffickers, and, at one point, suspending the extradition of cocaine kingpins shielded by the peace process. Remnants of the narcoguerrillas continue to operate with impunity in more than 40 guerrilla camps deep into the territory of neighboring Venezuela.
- China and Russia have sought to displace the United States as a strategic partner in key markets in the Americas—through intelligence, military, and banking ties that abet criminal schemes.

Fighting illegal drugs is a shared responsibility. Much of the mayhem in the region—including in Central America, which stokes illegal immigration—is sown by organized crime sustained by *US demand for illicit drugs*.

Attacking the powerful machine of transnational organized crime requires more than better tactics. It requires a more intelligent strategy, adopted and implemented by dozens of allied governments around the world to choke off the dollars, euros, yen, and other currency that is the lifeblood of transnational organized crime.

The new government in Brazil under president Jair Bolsonaro could prove to be a new strategic partner in attacking criminal organizations that constitute a national security threat to both the United States and Mexico.

We need Mexico to do more, not less, to fight drugs, and security cooperation is only a part of our mutually dependent economic relationship. We have a great stake in our bilateral relations staying on an even keel, but it would not be a surprise if the leftist firebrand AMLO finds a reason to be uncooperative.

KEY RECOMMENDATIONS

The Trump Administration should cultivate an intelligent and constructive policy for cultivating a mutually beneficial economic and security relationship with Mexico.

- The US government should recognize the role that Mexican authorities play in detaining illegal migrants (mostly from Central America) bound for the US southwest border and not take for granted that this cooperation will continue under AMLO.⁴
- Congress should move quickly to approve the “US Mexico and Canada Agreement,” which is vital to securing export markets and US jobs tied to our largest trading partners. Meanwhile, President Trump should dispense with the threat to suspend the North

⁴ “What if Mexico Stops Cooperating on Immigration?,” by Andrew Selee, *Foreign Affairs*, July 3, 2018, <https://www.foreignaffairs.com/articles/mexico/2018-07-03/what-if-mexico-stops-cooperating-migration>.

American Free Trade Agreement as a means to press congressional approval of the successor accord.

The President should designate an Ambassador to Mexico whose judgment and loyalty he trusts in order to maintain candid communications on sensitive issues. For example, US officials should make clear our hope that AMLO will establish a coherent security strategy for confronting the existential threat that organized crime poses to Mexico.

- An offer should be made to conduct a through joint evaluation of antidrug strategies, including recommendations for improving performance.
- US antidrug aid programs should be evaluated for effectiveness and funded adequately.

The US strategy to fight transnational organized crime—particularly in the Western Hemisphere—should fully implemented and funded, with appropriate personnel, funding, and intelligence support to conduct investigations that will prosecute narco kingpins and choke off cash to criminal groups.

- Work with neighbors to dismantle the narcostate in Venezuela and exploit captured financial records to expose and neutralize the global criminal network of which the Maduro regime is a central cog today.
- US agencies should investigate, expose, and sanction instruments of Venezuela's criminal network, including Alba de Nicaragua S.A. (Albanisa) and (Alba Petroleos de El Salvador) and persons associated with their suspicious money laundering operations.
- US agencies should also intensify support for the anticorruption efforts of local authorities and advocate the adoption of legal regimes for the investigation and forfeiture of illicit assets.
- Continue to press Colombia to eradicate coca cultivation, confront Mexican cartel operatives seeking to secure cocaine and heroin, and dismantle ex-FARC narco operations in Colombia and Venezuela.
- Expose support for Central American gangs by criminal entities and hostile states.
- Working closely with the new government in Brazil, prioritize the restoration of an anti-drug alliance among responsible states in the Americas, which is as essential to their security and well-being as ours.
- Investigate, expose, and counter activities by Cuba, Russia, and China abetting drug trafficking and other criminal activity in the Americas.

Congress should provide adequate funding for the US Western Hemisphere Drug Policy Commission, which has been appointed but unfunded, and direct a voluntary fund contribution to the Inter-American Drug Abuse Control Commission and the Inter-American Commission Against Terrorism in order to bolster strategic and tactical efforts against security threats in the region.

SNAPSHOT OF THE CURRENT MEXICO DRUG THREAT

Drugs. A July 2018 report of the Congressional Research Service describes Mexican cartels as “polydrug,” with respect to the substances in which they traffic.⁵ These groups produce heroin, marijuana, methamphetamine, while trafficking in cocaine and fentanyl. Mexico’s poppy production sharply increased between 2014 and 2017. The 2017 National Drug Threat Assessment estimates that 93% of the heroin seized in the US was produced in Mexico. Mexico also has become a major player in fentanyl production, which is 30-50 times more potent than heroin.⁶ Estimates of Mexico’s production potential have also increased. The State Department’s 2018 *International Narcotics Control and Strategy Report* notes that Mexico’s production capacity for heroin is 81 metric tons, three times its estimated production capacity in 2013.⁷

Violence and Death. Latin America continues to be the homicide capital of the world—producing 33 percent of the world’s homicides with just 8 percent of its population. Extreme levels of violence in Mexico continue to be the norm, most of it stemming from criminal activity; 114 candidates and politicians were murdered and others intimidated in the election period running from 2017-2018.⁸ With nearly 40,000 people missing (“*desaparecido*,” and presumed dead) since 2006, in addition to 250,000 murdered, the *Wall Street Journal* recently dubbed this a “Crisis of Civilization” in Mexico.⁹ Mexican watchdog *Animal Politico* reports that 20 of 31 Mexican states still lack biological databases needed to identify remains of the *desaparecidos*.¹⁰ (Problematically, Mexican officials have responded by using spyware purchased from an Israeli firm to infect the devices of journalists and family members to intimidate them in their pursuit of accountability and justice.¹¹)

US Impact: 90 percent of the cocaine and heroin entering the United States transits Mexico. A 2011 study found the annual economic impact illicit drugs on US society—taking into account productivity, hospitalization, treatment, incarceration, and mortality—to be about \$200 billion.¹² According to the DEA’s 2018 threat assessment, “Mexican transnational criminal organizations ... remain the greatest criminal drug threat.... The cartels are the principal wholesale drug sources for domestic gangs responsible for street-level distribution.” In 2016, 174 people died every day from drug abuse, outnumbering deaths by firearms, motor vehicle crashes, suicide and homicide.¹³

⁵ CRS Report, July 2018.

⁶ US Department of Justice, DEA, 2017 *National Drug Threat Assessment*, October 2017.

⁷ US Department of State, *International Narcotics Control and Strategy Report*, Vol. 1, March 2018.

⁸ CRS Report, July 2018.

⁹ José de Córdoba and Juan Montes, “It’s a Crisis of Civilization in Mexico.’ 250,000 Dead. 37,400 Missing,” *The Wall Street Journal*, November 11, 2018, <https://www.wsj.com/articles/its-a-crisis-of-civilization-in-mexico-250-000-dead-37-400-missing-1542213374>.

¹⁰ Arturo Angel, “Dos Años del Nuevo Sistema Penal: Mejoran los Juicios, pero no el Trabajo de Policías, Fiscalías,” *Animal Politico*, June 18, 2018.

¹¹ Azam Ahmed, “A Journalist Was Killed in Mexico. Then His Colleagues were Hacked.” *The New York Times*, November 27, 2018, <https://www.nytimes.com/2018/11/27/world/americas/mexico-spyware-journalist.html?ref=collection%2Fsectioncollection%2Famericas>.

¹² US Department of Justice, National Drug Intelligence Center, “The Economic Impact of Illicit Drug Use on American Society, (April) 2011,” <https://www.justice.gov/archive/ndic/pubs44/44731/44731p.pdf>.

¹³ US Department of Justice, Drug Enforcement Administration, “2018 National Drug Threat Assessment,” October 2018, [https://www.dea.gov/sites/default/files/2018-11/DIR-032-18 2018 NDTA final low resolution.pdf](https://www.dea.gov/sites/default/files/2018-11/DIR-032-18%202018%20NDTA%20final%20low%20resolution.pdf).

DISCUSSION

Mexico is at a crossroads today. Its political leaders have the responsibility to rally the nation behind the rule of law to rescue their country from corruption and criminality. The populist firebrand Andres Manuel López Obrador (known universally by his initials, AMLO) won a landslide victory in July based on a campaign to fight violence, entrenched interests, and corruption. However, specific plans have yet to materialize—either during AMLO’s campaign, transition, and initial weeks in office. Indeed, setting aside his leftist ideology and loose talk about an “amnesty” for narcos, his personalized, populist style could very well undermine institutional democracy that is indispensable to the rule of law.¹⁴

Fifteen years ago, it was accurate to speak of localized drug cartels that exercised criminal control over particular geographic areas, or “plazas,” of Mexico, clustered around production zones and key border crossings. *Today, no fewer than seven well-articulated criminal organizations engage in a variety of deadly crimes and violent turf wars throughout the country.* (See Appendix A: The Evolution of Mexican Organized Crime and the State’s Inability to Defeat an Existential Threat)

After the breakdown of the Guadalajara Cartel and before 2006, four distinct cartels dominated the drug trade in Mexico: the Sinaloa Cartel, Tijuana/Arellano Félix Organization (AFO), the Juárez/Carillo Fuentes Organization (CFO), and the Gulf Cartel. Today, as cartels continue to fracture, the DEA identifies seven organizations operating large-scale trafficking: Sinaloa, *Los Zetas*, Tijuana/AFO, Juárez/CFO, Beltrán Leyva, Gulf, and *La Familia Michoacána*. Mexico’s Attorney General also cites the *Cartel Jalisco Nueva Generacion* (CJNG) and Knights Templar as major operations.¹⁵

These criminal syndicates operate with a degree of impunity in Mexico, terrorizing the population and corrupting or controlling officials at all levels of government throughout the country. Since 2006, the coercive “war on drugs” under two Mexican presidents has captured and killed kingpins and splintered criminal organizations. However, due to the failure and outright corruption of the criminal justice system, endemic corruption among political leaders, and the lack of professional policing, prosecution, or incarceration, the Mexican government struggles to impose the rule of law against criminals or to protect innocent citizens. In the last 12 years, nearly 200,000 Mexicans have been killed (most but not all of whom were involved in criminality) and nearly 34,000 more have disappeared.¹⁶

Depending on their relative size and strength, Mexican criminal groups traffic in more than one type of drug and/or engage in crimes beyond narcotics smuggling. Organizations that once relied on marijuana sales or the wholesale trafficking of South American contraband now are capturing more profit by directly securing Colombian supplies, expanding local production,

¹⁴ Shannon K. O’Neil, “Lopez Obrador Spells Trouble for Mexico,” *Bloomberg*, November 30, 2018, <https://www.bloomberg.com/opinion/articles/2018-11-30/lopez-obrador-s-presidency-will-roll-back-mexico-s-gains>.

¹⁵ Raúl Flores, “Operan para cartels 45 grupos armados” [45 armed groups work for the cartels], *Excelsior*, April 10, 2016, <http://www.excelsior.com.mx/nacional/2016/04/10/1085638>.

¹⁶ “A Stark Reminder of Mexico’s Disappearances Crisis,” by Tamara Taraciuk Broner, Human Rights Watch, EFE (Spanish) News Agency, February 6, 2018, <https://www.hrw.org/news/2018/02/06/stark-reminder-mexicos-disappearances-crisis#>.

manufacturing and/or distributing more potent and synthetic drugs, and expanding their retail sales operations. Several of these organizations are linked to transnational networks that manage illicit trade and financial schemes seamlessly across national boundaries.

Indeed, fighting organized crime in Mexico has become increasingly complicated over the past two decades, as drug cartels take advantage of the globalized economy to expand into weapons and human trafficking, money laundering, kidnapping, extortion, and other illicit activities. Globalization has expanded their areas of operations significantly; the Sinaloa Cartel, for example, now has a presence on six continents.¹⁷

Because Mexico is on our border, we need more effective cooperation of authorities there to impede the flow of illicit narcotics into the United States. However, our bilateral efforts will never effectively address this threat if we fail to recognize that it is part of *a transnational organized crime threat that is greater than ever and growing every day*. (See Appendix B: Mexican Organized Crime is Part of a Grave and Growing Transnational Threat)

Mexican smugglers are an integral part of a transnational network—from the coca and poppy fields of South America, through the transit zones of the Andes, Central America, the Caribbean, Mexico, and the US border. That network is fueled by a narcostate in Venezuela, booming coca production in Colombia, street gangs in El Salvador, and money launderers and bankers in many countries—using our currency and financial system against us. This is a global phenomenon that generates as much as \$2.2 trillion in annual revenue, of which only 40 percent is traced to illegal drugs.¹⁸

Chinese producers play a major role in the burgeoning trade in deadly fentanyl, much of it transiting Mexico. Chinese organized crime has been linked to trafficking into US territory. For example, an investigation by Canadian journalists revealed that \$1 billion was laundered through Vancouver-area property transactions in 2016 alone on behalf of a Chinese group called the “Big Circle Boys.” This represented 10 percent of luxury real estate purchases in that community in a year.¹⁹

US authorities have made it a priority to attack fentanyl and opioid trafficking in the US. In 2017, 70,000 overdose deaths from opioid abuse were recorded; although the overall number of opioid related deaths has dipped in the last 12 months, those attributed to synthetic opioids continues to rise.²⁰ In response to US pressure, China will label 25 fentanyl substances and two of its precursor chemicals as controlled substances. However, there are more than 160,000 chemical companies in China, complicating efforts to reduce Chinese output. To make matters

¹⁷ Doris Gómora, “The Sinaloa Cartel Has a Global Empire,” *El Universal*, January 20, 2016, <http://www.eluniversal.com.mx/articulo/english/2016/01/20/sinaloa-cartel-has-global-empire>.

¹⁸ “Transnational Crime and the Developing World,” by Channing Mavrellis, *Global Financial Integrity*, March 27, 2017, <https://www.gfintegrity.org/report/transnational-crime-and-the-developing-world/>.

¹⁹ Sam Cooper, Stewart Bell, and Andrew Russell, “Secret Police Study Finds Crime Networks Could Have Laundered \$1B through Vancouver Homes in 2016,” *Global News Canada*, November 26, 2018, <https://globalnews.ca/news/4658157/fentanyl-vancouver-real-estate-billion-money-laundering-police-study/>.

²⁰ Center for Disease Control, “Provisional Drug Overdose Death Counts,” November 4, 2018, <https://www.cdc.gov/nchs/nvss/vsrr/drug-overdose-data.htm>.

more difficult, China only bans substances after the UN or other countries make the case for such a prohibition. Frankly, for years Chinese officials have professed a willingness to address US demands for increased controls, but they only move to curb the lucrative trade in response to pressure.²¹

Treating Symptoms or Fixing the Problem?

Any informed observer of Mexico's security challenge of the last several decades can recite the unfinished business of bringing organized crime and corruption under control: fundamental reform of institutions of government, in all branches and at all levels; criminal justice reform; and professional security forces that can impose the rule of law without fear or favor. This is a daunting agenda, but Mexico cannot reach its full economic potential in this 21st century without a modern state that can protect people and property.

Only one of the country's recent presidents adopted internal security strategies as a priority, and another focused on economic and social reform hoping that the rule of law would improve as Mexico modernized. Despite the fact that the vast majority of Mexicans are demanding public security, too many of their political leaders, at all levels, are either unwilling or unable to confront organized crime in favor of the rule of law. Indeed, *official collaboration* with the criminal organizations has proven to be an insurmountable challenge.

For decades, Mexican drug trafficking organizations thrived by dint of political corruption. One-party rule by the Institutional Revolutionary Party (PRI), which governed Mexico from 1929-2000 with unquestioned authority, facilitated the steady growth of drug production and trafficking—especially in isolated cultivation regions like Sinaloa. It was common practice for local PRI political leaders to collude with powerful, wealthy traffickers, and to enter in to truces to prevent bloody confrontations in their jurisdictions.

The election of a more democratic and accountable government under President Vicente Fox and his National Action Party (PAN) was considered a challenge to corruption. Kingpins would have to deal with a new pluralism, making it more complicated for them to make pacts with elected officials to shield their operations. It was in this period that the breadth and depth of the official corruption and the abject strength of the Mexican cartels became more apparent.

In retrospect, Fox punted on the issue of drug corruption. However, his successor Felipe Calderón, elected in 2006, challenged the narcos head-on, sparking bloody confrontations and producing splinter gangs that engaged in deadly turf battles. Calderón's successor, Enrique Peña Nieto, whose six-year term just ended, began his mandate promising to end the bloody "war on drugs," implement a strategy to target kingpins and mitigate violence, and reform Mexico's woeful police, judiciary, and prisons; he failed on all counts.

President López Obrador took office on December 1 at a time of trial for Mexico, its institutions, and the fight against powerful narco groups. Although the Mexican government has

²¹ Sui-Lee Wee, "Trump Says China Will Curtail Fentanyl. The US Has Heard That Before," *The New York Times*, December 3, 2018, https://www.nytimes.com/2018/12/03/business/fentanyl-china-trump.html?fbclid=IwAR2awGU7FgtiT9d5bV3lq7N181F4Zbp4231Kpoi_Vyv8xI-pIkBdtUUHAQ.

eradicated both opium poppy and cannabis cultivation and pursued kingpins for decades, the internal security threat posed by Mexican criminal organizations shows no signs of abating.

Violent crime will demand AMLO's immediate and steady attention. One would expect ambitious plans to tackle corruption, overhaul law enforcement organizations, or reform the faltering criminal justice system. Instead, he has said he would consider an "amnesty" to quell drug-related violence, gradually demilitarize policing duties, and fight crime by creating jobs, scholarships, and social services—which sounds ominously like a plan for surrender. A key advisor repeated said AMLO would consider an "amnesty, special laws, or transitional justice" to "pacify" Mexico.²² (According to a poll taken during the campaign, Mexicans disapproved of the idea of an amnesty by a margin of 73-19 percent.²³)

AMLO has been short on details during the transition, shifting his position recently on demilitarizing the government's anti-drug strategy, proposing instead to fill the security vacuum by creating a new National Guard answering to him. When the new president talks about "social programs" to reduce drug-related violence, he misses the point. There are six million fewer Mexicans living in extreme poverty today (around three million) compared to 2000 (when the number was about nine million), but drug-related corruption and violence has never been higher.²⁴

Moreover, the lawlessness in Mexico is a product of the failures of the political class, the corruption of public officials, the ineffectiveness of the criminal justice system, and the lack of the rule of law—not poverty. Social services and scholarships are inherently good, but they are no substitute for justice and vigorously imposing the rule of law.

To get beyond the symptoms of organized crime, AMLO's administration should consider the need for deep and broad institutional reforms to build an effective and modern state in Mexico. Official corruption, criminal impunity, ineffective policing, dysfunctional criminal justice, and widespread insecurity have a corrosive effect on popular support for democratic government, which is failing in the essential task of people keeping safe.

Currently, at least 14 current or former governors of Mexican states are accused of corruption, money laundering, or narcotics trafficking.²⁵ Some of these officials—and,

²² "AMLO analiza una amnistía para el crimen organizado, ¿qué es y cómo funciona?", Noticias 321, April 4, 2018, <http://www.nacion321.com/elecciones/amlo-analiza-una-amnistia-para-el-crimen-organizado-que-es-y-como-funciona>. "AMLO impulsará una ley de amnistía para acabar con 12 años de violencia en México," *El Economista*, July 6, 2018, <https://www.economista.com.mx/politica/AMLO-impulsara-una-ley-de-amnistia-para-acabar-con-12-anos-de-violencia-en-Mexico-20180706-0081.html>.

²³ "7 de cada 10, en desacuerdo con amnistía de AMLO," by Alejandro Moreno, July 2, 2018, www.elfinanciero.com.mx/nacional/7-de-cada-10-en-desacuerdo-con-amnistia-de-amlo.

²⁴ The World Bank, "Poverty and Equity Portal," website consulted December 10, 2018, <http://povertydata.worldbank.org/poverty/country/MEX>.

²⁵ Shaila Rosagel, "Los 8 ex gobernadores acusados de corrupción sumaron deuda por 186,535 mdp" [The 8 former governors accused of corruption added 186,535 million pesos in debt], *Sin Embargo*, November 20, 2016, <http://www.sinembargo.mx/20-11-2016/3117165>; and *Nación321*, "Mario Villanueva y otros 6 exgobernadores vinculados con el narcotráfico" [Mario Villanueva and other 6 former governors linked to narcotrafficking], January 19, 2017, <http://www.nacion321.com/seguridad/mario-villanueva-y-otros-6-exgobernadores-vinculados-con-el-narcotrafico>.

presumably, many like them—are responsible for inhibiting antidrug efforts for decades. In some cases, they have made pacts with criminal organizations to allow them to operate in their jurisdictions with impunity; in others, officials have become directly involved in crime for personal financial gain.

A culture of impunity has bred corruption among politicians from all parties and officials at all levels in all branches of government. Such widespread corruption hinders any security strategy and stunts the country's economic growth—costing Mexico approximately \$17.3 billion a year, or nine percent of the country's GDP.²⁶ No degree of international cooperation or technical assistance will likely produce lasting results until Mexican authorities attack this impunity and corruption through systematic and sustained measures.

The rule of law in Mexico has been undermined by generations of corruption and inefficiency. According to the World Justice Project's Rule of Law Index, Mexico has one of the lowest ratings (79 of 102 countries), in terms of its constraints on government powers, absence of corruption, open government, fundamental rights, order and security, regulatory enforcement, civil justice, and criminal justice.²⁷

Mexico's inability to impose effective justice against organized crime generates a dangerous sense of impunity among criminals (including corrupt officials) and undermines its citizens' security. According to the Global Impunity Index, Mexico has the second-highest level of impunity in the world. Only 7 of 10 crimes are reported, and of all the crimes committed in the country, less than 5 percent result in prosecution that produces a verdict and sentencing, meaning that impunity in Mexico is close to 95 percent.²⁸ With such rampant impunity, it is no surprise that only 9 percent of Mexicans trust judicial authorities in their country.

Corruption has had a devastating impact on Mexicans' respect for their democracy and politics. According to a study several years ago by the Mexican Competitiveness Institute and the Center for Research and Teaching in Economics (CIDE), "In every state, over 65% of the population perceives corruption in the public sector, and 44% of businesses in Mexico acknowledged having paid a bribe." The study also revealed that "the levels of perceived corruption in the institutions considered the pillars of a representative democracy—political parties and the legislative branch—are extremely high (91% and 83%, respectively) ... which makes governability more complicated because the government lacks legitimacy in the decision making process."²⁹ Meanwhile, in 2014, Transparency International reported that over the previous six years Mexico fell 31 positions (of 175 countries ranked) in the Corruption Perceptions Index.³⁰

²⁶ Gerardo Villafranco, "Corrupción cuesta 9% del PIB a México" [Corruption costs Mexico 9% of its GDP], *Forbes Mexico*, February 2, 2016, <https://www.forbes.com.mx/corruccion-cuesta-9-del-pib-a-mexico/#gs.h9M1agM>.

²⁷ Rule of Law Index, Mexico, World Justice Project, <http://data.worldjusticeproject.org/#/groups/MEX>.

²⁸ Universidad de las Américas Puebla, *Índice global de impunidad México 2016* [Global impunity index Mexico 2016], Centro de Estudios Sobre Impunidad y Justicia, February 2016, http://mexicosos.org/descargas/dossier/estudios/igimex2016_ESP.pdf.

²⁹ María Amparo Casar, México: Anatomía de la Corrupción, Instituto Mexicano para la Competitividad, May 20, 2015, http://imco.org.mx/politica_buen_gobierno/mexico-anatomia-de-la-corrupcion/.

³⁰ Transparency International, Corruption Perceptions Index 2014, Mexico, <https://www.transparency.org/cpi2014/results>.

Moving beyond the symptoms of crime and corruption requires a bottom-up approach to instill a culture of lawfulness and the expectation of justice at all levels of society. AMLO's anti-corruption mandate should entail prosecuting corruption, promoting accountability and transparency among public officials, and overhauling a failing criminal justice system.

The fight against structural corruption requires a legal framework to make officials more accountable. Such a framework includes passing stronger and more comprehensive anticorruption laws, increasing and improving prosecution, imposing stricter sentences on corrupt politicians, eliminating immunity for all public servants, and empowering independent bodies and organizations to ferret out corruption.³¹

The transition from an inquisitorial to an accusatorial justice system in Mexico is one reform that is underway to stream the courts and make justice more attainable. However, no procedural reform can guarantee that prosecutors and judges will perform their functions effectively and properly. Corruption can undermine any process, and this systemic problem cannot be resolved until police, prosecutors, and judges operate honestly, efficiently, and independently.

For much of the last decade, acts of violence have led politicians to propose judicial reforms to fight back against organized crime. However, successive governments have been incapable of translating rhetoric into sustained, comprehensive action. Security initiatives tend to take a back seat to entrenched political interests—particularly as state and local chieftains refuse to cooperate with a national strategy or as members of Congress lose interest.

According to a 2015 study by the Mexican organization Common Cause, only four of Mexico's 31 states (plus the federal district) have established a professional career path in law enforcement. Only nine states have a system for evaluating the performance of officers, and only six states have actually removed all officers found unfit by their agency's "vetting" process. The study found that nearly 50,000 members of the active duty police officers have expired vetting certificates.³²

Due to the lack of a well-trained and well-equipped police force, successive Mexican presidents have had little choice but to use the military to confront well-armed criminal gangs. Another obstacle is the lack of adequate resources for civilian policing in the country; several initiatives announced in the last six years (to form a federal "gendarmerie," establish a criminal database, and improve the federal prison system) were not adequately funded.

³¹ Héctor Molina, "Sin iniciativas anticorrupción la mitad del país, reportan" [Report: Half of the country without anticorruption initiatives], *El Economista*, April 5, 2017, <http://eleconomista.com.mx/sociedad/2017/04/05/sin-iniciativas-anticorruccion-mitadpais-reportan>; and Luis Pérez de Acha, "¿Sin Fiscal Anticorrupción?" [Without an anticorruption prosecutor?], *Animal Político*, April 3, 2017, <http://www.animalpolitico.com/blogueros-la-otra-corte/2017/04/03/sin-fiscal-anticorruccion/>.

³² *Tenemos la Policía que merecemos?* [Do we have the police that we deserve?], *Causa en Común*, Agosto 5, 2015, http://www.miguelcarbonell.com/docencia/Tenemos_la_polic_a_que_merecemos_Una_radiograf_a_de_las_polic_a_s_de_las_entidades_federativas.shtml.

In many cases, these security forces have filled a void and performed adequately. However, for myriad reasons, this military response to the transnational organized crime challenge is unsuitable and unsustainable. Professional civilian policing is essential to fighting crime on the front lines in Mexico's communities.

Several attempts to train and vet competent federal police forces have failed. In the past decade, local governments in Mexico have received an estimated \$5.7 billion in funding to improve their police forces.³³ Nevertheless, these local law enforcement authorities still lack adequate training, funding, equipment, and in some cases, the willingness to face criminal organizations. According to an alarming report on the fitness for duty of Mexican police, in 2016 more than 28,000 policemen failed their background checks but continued to work as police officers.³⁴

An adequate defense budget also is necessary to target transnational organized crime operations on Mexico's land and maritime borders and in vast international waters that are the corridor for illicit smuggling. Mexico spends 0.45 percent of its GDP on defense, less than half the region's average.³⁵ Compounding this problem is the deficit of soldiers in the armed forces, calculated at 33 percent.³⁶ Current defense funding inadequacies and recent cuts (in some cases, reductions of more than 40 percent) hurt the effectiveness of those entrusted with securing Mexico's territory against transnational crime.³⁷ If Mexico does not spend additional political and financial capital to strengthen and train its security forces, securing the country against transnational organized crime will be practically impossible.

US-Mexico Cooperation

US-Mexico bilateral relations were complicated significantly as the annual "certification process" required the Executive branch to assess Mexico's counternarcotics performance. Mexican outrage over being judged by a foreign government was fueled by the inconvenient reality that public officials across their country, at every level of government, were either complicit in crimes or pulling their punches against drug trafficking organizations. In the honeymoon that followed the election of President Vicente Fox in 2000, the US certification process was replaced with an annual report that emphasized governments' efforts rather than results, i.e., whether authorities "failed demonstrably to make substantial efforts" to comply with international commitments to fight the illicit narcotics trade.

³³ Pablo Hiriart, "Gobernación va a apretar" [Interior Ministry will tighten its grip], *El Financiero*, March 21, 2017, <http://www.elfinanciero.com.mx/opinion/gobernacion-va-a-apretar.html>.

³⁴ Arturo Angel, "Más de 28 mil policías en México no son aptos para el cargo" [More than 28,000 police officers in Mexico are not fit for the job], *Animal Político*, October 5, 2016, <http://www.animalpolitico.com/2016/10/mas-28-mil-policias-mexico-no-aptos-cargo/>.

³⁵ Javier Garduño, "Llaman a destinar más del PIB a defensa del país" [Experts call for allocating more budget from the GDP for defense], *El Universal*, January 28, 2017, <http://www.eluniversal.com.mx/articulo/nacion/seguridad/2017/01/28/llaman-destinar-masdel-pib-defensa-del-pais>.

³⁶ *Ibid.*

³⁷ José Antonio Belmont, "Recortan 45.7% al gasto para el ejercito en 2017" [For 2017, the army's budget is cut by 45.7%], *Milenio Diario*, September 9, 2016, http://www.milenio.com/policia/recortan_gasto_del_Ejercito-presupuesto_del_Ejercito_0_809919018.html.

The US and Mexican governments' strategy to fight transnational organized crime in Mexico has relied heavily on eliminating cartel leaders and interdicting illegal drugs. In 2008, the United States and Mexico launched the Merida Initiative to counter drug-fueled violence in both countries. Since 2008, Congress has appropriated \$2.9 billion to bolster Mexico's security and surveillance, modernize the country's justice system, and fund education and training programs; the sum for the current fiscal year was approximately \$150 million.¹⁶⁸

The Merida strategy was synthesized in four pillars:

- Disrupting organized crime's ability to operate;
- Institutionalizing the capacity to sustain the rule of law;
- Creating a 21st-century border structure; and
- Building strong and resilient communities.

Funding, technical support, and intelligence sharing have increased significantly since the adoption of Merida. However, rising levels of violence in Mexico, growing drug consumption in the United States—particularly heroin—and the steady flow of weapons, ammunition, cash, and drugs across the US-Mexico border are proof that the strategy needs to be reassessed and revised.

Continued US-Mexico cooperation, beginning with evaluating and modernizing the Merida strategy, is imperative to gaining ground on this new and evolving threat. The diversification of transnational organized crime into a plethora of illegal activities using resilient and flexible chains of command and advanced tactics and weaponry requires a more flexible and updated approach. It also requires a more comprehensive commitment to meet the shared responsibility for counter transnational organized crime operations in the United States, Mexico, and the region at large.

The commitment by US and Mexican authorities to cooperate in the fight against transnational organized crime is based on an understanding that neither country can deal effectively with this phenomenon on its own and that both countries share responsibility for the problem. Because organized crime persists on both sides of the border, both countries must do more to meet their shared responsibility.

APPENDIX A

The Evolution of Mexican Organized Crime and the State's Inability to Defeat an Existential Threat

Mexico's drug trafficking has its origins in the impoverished, arid Sinaloa region, where a few large farming families began cultivating marijuana and opium poppy for 50 years ago. Pedro Avilés Pérez is regarded as the country's first wholesale drug smuggler. After Avilés was killed by Mexican police in 1978, some of the men who were part of his operations formed their own smuggling gangs. In these early days, these Mexican smugglers dominated specific regions and trafficking routes along the US border, respecting each other's turf in this so-called "plaza system."

Miguel Ángel Félix Gallardo, a Federal Judicial Police agent who used his political connections to abet Avilés' operations, was a shrewd entrepreneur. Working to resolve conflicts and rivalries among smaller factions along the border, he convened a meeting of smuggling bosses in Guadalajara and brokered the creation of the Guadalajara Cartel—Mexico's first transnational cartel and a precursor to the powerful Sinaloa Cartel.

The "Guadalajara boys" included veterans of the Avilés cartel who would become infamous kingpins. Initially trafficking in marijuana, Rafael Caro Quintero³⁸³⁹ and Ernesto Fonseca Carrillo ("Don Neto") and his nephew, Amado Carrillo Fuentes ("El Dios de los Cielos"), as well as Joaquín "El Chapo" Guzmán—became involved in the lucrative Colombian cocaine trade.⁴⁰ With the help of intermediary Juan Ramon Matta Ballesteros, the Guadalajara Cartel partnered with the Cali and Medellín Cartels. As Colombian and US authorities clamped down on their Andean partners, Mexican cartels assumed a bigger role in the wholesale market of cocaine—reaping astronomical profits that stoked their power and audacity.

In subsequent years, "El Chapo" turned to the North Valley Cartel in Colombia for his cocaine supply.⁴¹ His partnership with Juan Carlos Ramirez Abadia began in 1990, when Guzmán outperformed his competitors by transporting a shipment of cocaine through Mexico and to the streets of Los Angeles within a week—one-fourth the normal transit time. Taking a 40-percent cut of the profits, "El Chapo" earned a fortune of \$600 million from cocaine sales from 1990-1996 alone. In the early 2000s, pursued by authorities, Ramirez Abadia receded and

³⁸ Ioan Grillo, *El Narco*, New York: Bloomsbury Press, 2012, p. 4. Grillo comments, "The path from policeman to villain is alarmingly common in Mexico."

³⁹ In April 2018, Rafael Caro Quintero was placed on the FBI's Ten Most Wanted Fugitives list, and a \$20 million reward was offered under the Narcotics Reward Program, for his role in the kidnapping, torture, and murder of DEA Special Agent Enrique "Kiki" Camarena Salazar in 1985. Caro Quintero served 28 years of a 40-year prison sentence until he was released in 2013 on a dubious legal technicality; Mexican authorities have committed to recapturing him. <https://www.fbi.gov/news/stories/new-top-ten-fugitive-rafael-caro-quintero-041218>

⁴⁰ Sylvia Longmire, *Cartel: the Coming Invasion of Mexico's Drug Wars*, New York: Palgrave MacMillan, 2011, pp. 15-16.

⁴¹ For an excellent history of how El Chapo built the Sinaloa Cartel's connections with the North Valley Cartel in Colombia, cf. the indictment brought by the United States Attorney for the Eastern District of New York, accessible here: <http://documents.latimes.com/indictment-joaquin-el-chapo-guzman/>.

allowed “El Chapo” to take direct control of the vast operations.⁴² US Treasury Department sanctions dating back to 2014 have sought to disrupt these Mexican-Colombian connections through sanctions under the Kingpins Act.⁴³ Ramirez Abadia, who was captured in Brazil in 2007 and pleaded guilty to smuggling \$10 billion in cocaine through Mexico the United States, recently emerged as one of the principal witnesses against Guzmán in an ongoing trial in a New York federal court.⁴⁴

The kidnapping and killing of US Drug Enforcement Administration (DEA) agent, Enrique Camarena Salazar, in 1985, provoked an extraordinarily aggressive response against Mexican drug trafficking organizations (DTOs) and the corrupt officials who aided their operations. Under pressure from law enforcement, many leaders of the Guadalajara Cartel retreated to their previous strongholds. In the mid- to late-1980s, the Mexican drug cartels factionalized once again. For example, the Carrillo Fuentes family settled in Ciudad Juárez; the Arellano Félix brothers went to Tijuana; and “El Chapo” remained in Sinaloa, where was joined by his ruthless companion, Héctor Luis Palma Salazar, aka “El Güero Palma.”

In turn, turf battles broke out among past partners in the Guadalajara Cartel. For instance, fighting between “El Chapo” and members of the Tijuana Cartel at the Guadalajara Airport in 1993, resulted in the death of Cardinal Juan Posadas, who was mistaken for El Chapo.⁴⁵ After this infamous crime, “El Chapo” fled to Guatemala, where he was arrested for the first of several times. While “El Chapo” served a prison sentence, starting in 1993, his brother Arturo Loera and Héctor Palma managed the Sinaloa Cartel (until Palma himself was arrested in 1995). The cartel recruited Héctor, Alfredo, and Arturo Beltrán Leyva, who would all become serious traffickers in their own right for the Beltrán Leyva Organization (BLO). In 2001, “El Chapo” escaped prison for the first time, returning to command the Sinaloa Cartel. Under his leadership, “El Chapo” strengthened the nexus between Colombian and Mexican cartels.

Today’s Criminal Minefield

In the meantime, Sinaloa excelled at constructing creative means of transporting products—in trucks, planes, and most famously, through tunnels. Some of these tunnels were so brazenly constructed that they ran under important public infrastructure, such as parking lots at the Tijuana Airport—undetected for years.

Like the Guadalajara Cartel before it, the Sinaloa Cartel is a confederation of local proxies operating with some degree of local control. El Chapo, El Mayo, and El Azul were charged with coordinating these local proxies and keeping the peace among factions. Since El

⁴² Alan Feuer, “El Chapo’s Main Supplier: A Survivor and ‘Hands-On Boss,’” *The New York Times*, December 3, 2018, <https://www.nytimes.com/2018/12/03/nyregion/el-chapo-trial.html?ref=collection%2Fsectioncollection%2Famericas>.

⁴³ US Department of the Treasury, “Treasury Sanctions Key Sinaloa Cartel Network,” February 2, 2014, <https://www.treasury.gov/press-center/press-releases/Pages/jl2298.aspx>.

⁴⁴ “Ex-Colombia drug lord ‘Chupeta’ testifies against alleged Mexican counterpart ‘El Chapo,’” by Kevin McCoy, *USA Today*, November 30, 2018, <https://www.usatoday.com/story/news/2018/11/29/ex-colombia-drug-lord-chupeta-testifies-against-el-chapo/2154289002/>.

⁴⁵ Tim Golden, “Cardinal in Mexico Killed in a Shooting Tied to Drug Battle,” *The New York Times*, May 25, 1993, <https://www.nytimes.com/1993/05/25/world/cardinal-in-mexico-killed-in-a-shooting-tied-to-drug-battle.html>.

Chapo's arrest and extradition to the United States in 2017, as well as Azul's purported death from a heart attack, Ismael Zambada Garcia now is the leader of the Sinaloa Cartel. Although an attempt on El Mayo's life (by a former lieutenant of El Chapo) was reported, he remains at least the figurehead of the Sinaloa Cartel.

Despite the reemergence of powerful rival cartels in the wake of the BLO-Sinaloa split in 2008, the Sinaloa Cartel has a presence in over 50 countries, as well as every major city from New York City to Buenos Aires. The Sinaloa Cartel has managed to create alliances with former enemies in the Gulf Cartel and *Familia Michoacana*, even making truces with its old partners-turned-rivals in the Tijuana Cartel (which evolved out of the demise of the Arellano Félix Organization, founding members of the Guadalajara Cartel controlling the Baja California corridor).

The Sinaloa Cartel is said to benefit from complete penetration of the Mexican security, police, and the political establishment. Many have speculated that Sinaloa has penetrated the *Partido Acción Nacional* (PAN), which was once considered an agent of accountability. Some attribute Sinaloa's growth in the last decade to the *pax mafiosa* negotiated with the governments of Vicente Fox and Felipe Calderón, which focused their attention on high-profile leaders of rival cartels. So pervasive were the rumors that the PAN favored the Sinaloa Cartel that the party had to issue a press release in 2010 and a video release in 2011 denying it.⁴⁶

Sinaloa continues to expand its territory through bloody turf wars. It managed to largely defeat the Juárez Cartel for control over Ciudad Juárez, one of the most important border crossings for its contraband. Currently, it is warring with Los Zetas, originally a paramilitary organization of the Gulf Cartel comprised of highly trained Mexican military deserters, which then split to begin its own operations. Los Zetas themselves have fractured in recent years, with arrests of their top leaders and the sprouting of splinter cells; Los Zetas Grupo Bravo and Zetas Vieja Escuela are the main two factions. Los Zetas still control the important border crossing at Nuevo Laredo, working with remnants and splinter cells of the now defunct BLO.

A relatively united Sinaloa Cartel is well-poised to dominate the Mexican criminal underworld.⁴⁷ And Sinaloa state remains the historic home of drug production within Mexico, with its favorable climate for marijuana and poppy cultivation and its long coastline providing easy access to northbound shipping routes. However, Sinaloa's privileged position does not mean that it can operate free of serious competition. Its many franchises and loosely aligned "federation" mean it is susceptible to splintering and competition among its other main competitors.⁴⁸

The decapitation strategy that the Mexican government implemented (with US support) to take down the top drug cartel leaders—and the ensuing turf wars and internecine fighting—led

⁴⁶ "Sinaloa Cartel," *Insight Crime*, January 24, 2018, <https://www.insightcrime.org/mexico-organized-crime-news/sinaloa-cartel-profile/>.

⁴⁷ Guadalupe Correa-Cabrera, *Los Zetas Inc: Criminal Corporations, Energy, and Civil War in Mexico*, Austin, TX: University of Texas P, 2017.

⁴⁸ Anabel Hernández, *Narcoland*, New York: Verso, 2013.

to these cartels fracturing into splinter factions.⁴⁹ Since 2010, there has been an accelerated decentralization of criminal groups, complicating efforts to combat organized crime. The relationship among these groups is dynamic; organizations continually split from one another or engage in opportunistic short-term alliances that usually end in violent feuding.⁵⁰

Relatively smaller trafficking groups also have gained ground by diversifying their criminal activity, making organized crime even harder to eradicate.⁵¹ The Congressional Research Service reports, “The large DTOs [drug trafficking organizations], which tended to be hierarchical, often bound by familial ties, and led by hard-to-capture kingpins, have been replaced by flatter, more nimble organizations that tend to be loosely networked.”⁵² Importantly, these spin-off groups do not abide by the *pax mafiosa*, and are more willing to engage in bloodshed to achieve their desired outcomes and break into new territories.

The rise of *Cartel Jalisco Nueva Generación* (CJNG) is an example of how criminal organizations have become flexible and prepared to fill vacuums left by other fractured cartels. Founded only within the last decade, the CJNG has been able to make alliances with smaller cartels to take over territory previously controlled by the Sinaloa Cartel.⁵³ After Joaquín “El Chapo” Guzmán was captured for the third time on January 8, 2016, fractures in the Sinaloa Cartel allowed the CJNG to challenge what was once the world’s most powerful criminal organization.⁵⁴ The CJNG is gaining ground on the Sinaloa Cartel with operations that span over 16 states in Mexico and with a significant footprint in Europe and Asia.⁵⁵

Today, the DEA estimates that the CJNG wields power in 23 of 31 Mexican states, including key production and transit corridors. This growing cartel attracted special attention in October, when US agencies unveiled unsealed 15 indictments and levied financial sanctions in an effort to deal a serious blow against its criminal operations.⁵⁶

⁴⁹ For a visual representation of all splinter groups, see Tania Montalvo, “Los cárteles se fortalecen con brazos armados que arrinconana la ciudadanía,” *Animal Político*, October 23, 2015, <http://bit.ly/1Hvsr1G>.

⁵⁰ For a critique of the “high-value targeting” as an ineffective and counterproductive strategy, cf. Vanda Felbab-Brown, <https://www.foreignaffairs.com/articles/mexico/2018-09-27/mexicos-new-president-needs-better-solution-criminal-violence>. Felbab-Brown argues that targeting the “middle operational group” would represent the most effective policy for the Mexican government.

⁵¹ Patrick Corcoran, “Mexico Has 80 Drug Cartels: Attorney General,” *Insight Crime*, December 20, 2012. Notably, while President Enrique Peña Nieto criticized Calderon’s kingpin strategy, his policies represented a continuity of the strategy. Cf. Vanda Felbab-Brown, *Changing the Game or Dropping the Ball? Mexico’s Security and Anti-Crime Strategy Under President Pena Nieto*, Latin American Initiative, Brookings, November 2014.

⁵² Congressional Research Service Report, *Mexico: Organized Crime and Drug Trafficking Organizations*, July 2018.

⁵³ Ryan Bort, “Jeff Sessions is Cracking Down on One of Mexico’s Biggest Drug Cartels,” *Rolling Stone*, October 17, 2018, <https://www.rollingstone.com/culture/culture-news/cartel-mexico-el-mencho-sessions-indictment-738990/>.

⁵⁴ In the wake of El Chapo’s arrest and extradition, CJNG benefitted from infighting in the Sinaloa Cartel among Dámaso López Núñez and Chapo’s two sons, according to Anabel Hernández, “The Successor to El Chapo: Dámaso López Núñez,” *Insight Crime*, March 13, 2017.

⁵⁵ *El Financiero*, “En una década, Cártel Jalisco amplía su dominio a 16 estados” [In a decade Jalisco Cartel expands its presence to 16 states], November 22, 2016, <http://www.elfinanciero.com.mx/nacional/en-una-decada-cartel-jalisco-amplia-su-dominio-a-16-estados.html>.

⁵⁶ US Department of Justice News Release, “Justice, Treasury, and State Departments Announce Coordinated Enforcement Efforts Against Cartel Jalisco Nueva Generacion,” October 16, 2018,

A confederation of criminal groups ensures that its Mexican partners remain the principal wholesalers of most drugs to US markets; it also exerts control over much of the US retail sales through alliances with local gangs and affiliates. US Treasury Department sanctions dating back to 2014 have sought to disrupt these Mexican-Colombian connections through sanctions under the Kingpins Act.⁵⁷

Mexico's 'War on Drugs' Falters

Since the military was first deployed on such an urgent policing mission (in the state of Michoacán in December 2006), the last two Mexican presidents have been unable to significantly reduce violence, corruption, and the spread of major criminal organizations throughout the country. AMLO's new strategy should consider the failures of his predecessors and adapt to shifting realities and changing cartel tactics. He has his work cut out for him.

President Felipe Calderón (2006-2012) launched a frontal assault on organized crime, complying with a central theme of his campaign; this security offensive soon grew controversial due to a spike in violence and murders. Outgoing president Enrique Peña Nieto (2012-2018) distanced himself from Calderón's "war on drugs" and instead focused on a host of economic and social reforms to modernize Mexico's economy. On the security front, he emphasized intelligence-driven law enforcement, greater cooperation from security agencies, and fighting high-impact crimes (murder, kidnapping, extortion, and robbery) that impact the civilian population.⁵⁸

In retrospect, Calderón went to war without preparing the nation for the costs and relying on security forces that were incapable of scoring decisive results within his six-year mandate; he also failed to realize that corruption among local and state authorities hobbled his well-intentioned offensive.

Peña Nieto placated public doubts by saying he would change the strategy; however, he failed to implement an alternative, effectively ignoring the organized crime threat until it was too costly and dangerous to neglect. His *ad hoc* federal response to localized crises fell far short of the sustained national strategy needed to address a worsening problem. He continued to use the military, but he failed to provide the legal framework for the military to operate. He promised more professional policing and criminal justice and prison reforms, but these were not implemented or funded adequately. As a result, federal, state, and local authorities are not committed to a coherent national strategy, and criminal organizations are as strong as ever.

Over the years, Mexican authorities have had some success in disrupting large drug cartels, which has produced mixed results. When a large criminal syndicate is fractured, the

<https://www.justice.gov/opa/pr/justice-treasury-and-state-departments-announce-coordinated-enforcement-efforts-against>

⁵⁷ US Department of the Treasury, "Treasury Sanctions Key Sinaloa Cartel Network," February 27, 2014, <https://www.treasury.gov/press-center/press-releases/Pages/jl2298.aspx>.

⁵⁸ Enrique Peña Nieto, *Recuperar la paz y libertad de los mexicanos* [Restoring the Peace and Freedom of Mexicans], El Universal, May 14, 2012, <http://archivo.eluniversal.com.mx/notas/847036.html>.

continuing activities of splinter gangs can make the task of security forces even more complicated.⁵⁹ Another problem is that debilitating one syndicate can strengthen others by reducing competition, allowing them to consolidate their presence and increase their operations in Mexico and beyond. For example, the Sinaloa Cartel and the New Generation Jalisco Cartel have actually benefited from effective police action against their competitors.

Suppressing high-impact crimes that affect personal security is particularly difficult because it requires professional local law enforcement; lacking such professional policing, such crimes have grown worse in recent years. For example, kidnappings increased 52.7%;⁶⁰ an increase of 30% in kidnappings from May to June of this year shows no sign of improvement.⁶¹

Statistics on murders by criminal groups demonstrate that impunity is rampant and worsening. According to *Lantia's* database (a Mexican consulting firm that specializes on security issues), in the 31 months of the Peña Nieto administration, 23,758 executions have been reported.⁶² “Between June and October of 2014, executions related to organized crime were recorded at around 520-530 per month,” according to an article in newspaper *Excelsior*. However, the average for 2015 has increased to 636 executions per month.⁶³

Perhaps the most dramatic example of lawlessness occurred in the small city of Iguala, 120 miles south of Mexico City, in the tumultuous State of Guerrero. In late September 2014, 43 students at a nearby teachers’ college were expected to stage a protest that might disrupt a public speech by María de los Ángeles Pineda, wife of Iguala mayor Jose Luis Abarca. According to the initial investigation, the students were detained by local police and turned over to Guerreros Unidos, a local drug gang with whom the mayor’s wife purportedly had ties; the gangsters reportedly tortured and executed the victims and burned their bodies.⁶⁴ The search for the remains of the murdered students took a grisly turn as investigators discovered a number of clandestine graves that contained the remains of unknown victims. Since then, hundreds of clandestine graves have been discovered throughout the country.

More evidence of worsening security conditions came in 2015, when the government launched a security operation against the New Generation Cartel of Jalisco (CJNG) and Los Cuinis in the state of Jalisco. Within hours, the gangsters were able to mobilize more than 500 men in coordinated counterattacks, *shooting down a military helicopter*; burning 11 banks, five

⁵⁹ Doris Gómora, Dennis A. García, y Marcos Muédano, “Cárteles, la nueva era,” *El Universal*, May 18, 2015, <https://www.eluniversal.com.mx/nacion-mexico/2015/impreso/carteles-la-nueva-era-226119.html>.

⁶⁰ Paris Martínez, “El secuestro se dispara 52.7% durante la gestión de Peña Nieto,” *Animal Político*, March 24, 2015, <https://www.animalpolitico.com/2015/03/el-secuestro-se-dispara-52-7-durante-la-gestion-de-pena-nieto/>.

⁶¹ Fabiola Martínez, Cifras oficiales revelan un aumento en los casos de secuestro denunciados, *La Jornada*, July 22, 2015, <https://www.jornada.com.mx/2015/07/22/politica/008n1pol>.

⁶² Leo Zuckermann, “31 meses del sexenio de Peña: 23,758 ejecuciones” [31 months of Peña Nieto’s administration: 23,758 execution], *Excelsior*, August 10, 2015, <https://www.excelsior.com.mx/opinion/leo-zuckermann/2015/08/10/1039351>.

⁶³ *Ibid.*

⁶⁴ David Agren, “Mexico: Burned Bodies Likely of 43 Missing Students,” *USA Today*, November 7, 2014, <https://www.usatoday.com/story/news/world/2014/11/07/mexico-missing-students/18669187/>.

gas stations, and 36 buses; and killing 15 people and injuring 20 others. They also blocked 12 highways affecting the central states of Jalisco, Colima, Guanajuato, and Michoacán.⁶⁵

The Challenge Ahead

As enforcement actions continue, the continuing fracture of larger cartels into localized affiliates should be expected. Insight Crime, a foundation that studies organized crime in the Americas, reports that Mexican drug cartels have developed new strategies to survive in the competitive new environment. The drug trade is notorious for being one of the most agile businesses on the planet, adapting to changing dynamics much faster than governments and antidrug agencies.

For example, Mexican cartels have moved quickly to fill the vacuum left by the Colombian leftist guerrilla group (*Fuerzas Armadas Revolucionarias de Colombia*, FARC) in the wake of the June 2017 peace agreement. InSight Crime cites local intelligence agencies in reporting that Mexican cartels (including the Sinaloa Cartel, the Jalisco Cartel New Generation and the Zetas) are physically present in nine of Colombia's 32 departments, capturing cocaine laboratories and likely vying for territory to secure their illicit supply chain. At the very least, it appears as though the Sinaloa Cartel is serving as a financier of "dissident" splinter groups created after FARC demobilization. The group reports:

There is little evidence and even less logic to the more hyperbolic claims that Mexican cartels are trying to take over the Colombian underworld. But there is no doubt that their presence and influence in the country has expanded rapidly in recent years, and they now appear to be developing new strategies for the post-FARC underworld.⁶⁶

Direct links to illicit producers will help the Mexican cartels cut out middlemen, increasing their profits exponentially. Maintaining a presence in Colombia appears to be a logical move to ensure supply of illicit drugs as Colombian authorities seek to impose order in areas of historic conflict where FARC narcotics operations once thrived amidst the chaos.

⁶⁵ Roger F. Noriega, "Showdown in Jalisco exposes Mexico's faulty antidrug efforts", American Enterprise Institute, May 5, 2015, <http://www.aei.org/publication/show-down-in-jalisco-exposes-mexicos-faulty-anti-drug-efforts/>.

⁶⁶ James Bargent, "What is the Mexican Cartels' Strategy for Post-FARC Colombia?," *Insight Crime*, February 26, 2018, <https://www.insightcrime.org/news/analysis/what-is-the-mexican-cartels-strategy-for-post-farc-colombia/>.

APPENDIX B

Mexican Organized Crime is Part of a Grave and Growing Transnational Threat

Fighting organized crime in Mexico is a complicated task that requires adequate human and material resources, efficient law enforcement agencies, and willing partners to fight a threat that evolves, adapts, and reaches across national borders. The critical element is understanding that the Mexican operations are now part of a vast transnational criminal organism that grows stronger and more dangerous every day.

Whether it is the destruction wrought by drug cartels in Mexico, the deadly opioid crisis menacing US communities, the catastrophic collapse of oil-rich Venezuela, the explosion of coca cultivation in Colombia, or debilitating gang violence throughout Central America, *transnational organized crime resides at the heart of nearly every major threat confronting the Americas today*. These crises can be traced to criminal networks that garner billions from illicit drugs, human trafficking, extortion, money laundering, and myriad other schemes. That global criminal network benefits immeasurably from Mexican criminal organizations that are critical links in a supply chain that delivers illicit contraband to the world's largest market: the United States.

This sophisticated crime syndicates relentlessly attack democratic institutions and the rule of law, stunting economic growth and stifling legitimate commerce and investment. Their criminal networks, bankrolled largely by consumers of illicit drugs in the United States and Europe, respect no borders and operate with virtual impunity in countries ravaged by corruption and violence. To outflank the criminal network in Mexico and beyond, governments must study this global conspiracy—which involves local criminals, transnational operators, and hostile state actors—in order to organize a sustained, international offensive to thwart the criminals' plans.

Disrupting those transnational operations requires international cooperation. For decades, US aid and diplomacy has prioritized partnership committed to the rule of law, anti-corruption, transparency, and law enforcement. Regrettably, political trends in the Americas have undermined the willingness or capability of key states to cooperate against transnational organized crime (TOC).

US Policy Tools for Combating Transnational Organized Crime⁶⁷

Transnational organized crime, with its unprecedented wealth and influence, has become the most significant threat to security and prosperity in the Americas. The US government considers transnational criminal organizations (TCOs) a pressing threat to national security and has implemented initiatives, such as the 2011 Strategy to Combat Transnational Organized Crime and the 2017 “Presidential Executive Order on Enforcing Federal Law with Respect to Transnational Criminal Organizations and Preventing International Trafficking,” to better detect, disrupt, and dismantle these criminal networks.

⁶⁷ Celina Realuyo, a member of the AEI task force on transnational organized crime, contributed to this portion of a June 2017 AEI report.

The Trump administration has the opportunity to intensify these efforts by exercising and expanding prosecutions, sanctions, and enforcement agencies' legal authorities; allocating additional investigative resources; and demonstrating the political will to bring TCOs to justice, seize their assets, and deny them access to the international financial system.

US efforts to counter transnational organized crime began during the Nixon administration. In response to rising drug usage, Richard Nixon declared an "all-out, global war on the drug menace" and created the Drug Enforcement Administration (DEA).² Since that time, the federal government's antidrug programs have steadily expanded.

In the 1990s, an antidrug alliance began to take shape in drug-producing states in the Andean region of South America, when governments in Bolivia, Colombia, Ecuador, Peru, and Venezuela made common cause with the United States to fight the production of illicit drugs. Despite occasional setbacks, these countries welcomed trade benefits and US foreign assistance to bolster their antidrug efforts. Large-scale aid programs such as Plan Colombia—the most prominent example of US foreign assistance targeted toward combating transnational criminal activity—greatly improved security across the region by developing local enforcement capabilities.

In the past decade, however, that consensus has disintegrated. Venezuela's anti-US *chavista* government expelled the DEA and ended counter-drug cooperation. In Bolivia, the head of the coca-growers union, Evo Morales, was elected president and soon rejected US antidrug initiatives. Ecuadorian President Rafael Correa ousted a US antidrug operations center from the coastal town of Manta.⁶⁸ Even in Colombia, a friendly government has moved to end aerial fumigation and cease the extradition of cocaine kingpins from guerrilla ranks.

Restoring a robust coalition among these countries to renew coercive operations against illicit drugs is not possible in the short run. Instead US agencies could put more resources behind the application of financial sanctions as an asymmetrical tool against criminal organizations to deny them access to the international financial system. Although these criminals can evade capture and prosecution, they are still subject to US regulatory measures and criminal prosecution.

One such tool is the Foreign Narcotics Kingpin Designation Act of 1999, or the Kingpin Act, which denies "significant foreign narcotics traffickers ... access to the US financial system and [prohibits] all trade and transactions between the traffickers and US companies and individuals."⁶⁹ The Kingpin Act was modeled on an earlier sanctions program that the Department of the Treasury's Office of Foreign Assets Control (OFAC) administered against Colombian drug cartels in 1995. The act has been used to disrupt drug trafficking organizations around the world and will continue to be a valuable tool for the US government as it expands its enforcement efforts against TCOs.

⁶⁸ Joshua Partlow, "Ecuador Giving US Air Base the Boot," *Washington Post*, September 4, 2008, <http://www.washingtonpost.com/wp-dyn/content/article/2008/09/03/AR2008090303289.html>.

⁶⁹ White House, Office of the Press Secretary, "Fact Sheet: Overview of the Foreign Narcotics Kingpin Designation Act," April 15, 2009, <https://obamawhitehouse.archives.gov/the-press-office/fact-sheet-overview-foreign-narcotics-kingpin-designation-act>.

Explosion of Coca in Colombia

For decades, Colombia has faced extraordinary challenges as ground zero in the hemispheric fight against transnational organized crime. However, determined Colombian leadership, with support and cooperation from the United States, has made dramatic gains in the struggle against criminal groups. The peace accord with the FARC, Colombia's largest TCO, brings new challenges and opportunities for the fight against organized crime, requiring continued vigilance and cooperation from the United States.

Today, the US-Colombia bilateral relationship is one of the most important partnerships in the fight against transnational organized crime in the Americas. Under Plan Colombia, both governments have worked together for more than 15 years to fight back against the narco-terrorist threat that once brought Colombia to the brink of failed statehood. Between FY 2000 and FY 2016, the US Congress appropriated more than \$10 billion in aid under Plan Colombia and successive strategies.⁷⁰

The explosion of coca cultivation in Colombia is a major concern. According to the latest numbers from the US government, Colombia's coca production in 2016 rose an estimated 18 percent from the previous year. These numbers have consistently risen during the peace negotiations, increasing by more than 141 percent from 2012 to 2016, including a sharp rise beginning in 2015. These developments are likely the direct result of the government's 2015 decision to end the aerial eradication of coca plants, citing concerns about the adverse health impact of glyphosate.⁷¹

The Narcostate in Venezuela⁷²

The Venezuelan state is permeated by transnational organized criminal activity. Elements of the national government directly manage and support drug trafficking, money laundering, terrorism financing, support for guerrilla movements, and international corruption. In many cases, the very officials and institutions that in other states would normally be responsible for policing and suppressing these activities are directly engaged in committing or abetting these crimes. While some have informally dubbed Venezuela a narco-state, the moniker highlights only one aspect of a wider criminal enterprise. Today in Venezuela, no internal force is capable of confronting this pervasive criminality, making international oversight and enforcement measures indispensable.

The spread of corruption and criminality throughout the government has been facilitated by the centralization of power under the presidency; the politicization of the military and the judiciary; and the breakdown of transparency, accountability, and the separation of

⁷⁰ Mark P. Sullivan, *Latin America and the Caribbean: Key Issues and Actions in the 114th Congress*, Congressional Research Service, January 4, 2017, 34, <https://fas.org/sgp/crs/row/R43882.pdf>.

⁷¹ John Otis, "Colombia Will End Coca Crop-Dusting, Citing Health Concerns," NPR, May 15, 2015, <http://www.npr.org/sections/parallels/2015/05/15/406988063/colombia-will-end-coca-crop-dusting-citing-health-concerns>.

⁷² Ambassador Michael Skol, Boris Saavedra, Ambassador Roger F. Noriega, and Martín Rodíl, members of the AEI task force on transnational organized crime contributed to this portion of a June 2017 AEI report.

powers, which began under former President Hugo Chávez and has continued under current President Nicolás Maduro.

Unscrupulous officials have turned Venezuela's state-run oil giant, *Petróleos de Venezuela, S.A. (PDVSA)*, and its opaque balance sheet into an instrument of corruption. This rampant criminality and corruption have caused the economy and basic public services, from hospitals to policing, to collapse.⁷³ A once-wealthy country has been transformed into a poor one, with only a handful of the lawless elite left prospering. Venezuela currently ranks 166 out of 176 countries on Transparency International's Corruption Perceptions Index.⁷⁴

Venezuela is a natural corridor for cocaine exports to the United States and European markets. This trafficking exploded in late 2005 when Chávez decided to intensify his regime's support to Colombian guerrillas by turning Venezuela into a major transport hub for cocaine produced by the FARC and other narcotics trafficking groups.⁷⁵ According to a colleague of mine who monitors activities in Venezuela, an active-duty Venezuelan military officer informed US law enforcement in May of this year that Cuban military personnel—*coordinated directly by Cuban army Gen. Luis Alberto Rodriguez Lopez Callejas, Raul Castro's son-in-law*—are directly involved in smuggling cocaine through the port of La Guaira, with most of the drug shipments bound for Europe and west Africa. The same Venezuelan officer described the presence of Colombian narcoguerrilla camps deep into Venezuelan territory, which are responsible for transiting cocaine bound for the United States and other markets to Caribbean ports. The Venezuelan source explained to a US law enforcement official that Cuban military officers stationed in Venezuela have instructed the national security forces not to approach these guerrilla camps or to interfere with their narcotics smuggling operations.

A decade later, Venezuela's rampant corruption and money laundering schemes are integral elements of international narcotics trafficking operations. In addition to looting the coffers of state-owned entities, corrupt officials in the regime use state personnel, vehicles, and aircraft to smuggle illegal drugs. Multiple elements of the military are used to facilitate the movement of drugs from Bolivia, Colombia, and Ecuador through the Caribbean, Central America, and Mexico to the United States and Europe. An estimated 200 metric tons of cocaine move through Venezuela per year, and roughly two-thirds of that total is destined for the United States.⁷⁶

⁷³ Moises Rendon, "Halting Venezuela's Meltdown," *Real Clear World*, April 13, 2017, http://www.realclearworld.com/articles/2017/04/13/halting_venezuelas_meltdown_112289.html.

⁷⁴ Transparency International, "Corruption Perceptions Index 2016," January 25, 2017, http://www.transparency.org/news/feature/corruption_perceptions_index_2016.

⁷⁵ Insight Crime, "Report Charts Evolution and Militarization of Venezuela's Drug Trade," March 22, 2017, <http://www.insightcrime.org/news-analysis/evolution-militarization-venezuela-drug-trade-report>.

⁷⁶ Kaitlin Lavender, "Venezuela Teetering on the Edge," *Cipher Brief*, May 3, 2017, <https://www.thecipherbrief.com/article/latin-america/venezuela-teetering-edge-1091>.

Gangs of Central America⁷⁷

Violence in Central America has reached epidemic levels, particularly among the Northern Triangle nations of El Salvador, Honduras, and to a lesser extent, Guatemala. Gang violence is a primary driver of social disintegration in the Northern Triangle and, as such, a primary driver of the illegal immigration of thousands of people from the region into the United States.⁷⁸ The prominence of gangs in the region is fueled by the Northern Triangle's weak institutions, corruption, scarce rule of law, and paucity of economic opportunity.

There are multiple gangs in the Northern Triangle that hold varying levels of power and resources. By most measurements, the largest gang is Mara Salvatrucha (MS-13), while a gang known as Barrio 18 is considered its primary rival. Both gangs have internal divisions and varying local structure, but there are also many smaller gangs that operate with less centralized structures. MS-13 and Barrio 18 combined are estimated to have more than 100,000 gang members in the Northern Triangle, and both have a significant presence outside the region, with cells in the United States and Canada.⁷⁹

In El Salvador alone, there are an estimated 60,000 gang members with an active presence in 247 out of 262 municipalities.⁸⁰ Of those, some 65 percent are members of MS-13. MS-13's growth and resilience have drawn special attention from US authorities and regional governments. In 2012, the US Department of Treasury sanctioned MS-13, designating it a transnational criminal organization.⁸¹

The Northern Triangle gangs' criminal activities are varied, but their most prominent crimes are homicides and extortion. Nevertheless, some gang cliques have shown the capacity to engage with regional drug trafficking organizations, the transportation of illicit goods, and human trafficking. A regional security researcher has interviewed MS-13 sources who claim that they have established a physical presence in areas of Mexico, with the acceptance of local cartels who may welcome the gang's retail network in every major US city.

The challenge of combating gangs and gang violence in the Northern Triangle, when complicated by corruption, can seem insurmountable. Arresting gang members frequently appears to have a negligible impact, particularly when they continue to be involved in gang activities in prison. However, there are some concrete ways that the spread of gangs can be confronted, with support from US authorities.

⁷⁷ Douglas Farah and Héctor Silva, members of the AEI task force on transnational organized crime contributed to this portion of a June 2017 AEI report.

⁷⁸ Anastasia Moloney, "Deadly Gang Extortion Rackets Drive Emigration from El Salvador," Reuters, May 16, 2016, <http://www.reuters.com/article/us-el-salvador-extortion-idUSKCN0Y71QW>.

⁷⁹ *El Nuevo Diario*, "Triángulo Norte en alerta por pandilleros repatriados" [Northern Triangle on alert over repatriated gang members], April 21, 2017, <http://www.elnuevodiario.com.ni/nacionales/425314-triangulo-norte-alerta-pandilleros-repatriados/>.

⁸⁰ Elizabeth Matsangou, "El Salvador's Economic Shackles," *World Finance*, April 19, 2017, <https://www.worldfinance.com/strategy/el-salvadors-economic-shackles>.

⁸¹ US Department of the Treasury, "Designation Targets Latin American Gang Mara Salvatrucha (MS-13)," press release, October 11, 2012, <https://www.treasury.gov/press-center/press-releases/Pages/tg1733.aspx>.

NOTE

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