

# The Protracted Approach of Mexican Drug Cartels and the Limitations of Government Action

A Monograph

by

Michael W. Barends  
US DHS/CBP



School of Advanced Military Studies  
US Army Command and General Staff College  
Fort Leavenworth, KS

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Name of Candidate: Michael W. Barends, US DHS/CBP

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Approved by:

\_\_\_\_\_, Monograph Director  
G. Stephen Lauer, PhD

\_\_\_\_\_, Seminar Leader  
Yannick Michaud, COL

\_\_\_\_\_, Director, School of Advanced Military Studies  
Kirk C. Dorr, COL

Accepted this 23rd day of May 2019 by:

\_\_\_\_\_, Director, Graduate Degree Programs  
Robert F. Baumann, PhD

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## Abstract

The Protracted Approach of Mexican Drug Cartels and the Limitations of Government Action, by Michael W. Barends, US DHS/CBP, 54 pages.

This study examines the respective US and Mexican governments' approaches to combat the Mexican drug cartels and identifies limitations of the institutional systems employed therein. Complex and dynamic adversaries with extensive organizational networks that stretch across the globe, the cartels exploit the bureaucracy of systems designed to combat them. Applying a theoretical lens to the situation further highlights the respective governments' inability to influence the protracted approach of the cartels. Examining this approach through Mao Tse-Tung's protracted war characteristics as the criteria for analysis illustrates the cartels' ability to function as economically superior enterprises thriving in a multi-billion-dollar industry. Interpreting these ideas as a protracted business model focused on improvisation, innovation, and constant adaptation and flexibility, reveals that the international boundaries designed to stop the cartels exist only as a geographical delineation for them.

This study begins with a description of the context and environment. Following are three chronological case studies, reviewing the actions of the cartels and the governments between 2000 – 2006, 2006 – 2012, and 2012 – 2016, respectively. It concludes with future implications of continuing the war on drugs by incorporating approaches that consider: 1) long term actions against the cartels as competitive corporations; 2) delegating and delineating operational command and control, combined with long term funding plans, to the tactical level; and 3) government actions targeting the reduction of demand for the services the cartels provide.

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## Acronyms

BEST	Border Enforcement Security Task Force
CBP	Customs and Border Protection
CJNG	New Generation Jalisco Cartel
CRS	Congressional Research Service
DEA	Drug Enforcement Administration
DHS	Department of Homeland Security
DOD	Department of Defense
DOJ	Department of Justice
DOS	Department of State
GAO	Government Accountability Office
HSI	Homeland Security Investigations
IRS	Internal Revenue Service (Department of the Treasury)
Morena	National Regeneration Movement
ODCP	Office of Drug Control Policy
PAN	National Action Party
PGR	Attorney General
PRD	Party of the Democratic Revolution
PRI	Institutional Revolutionary Party
PRONAPRED	National Crime Prevention Program
SSP	Secretariat of Public Security
TCO	Transnational Criminal Organization
UNODC	United Nations Office on Drugs and Crime
US	United States
USA	United States of America
USAID	United States Agency for International Development

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## Section 1: Introduction

Transnational criminal networks have forged new and powerful alliances and are engaged in an unprecedented range of illicit activities that are destabilizing to nations and populations around the globe.

—John Brennan, July 2011

Mexican Transnational Criminal Organizations (TCO) remain the greatest criminal drug threat to the United States. They continue to expand their influence across the globe and into the United States by controlling drug trafficking corridors that span the entire nation.<sup>1</sup> These criminal enterprises, specifically the drug cartels, corrupt and undermine democratic institutions as they reap profit, power, and political influence.<sup>2</sup> Drug cartels exploit the nation's porous borders and threaten security and public safety.<sup>3</sup> In 2017, drug poisoning deaths were the leading cause of injury and death in the United States, at their highest ever recorded level, and, in every year since 2011, have outnumbered deaths by firearms, motor vehicle crashes, suicide, and homicide. In 2015, one hundred forty people died each day from drug poisoning.<sup>4</sup>

Drug cartels and illicit drug trafficking are not new phenomena; they have existed for decades and proliferated globally. They continue to exist because they create an environment that blurs the lines between licit and illicit enterprise, turns politics against policy, and links tactics to strategy. For the cartel, the international border ceases to exist; it is merely a physical obstacle like a speed bump on the road to where supply meets demand. Thus, in focusing the lens on the

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<sup>1</sup> US Department of Justice, *2016 National Drug Threat Assessment* (Washington, DC: Government Printing Office, 2017), 1.

<sup>2</sup> The terms 'drug trafficking organization' and 'drug cartel' are often used interchangeably, sometimes in conjunction with the phrase transnational criminal organization. Cartel is a term widely used in publication, however some experts would argue that its use can also refer to price-setting groups. It is, however, unclear if Mexican drug trafficking organizations are setting illicit drug prices. For clarification and consistency, this study will use the terms cartel and drug trafficking organization interchangeably.

<sup>3</sup> Donald J. Trump, *National Security Strategy of the United States of America* (Washington, DC: The White House, 2017), 8,11.

<sup>4</sup> US Department of Justice, *2017 National Drug Threat Assessment* (Washington, DC: Government Printing Office, 2017), v.

cartel as an institution, we find an economic enterprise that, if legitimate, would rank on top of the Global Fortune 500 list.

In the business of supply and demand, the cartels operating in Mexico know that it is all about location. Mexico has served as a major supplier of marijuana and heroin to the United States for some time. As the Columbian cartels saw their demise in the 1980s, the Mexican cartels seized the opportunity to capitalize on trafficking cocaine through already established drug trafficking routes. Since then, they have expanded operations to include: human and arms trafficking, auto theft, kidnapping, methamphetamine production and trafficking, as well as many other illicit ventures.<sup>5</sup> In May of 2016, the Office of Drug Control Policy (ODCP) estimated that the drug trade alone makes up three to four percent of Mexico's \$1.2 trillion annual Gross Domestic Product, as much as \$30 billion, with a majority from the US demand for illicit drugs.<sup>6</sup>

Competition in this lucrative enterprise is fierce as the drug trafficking landscape in Mexico is in constant flux with new organizations emerging as branches from those previously established. As of 2016, the Drug Enforcement Administration (DEA) assesses the following six Mexican cartels' hold the greatest drug trafficking impact on the United States: Sinaloa Cartel, Jalisco New Generation Cartel (Cartel Jalisco Nueva Generación, or CJNG), Juarez Cartel, Gulf Cartel, Los Zetas Cartel, and Beltran-Leyva Organization. Each of these cartels maintains drug distribution cells in designated cities across the United States that report to leaders in Mexico.<sup>7</sup>

The cartels' depth of drug trafficking into the US markets is achievable through outsourcing with other criminal elements, specifically criminal street gangs. They are the street or retail level distributors in the drug trafficking market. Although less sophisticated organizationally than the cartel, the criminal street gang objectives align with those of the cartel.

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<sup>5</sup> US Library of Congress, CRS, *Mexico's Drug Cartels*, by Colleen W. Cook, CRS Report RL34215 (Washington, DC: Office of Congressional Information and Publishing, February 25, 2008), 4-7.

<sup>6</sup> Office of the President, *National Southwest Border Counternarcotics Strategy* (Washington, DC: Office of National Drug Control Policy, 2016), 7.

<sup>7</sup> US Department of Justice, *2017 National Drug Threat Assessment*, 2.

They want to generate money, control territory, and gain power. Street-level drug trafficking allows for the recognition of these objectives. Furthermore, networking the retail distribution to the criminal street gangs, the cartels remove themselves from direct involvement at the lowest level of the supply side, thus inserting a layer of entrepreneurial insulation to the process.<sup>8</sup>

At all levels, violence abounds as an intrinsic feature of the drug trafficking industry. Historically used to settle disputes and maintain employee discipline and order with suppliers, creditors, and buyers, it has grown to epic proportions. The use of torture and dismemberment, mass killings, brutal beheadings, public hanging of bodies, car bombs, murders of journalists, government officials and political candidates, and other violence directed toward the government name only some of the tactic's cartels use to further their agendas.<sup>9</sup> To gain, maintain, and expand territorial control of drug trafficking corridors in Mexico, violence spread away from the borders to Mexico's interior, attracting the attention of the international community as well as the governments' obligated to provide for their country's national security. Many sources corroborate that since 2006, there have been more than 250,000 total organized crime-related killings and more than 37,000 people have gone missing.<sup>10</sup>

Why then are cartels able to operate in the southwest border region with such impunity? The answer to this question is both straightforward and complex. This study demonstrates that drug cartels operating in the southwest border region are successful over time because they

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<sup>8</sup> US Department of Justice, *2017 National Drug Threat Assessment*, 17.

<sup>9</sup> US Library of Congress, CRS, *Mexico's Drug Trafficking Organizations: Source and Scope of the Violence*, by June S. Beittel, CRS Report R41576 (Washington, DC: Office of Congressional Information and Publishing, April 15, 2013), 1-2.

<sup>10</sup> US Library of Congress, CRS, *Mexico: Organized Crime and Drug Trafficking Organizations*, by June S. Beittel, CRS Report R41576 (Washington, DC: Office of Congressional Information and Publishing, July 3, 2018), 1-2; José de Córdoba et al., "'It's a Crisis of Civilization in Mexico,' 250,000 Dead, 37,400 Missing," *Wall Street Journal*, November 14, 2018, accessed November 21, 2018, <https://www.wsj.com/articles/its-a-crisis-of-civilization-in-mexico-250-000-dead-37-400-missing-1542213374>.

function as economically superior enterprises using a protracted approach to success. It is through this logic that the picture begins to become clear.

This study examines the respective US and Mexican government approaches to combat the cartels and identifies limitations of the institutional systems employed therein. Underpinning these limitations is the fact that democratic government institutions are bureaucratic systems plagued by processes, fueled by political agendas, and in constant flux. They are waging war against complex and dynamic adversarial forces with extensive organizational networks that stretch across the globe. These forces work together to allow cartels to exploit the bureaucracy of systems designed to combat them.

Research demonstrates that there is no lack of government action against the cartels in this fight. On the contrary, government actions have remained continuous through history, increasing over the last decade through multiple administrations, and today. This study recognizes those actions and assumes they will continue for years to come. So, why then are the governments' actions ineffective in curtailing the flow of illicit goods across the international border? It is the hypothesis here that this ineffectiveness is because the cartels are not bound by the same institutional regulations and constraints of the governments' obligated to combat them.

This monograph uses a comparative analysis of the cartels and the US and Mexican responses during three distinct and continuing chronological periods as 1) 2000 – 2006, 2) 2006 – 2012, and 3) 2012 – 2016. This comparison highlights issues of the US and Mexican government institutions dealing with planning cycles, political regime changes, and power struggles between key players involved on both sides of the border. Applying a theoretical lens to the situation further highlights the respective governments' inability to influence the protracted approach of the cartels.

Looking at the cartels' protracted approach through Mao Tse-Tung's protracted war characteristics as the criteria for analysis makes it clear they plan for the long-term fight. US military doctrine further supports this idea by providing the context of the lens in which to set this

criterion. *Field Manual (FM) 3-24, Counterinsurgency*, describes it as a three-phase approach comprised of the 1) strategic defensive, 2) strategic stalemate, and 3) strategic counteroffensive.<sup>11</sup> To understand how these doctrinal terms set our criterion we must first translate them into terms of a business model where 1) incorporates planning, 2) tracks changes in the initiative, and 3) demonstrates adaptation and flexibility. The interpretation of these ideas into a protracted business model begins within the context of their doctrinal definitions.

The first criterion that creates this theoretical lens, as described in the context of the drug trafficking enterprise, is planning. At the foundation of every successful business, it is the foundation of all activities and lays the framework for operations. The cartels focus on improvisation as the bedrock of long-term survival. They measure success in profit and through territorial gains. The government institutions measure success through budgetarily constrained planning cycles reflective of arbitrary statistical data. Building power through activities like recruiting, training, and organizing networks incorporate the strategies of both sides of this study. Planning is also a constant process that happens concurrently with operations.<sup>12</sup>

The second criterion tracks the changes in the initiative. It describes the persistent back and forth actions between the cartels and the governments, as well as the competition among rivals in the drug trafficking industry. Through this stage vying for territory, gaining public support, and supporting the mission through corruption and coercion are essential tasks for success. Gaining the initiative means progress in the cartel business. Innovation is the doorway to changing the initiative, and for the cartels, it is an operational imperative. According to Mao, innovation provides for freedom of action which translates to initiative.<sup>13</sup>

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<sup>11</sup> US Department of the Army, *Field Manual (FM) 3-24, Counterinsurgency* (Washington, DC: Government Printing Office, 2006), I-6, I-7.

<sup>12</sup> Ibid.

<sup>13</sup> Mao Tse-Tung, "On Protracted War" (Lectures: *Yenan Association for the Study of the War of Resistance Against Japan*, May 1938), 79-84, accessed August 14, 2018, <http://www.marx2mao.com/Mao/-PW38.html#s1>.

The third criterion describes the demonstration of organizational adaptability and flexibility. These capabilities provide for the ability to sustain operations over time and are highlighted by the shifting balances of power among the belligerents. Actions and outcomes provide the metrics and measures that define these positional relationships. Power shifts happen as the result of competition, and in the protracted model, they demonstrate realization of the initiative through planning to be both adaptive and flexible over time.

Considerable literature exists on Mexican drug trafficking cartels actions and the governments' responses to them. Also, there are countless works of literature on TCOs and the war on drugs. Many different governmental reports are available and comprise the preponderance of research used. Scholarly articles, as well as articles authored by subject matter experts, offer alternative and supporting materials. Resources including Congressional Research Service (CRS) reports prepared for Congress provide a statistical chronology of the events and actions of both sides. This statistical information used about the known events and actions happening within, and to, these organizations provide for some confidence in the prediction of future outcomes. Periodicals, government publications, and current research theses provide accounts of the recent operational trends of these organizations, as well as the efforts of law enforcement initiatives to counter cartel actions.

The *2016 National Southwest Border Counternarcotics Strategy* covers the US strategy and perspective on drug trafficking, human smuggling, weapons trafficking, money laundering, and other associated illegal activities across the United States/Mexican border.<sup>14</sup> The 2011 *National Southwest Border Counternarcotics Strategy* contained much of the same information along with four goals of the 2008 Mérida Initiative to include, disrupting and dismantling

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<sup>14</sup> Office of the President, *National Southwest Border Counternarcotics Strategy*, 1.

organized criminal organizations, institutionalizing reforms to sustain the rule of law and respect for human rights, creating a 21st century border, and building strong and resilient communities.<sup>15</sup>

In 2011, President Barack Obama released *The Strategy to Combat Transnational Organized Crime* which provides insight into the global influence of the TCO as a criminal network. It outlines a strategy organized around “a single, unifying principle: to build, balance, and integrate the tools of American power to combat transnational organized crime and related threats to our national security – and to urge our partners to do the same.”<sup>16</sup> The strategy sets out fifty-six priority actions to lessen the impact of transnational crime both domestically and on foreign partners. It also seeks to enhance our intelligence, protect the financial system and strategic markets, strengthen interdiction, investigations, and prosecutions, disrupt the drug trade and its facilitation of other transnational threats, and build international cooperation.<sup>17</sup>

In 2017, President Donald Trump released the *National Security Strategy of the United States of America*. This strategy offers a four-pillared approach to national security and lays out a plan that begins with securing the homeland and dismantling TCOs.<sup>18</sup> That same year, the Department of Justice (DOJ) released the *2017 National Drug Threat Assessment* that identifies a comprehensive strategic assessment of the threats posed to our communities by transnational criminal organizations and the illicit drugs they distribute throughout the United States. This assessment provides policymakers, law enforcement personnel, and prevention and treatment specialists with relevant strategic drug intelligence to assist in formulating counterdrug policies, establishing law enforcement priorities, and allocating resources.<sup>19</sup>

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<sup>15</sup> Office of the President, *National Southwest Border Counternarcotics Strategy* (Washington, DC: Office of National Drug Control Policy, 2011), 55.

<sup>16</sup> Office of the President, *Strategy to Combat Transnational Organized Crime* (Washington, DC: Government Printing Office, 2011), i.

<sup>17</sup> *Ibid.*

<sup>18</sup> Donald J. Trump, *National Security Strategy of the United States of America*, v.

<sup>19</sup> US Department of Justice, *2017 National Drug Threat Assessment*, v.

Additional current and useful information come from the Congressional Research Service. In 2018, June S. Beittel published *Mexico: Organized Crime and Drug Trafficking Organizations* which offers significant insight into the problem with cartels in Mexico. She also published *Mexico's Drug Trafficking Organizations: Source and Scope of the Violence* in 2013 which provides additional information regarding cartel-related violence.<sup>20</sup> Colleen W. Cook published *Mexico's Drug Cartels*. Her works provide useful background and identification of the major Mexican drug trafficking cartels, violence estimates, locations of violence, Mexico's strategy against the cartels, and other trends.<sup>21</sup> Kristen M. Finklea, William J. Krouse, and Marc R. Rosenblum's *Southwest Border Violence: Issues in Identifying and Measuring Spillover Violence* provides insight into the US drug market and the relationship between drug markets and violence.<sup>22</sup>

A review of the literature on the Mérida Initiative demonstrates the governments' efforts in dismantling the cartels. The Mérida Initiative is a joint initiative between the United States and Mexico that provides funding to combat Mexican cartels, accompanied by a set of benchmarks that provides the metrics and measures of its effectiveness. In the *U.S. Mexican Security Cooperation: the Mérida Initiative and Beyond*, Clare Seelke and Kristin M. Finklea outline the unified efforts of the US and Mexican governments' in the fight against cartel operations.<sup>23</sup> These efforts include \$2.8 billion provided through the Mérida Initiative to the Mexican government

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<sup>20</sup> US Library of Congress, *Mexico: Organized Crime and Drug Trafficking Organizations*, Summary; US Library of Congress, *Mexico's Drug Trafficking Organizations: Source and Scope of the Violence*, Summary.

<sup>21</sup> US Library of Congress, *Mexico's Drug Cartels*, Summary; US Library of Congress, CRS, *Mexico's Drug Cartels*, by Colleen W. Cook, CRS Report RL34215 (Washington, DC: Office of Congressional Information and Publishing, October 16, 2007), Summary.

<sup>22</sup> US Library of Congress, CRS, *Southwest Border Violence: Issues in Identifying and Measuring Spillover Violence*, by Kristen M. Finklea, Jennifer E. Lake, Celinda Franco, Chad C. Haddal, William J. Krouse, and Marc A. Randol, CRS Report RL41075 (Washington, DC: Office of Congressional Information and Publishing, August 24, 2010), 1-2.

<sup>23</sup> US Library of Congress, CRS, *U.S.-Mexican Security Cooperation: The Mérida Initiative and Beyond*, by Kristin M. Finklea and Clare Ribando Seelke, CRS Report RL41349 (Washington, DC: Office of Congressional Information and Publishing, June 29, 2017), 1-2.



between the fiscal year 2008 and fiscal year 2017 for training and equipping Mexican military and police combating cartels.<sup>24</sup> This report covers the basic tenets of the agreement, as well as some of the subsequent efforts pursued in support of the initiative. They include curtailing bulk cash smuggling and firearms trafficking from the United States. headed south, the growing demand for drugs by consumers in the United States, and progress in Mexican improvement in human rights conditions as monitored by the US Department of State (DOS).<sup>25</sup> In a statement before the House Committee on Homeland Security titled, “The U.S. Homeland Security Role in the Mexican War against Drug Cartels,” John Bailey compares the Mérida Initiative to Plan Columbia. He highlights the differences between the two plans as well as the differences between the two countries especially the changes in the Mérida Initiative in Mexico based upon lessons learned from Plan Columbia.<sup>26</sup>

In 2009, the Strategic Studies Institute report by Hal Brands, *Mexico’s Narco-Insurgency and US Counterdrug Policy* offered additional insight into the fight against the cartels. He proposes a counternarcotics strategy with a more creative approach to the drug trade that combines interdiction and enforcement initiatives with social, economic, political, and US domestic programs.<sup>27</sup>

The remainder of this study, organized into five sections, begins with a description of the environment and context leading up to the first case study. Sections 3, 4, and 5 constitute the three chronological cases, reviewing the actions of the cartels and the governments between 2000 – 2006, 2006 – 2012, and 2012 – 2016, respectively. Section 6 concludes the analysis with a final

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<sup>24</sup> US Library of Congress, *U.S.-Mexican Security Cooperation: The Mérida Initiative and Beyond*, 1.

<sup>25</sup> *Ibid.*, 14-18.

<sup>26</sup> John Bailey, “The U.S. Homeland Security Role in the Mexican War against Drug Cartels” (Prepared statement before the House Committee on Homeland Security, Subcommittee on Oversight, Investigations, and Management), Washington, DC, March 31, 2011.

<sup>27</sup> Hal Brands, *Mexico’s Narco-Insurgency and US Counterdrug Policy* (Carlisle, PA: Strategic Studies Institute, 2009), iii.

summary of the demonstration of the hypothesis and the future implications of the continuing war on drugs.

## Section 2: Framing the Environment

Mexico and the US share a two-thousand-mile border and are deeply rooted in trade, cultural, and demographic ties. Thus, regional stability in Mexico is of critical importance for both countries to prosper. The nature and intensity of the growing violence in Mexico threaten the security and safety of the people of both countries. These issues raise the concern of the political powers charged with the protection and leadership of their people.<sup>28</sup>

Understanding the cartels as economically superior enterprises is a twofold process. First, the cartels operate as the supplier in a world of supply and demand. Much like the role that Amazon or Netflix play in the legitimate world of supply and demand, the cartels provide a service. Thus, if demand continues to exist for illegal drugs and the cartels continue to supply them, this multi-billion-dollar industry will continue to thrive. Second, superiority cannot exist in a vacuum. To be superior in this business, there must exist a rivalry. As this study demonstrates, this rivalry exists on many interrelated planes in both the physical and cognitive sense between both adversaries, government, and cartel.

Recognizing the cartels as a contributor to the global economic system admits that there is an economy in crime. The money that the cartels generate eventually ends up in the normal banking system. The goal of these organizations is to make money and, at times, manipulate the system. They do not work to overthrow the system or transform society, a key difference that separates the drug trafficking industry from insurgencies and revolutions. In the end, these criminal organizations are about making money.<sup>29</sup>

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<sup>28</sup> US Library of Congress, *Mexico's Drug Trafficking Organizations: Source and Scope of the Violence*, 5.

<sup>29</sup> Rodger Baker, "The Big Business of Organized Crime in Mexico," *Stratfor*, February 13, 2008, accessed November 23, 2018, <https://worldview.stratfor.com/article/big-business-organized-crime-mexico>.

Widespread organized crime leads to corruption and collusion as illicit funds move in and out of the legal economic system. As the cartels grow more established, the proceeds move into legitimate businesses for laundering and use. This growth also produces branches networked across multiple domains which causes cartels to become factionalized. It is these decentralized factions that fight over control of trafficking routes and domains. They typically direct violence against other cartels, rather than against the government. Given the preceding, the cartels then control the level of violence and security within their country. Although the governments tolerate a certain level of violence caused by inter-cartel competition, they must react when it affects them at the political level.<sup>30</sup>

The cartels that exist today began their rise to power from the ashes of the former Columbian cartels of the 1980s. They facilitated the trafficking of narcotics on established routes through Mexico as government security actions in the United States made other routes unfavorable for the Columbians. The US drug market grew along with the profits which raised the stakes thus encouraging competition. This competition sparked violence as the actors fought for control of smuggling routes. During the early 1990s, after the arrest of its leader, the Guadalajara Cartel broke apart. The remnants became the Tijuana, Juárez, and Sinaloa Cartels. These cartels divided drug trafficking routes into territories of control in Mexico. Almost immediately, disputes over control of these territories began as did further fragmentation of the cartels.<sup>31</sup>

The political systems that make up the governments in this fight are complex, dynamic, and in a constant state of flux. Both the United States and Mexico share democratic federal republic style systems divided into three distinct branches: an executive, legislative, and judicial

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<sup>30</sup> Rodger Baker, “The Big Business of Organized Crime in Mexico.”

<sup>31</sup> Patrick Radden Keefe, “Cocaine Incorporated,” *The New York Times*, June 15, 2012, accessed November 21, 2018, <https://www.nytimes.com/2012/06/17/magazine/how-a-mexican-drug-cartel-makes-its-billions.html>; US Library of Congress, *Mexico: Organized Crime and Drug Trafficking Organizations*, 7-9.

branch. The similarities between these governments are so much so that only minor differences stand out, like political parties, election cycles, and leadership terms.<sup>32</sup> It is these differences, however, that contribute to institutional instability and joint operational ineffectiveness over time.

The politics of the US government primarily consist of two political parties: the Republican party and the Democratic party.<sup>33</sup> The politics of the Mexican government consist primarily of a four-party dynamic: the National Action Party (PAN), the Party of the Democratic Revolution (PRD), the Institutional Revolutionary Party (PRI), and the National Regeneration Movement Party (Morena).<sup>34</sup> It is important to note that although other parties exist within the systems, they typically form alliances with the above mentioned major parties on issues of public interest. Both governments share a rotational assignment process by election. The position of President and seats in both divisions of Congress serve for a limited number of years before their seats come up for election.<sup>35</sup>

Elected positions and rotational leadership assignments within the governments compound the problem addressed in this study. The years 2000 through 2016 saw the role of the leader of the Executive branch in the United States change twice with a change in the political ruling party as well.<sup>36</sup> Mexico also saw three leaders head their executive branch during this time, two from the PAN party and one from the PRI. The legislative branches of government saw political swings on both sides of the border. The US Congress maintained a balanced composition

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<sup>32</sup> Encyclopedia Britannica, s.v. "Mexico - Government and Society," accessed November 11, 2018, <https://www.britannica.com/place/Mexico>.

<sup>33</sup> In the United States, the Republican Party is referred to as the conservative (right wing) party while the Democratic Party is referred to as the liberal (left wing) party.

<sup>34</sup> US Library of Congress, CRS, *Mexico's 2012 Elections*, by Clare Ribando Seelke, CRS Report R42548 (Washington, DC: Office of Congressional Information and Publishing, September 4, 2012), 3-5. The National Action Party (PAN) is known as the ultra-conservative (far right) party, the Party of the Democratic Revolution (PRD) is known as the liberal (left wing) party, the Institutional Revolutionary Party (PRI) is considered the conservative (center-right) party, and the Regeneration Movement Party (Morena is also referred to as the populist or nationalist party) is the ultra-liberal (far left) party.

<sup>35</sup> Encyclopedia Britannica, s.v. "Mexico - Government and Society."

<sup>36</sup> The White House, "Presidents," accessed November 21, 2018, <https://www.whitehouse.gov/about-the-white-house/presidents/>.

with a slight right leaning majority until 2007, but subsequently shifted back in 2009.<sup>37</sup> The Congress of Mexico shared leadership from the PRI and the PRD, with a heavy PAN representation in both offices.<sup>38</sup>

These system changes account for the collapse of societal rules in Mexico that formerly governed this industry. The ruling party in Mexico through most of the last century permitted the rampant corruption that accounted for a rudimentary degree of stability in the drug trade business. Bribes and coercion kept violence low, while PRI leadership protected cartel leadership. State level officials even settled conflicts over territory by allocating access to the drug corridors. It was the PRI's eventual decline from power that caused this system to break down leaving the cartels without a centralized and hierarchical governing authority.<sup>39</sup>

Herein lies the heart of the context that overwhelms this cataclysmic dilemma. The systems of government as described above, elected by and representative of, work for the people of the countries they serve. They belong to a system ruled by checks and balances run by the will of the people. It is the will of the people that representatives rely upon to measure their success and failure on a limited term basis. Even more troubling is the relationship of these systems of government to those involved in this never-ending supply and demand cycle.

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<sup>37</sup> US Senate, "U.S. Senate: Party Division," accessed November 21, 2018, <https://www.senate.gov/history/partydiv.htm>.; US House of Representatives: History, Art & Archives, "Party Divisions of the House of Representatives," accessed November 21, 2018, <https://history.house.gov/Institution/Party-Divisions/Party-Divisions/>.

<sup>38</sup> US Library of Congress, *Mexico's 2012 Elections*, 3-15.

<sup>39</sup> Brands, *Mexico's Narco-Insurgency and US Counterdrug Policy*, 5-7.

### Section 3: 2000 – 2006 The Sinaloa Cartel and the US/Mexico Governments

For decades, the global illicit drug trade has constituted a significant transnational security threat. Its power and influence threaten democratic governments, undermine the rule of law, terrorize populations, impede economic development, and cause regional instability. Its operations, organizations, and networks fuel arms and human trafficking, money laundering, and violent multinational gangs. The illicit drug trade finances insurgencies and funds militant extremist enemies of the United States and its allies worldwide.

—*National Drug Control Strategy, 2007*

Leading up to the 2000 election of Mexican President Vicente Fox, Mexico's leadership came primarily from the PRI. For more than seventy-one years, the PRI held this leadership position in Mexico. During that period, the government remained centralized and hierarchical. It tolerated and protected drug production and trafficking in some areas of the country. For many years the Mexican government pursued an overall policy of accommodation, while some arrests and destruction of drug crops took place, the effects of widespread corruption in the system were apparent through the 1990s.<sup>40</sup> Their hands-off approach to the drug problem dates as far back as 1939, when then Mexican President, Lázaro Cárdenas attempted to place production of narcotics under state control. The United States immediately placed an embargo on all medicinal products coming from Mexico. Cárdenas response was to allow for the industry to thrive in Mexico with covert help from the army, police, politicians, and regional governments.<sup>41</sup>

With a long-standing system of government corruption in place, the ability for the cartels to flourish was rampant. Of the major players in the industry, the Sinaloa Cartel remains the most prolific of the group. Often described as “the largest and most powerful of the cartels in the

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<sup>40</sup> US Library of Congress, *Mexico's Drug Trafficking Organizations: Source and Scope of the Violence*, 8; Shannon O'Neil, “The Real War in Mexico: How Democracy Can Defeat the Drug Cartels,” *Foreign Affairs* 88, no. 4 (Washington, DC: Council on Foreign Relations, July/August 2009), 63-65.

<sup>41</sup> US Library of Congress, *Mexico: Organized Crime and Drug Trafficking Organizations*, 8; Paloma Celis-Carbajal, “Research Guides: Mexico's Mass Disappearances and the Drug War (Ayotzinapa: The Missing 43 Students):Drug War Timeline 1930-2015,” accessed November 12, 2018, <https://researchguides.library.wisc.edu/c.php?g=560513&p=3904772>.

Western Hemisphere,” the Sinaloa Cartel operates in terms of protecting itself through connections at the highest levels and corrupting officials to maintain the upper hand against rivals.<sup>42</sup> Through the deliberate process of improvisation, rewarding innovation, and overcoming obstacles through adaptation and flexibility, the Sinaloa Cartel has made it clear that their business model serves as a protracted one.

The timeline of this study began with the Sinaloa Cartel leader, Joaquín Archivaldo Guzmán-Loera, known by his nickname El Chapo, in a Mexican supermax federal prison. While serving his twenty-year sentence, that began in 1993, for drug trafficking and possession of firearms, Guzmán became head of the Sinaloa Cartel in 1995. He successfully ran his business from prison in exchange for bribes to the prison authorities.<sup>43</sup> In 2000, Vicente Fox became President of Mexico running on a campaign to end government corruption and improve the economy. His first order of business was to improve trade relations and bilateral cooperation with the United States on drug trafficking and illegal immigration.<sup>44</sup>

Today’s version of Mexican democracy dates to Fox’s victory when the PAN defeated PRI ceasing their domination over Mexican politics.<sup>45</sup> His election victory had ripple down effects on all levels of the drug trafficking industry. First, the election of a PAN candidate helped to decentralize political power at the national level. It effectively wiped out established relationships between state-level powers and the cartels as they could no longer ensure the same levels of impunity to drug traffickers at the national level. States lost the ability to regulate

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<sup>42</sup> InSight Crime, “Sinaloa Cartel,” *InSight Crime*, January 30, 2018, accessed November 22, 2018, <https://www.insightcrime.org/mexico-organized-crime-news/sinaloa-cartel-profile/>.

<sup>43</sup> Encyclopedia Britannica, s.v. “Joaquin Guzman, Biography & Facts,” accessed November 22, 2018, <https://www.britannica.com/biography/Joaquin-Guzman-Loera>.

<sup>44</sup> Encyclopedia Britannica, s.v. “Vicente Fox, Biography, Presidency, & Facts,” accessed November 22, 2018, <https://www.britannica.com/biography/Vicente-Fox>.

<sup>45</sup> Patrick J. McDonnell, “Big Gains in Congress, Governorships for Mexico’s President-Elect,” *Los Angeles Times*, July 3, 2018, accessed November 24, 2018, <https://www.latimes.com/world/la-fg-obrador-congress-20180703-story.html>; Jorge Arturo Álvarez-Tovar, “Why Has the Transition to Democracy Led the Mexican Presidential System to Political Instability? A Proposal to Enhance Institutional Arrangements,” *Mexican Law Review* 5, no. 2, January-June 2013, 277–304.

competition among cartels for trafficking routes, and violence against them erupted in attempts to reestablish impunity. Inter-cartel violence amplified as they attempted to regain trafficking territory while intra-cartel violence spiked due to betrayal and competition to succeed killed or arrested leaders increased.<sup>46</sup> This shift in political power effectively created a ripple in the system that demonstrated the cartels ability to flex and adapt to the actions of the Mexican government.

President Fox experienced several setbacks that stymied his government from gaining the initiative over the cartels as he ruled over a partisan divided government. The PRI and PRD elements of Congress blocked major legislation proposals, including tax reform and energy reform to boost hydrocarbon and electricity sectors. Fox attempted to professionalize the police to deal with security and police corruption as well as reignite efforts against drug traffickers. He proposed a judicial reform to enhance the criminal justice system making it more efficient, transparent, and public. The Mexican Congress, however, failed to act on his proposals.<sup>47</sup>

The Fox presidency produced marked achievements in the fight against some of the major drug cartels. Successes against the Tijuana Cartel, Juarez Cartel, and Gulf Cartel were substantial as he arrested key leaders of these organizations as well as corrupt government officials. A Mexican State of the Nation report disclosed the arrests of 31,719 people associated with seven drug organizations from December 2000 to June 2004, including 15 cartel leaders, 39 financiers, and 64 lieutenants.<sup>48</sup> Although Mexico's counternarcotics actions against major drug traffickers were unprecedented, the Sinaloa Cartel maintained the initiative and adapted by

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<sup>46</sup> US Library of Congress, *Mexico's Drug Trafficking Organizations: Source and Scope of the Violence*, 8.

<sup>47</sup> US Library of Congress, CRS, *Mexico-U.S. Relations: Issues for the 109th Congress*, by Colleen W. Cook, CRS Report RL32724 (Washington, DC: Office of Congressional Information and Publishing, February 21, 2006), CRS-3-5.

<sup>48</sup> US Library of Congress, CRS, *Mexico's Counter-Narcotics Efforts under Fox, December 2000 to October 2004*, by K. Larry Storrs, CRS Report RL32669 (Washington, DC: Office of Congressional Information and Publishing, November 10, 2004), CRS-6-7.



investing in future productivity through the local cultivation of marijuana and opium poppy. Cultivation and production within Mexico overall increased significantly through 2004.<sup>49</sup>

The US presidential election of 2000 positioned Republican President George W. Bush in office over a Republican majority congress. Although initially skeptical of Fox's calls for open borders and the protection of the rights of undocumented Mexican workers, the relationship between the two countries nurtured long-term growth as bilateral planning efforts increased. In early 2001, with the possibility of extradition looming because of the passage of the Kingpin Act and as international relations between the United States and Mexico improved, Guzmán escaped from prison with the assistance of corrupt guards.<sup>50</sup> His escape demonstrated the Sinaloa cartel's ability to innovate and adapt by way of corruption as a countermeasure to the bilateral actions of the governments.

The Kingpin Act became law on December 3, 1999. Its purpose was to deny significant foreign narcotics traffickers' access to the US financial system and to prohibit trade and transactions between the traffickers and US companies and individuals. The Kingpin Act authorized the President to act when he determined that a foreign person played a significant role in narcotics trafficking. Since its inception, it has resulted in the capture, extradition, and successful prosecution of many leaders in the drug trafficking industry.<sup>51</sup> It has not, however, significantly impacted or disrupted the overall industry which speaks to the cartels ability to utilize long term planning processes, incentivize innovation to maintain the initiative, to adapt to government actions and maintain operations.

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<sup>49</sup> US Library of Congress, *Mexico's Counter-Narcotics Efforts under Fox, December 2000 to October 2004*, CRS-11.

<sup>50</sup> Encyclopedia Britannica, s.v. "Joaquin Guzman, Biography & Facts."

<sup>51</sup> The White House, "Fact Sheet: Overview of the Foreign Narcotics Kingpin Designation Act," The White House, last modified December 10, 2013, accessed November 23, 2018, [https://web.archive.org/web/20131210035917/http://www.whitehouse.gov/the\\_press\\_office/Fact-Sheet-Overview-of-the-Foreign-Narcotics-Kingpin-Designation-Act](https://web.archive.org/web/20131210035917/http://www.whitehouse.gov/the_press_office/Fact-Sheet-Overview-of-the-Foreign-Narcotics-Kingpin-Designation-Act).

The events of September 11, 2001 would shift the focus of US border security policies and create considerable debate regarding immigration reform and homeland security within the US administration.<sup>52</sup> Congressional action aimed towards the goal of strengthening border security, as well as alien admission and tracking procedures, included the USA Patriot Act of 2001, the Enhanced Border Security and Visa Entry Reform Act of 2002, and the Homeland Security Act of 2002. Since 2002, border security programs like aviation support, drug interdiction and eradication support, and professionalization and training of Mexican law enforcement personnel have accounted for 35 percent of all counternarcotics assistance to Mexico.<sup>53</sup> These actions provided for the allocation of additional funds to support the creation of an additional cabinet-level department.<sup>54</sup>

The creation of the US Department of Homeland Security (DHS) in 2003 combined the multiple agencies tasked with border security into one. An influx of personnel, technology, and infrastructure flooded this new agency along with the associated challenges. A massive hiring campaign ensued to fortify the US-Mexico border quickly. This rapid expansion of border security forces did not dissuade the cartels from doing business; on the contrary, it offered an opportunity for the cartels to innovate through improvisation and infiltration. They exploited the opportunity to corrupt the system which, in turn, successfully served to undermine border security as levels of corruption in DHS increased significantly. In some instances, DHS offered jobs to immediate relatives of known traffickers because of substandard or hurried background checks.<sup>55</sup> During his testimony in March of 2010, Thomas Frost, former DHS Assistant Inspector General

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<sup>52</sup> US Library of Congress, CRS, *Mexico-U.S. Relations: Issues for Congress*, by Clare Ribando Seelke, CRS Report RL32724 (Washington, DC: Office of Congressional Information and Publishing, September 2, 2010), 10.

<sup>53</sup> US Library of Congress, *Mexico's Drug Cartels*, CRS-18.

<sup>54</sup> US Library of Congress, CRS, *Mexico-U.S. Relations: Issues for the 108th Congress*, by Name Redacted, CRS Report RL31876 (Washington, DC: Office of Congressional Information and Publishing, December 22, 2004), CRS-11-12.

<sup>55</sup> Patrick Radden Keefe, "Cocaine Incorporated."

for Investigations, identified several issues, to include employee suitability as a shortfall leading to corruption of DHS officials.<sup>56</sup>

The Bush administration revised key elements of Plan Colombia, a plan that would later serve as a model for the Mérida Initiative.<sup>57</sup> These revisions increased the original plan's flexibility in support of a more unified campaign. These changes incorporated an innovative approach to combat drug trafficking organizations as a fight against terrorist organizations. The new plan worked to emphasize the intermingling of Colombia's known terrorist groups with the illicit drug trade that funded them. Congress did, however, place limitations on the effort prohibiting US personnel from combat missions and set legislative caps on the number of US military and civilian contract personnel stationed in Colombia at the time.<sup>58</sup>

As the political environment changed around them and initiative began to shift in favor of government actions, the cartels adapted by forming alliances. Since their formation in the early 1990s, the Sinaloa and Tijuana Cartels continuously fought each other for territory. Separated by the Gulf of California, their adjacent territories connect inside the state of Baja California, Mexico. Attempts made early on to remove top leaders by both organizations kindled the discontent they shared for each other.

In February 2002, Ramón Arellano-Félix (one of the Tijuana Cartel leaders) attempted the assassination of a high-ranking Sinaloa Cartel leader, Ismael Zambada-García, known as El

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<sup>56</sup> Thomas Frost, "New Border War: Corruption of US Officials by Drug Cartels" (Prepared statement before the House Committee on Homeland Security and Governmental Affairs, Subcommittee on State, Local, and Private Sector Preparedness and Integration), March 11, 2010.

<sup>57</sup> Plan Colombia was a strategy to end armed conflict in Colombia, eliminate drug trafficking, and promote development. Passed in 1999, it was counternarcotics and security strategy focused on reducing the production of illicit drugs. Its goal was to reduce cultivation, processing, and distribution of narcotics through eradication and alternative development; strengthening, equipping, and professionalizing the Colombian Armed Forces and the police; strengthening the judiciary; and fighting corruption. US Library of Congress, CRS, *Colombia: Background and US Relations*, by June S. Beittel, CRS Report R43813 (Washington, DC: Office of Congressional Information and Publishing, December 8, 2014), 27; William J. Clinton, *A National Security Strategy for a Global Age* (Washington, DC: The White House, 2000), 33.

<sup>58</sup> US Library of Congress, *Colombia: Background and US Relations*, 25-28.

Mayo. The attempt was unsuccessful, and during the firefight, Arellano-Felix was killed. The Tijuana Cartel's leadership suffered immensely as their violent retaliatory actions attracted the attention of law enforcement. The additional law enforcement scrutiny resulted in numerous arrests and extraditions that paved the way for power shifts which fueled competition among the cartels during the Fox administration. The Tijuana Cartel exists today only because of its subsequent break into factions and alignment with other cartels to include their rivals: the Sinaloa Cartel and the Gulf Cartel.<sup>59</sup>

As government actions to increase national security continued in the wake of the September 11, 2001 terror attacks, the Sinaloa Cartel leadership quickly adapted, further expanding their territory. By the end of 2003, the arrest of Gulf Cartel leader Osiel Cardenas created instability to the east near Nuevo Laredo, Mexico. The Sinaloa Cartel utilized this action to ally with the Juarez Cartel subsequently opening the door for expansion into south Texas. The Gulf Cartel, in turn, joined forces with the Tijuana Cartel and violence broke out once again as competition spiked and they fought for territorial control. Outmatched by the rival alliance of Sinaloa and Juarez cartels, the Gulf Cartel innovatively employed a group of former elite Mexican military soldiers known as "Los Zetas" for protection and enforcement.<sup>60</sup> They became the private army of the Gulf Cartel marking the first time that a cartel had employed a paramilitary organization which proved to be instrumental in securing the Gulf Cartel domination of the Nuevo Laredo territory. In response, the Sinaloa Cartel formed their own improvised enforcement groups known as the Negros and the Pelones.<sup>61</sup>

The Sinaloa Cartel of the early 2000s was established as the largest and most powerful of the cartels in Mexico. With the escape of its leader in 2001, the Sinaloa Cartel seemed almost

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<sup>59</sup> InSight Crime, "Tijuana Cartel," *InSight Crime*, August 2, 2013, accessed November 24, 2018, <https://www.insightcrime.org/mexico-organized-crime-news/tijuana-cartel-profile/>.

<sup>60</sup> Michael T. McCaul, *Report prepared for the House Committee on Homeland Security, Subcommittee on Investigations*, (Washington, DC: Government Printing Office, 2006), 11-12.

<sup>61</sup> US Library of Congress, *Mexico's Drug Cartels*, CRS-13.

untouchable as the Fox administration heavily scrutinized its rivals. The Sinaloa Cartel grew through networking alliances and corrupting officials on both sides of the border to maintain the upper hand against rivals.<sup>62</sup> Thriving off the system that worked to disrupt and destroy it, the Sinaloa Cartel was able to overcome obstacles through improvisation, adaptation, and innovation. As the leader of the Western Hemisphere drug trafficking industry, the Sinaloa Cartel's protracted business model, as presented earlier, offered them time and space that provided for the freedom of action to meet operational challenges.

As the Sinaloa Cartel grew through 2006, their planning process became a model of improvisation through networking and anticipation. Their ability to adapt to the actions of the government evidenced by corrupting and coercing officials allowed them to maintain control of the industry. The Sinaloa Cartel exploited the government actions against their rivals as they continuously expanded territory and increased profits by building alliances with rivals. This extended the Sinaloa Cartel's global reach as well as improved territorial command and control. Government actions against the Sinaloa Cartel further highlight their ability to operate outside of the constrained environment of laws, rules, and regulations to maintain initiative, all while continuing to remove the US/Mexico border as a barrier.

#### Section 4: 2006 – 2012 The Sinaloa Cartel and the US/Mexico Governments

Combating transnational criminal and trafficking networks requires a multidimensional strategy that safeguards citizens, breaks the financial strength of criminal and terrorist networks, disrupts illicit trafficking networks, defeats transnational criminal organizations, fights government corruption, strengthens the rule of law, bolsters judicial systems, and improves transparency.

—*US National Security Strategy*, 2010

Running on an aggressive campaign against drug trafficking organizations, President Felipe Calderón (PAN) made the elimination of these organizations the overarching policy of his government. His administration successfully removed key leaders from multiple organizations by

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<sup>62</sup> InSight Crime, "Sinaloa Cartel."

arresting or killing them. The cartel response was intense and violent as competition spiked and organizations fragmented. Power struggles ensued as the elimination of these kingpins created instability and perpetuated violence. As the violence spun out of control and began to spill into the United States, bilateral border security efforts increased as did cooperation in developing large-scale international plans to address the problem.<sup>63</sup>

Early on in his administration, Calderón implemented a joint operations approach by deploying federal military and police officials as part of his strategy against the cartels. Through the course of his presidency, Calderón made numerous attempts to stifle the initiative of the cartels. He deployed more than fifty-thousand Mexican military forces and thousands of federal police around the country to combat the cartels.<sup>64</sup> This multi-faceted strategy involved: deploying the military to restore law and order, expanding law enforcement operations, initiating institutional reform and anti-corruption initiatives, recovering social unity and trust, and building up international partnerships against drugs and crime (Mérida Initiative).<sup>65</sup> Another effective tool in Calderón's arsenal against the cartels was US extradition (Figure 1). Extradition combined with collaboration efforts and intelligence sharing between law enforcement agencies led to many government victories. Nonetheless, violence persisted because of government pressure which led to criticism of Calderón's aggressive anti-drug strategy.<sup>66</sup>

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<sup>63</sup> US Library of Congress, *Mexico's Drug Trafficking Organizations: Source and Scope of the Violence*, 3.

<sup>64</sup> *Ibid.*, 33.

<sup>65</sup> US Library of Congress, *Mexico-U.S. Relations: Issues for Congress*, 5.

<sup>66</sup> *Ibid.*, 5-7.

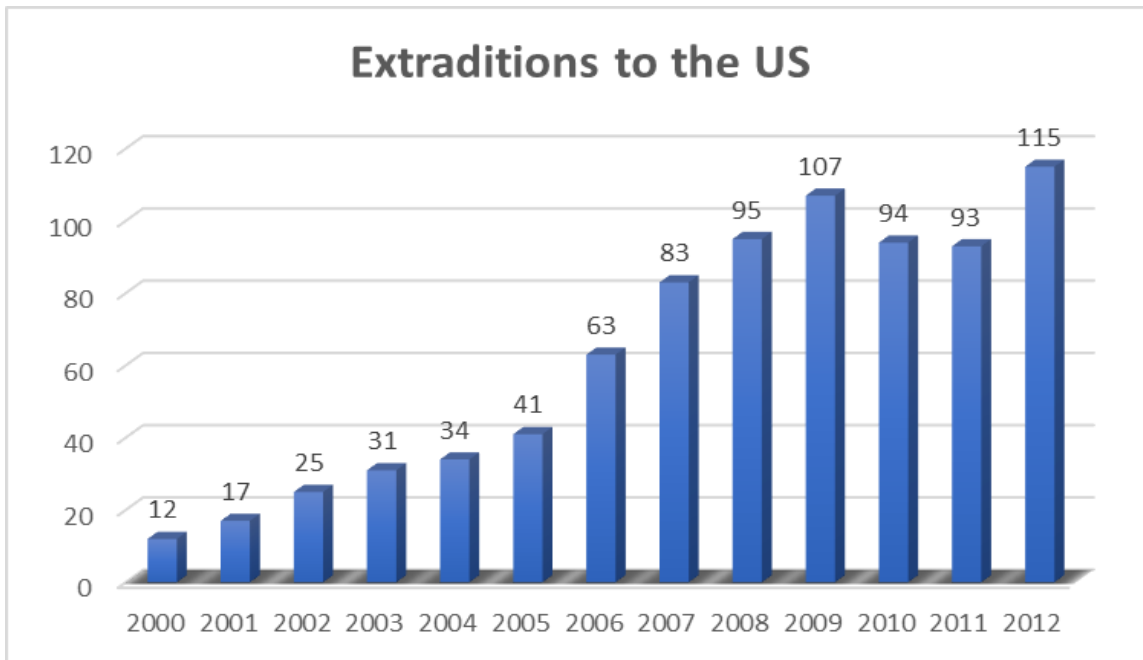


Figure 1. Individuals Extradited from Mexico to the United States (2000 – 2012) *Source:* US Library of Congress, CRS, *U.S.-Mexican Security Cooperation: The Mérida Initiative and Beyond*, by Kristin M. Finklea and Clare Ribando Seelke, CRS Report RL41349 (Washington, DC: Office of Congressional Information and Publishing, June 29, 2017), 26.

In 2006, the four main cartels that controlled significant territory in Mexico were the Tijuana Cartel, Sinaloa Cartel, Juárez Cartel, and Gulf Cartel.<sup>67</sup> As enforcement operations removed leadership, organizational instability sparked increased violence as the cartels began to adopt a more horizontal leadership model. From 2006 to 2012, remnants of these cartels formed alliances creating new organizations, and two significant rivalries rose up: the Sinaloa Cartel in the west and the Los Zetas in the east. This east versus west competition created the largest and most powerful cartels in the drug trafficking business which helped them quickly expand their influence on a global scale. Thus, lateral expansion led to increased incorporation of criminal gangs which provided for greater networking capabilities, an added layer of insulation, and extended operational reach into multiple domains. They also began to diversify illicit activities to

<sup>67</sup> US Library of Congress, *Mexico: Organized Crime and Drug Trafficking Organizations*, 9.

include extortion, kidnapping, auto theft, human smuggling, and oil theft thereby increasing overall profit.<sup>68</sup>

President Calderón entered office ruling over a majority party in both houses of Congress after the 2006 elections. This partisan combination offered him an opportunity to take the initiative from the cartels by advancing his legislative agenda. As a result, reforms that stalled under the Fox administration began to pass in 2007. Calderón also received approval from Congress and the states for a judicial reform amendment to Mexico's Constitution. His snowballing progress would be short-lived as the midterm elections shifted the balance of power in Congress to the PRI. This power shift effectively removed Calderón's ability to further his aggressive agenda which included several additional wide-ranging political reforms.<sup>69</sup> To regain momentum, Calderón sought US assistance in an effort to work around his Congress to combat his internal drug and crime problems. By the end of 2007, Mexico received \$36.7 million in US counternarcotics funding.<sup>70</sup>

The Bush administration made several advancements against the cartels after 2006, to include sweeping collaborative international reform through multiple initiatives. Directing counternarcotics policy toward the southwest border, it focused on the interdiction of drug shipments through increased border security screening efforts. The bolstering of technology and infrastructure across the US-Mexico international boundary temporarily disrupted the flow of illicit goods, to include drug shipments. However, because of budgetary and fiscal constraints, this multi-faceted strategy never fully developed beyond a tactical law enforcement approach.<sup>71</sup>

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<sup>68</sup> US Library of Congress, *Mexico's Drug Trafficking Organizations: Source and Scope of the Violence*, 1-10.

<sup>69</sup> US Library of Congress, *Mexico-U.S. Relations: Issues for Congress*, 4-5.

<sup>70</sup> US Library of Congress, *U.S.-Mexican Security Cooperation: The Mérida Initiative and Beyond*, 9.

<sup>71</sup> US Library of Congress, *Mexico's Drug Cartels*, CRS-20.



In 2007, the National Drug Control Strategy focused on preventing drug use, treatment, and disrupting the illicit drug market.<sup>72</sup> Domestic and international law enforcement efforts targeted the drug enterprise of the cartels which caused a trickle-down impact upon local communities and governments. This strategy aimed at countering the influence of the cartels as business organizations through improving regional levels of security; increasing local economic development; and improving law and order. On a grander scale, it realigned tactical level law enforcement efforts with the political aim of the 2006 National Security Strategy. Thus, by connecting drug trafficking proceeds as financial support for insurgencies and militant extremists, it directed efforts at the cartels profit networks.<sup>73</sup>

Also announced in 2007, the Mérida Initiative created a bilateral effort between the United States and Mexico against the cartels. This comprehensive planning effort offered US assistance to take the initiative from the criminal organizations proactively and to disrupt drug, weapons, and human trafficking as well as illicit financial activities and currency smuggling. The Mérida Initiative consisted of four primary goals: “1) break the power and impunity of criminal organizations; 2) assist the Mexican and Central American governments in strengthening border, air, and maritime controls; 3) improve the capacity of justice systems in the region; and, 4) curtail gang activity in Mexico and Central America and diminish the demand for drugs in the region.”<sup>74</sup>

The initial implementation of the Mérida Initiative (2008-2010) focused in Mexico on counternarcotics, border security and counterterrorism; public security and law enforcement; and institution building. In line with the idea of a longer-term fight against the cartels, it enabled the purchase of equipment supporting the efforts of federal military and security forces. These

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<sup>72</sup> George W. Bush, *National Drug Control Strategy* (Washington, DC: The White House, 2007), 8.

<sup>73</sup> *Ibid.*, 27; George W. Bush, *The National Security Strategy of the United States of America* (Washington, DC: The White House, 2006), 48.

<sup>74</sup> US Library of Congress, CRS, *Mérida Initiative for Mexico and Central America: Funding and Policy Issues*, by Clare Ribando Seelke, CRS Report R40135 (Washington, DC: Office of Congressional Information and Publishing, August 21, 2009), 2.

innovative bilateral offensive efforts began to turn the tide against the cartels, effectively shifting the initiative to the government actions. However, Congressional action limited specific funding to ensure adherence to human rights reporting requirements and security forces rigorous vetting requirements.<sup>75</sup> As a result, this action complicated and slowed the process by which funds were allocated as well as the government momentum against the cartels. Through the end of the Calderón administration, the United States obligated more than \$1.1 billion in funding to the Mérida Initiative forcing the drug trafficking industry to adapt to the changing environment.<sup>76</sup>

Though advancements in the form of enforcement and denial of opportunity in the border regions intensified, the initiatives had negligible impact upon the success of the Sinaloa Cartel. Increased border security measures proved no match for old-fashioned innovation. As far back as the late 1980s, the Sinaloa Cartel used tunnels to smuggle illicit drugs under the border. Through the early 2000s, law enforcement agencies detected and destroyed multiple tunnels on the southwest border. One example, constructed between a home in Sonora, Mexico, and a cartel owned warehouse in Arizona, included a hydraulic operating system which opened a hidden door inside the house. This hidden door led to a tunnel spanning more than two hundred feet under the international border.<sup>77</sup> These methods are still employed with much success today.

In addition to moving product underground, the Sinaloa Cartel has proven the ability to adapt to government actions through both improvisation and innovation in their protracted approaches. They exploited legitimate business by diverting resources into them to cover their illicit trade. One example stems from a cartel owned chili-pepper business operating out of Guadalajara, Jalisco, Mexico. Vacuum-sealing cocaine (through canning) into legitimate containers, they shipped cocaine into the United States. The shipping network included:

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<sup>75</sup> US Library of Congress, *U.S.-Mexican Security Cooperation: The Mérida Initiative and Beyond*, 9,12.

<sup>76</sup> *Ibid.*, 13.

<sup>77</sup> Patrick Radden Keefe, “Cocaine Incorporated.”

refrigeration units of tractor-trailers, custom vehicle compartments, freight trains, and legitimate carriers like FedEx.<sup>78</sup> As bilateral government agreements focused on strengthening the border to facilitate legitimate trade and travel, the Sinaloa Cartel took advantage through the utilization of legitimate business for illicit gains with unprecedented success.

This success did not come without cost to the Sinaloa Cartel. As pioneers of the underground tunnel in the southwest border region, as they moved shipments underground, they continuously fought for the territory above it. Considered one of their greatest weaknesses was the war they fought amongst themselves. Cartel-related murders in Mexico quadrupled, at a rate of 140 percent, in early 2009 compared to numbers reported between 2006 and 2008.<sup>79</sup> In Ciudad Juárez alone, the number of cartel-related killings between 2008 and 2010 was more than five thousand.<sup>80</sup> The power struggles that resulted from competition among the cartels temporarily upset the balance between the cost and profit of the industry.

The Sinaloa Cartel of the late 2000s utilized alliances as a method to increase profit and abate the expense of fragmentation on the industry.<sup>81</sup> Referred to as the Sinaloa Federation during this period, this conglomeration of mixed cartels was the largest and most organizationally developed of the Mexican cartels. Through 2011, expanding throughout Sinaloa, Sonora, Baja California, Durango, Guerrero, Michoacán, Jalisco, Colima, Nayarit, Coahuila, and Chihuahua, the Sinaloa Federation controlled much of Mexico's criminal enterprises. In 2011, Sinaloa Federation forces ambushed Los Zetas forces in a bloody battle in Nayarit attracting the attention of Mexican federal forces who subsequently captured three significant leaders of the Sinaloa

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<sup>78</sup> Patrick Radden Keefe, "Cocaine Incorporated."

<sup>79</sup> US Library of Congress, CRS, *Mexico's Drug-Related Violence*, by June S. Beittel, CRS Report R40582 (Washington, DC: Office of Congressional Information and Publishing, May 27, 2009), 9-10.

<sup>80</sup> Daniel Borunda, "Juarez Nears 5,000 Killings," *The El Paso Times*, April 26, 2010, accessed November 21, 2018, [http://www.elpasotimes.com/ci\\_14959082?source=most\\_viewed](http://www.elpasotimes.com/ci_14959082?source=most_viewed).

<sup>81</sup> Scott Stewart, "In Mexico, Presidents Come and Go but Cartel Policy Stays the Same," *Stratfor*, July 13, 2017, accessed March 10, 2019, <https://worldview.stratfor.com/article/mexico-presidents-come-and-go-cartel-policy-stays-same>.

Federation. These alliance leadership losses, suspected as orchestrated by Guzmán himself through tips to federal authorities, allowed him to fill the positions with more loyal and stable individuals from his organization.<sup>82</sup>

Of the major players in the Federation alliance, the Gulf Cartel alliance with the Sinaloa Cartel was one forged as a struggle for existence. Created originally to protect the Gulf Cartel, Los Zetas eventually branched out to become one of the most powerful of them all. The Zetas turned on the Gulf Cartel fighting to take over their territory, supply, and revenue avenues.<sup>83</sup> Threatened by the Los Zetas, Gulf Cartel desperation increased. Protecting drug loads at all costs, violence, and aggression toward anyone seeking to disrupt operations, including US law enforcement, immediately began to swell out of control. The Los Zetas eventually gained control of the terrain that supported the Gulf Cartel's cocaine supply chain.<sup>84</sup> As they reached their final limit, the Gulf Cartel reached out and joined the Sinaloa Federation. The Sinaloa Federation provided the support and influence necessary for the Gulf Cartel to re-secure their trafficking routes in return for a significant share of the long term profit.<sup>85</sup>

Another alliance forged from necessity turned partnership, was the arch-rival pairing of the Tijuana Cartel with the Sinaloa Federation. After years of vying for territory through violence, the Sinaloa Federation eventually succeeded in taking the far west region of Tijuana Cartel's Baja California corridor.<sup>86</sup> Early in 2011, the Tijuana Cartel arranged to pay fees to the Sinaloa Federation to remain in business in the region. While aligning with the Sinaloa Federation for

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<sup>82</sup> Stratfor, "Mexican Drug Wars Update: Targeting the Most Violent Cartels," *Stratfor*, July 21, 2011, accessed December 1, 2018, <https://worldview.stratfor.com/article/mexican-drug-wars-update-targeting-most-violent-cartels>.

<sup>83</sup> US Library of Congress, *Mexico: Organized Crime and Drug Trafficking Organizations*, 16-17.

<sup>84</sup> Tristan Reed, "Mexico's Drug War: Balkanization Leads to Regional Challenges," *Stratfor*, April 18, 2013, accessed March 12, 2019, <https://worldview.stratfor.com/article/mexicos-drug-war-balkanization-leads-regional-challenges>.

<sup>85</sup> Stratfor, "Mexican Drug Wars Update: Targeting the Most Violent Cartels."

<sup>86</sup> US Library of Congress, *Mexico's Drug Trafficking Organizations: Source and Scope of the Violence*, 12.

trafficking routes, they also paired with the rival Los Zetas to train and strengthen forces. Aware of the two-faced actions of the Tijuana Cartel, the Sinaloa Cartel leadership continued their alliance with them, forgoing retaliatory actions to reap the profit and build initiative through flexibility.<sup>87</sup>

Diversifying their operational approach significantly increased profit margins and territorial gains for the Sinaloa Federation. As they assembled alliances, they organizationally branched operations to include criminal enterprises like kidnapping, extortion, and human smuggling.<sup>88</sup> In turn, profits grew and territory expanded. According to the United Nations Office on Drugs and Crime (UNODC) 2010 transnational crime threat assessment report, 90 percent of illegal immigrants smuggled into the United States employed a professional smuggler.<sup>89</sup> Instead of paying drug “mules,” the cartels force these immigrants to transport drugs and cash across the border as payment for services rendered.<sup>90</sup> Additionally, more than eighteen thousand immigrants are kidnapped every year and either forced to work for cartels or held captive in exchange for ransom payments from family. If they do not comply, the cartels execute them, as evidenced through the execution of seventy-two immigrants by armed gangs in Tamaulipas in August 2010.<sup>91</sup>

The diversification of cartel operations expressed the extent of their influence and power on a much grander scale. As government actions amplified along the borders, improvisation allowed for the ability to adapt and regain the initiative. Drug-trafficking activities, while funding

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<sup>87</sup> Stratfor, “Mexican Drug Wars Update: Targeting the Most Violent Cartels.”

<sup>88</sup> US Library of Congress, *Mexico: Organized Crime and Drug Trafficking Organizations*, 1.

<sup>89</sup> United Nations Office on Drugs and Crime, *World Drug Report 2010* (Vienna, Austria: United Nations, 2010), 60.

<sup>90</sup> Josh Meyer, “Drug Cartels Raise the Stakes on Human Smuggling,” *Los Angeles Times*, March 23, 2009, accessed December 8, 2018, <https://www.latimes.com/nation/la-na-human-smuggling23-2009mar23-story.html>.

<sup>91</sup> Duncan Deville, *Convergence, Illicit Networks and National Security in the Age of Globalization* (Washington, DC: National Defense University Press, 2013), 69-70.

most operations, became so well established and protected they expanded into other profitable illicit activities without fear of government interference. Through violence and corruption, they affected governance and stability in the border regions allowing them to develop their illicit criminal networks throughout the United States (Figure 2). The expansion of these networks further highlighted the ineffectiveness of the government efforts designed to combat them.

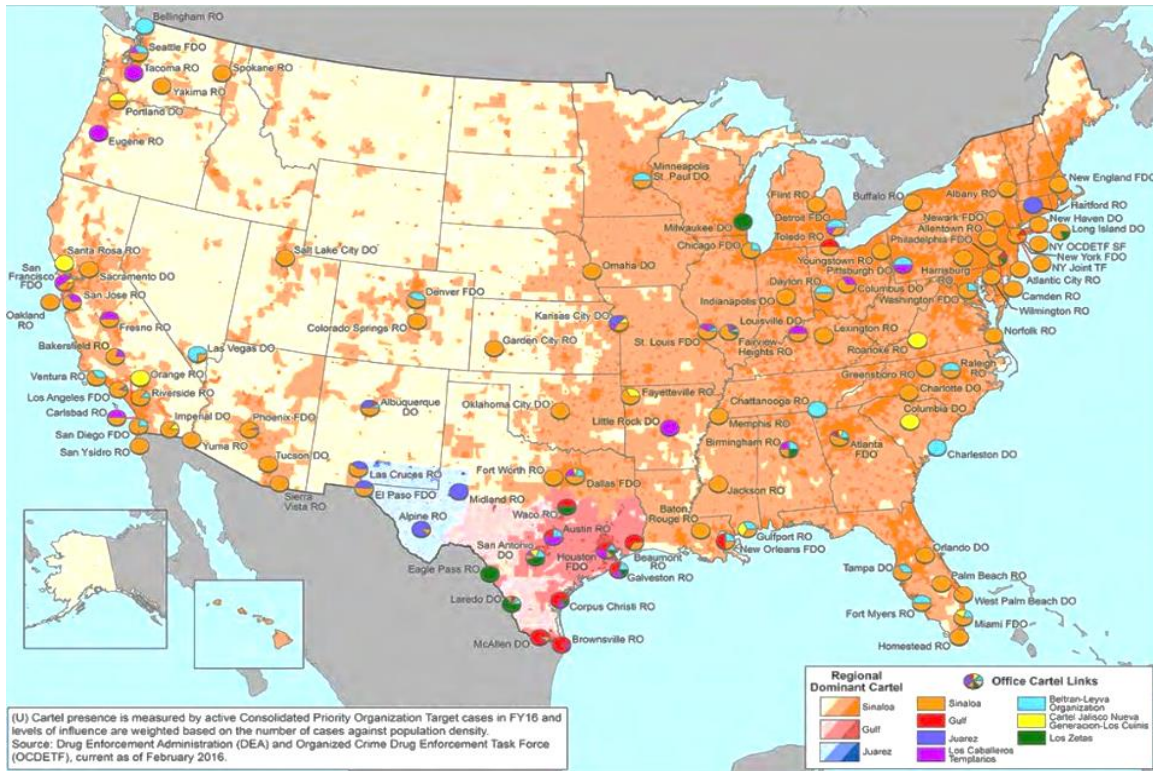


Figure 2. Areas of Influence of Major Drug Cartels *Source: US Department of Justice, 2016 National Drug Threat Assessment* (Washington, DC: Government Printing Office, 2016), 1.

The 2008 US Presidential election brought a new administration into play as Democratic candidate Barack Obama took office. By late 2010, a revised National Southwest Border Counternarcotics Strategy highlighted southwest border security as a top priority for the Obama administration.<sup>92</sup> The new administration supported the Mérida Initiative and led an effort to

<sup>92</sup> Barack H. Obama, “Statement by the President on the Passage of the Southwest Border Security Bill,” *The White House*, accessed February 14, 2019, <https://obamawhitehouse.archives.gov/realitycheck/node/19501>.

revise the strategy behind it. An innovative approach broadened the scope of joint efforts to focus on “institution building over technology transfers, economic development and community-based social programs, and states and municipalities” in the border regions.<sup>93</sup> By 2011, the US Congress declined foreign military financing as part of the Mérida Initiative and added constraints to assistance allocated for military and police support making it subject to specific human rights conditions.<sup>94</sup>

The US revision in strategy changed the direction of legislative efforts toward the criminal proceeds of the drug trafficking industry in Mexico. This approach targeted the monetary profit of the industry rather than its leadership. In 2010, the Calderón administration set limits on the amount of US currency allowed individuals to exchange or deposit each month in Mexico. The Mexican Congress also approved anti-money laundering legislation and established a financial crime division of the Attorney General’s (PGR) office that targeted businesses vulnerable to money laundering. Between 2010 and 2015, Mérida assistance of more than twenty-two million dollars was allocated to this financial crime division to advance the slow prosecution and conviction process for money-laundering offenses in Mexico.<sup>95</sup> However, the slow and cumbersome process of implementing these costly government actions became apparent as the Sinaloa Federation continued to profit and expand operations.

In addition to legislative efforts, changes to the Mérida Initiative also focused on institutional changes in Mexico to combat the cartels. The Calderón administration worked to legitimize enforcement personnel and reduce the effects of corruption by increasing police budgets, raising screening and selection standards, and providing better police training at the

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<sup>93</sup> US Library of Congress, *U.S.-Mexican Security Cooperation: The Mérida Initiative and Beyond*, 9.

<sup>94</sup> US Library of Congress, CRS, *Mexico: Evolution of the Mérida Initiative, 2007-2019*, by Clare Ribando Seelke, CRS Report IF10578 (Washington, DC: Office of Congressional Information and Publishing, March 6, 2019), In Focus.

<sup>95</sup> US Library of Congress, *U.S.-Mexican Security Cooperation: The Mérida Initiative and Beyond*, 14.

federal level. Congress also passed laws creating two divisions of federal-level police forces an enforcement division known as the Secretariat for Public Security (SSP) and an investigative division under the PGR.<sup>96</sup> Reformation of the corrupt and inefficient judicial system became part of these new initiatives as an effort to increase prosecutions of drug trafficking-related arrests.<sup>97</sup> However, corruption through the highest levels of the Mexican government hindered the successful prosecution of politicians arrested for cooperating with cartels. Additionally, while the SSP division of the federal police grew significantly under Calderón, the PGR division did not.

Most significant of the changes to the Mérida Initiative came to pillar three, the strategy underpinning it, in the form of modernizing the border. Enhancement of border security measures included the creation of a 21st century Border Bilateral Executive Steering Committee (ESC) to develop and implement plans “focused on setting measurable goals within broad objectives: infrastructure, secure flows of goods and people, and security and law enforcement.”<sup>98</sup> This program eventually led to the implementation of outbound inspections of people, goods, vehicles, and cargo which was designed to prevent illegal drugs from leaving Mexico and entering the United States while preventing weapons and illicit money from leaving the United States and entering Mexico.<sup>99</sup>

The Mérida Initiative established a framework to strengthen the tactical approach to southwest border security. However, it did not address how to prevent the corruption of US border officials by the cartels. In 2012, a Government Accountability Office (GAO) report regarding corruption in US Customs and Border Protection (CBP) revealed that between fiscal year 2005 and fiscal year 2012, “144 CBP employees were arrested or indicted for corruption-

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<sup>96</sup> US Library of Congress, *U.S.-Mexican Security Cooperation: The Mérida Initiative and Beyond*, 15-16.

<sup>97</sup> US Library of Congress, *Mexico: Evolution of the Mérida Initiative, 2007-2019*, In Focus.

<sup>98</sup> US Library of Congress, *U.S.-Mexican Security Cooperation: The Mérida Initiative and Beyond*, 19.

<sup>99</sup> US Library of Congress, *Mexico-U.S. Relations: Issues for Congress*, 18-20.



related activities.”<sup>100</sup> Modifications made to the 21st century Border pillar did not address the issues of preventing, detecting, and prosecuting the corruption of border officials. Future considerations may incorporate these aspects as well as a vetting process into the programs funded by the Mérida Initiative to break the initiative gained by the cartels through corruption and coercion.<sup>101</sup>

The fight against drug trafficking organizations continued relentlessly through the Calderón administration. Throughout the entirety of his term, Calderón sought the recapture of Guzmán, the elusive leader of the Sinaloa Cartel. In the process, his administration successfully removed key leaders from multiple organizations by arresting or killing them. These actions fueled a horizontal style network expansion for the Sinaloa Cartel across multiple domains. As leadership expanded laterally across the Federation, competition for profit and territory increased and violence erupted across all of Mexico. As violence spilled into the United States, bilateral government actions to quell it forced the fragmentation of many of these criminal organizations.

Power shifts ensued throughout the government and cartels as both adapted to leadership changes that created internal variability. For the cartels, they adapted through innovation, improvisation, and by forming unexpected alliances. These methods offered them the flexibility to take advantage of the government actions against their rivals. Expanding their criminal enterprise by forming the Sinaloa Federation, they maximized profits and exponentially increased territory. While most government actions focused on removing cartel leadership, the Sinaloa Federation grasped the initiative by adopting a horizontal leadership profile. This command structure allowed for continuous networked operations through creative and innovative methods.

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<sup>100</sup> US Library of Congress, *U.S.-Mexican Security Cooperation: The Mérida Initiative and Beyond*, 21; US Government Accountability Office, *Border Security: Additional Actions Needed to Strengthen CBP Efforts to Mitigate Risk of Employee Corruption and Misconduct* (Washington, DC: Government Printing Office, 2013), GAO-13-59.

<sup>101</sup> US Library of Congress, *U.S.-Mexican Security Cooperation: The Mérida Initiative and Beyond*, 21.

As government approaches removed cartel leadership, they fueled competition throughout the drug trafficking industry, shaping an environment ripe for the lawless to adapt and grow. Comprehensive governmental institutional and legislative changes on both sides served to delineate the international border as an avenue for legitimate trade and travel and an impenetrable barrier for the illicit activities of the cartels. However, as border security measures increased so did operational diversification for the cartels. They manipulated the system through corruption and coercion at all levels of government. As profits grew, government actions targeting the proceeds of the industry forced an adaptation that led to the beginning of its fragmentation.

## Section 5: 2012 – 2016 The Sinaloa Cartel and the US/Mexico Governments

I have made securing our Southwest border a top priority since I came to office. That is why my administration has dedicated unprecedented resources and personnel to combating the transnational criminal organizations that traffic in drugs, weapons, and money, and smuggle people across the border with Mexico.

—President Barack H. Obama, 2010

The 2012 Mexican Presidential election brought significant change to the country with the election of PRI candidate Enrique Peña Nieto. His administration promised a new direction in security policy that would focus on reducing violence throughout the country by moving away from targeting the leadership of the cartels. From the start of his presidency, Peña Nieto faced the challenge of combating the numerous crime groups that rose to power as a result of the Calderón administration's kingpin strategy.<sup>102</sup> Ironically though, his administration did not adapt to the changing environment and utilized similar methods to combat the cartels and their leadership. Most significant of his actions to fight crime were the enhancements made to the Mérida Initiative which reorganized bilateral efforts in the professionalization of crime-fighting forces and crime prevention and reduction.

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<sup>102</sup> US Library of Congress, *Mexico: Organized Crime and Drug Trafficking Organizations*, 3.

From the start of his administration, Peña Nieto initiated a plan focused on national crime prevention. He launched the National Crime and Violence Prevention (PRONAPRED) that offered federal assistance to municipalities in high crime areas. In contrast to other programs, PRONAPRED concentrated on the demand side of the drug problem, rather than on the supply side of it. Between 2013 and 2016, PRONAPRED provided \$485 million in subsidies to districts throughout Mexico.<sup>103</sup> However, the program lacked organized selection and evaluation criteria for its funding requirements, and by 2017 it was no longer funded by the Mexican government.<sup>104</sup>

The Obama and Peña Nieto administrations continued to bolster support of the four-pillar strategy of the Mérida Initiative. In August of 2013, both the US and Mexican governments refocused their strategy on institutional reform through “justice sector reform, money laundering, police and corrections professionalization at the federal and state level, border security both north and south, and piloting approaches to address root causes of violence.”<sup>105</sup> However, when a Mexican army helicopter was shot down with a rocket-propelled grenade launcher, concern began to grow that the cartels were turning more to the use of insurgent or terrorist techniques.<sup>106</sup> This increased concern over the violence prompted US Congressional oversight on the US-Mexican security cooperation. As a result, the tension between the two governments increased and cooperation regarding security matters began to dwindle.<sup>107</sup>

The strategy of the Peña Nieto administration pushed force deployment out in reactive surges to combat violence rather than through a proactive reformative approach. Peña Nieto’s

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<sup>103</sup> US Library of Congress, *U.S.-Mexican Security Cooperation: The Mérida Initiative and Beyond*, 8.

<sup>104</sup> Ibid.

<sup>105</sup> Ibid., 10.

<sup>106</sup> US Library of Congress, *Mexico: Organized Crime and Drug Trafficking Organizations*, 4; Vanda Felbab-Brown, “Hooked: Mexico’s Violence and U.S. Demand for Drugs,” Brookings, May 30, 2017, accessed February 9, 2019, <https://www.brookings.edu/blog/order-from-chaos/2017/05/30/hooked-mexicos-violence-and-u-s-demand-for-drugs/>.

<sup>107</sup> US Library of Congress, *Mexico: Organized Crime and Drug Trafficking Organizations*, 4.

continuation of the policies implemented by his predecessor resulted in the arrest or death of many high-level leaders in all the major cartels operating in Mexico. This strategy contributed to violent power struggles, shifting cartel alliances, the creation of new gangs and smaller cartels, as well as increased violence.<sup>108</sup> Compared to the smaller cartels (*cartelitos*) spawned during the defeat and dismantling of the Colombian cartels of the 1980s and 1990s they did not act as violently and the Colombian government received credit for having reduced violence in the drug trade.<sup>109</sup> However, key differences include the guerrilla insurgents and paramilitary units that were involved in the Colombian drug trade. They provided for additional oversight in the process which contributed to the reduction in violence in Colombia. Furthermore, the evolving structures and continuous movement toward lateral management contributed to the Mexican cartel fragmentation and associated resurgence in violence.<sup>110</sup>

Peña Nieto established a unified code of criminal procedures and added funding for the new justice system initially sparked under his predecessor. Like Calderón, Peña Nieto proposed a national militarized police force (*gendarmarie*) to replace soldiers assigned to public security efforts. He planned to continue the process of professionalizing the federal police force by recruiting an elite force free from the corruption of the cartels. The *gendarmarie*, with an average age of twenty-eight, never served on another police force and were trained by the Mexican Army and police forces from Colombia, Chile, Spain, France, and the United States.<sup>111</sup> However, within two years, violence began to increase, and problems with the new security forces attracted international attention. Public protests stemming from increased insecurity led to deadly clashes

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<sup>108</sup> US Library of Congress, *Mexico: Organized Crime and Drug Trafficking Organizations*, 24.

<sup>109</sup> Ibid.

<sup>110</sup> Parker Asmann, "Fragmentation: The Violent Tailspin of Mexico's Dominant Cartels," *InSight Crime*, January 16, 2019, accessed February 15, 2019, <https://www.insightcrime.org/news/analysis/violence-spikes-criminal-groups-fragment-mexico/>.

<sup>111</sup> Associated Press, "Mexico Creates Special Federal Force of 5,000 Gendarmes to Combat Widespread Economic Crime," *Fox News*, March 24, 2015, accessed February 9, 2019, <https://www.foxnews.com/world/mexico-creates-special-federal-force-of-5000-gendarmes-to-combat-widespread-economic-crime>.

with security forces as the government replicated the actions and tactics of the Calderón administration.<sup>112</sup>

While the rhetoric of the governments focused on violent crime reduction and economic reform instead of removing cartel leadership or interdicting drug shipments, their actions demonstrated otherwise. In February of 2014, Guzmán was re-captured by Mexican authorities more than a decade after his 2001 escape. The operation was a victory for the Peña Nieto government, but it failed to shake the organization or operation of the Sinaloa Cartel as anticipated.<sup>113</sup> By July of 2015, corruption and coercion efforts of the cartel would pay off as Guzmán escaped once again from a Mexican federal prison utilizing a tunnel dug into his cell.<sup>114</sup> He was subsequently re-captured in January of 2016.

The capture and subsequent re-capture of Guzmán had little effect on the Sinaloa Cartel drug trafficking enterprise indicating that his role at the time might have become that of a figurehead rather than its operational leader.<sup>115</sup> The Sinaloa Cartel of the early 2000s established a leadership succession system that allowed it to survive the policies and practices of the governments focused on removing or killing the heads of the cartels.<sup>116</sup> In addition to leadership reformation as a form of adaptation, the Sinaloa Cartel maintained flexibility by capitalizing on the communities in which they operated. Investing significant capital into the local populations by funding churches, building soccer stadiums, and organizing community services they built a

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<sup>112</sup> US Library of Congress, *U.S.-Mexican Security Cooperation: The Mérida Initiative and Beyond*, 4.

<sup>113</sup> US Library of Congress, *Mexico: Organized Crime and Drug Trafficking Organizations*, 10.

<sup>114</sup> Reuters, “Mexico Kingpin ‘Chapo’ Guzman Stages Brazen Jailbreak in Blow To President,” *Reuters*, July 12, 2015, accessed February 12, 2019, <https://www.reuters.com/article/us-mexcio-guzman-idUSKCN0PM07020150712>.

<sup>115</sup> US Library of Congress, *Mexico: Organized Crime and Drug Trafficking Organizations*, 10.

<sup>116</sup> Vanda Felbab-Brown, “Hooked: Mexico’s Violence and U.S. Demand for Drugs.”

network of long term support. They also expanded their long term political influence by paying off corrupt politicians and law enforcement officials.<sup>117</sup>

As the news of Guzmán's impending extradition to the United States circulated, internal struggle and competition created problems for his enterprise. Before his arrest, Guzmán appointed Ismael Zambada-Garcia (El Mayo) and Dámaso López-Núñez (El Licenciado) to run the Sinaloa Cartel. Passing over his family members, Guzmán selected them for their experience and abilities to forge alliances, construct deals with rivals, and avoid violence.<sup>118</sup> After Guzmán's arrest, Zambada fell ill and without his strategic guidance and operational oversight, the cartel was left to the oversight of López-Núñez who turned on Guzmán's sons. This caused a split between Guzmán's family and the other Sinaloa factions causing fragmentation that significantly weakened the leadership of the cartel.<sup>119</sup>

Rival cartels preyed on the leadership vacuum created by the internal struggle of the Sinaloa Cartel as they vied for territorial control throughout the country.<sup>120</sup> Peña Nieto's reduction of homicide rates suddenly became shortlived as numbers increased exponentially through 2015 into 2016, eventually reaching record levels.<sup>121</sup> By continuing to implement policies like those of his predecessor, Peña Nieto promoted the continued fragmentation of the cartels, forcing them to adapt through violent competition and power struggles. Additionally, these smaller groups lacked the resources to handle the supply and demand of international drug trafficking. As they struggled to expand territory and increase profits, they turned to extreme violence as both a quick and effective means for success.<sup>122</sup>

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<sup>117</sup> Vanda Felbab-Brown, "Hooked: Mexico's Violence and U.S. Demand for Drugs."

<sup>118</sup> Ibid.

<sup>119</sup> Ibid.

<sup>120</sup> Parker Asmann, "Fragmentation: The Violent Tailspin of Mexico's Dominant Cartels."

<sup>121</sup> US Library of Congress, *Mexico: Organized Crime and Drug Trafficking Organizations*, 1, 10.

<sup>122</sup> Parker Asmann, "Fragmentation: The Violent Tailspin of Mexico's Dominant Cartels."

Although the Sinaloa Cartel continued to change shape and evolve, it did so in conjunction with the entirety of the cartel networks. The illicit enterprise remained intact and profitable as rivals continuously fought them for territory and trafficking routes into the US market. Competition fueled the spread of the Sinaloa Cartel's innovative network as it increased its global span. Built upon their ability to maintain the initiative through influence in the forms of corruption and coercion at all levels of government, it subsequently provided for much of their power. Some experts argued that factionalization and fragmentation indicated the decline of the Sinaloa Cartel. In reality, it demonstrated their ability to adapt and flex over time, driving operational diversification which evidenced both vitality and growth.<sup>123</sup>

As government actions continued to focus on targeting cartel leadership and the illicit proceeds of the industry, the cartels adapted by fragmenting operations through an innovative network that incorporated local communities into their support structures. While both governments poured funding into the Mérida Initiative and enhanced border security measures, the cartels invested in corruption and coercion as a means to virtually eliminate the international border and bolster operations. Tension resonated through the drug trafficking community as power shifts created competition that spiked violence to record levels. In an attempt to adapt, the governments' respective approaches shifted to institutional reform, thus laying the foundation for major changes in political leadership for both sides.

## Section 6: Conclusion

Through the course of this study, drug cartels operating in the southwest border region demonstrated success because they functioned as economically superior enterprises using a protracted approach to success. A modification of Mao Tse-Tung's protracted war characteristics as the criteria for analysis highlighted the respective governments' inability to influence the

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<sup>123</sup> US Library of Congress, *Mexico: Organized Crime and Drug Trafficking Organizations*, 22-23.

protracted approach of the cartels. Translating this war theory into the terms of a business model further illuminated that, because they were not bound by the same institutional regulations and constraints of the government systems, the protracted approach of the cartels allowed them to consistently exploit and circumvent those systems. While government efforts focused heavily on tactical law enforcement actions against the hierarchical (vertical) structures of the cartels, they failed to realize that the globalization of these illicit enterprises offered the ability for networked (horizontal) expansion which provided the opportunity for the cartels to thrive.

As evidenced herein, the actions of the governments' inevitably and unintentionally created opportunities for the cartels. They have demonstrated throughout the case studies, as government actions targeted cartel leadership, the cartels adapted by creating flexible and more horizontal leadership structures. These lateral command structures enabled the forging of alliances to increase profit and expand territory. They also provided additional depth that supported the cartel ability to corrupt and coerce rivals and the government alike. As the depth of the illicit networks increased so did the diversification of their operations.

The economic enterprise of the cartels continued to diversify and gain notoriety increasing competition and violence across the industry. The Sinaloa Cartel, the hegemon among the Mexican drug cartels, utilized alliances to expand operations and territory while quelling violence and competition. Over time, these alliances evolved and eventually fragmented into smaller competitive branches. As highlighted throughout this study, competition and violence are symbiotic in the drug trafficking industry. They represent the cyclic nature of this enterprise as smaller groups evolve into expansive networks spawning new branches that fight for territorial control and their share of the profit.

The foundation of the governments' framework rested upon budgetarily constrained and limited planning cycles while the cartels focused on maintaining the initiative through innovation and improvisation. The cartels massed power through corruption and coercion which provided them a means to control distribution routes while they simultaneously expanded operations on a



global scale. Government attempts to control the cartels failed as they tactically reacted to operations along cartel supply routes. The cartels quickly adapted to government actions with the flexibility to facilitate continuous operations. The relentless demand of the consumer in the supply and demand cycle dictated the terms of planning cycles as they determined political regime fluctuations that forced power struggles on both sides of the border.

The implications of this research are complicated at best. If the identity of the cartels is that of economically superior enterprises, the methodology for fighting them then must account for their organizational flexibility and ability to adapt operations quickly. Through improvisation, they bypass tactical law enforcement operations designed to disrupt their operations temporarily. National level policies and strategies must incorporate approaches that consider long term actions against these cartels as corporations that scale across sovereign boundaries and around the globe.

The bureaucratic process that appropriates funding needed to initiate action against the cartels limits the governments' ability to take swift action. The governments planning process is slow and cumbersome; by the time a course of action is ready for execution, the cartels have already adjusted operations to circumvent it. Operational command and control, in conjunction with long term funding plans delegated to the tactical level, offers the government actors the ability to innovate and improvise like the cartels. This method of operating autonomously creates less predictability thereby adding the element of confusion as an organizational tool to disrupt the cartels.

Shifting focus to the demand side of this problem requires sweeping and comprehensive reform across multiple domains. For years, government actions have neglected to develop innovative and far-reaching policies focused on reducing the demand for the products the cartels provide. The cartel networks have evolved beyond the point of complete eradication. Beginning with a massive messaging campaign through multiple platforms of modern communications technology government actions must focus on changing the narrative of this supply and demand

industry. The government actions must target the cartels as business competitors and create an environment that reduces the demand for the services that they provide.

Examining the back and forth actions of the governments and the cartels through a protracted business model focused on improvisation, innovation, and constant adaptation and flexibility, revealed that the international boundaries designed to stop the cartels exist only as a geographical delineation for them. Improvements in border security efforts have demonstrated no match for unrestricted innovation and improvisation which allows for infinite opportunities to adapt and overcome. The future of bilateral government actions must address the root of the problem rather than attack the symptoms of the war on drugs.

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