

Background

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U.S. Strategy Against Mexican Drug Cartels: Flawed and Uncertain

Ray Walser, Ph.D.

Abstract: Mexican drug cartels virtually rule large parts of Mexico, with violence and murder spilling across the U.S. border. In 2009, the death toll reached a high of more than 9,000. While the Obama Administration should be commended for its continuation of the Bush Administration's Mérida Initiative, President Obama and his Cabinet have gone too far in placing the blame for Mexico's drug mayhem on U.S. gun laws and American drug use, and many existing policies have yielded modest results at best. Heritage Foundation Latin America expert Ray Walser lays out the comprehensive plan that the U.S. should follow to stem the tide of drug violence—or pay even higher costs down the road.

In 2010, the United States and Mexico face yet another critical year in their mutual confrontation with Mexico's deadly criminal cartels. In 2009, the death toll caused by drug-related mayhem in Mexico was over 9,000, making it the worst year since President Felipe Calderón took office.

Barbarous murders, military-like firefights, rampant corruption, a traumatized citizenry, and high-stakes political gamesmanship frame Mexico's ongoing challenges. Despite some successes, the high levels of violence in Mexico, the slow pace of law enforcement reform, persistent and deep-rooted corruption, and a potential loss of public confidence in the Mexican government's ability and will to sustain the drug fight are warning signs that the Obama Administration should not ignore.

Talking Points

- Despite Mexico's efforts to battle drug cartels, violence continues to escalate, on occasion spilling across the border into the U.S.
- Violence in Mexico—more than 9,000 drug murders in 2009—raises questions about Mexico's anti-drug strategy, law enforcement reforms, and anti-corruption efforts and increases doubt about its political will to continue the fight.
- Blaming America for Mexico's drug crisis—be it U.S. drug consumption or firearms and cash smuggled into Mexico—is popular abroad, but the changes in gun laws, demand reduction, and even legalization of marijuana use supported by “blame America” types are wrongheaded.
- Without sustained U.S.–Mexican cooperation, sufficient resources, a consistent strategy, and presidential engagement, the U.S. will face an ever-worsening security situation.

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214 Massachusetts Avenue, NE
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(202) 546-4400 • heritage.org

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The Obama Administration has continued a cooperative assistance program established by President George W. Bush and known as the Mérida Initiative. The Administration has also committed to “dual containment,” securing the U.S.–Mexico border and heartland against Mexican drug-trafficking organizations (DTOs) or cartels operating in the U.S. while attempting to reduce substantially the illegal movement of guns and bulk transfers of cash from the U.S. into Mexico that feed the cartel’s lust for profits and power. These efforts are important but insufficient.

Domestically, the White House has sent mixed signals on the “war on drugs.” Senior officials, as well as the President himself, declared efforts aimed at reducing supply through eradication, interdiction, and police action a “historic failure” and promised a new mix of more rational and effective strategies. Commenting on performance by previous Administrations, Secretary of State Hillary Clinton in March 2009 declared despairingly that “We have been pursuing these strategies for 30 years. Neither interdiction [of drugs] nor reducing demand have been successful.”¹

Yet the Administration has done little to act on these pronouncements. The Obama White House has remained generally aloof to complex issues relating to drug consumption in the United States.

The current policy mix is inadequate, and this must change. The threat that drug-induced violence and potential instability in Mexico pose to core U.S. security interests are substantial. The Administration and Congress must play a bolder, more aggressive leadership role. The elements of such an approach would feature:

- A comprehensive, well-articulated anti-narcotics strategy for the Americas;
- An adequately funded multi-year program that includes sustained support for Mexico, Colombia, and other regional allies;

- Enhanced law enforcement and military-to-military cooperation, especially with Mexico; and
- An informed national strategy for public diplomacy and reduced demand that addresses the links between the murderous criminality of traffickers and the individual drug consumer.

Flashing Red Warning Lights

The U.S.–Mexico drug challenge remains stark and disturbing. Mexican-based traffickers smuggle an estimated 500 to 700 metric tons of cocaine into the U.S. every year. Mexican DTOs or cartels have dominated cocaine-smuggling into the U.S. increasingly since the 1990s.

Mexico is the top foreign source of marijuana, cultivating and harvesting an estimated 15,800 metric tons in 2007.² Cannabis is a highly profitable mainstay for the Mexican cartels, reportedly accounting for 50 to 60 percent of their profits. Mexican drug-smuggling organizations are also expanding marijuana production inside the U.S. to increase profits and minimize detection.

Mexico is a major provider of heroin and methamphetamines to the U.S. Estimates of the revenue generated from illicit sales of drugs range from \$13 billion to \$38 billion. Only Mexico’s oil and auto industries generate greater revenue streams.

Since 2007, the Mexican government has struck hard at the Mexican cartels. Just in recent months, government officials have killed or arrested three major drug chieftains: Teodor Garcia Semental, a key crime figure in hundreds of Tijuana murders (arrested January 12, 2010); Carlos Beltran Leyva (arrested January 2, 2010); and Arturo Beltran Leyva, the Boss of Bosses (killed in a gunfight with Mexican special forces on December 16, 2009).³

In the past two years, the Mexican government claims to have seized 70 metric tons of cocaine, recovered \$260 million in cash, captured 31,000 weapons, and made more than 58,000 arrests. Mex-

1. Mary Beth Sheridan, “Clinton: U.S. Drug Policies Failed, Fueled Mexico’s Drug Wars,” *The Washington Post*, March 26, 2009 at <http://www.washingtonpost.com/wp-dyn/content/article/2009/03/25/AR2009032501034.html> (April 13, 2010).

2. U.S. Department of Justice, National Drug Intelligence Center, “Domestic Cannabis Cultivation Assessment,” 2009, at <http://www.justice.gov/ndic/pubs37/37035/37035p.pdf>. The number one source for marijuana consumed in the U.S. is U.S.-based production, much of it run by Mexican DTOs.

ico has extradited 284 indicted traffickers for prosecution and trial in the U.S.⁴ But the number of dead from drug violence has continued to climb steadily over the past five years: 1,537 killed in 2005; 2,221 killed in 2006; 2,673 killed in 2007; 5,630 killed in 2008; and 9,635 killed in 2009.⁵

Because they control entry into the U.S., the Mexican states of Baja California, Chihuahua, Guerrero, Michoacan, and Sinaloa account for nearly 75 percent of Mexico's drug murders. Ciudad Juarez, across the Rio Grande from El Paso, has developed a reputation as the deadliest city on the planet. In the past five years, more than 1,000 police and military officers have lost their lives in the fight. Targets of cartel gunmen have included former generals, active-duty military officers, and heads of federal and local police agencies, as well as individuals in witness protection programs, print and media journalists, and even recovering addicts seeking help in drug treatment and rehabilitation centers.

Moreover, Mexico's drug violence has spawned a variety of hybrid, hyper-violent criminal organizations such as the cartel-like Zetas that are able to employ military-like professionalism coupled with terrorist-like methods of indiscriminate murders—

tactics ominously new to North America. Mexico's Zetas are studied closely and with considerable intensity by U.S. law enforcement and security strategists.⁶ Security analysts describe Mexico's transition from gangsterism to dangerous hybrid forms of "paramilitary terrorism" with "guerrilla tactics."⁷ The capabilities of the Zetas, for example, include sophisticated intelligence-gathering, often with insider information, coordinated military

Ciudad Juarez, across the Rio Grande from El Paso, has developed a reputation as the deadliest city on the planet.

actions, and deployment of concentrated levels of lethal firepower, as well as an ability to exploit new vulnerabilities such as extortion and the wholesale theft of oil from pipelines. In essence, Mexico's narco-cartels have constructed what one expert labeled "a parallel government" in which power is shared between elected officials and drug barons.⁸

A fierce debate rages over whether Mexico is in fact winning or losing its war on the cartels. Optimists say violence is still rising because increasingly

3. Elliott Spagat, "Reputed Drug Lord Teodoro Garcia Simental Is Captured," *The Washington Post*, January 13, 2010, at <http://www.washingtonpost.com/wp-dyn/content/article/2010/01/12/AR2010011203660.html> (April 13, 2010); José de Córdoba and Nicholas Casey, "Arrest Targets Drug Cartel," *The Wall Street Journal*, January 4, 2010, at http://online.wsj.com/article/SB126248870125713783.html?mod=WSJ_hpp_sections_world (April 13, 2010); and John Lyons and José de Córdoba, "Top Mexican Drug Lord Killed in Shootout," *The Wall Street Journal*, December 18, 2009, at http://online.wsj.com/article/SB126104630707195259.html?mod=WSJ_hpp_MIDDLENexttoWhatsNewsThird (April 13, 2010).
4. Extraditions, while an important weapon against traffickers, mask problems with the Mexican judicial system and the extent to which Mexican prisons are themselves corrupted by traffickers or become breeding grounds for further recruiting and hardening of criminals as well as alternate centers for conducting criminal activity. Extraditions also leave dissatisfaction among the victims of crime, who seldom see justice in their own country against criminals who murdered or harmed loved ones.
5. Esther Sanchez, "Aumenta Nivel de Violencia del Narco," *El Universal*, January 1, 2010, at <http://www.eluniversal.com.mx/primera/34184.html> (April 13, 2010). Per capita murder rates in Mexico nevertheless still appear to be lower than those in many other violence-prone countries such as Brazil and South Africa. Reformed former Salvadoran guerrilla Joaquin Villalobos believes the overall murder rate in Mexico is 10 per 100,000 citizens, compared to 48 per 100,000 in Venezuela and more than 50 per 100,000 in Guatemala, Honduras, and El Salvador. Joaquin Villalobos, "Twelve Myths in the Fight Against Drug Trafficking," *Nexos*, January 1, 2010.
6. Useful studies that probe the growing challenge include H. L. Brands, "Mexico's Narco-Insurgency and U.S. Counterdrug Policy," U.S. Army War College, Strategic Studies Institute, May 2009; George Grayson, *Mexico's Struggle with Drugs and Thugs* (New York: Foreign Policy Association, 2009); Max G. Manwaring, *A "New" Dynamic in the Western Hemisphere Security Environment: The Mexican Zetas and Other Private Armies* (Carlisle, Pa.: U.S. Army War College, Strategic Studies Institute, September 2009); and John P. Sullivan, "Future Conflict: Criminal Insurgencies, Gangs and Intelligence," *Small Wars Journal*, May 31, 2009, at <http://smallwarsjournal.com/blog/journal/docs-temp/248-sullivan.pdf> (April 20, 2010).
7. Stephanie Hanson, "Mexico's Drug War," Council on Foreign Relations *Backgrounder*, November 20, 2008, at <http://www.cfr.org/publication/13689/> (April 13, 2010).

leaderless cartels are fighting for a diminishing slice of the criminal-earnings pie. Former Salvadoran guerrilla Joaquin Villalobos, for example, believes the state is gaining the upper hand. “It takes time to reduce violence, but drug trafficking is going through a process of self-destruction that deepens when the state confronts it,” he states.⁹ Skeptics believe a Darwinian process of survival is underway and that key Mexican cartels such as the Sinaloa have not been seriously weakened.

The present assessments of Mexico’s progress in the war on the drug cartels need to be tempered with uncertainty about the inadequacy of police and judicial reform, the persistent problem of corruption, and the danger of a loss of political will to continue the drug fight.

Inadequate Police Reform. Over the long run, Mexico’s ability to reduce the drug threat hinges on a massive overhaul of its law enforcement and judicial institutions. For decades, the police existed largely to preserve public order rather than solve crimes and bring the guilty to justice.¹⁰ Secretary of Public Safety Genaro Garcia Luna observed that Mexico has “had a corrupt, uneducated police force, without a budget, driving stolen vehicles, and basically decomposing for 40 years.”¹¹ Some 1,657 state and municipal police agencies employ an estimated 406,000 policemen, massively dwarfing federal enforcement agencies. The number of law enforcement personnel available to the Mexican federal government expanded from 25,000 in 2008 to 32,264 in 2009.¹²

At the state and municipal levels, entire police forces have been summarily fired for corruption and

incompetence or have resigned rather than stand up to traffickers. In June 2009, 80 policemen suspected of working with drug smugglers were arrested in 18 towns across Nuevo Laredo.¹³ In Monterrey, local police patrols are prohibited from sitting in parked patrol cars or using cell phones when on duty for fear they are acting as lookouts for traffickers.

In 2007, the Calderón Administration launched a long-overdue overhaul of Mexico’s law enforcement system. The model it employs aims at constructing a single federal police body, merging the Federal Preventive, the Federal Investigative, Immigration, and Customs police in a manner that follows the U.S. Homeland Security pattern. Yet current targets for recruiting and training professionals reach only 3.6 percent of Mexico’s police and private security operatives.¹⁴

Long-term improvements in the professionalization of Mexico’s police will require higher salaries, superior training, more aggressive and higher standards of recruitment, and frequent vetting. And this work has only just begun. The slow pace of judicial and prison reforms also acts as a drag on the fight against criminality.¹⁵

Corruption Commonplace. An essential tool of Mexican traffickers is their power of corruption along with their capacity to employ violence. Silver (*plata*) or lead (*plomo*)—money or a bullet—has long been a weapon of traffickers. As Francisco Gonzalez of the Johns Hopkins School of Advanced International Studies notes, a “root cause of the problem is the drug cartel’s extensive penetration of

8. Steven Fainaru and William Booth, “Mexico’s Drug Cartels Siphon Liquid Gold,” *The Washington Post*, December 13, 2009, at <http://www.washingtonpost.com/wp-dyn/content/article/2009/12/12/AR2009121202888.html> (April 13, 2010).
9. Villalobos, “Twelve Myths in the Fight Against Drug Trafficking.”
10. “On the Trail of the Traffickers,” *The Economist*, March 5, 2009.
11. John Lyons, “Mexico’s Cops Seek an Upgrade,” *The Wall Street Journal*, October 24, 2009, at <http://online.wsj.com/article/SB125251965257196475.html> (April 13, 2010).
12. Ken Ellingwood, “Fixing Mexico Police Becomes a Priority,” *Los Angeles Times*, November 17, 2009, at <http://www.latimes.com/news/nationworld/world/la-fg-mexico-police17-2009nov17,0,2236458.story> (April 13, 2010).
13. “Mexico: Army Raid Finds Cash Addressed to Police,” Associated Press, September 23, 2009.
14. Daniel Sabet, “Police Reform in Mexico’s Municipalities,” PowerPoint presentation for Woodrow Wilson International Center for Scholars, September 17, 2009, at <http://www.wilsoncenter.org/events/docs/Sabet%20presentation.ppt#256,1> (April 13, 2010), and Juan Salgado, “Needs Assessment for Bottom-Up Police Reform in Mexico,” PowerPoint presentation for Woodrow Wilson International Center for Scholars, September 2009, at <http://www.wilsoncenter.org/events/docs/JSalgado%20presentation.ppt> (April 13, 2010).

government agencies and co-optation of government officials.”¹⁶

Perceptions of persistent corruption run high in Mexico. The most recent *Latinobarómetro* survey reported that Mexicans perceive their government as among the more corrupt in Latin America.¹⁷ Mexican anti-drug efforts have been rocked repeatedly by defections of senior officials such as Noe Ramirez Mandujana, a prosecutor and head of a special investigating unit who received \$1.5 million in bribes for tip-offs.¹⁸ The fear persists that Mexican DTOs have become too deeply rooted in state and municipal structures to extirpate in the near term. One leading Mexican political scientist claims that narco-mafias have already penetrated 17 of the 31 Mexican states.¹⁹

Political Will Plummeting. During the Mexican midterm elections in the summer of 2009, the Institutional Revolutionary Party (PRI) won a substantial victory, returning with a plurality in the Congress, sweeping five of six governorships, and pointing to a major shift in support away from Calderón and the National Action Party (PAN).²⁰

Fear, fatigue, and loss of political will might cause PRI leaders and other political operatives to distance themselves from Calderón’s aggressive anti-cartel strategy and seek tacit accommodation or a “peace pact” with cartel bosses. Such an unwritten accom-

modation might lead to the withdrawal of the military and federal police into defensive, less aggressive positions that allow traffickers to operate with reduced confrontation and coercion in exchange for truces and reductions in visible violence. This might also occur with a major consolidation of cartels under fewer bosses or even a single boss.²¹

Cooperation, Containment, and Blame America

U.S. drug strategy for Mexico rests on three fundamental pillars. The first pillar seeks to broaden cross-border, bilateral cooperation with the Mexican government for actions against a shared transnational threat and common enemy. The second involves domestic actions taken by U.S. law enforcement and other agencies to contain or negate the real or potential harm done by drug trafficking and other forms of criminality originating in Mexico and committed on U.S. soil. This includes actions aimed at preventing any major spillover of violence from Mexico into the U.S.

The third element in the United States’ Mexico drug strategy, more prominently emphasized by the Obama Administration, is an official acceptance of “co-responsibility” for Mexico’s narcotics and cartel crisis. At its core, this pillar is yet another example of the “blame America” strategy embraced by the Obama White House.

15. Eric L. Olson, “Police Reform and Modernization in Mexico, 2009,” Woodrow Wilson International Center for Scholars, September 2009, at <http://www.wilsoncenter.org/news/docs/Brief%20on%20Police%20Reform%20and%20Modernization.pdf> (April 13, 2010); Agnes Gereben Schaefer, Benjamin Bahney, and K. Jack Riley, “Security in Mexico: Implications for U.S. Policy Options,” RAND Corporation, 2009, at http://www.rand.org/pubs/monographs/2009/RAND_MG876.pdf (April 13, 2010); and Shannon O’Neil, “The Real War in Mexico: How Democracy Can Defeat the Drug Cartels,” *Foreign Affairs*, July/August 2009, at <http://www.foreignaffairs.com/articles/65155/shannon-oneil/the-real-war-in-mexico> (April 13, 2010).
16. Francisco E. Gonzalez, “Mexico’s Bloody Drug Wars,” *Current History*, February 2009, p. 75.
17. Latinobarómetro, *Informe Latinobarómetro 2009*, December 11, 2009, pp. 39–41, at <http://www.latinobarometro.org> (April 22, 2010). See also Transparency International, “2008 Corruption Perceptions Index,” at http://www.transparency.org/news_room/in_focus/2008/cpi2008/cpi_2008_table (April 22, 2010).
18. According to Council on Foreign Relations resident scholar Shannon O’Neil, “Mexico’s Achilles’ heel is corruption—which in an electoral democracy cannot be stabilizing the way it was in the days of Mexico’s autocracy.” O’Neil, “The Real War in Mexico.”
19. Philip Caputo, “The Fall of Mexico,” *The Atlantic*, December 2009, at <http://www.theatlantic.com/magazine/archive/2009/12/the-fall-of-mexico/7760/> (April 19, 2010).
20. Ruben Navarrette, “Mexico’s Deadly Bargain,” *Real Clear Politics*, July 26, 2009, at http://www.realclearpolitics.com/articles/2009/07/26/mexicos_deadly_bargain_97628.html (April 14, 2010).
21. “Outsmarted by Sinaloa,” *The Economist*, January 7, 2010.

The willingness to accept co-responsibility focuses attention on American drug consumption habits (the demand side) and the need for effective demand reduction as well as targeted actions aimed at reducing access of Mexican cartels to U.S. guns, bulk currency, and other accessories that make their criminal businesses both profitable and deadly. It potentially includes changes in U.S. domestic law and law enforcement, particularly laws governing firearms, and tightens restrictions on international financial and monetary transactions.

Cooperation. When President George W. Bush met with President Calderón in Mérida, Mexico, in March 2007, the two leaders sketched out a new vision of greater cooperation, a change many considered to be a paradigm-like shift away from grudging association toward genuine cooperation and potential partnership.²² When finally sent to Congress in October 2008, the Mérida Initiative constituted the largest and most comprehensive package of assistance for the Western Hemisphere since Plan Colombia was begun in 1999.²³ The three-year program proposed an expenditure of \$1.4 billion and was “premised on a partnership between our countries and recognition that the multifaceted problems associated with these criminal organizations remain a shared responsibility whose solution requires a coordinated response.”²⁴

The primary objective of the Mérida Initiative is to strengthen the capabilities of Mexican institutions to fight complex criminal and trafficking organizations. It involves the dispatch of aircraft and vehicles, technology transfers, and training to enhance Mexican law enforcement skills and professional efficiency.

Over half of the Mérida Initiative budget is assigned to the acquisition of 20 airplanes and helicopters.²⁵ Other big-ticket items include 26 armored vehicles and 30 ion scanners to detect drugs and explosives, five X-ray vans, and forensic equipment. Assistance targets include equipping and training police, supporting judicial reform efforts, developing prosecutorial capacity, and cooperating with a host of Mexican agencies. The Mérida Initiative also addresses needs outside of law enforcement and the judiciary to include helping drug treatment centers, promoting gang prevention strategies, and supporting drug awareness education.

U.S. assistance was instrumental in setting up Plataforma Mexico, a nationwide network for intelligence analysis that substantially increases the capacity of Mexican law enforcement to collect, analyze, and disseminate drug intelligence.

The Obama Administration reports that it is sharing more sensitive drug intelligence with Mexican officials on a regular basis. This is critical if the U.S. and Mexican governments are to stay ahead of the cartels. U.S. assistance was instrumental in helping to set up *Platforma Mexico*, a nationwide network for intelligence analysis that substantially increases the capacity of Mexican law enforcement to collect, analyze, and disseminate drug intelligence. The U.S. is also working to expand Mexico's Sensitive Investigative Unit, which allows the U.S. Drug Enforcement Administration (DEA) to recruit, select, and train foreign police officers to work cooperatively with the DEA in major case develop-

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22. Despite frequent criticism, the U.S., under the Bush Administration, was engaged in cooperative efforts with the Mexican government to construct a security framework for North America in the aftermath of 9/11. A key element of this was the Security and Prosperity Partnership of North America. See SPP.gov at <http://www.spp.gov/> (April 14, 2010).
23. Claire Ribando Seelke, “Mérida Initiative for Mexico and Central America: Funding and Policy Issues,” Congressional Research Service Report for Congress No. R40135, January 21, 2010, at <http://www.wilsoncenter.org/topics/pubs/M%C3%A9rida%20Initiative%20for%20Mexico%20and%20Central%20America%20Funding%20and%20Policy%20Issues.pdf> (April 14, 2010).
24. Thomas A. Shannon, Jr., Assistant Secretary of State, Bureau of Western Hemisphere Affairs, U.S. Department of State, testimony before the Subcommittee on the Western Hemisphere, Committee on Foreign Affairs, U.S. House of Representatives, May 28, 2008, at <http://foreignaffairs.house.gov/110/sha050808.htm> (April 14, 2010).
25. The promised aircraft include eight UH-60 Black Hawk helicopters, four Casa 235 Persuaders, and eight Bell 412 helicopters.

ment and the exchange of intelligence.²⁶ In many respects, this intelligence-sharing ability may be among the most important and most effective of the tools needed to bring the Mexican cartels to heel.

Another key to future joint success is the Border Enforcement Security Task Forces (BESTs), described as “operational task forces that utilize intelligence from all member agencies to drive investigations and then mobilize member agencies as force multipliers for enforcement on the border.”²⁷ The Department of Homeland Security (DHS) reports that 17 BEST teams have been created for duty on the United States’ southern and northern borders since March 2009. A BEST involves regular inclusion of Mexican law enforcement in the teams. Current plans call for establishing a BEST team with 35 vetted Mexican personnel in Mexico City to work directly with U.S. embassy personnel. Another advantage of the BEST approach is its ability to bring together state and local law enforcement on the U.S. side as well and to focus teams on overlapping challenges presented by the smuggling of drugs, firearms, people, and money.

Current arrangements with the Mexican government allow U.S. agents to require polygraphs and other vetting procedures for Mexican officials who are then granted access to classified intelligence, including access to undercover and confidential agents.²⁸ This is considered a linchpin for advanced cooperation. Military-to-military cooperation has also increased. Mexican military officers are cur-

rently working with the U.S. Northern Command and with the Joint Task Force in Key West (JTF-Bravo). The Mexican military also participates in U.S.-sponsored counternarcotics training, intelligence-sharing, and pilot-training programs.

Overall, the levels of cooperation and trust appear to be improving, but preserving these gains will be critical for the long-term sustainability of joint cooperation.²⁹ A major issue with the Mérida Initiative has been the painfully slow delivery of promised assistance. A December 2009 report by the Government Accountability Office (GAO) found that at the end of FY 2009 (September 30, 2009), a disappointing 3 percent of appropriated assistance had been delivered to the Mexican government.³⁰

The Obama Administration argues that long lead times are required in order to allow the letting of contracts for aircraft and other expensive, high-tech acquisitions, inevitably slowing the delivery process. The Administration managed to deliver five Bell helicopters to Mexico on December 15, 2009.³¹ The disbursement of Mérida funds has also been the subject of disputes between Congress and the Administration over human rights.

Containment. Since the beginning of the 20th century, the U.S. has sought to contain or block smuggling as diverse as illegal migration, human trafficking, and the illicit movement of goods (such as liquor during Prohibition) in order to keep the problems associated with such activity on the Mexican side of the border. From the establishment of

26. Executive Office of the President, Office of National Drug Control Policy, “National Drug Control Budget: FY 2011 Funding Highlights,” February 2010, at http://www.ondcp.gov/pdf/FY2011_Drug_Control_Budget_Highlights.pdf (April 14, 2010).

27. John Morton, Assistant Secretary, U.S. Immigration and Customs Enforcement, U.S. Department of Homeland Security, statement before United States Sentencing Commission in “Regional Hearing on the State of Federal Sentencing,” January 20, 2010, at http://www.ice.gov/doclib/pi/news/testimonies/morton_01-20-10.doc (April 20, 2010).

28. William Booth, “U.S., Mexico Align Against Common Foe: Brutal Narcotics Trade,” *The Washington Post*, November 22, 2009, at http://www.washingtonpost.com/wp-dyn/content/article/2009/11/21/AR2009112102008_2.html?sid=ST2009112102065 (April 14, 2010).

29. For a discussion of the paradigm change concept, see Roger F. Noriega, “Helping Win the War on Our Doorstep,” American Enterprise Institute *Latin American Outlook* No. 6, August 2007, at <http://www.aei.org/outlook/26601> (April 14, 2010).

30. U.S. Government Accountability Office, *Status of Funds for the Mérida Initiative*, GAO-10-253R, December 3, 2009, at <http://www.gao.gov/new.items/d10253r.pdf> (April 14, 2010).

31. John Brennan, Assistant to the President for Homeland Security and Counter-Terrorism, speech at Helicopter Transfer Ceremony, Embassy of the United States, Mexico, December 15, 2009, at <http://mexico.usembassy.gov/eng/texts/et091215Brennan.html> (April 15, 2010).

the U.S. Border Patrol in 1924 to the enactment of the Secure Fence Act of 2006 and experimentation with virtual barriers such as SBInet, the U.S. has relied on a combination of uniformed guardians, physical barriers, and an array of detectors and sensors to protect the border and the country from threats arising outside of the borders of the U.S.

The Obama Administration believes it can contain the drug crisis in Mexico to a significant degree. It continues to modify border security policy through modest revisions of the Bush-era Southwest Border Security Initiative, repackaged and reissued by Secretary of Homeland Security Janet Napolitano in March 2009.³²

In April, the Administration named Alan Bersin, former U.S. Attorney in San Diego and a former San Diego County school superintendent, as Assistant Secretary for International Affairs and Special Representative for Border Affairs, loosely termed the new “border tsar.” DHS also directed more than \$400 million in government stimulus funds from the American Recovery and Reinvestment Act to support law enforcement activities on the southwest border.

In June 2009, the Office of National Drug Control Policy (ONDCP), in conjunction with DHS and the Department of Justice, issued its National Southwest Border Counternarcotics Strategy.³³ The strategy aims at “substantially reducing the flow of illicit drugs, drug proceeds, and associated instruments of violence across the Southwest Border.”³⁴ The strategy committed the Obama Administration to enhancing intelligence capabilities; improving controls at ports of entry and in the ground, air, and

maritime domains of the border; disrupting the smuggling of guns and bulk currency; disrupting and dismantling drug trafficking organizations; enhancing counterdrug technologies for drug detection and interdiction; and enhancing U.S.–Mexico cooperation in counterdrug operations.

In August 2009, Secretary Napolitano highlighted the achievements of the Administration during its first six months:

In the past six months, we have added hundreds of agents and deployed additional technology to the border. We’ve doubled the number of agents that ICE [U.S. Immigration and Customs Enforcement] has assigned to the border enforcement security teams.... We have tripled the number of DHS intelligence analysts working on the Southwest border. We have doubled the number of DHS agents collaborating on looking for and apprehending violent criminal aliens [and have] ramped up southbound inspections to search for illegal weapons and cash, adding mobile X-ray machines, license plate readers, more Border patrol agents, and K-9 detection teams to that effort. For the first time we have begun inspecting all southbound rail shipments into Mexico.³⁵

The Obama Administration has largely upheld the Bush Administration’s commitment to enhanced border security,³⁶ but certain projects, such as the creation of a segment of virtual fencing known as SBInet, continue to be ensnared in technical reviews of effectiveness.³⁷ The distribution of \$720 million

32. Woodrow Wilson International Center for Scholars, “Southwest Border Security Initiatives,” August 2009, at <http://www.wilsoncenter.org/news/docs/SWB%20Fact%20Sheet1.pdf> (April 15, 2010).

33. Congress mandated the National Southwest Border Counternarcotics Strategy in 2006 when it issued reauthorization for the ONDCP, thus making the strategy another legacy of the Bush Administration.

34. Office of National Drug Control Policy, “National Southwest Border Counternarcotics Strategy,” June 2009, at http://www.whitehousedrugpolicy.gov/publications/swb_counternarcotics_strategy09/swb_counternarcotics_strategy09.pdf (April 15, 2010).

35. U.S. Department of Homeland Security, “Remarks by Secretary Napolitano at the Border Security Conference,” University of Texas at El Paso, August 11, 2009, at http://www.dhs.gov/ynews/speeches/sp_1250028863008.shtm (April 15, 2010).

36. Matt A. Mayer, “U.S. Border Security: Realities and Challenges for the Obama Administration,” Heritage Foundation *Background* No. 2285, June 17, 2009, at <http://www.heritage.org/Research/Reports/2009/06/US-Border-Security-Realities-and-Challenges-for-the-Obama-Administration>.

in economic stimulus money for completing upgrades in border security infrastructure has also become the subject of considerable congressional infighting as funds appear to have been allocated to feed congressional appetites rather than in a systematic response to assessed needs.³⁸

Blame America. A third pillar of U.S. strategy toward Mexico is to place greater emphasis on the correlation between U.S. domestic illegal drug consumption, gun laws, and economic openness and the violent cross-border consequences in Mexico. The Obama Administration's acceptance of "co-responsibility" for Mexico's drug crisis was articulated most forcefully during Secretary of State Clinton's March 2009 trip to Mexico, made primarily to highlight the Administration's response to the Mexico drug challenge. "Our insatiable demand for illegal drugs," the Secretary announced, "fuels the drug trade. Our inability to prevent weapons from being illegally smuggled across the border to arm these criminals causes the deaths of police, of soldiers and civilians." In other words, the U.S. has all the drug users and provides the guns. It's all our fault; we're sorry.

Setting aside the fact that those two propositions are wildly inaccurate, such admissions tend to make good headlines in the mainstream press and among the blame-America crowd. Further, they may temporarily moderate foreign criticism of the U.S. and its policies. However, they *should* also require that responsible political leaders deliver results and make serious changes in U.S. domestic policy.

Shortly after taking office, the Obama Administration signaled a new readiness to tackle issues such as U.S. gun exports, to push for treaty efforts to stem

Few issues aroused greater controversy in the past year than the debate on the scale and impact of the flow of firearms from the U.S. to Mexico, and the importance of these arms in fueling Mexico's escalating violence.

illegal trafficking in firearms, and to reassess domestic policies regarding drug consumption and drug law enforcement. Yet few issues aroused greater controversy in the past year than the debate regarding the scale and impact of the southward flow of firearms from the U.S. to Mexico and the importance of these arms in fueling Mexico's escalating violence.

Throughout 2009, leaders on both sides of the border made unsubstantiated statements blaming lax U.S. gun regulation for both the increase in deaths and the growing lethality of drug violence in Mexico. President Obama, as part of his blame-America crusade, claimed during his Mexico trip in April that "[m]ore than 90 percent of the guns recovered in Mexico come from the United States"—a claim that is simply not verifiable. Senior Mexican officials spoke of an "iron river of guns" drenching Mexico in blood and claimed that as many as 2,000 illegal arms crossed from the U.S. into Mexico every day.³⁹

The media joined the chorus and focused on the proximity of 6,600 licensed gun dealers in border states, as well as on the frequent holding of gun shows and the alleged laxity with which high-powered weapons could be acquired. A senior U.S. official testified before Congress that the U.S. was essentially in the business of operating an unregu-

37. Alice Lipowicz, "Napolitano Orders SBI-net Reassessment," *Federal Computer Week*, January 22, 2010, at <http://fcw.com/Articles/2010/01/22/SBI-net-Napolitano-reassessment.aspx> (April 15, 2010).

38. Eileen Sullivan and Matt Apuzzo, "Hit and Miss on the Border," *The Houston Chronicle*, August 26, 2009, at <http://www.chron.com/disp/story.mpl/metropolitan/6587768.html> (April 15, 2010).

39. According to former Mexican Foreign Minister Jorge G. Castañeda, "A large proportion of the assault weapons used by the cartels do come from the United States, but the figure is far lower than the oft-quoted 90 percent (90 percent of the guns Mexican authorities give to U.S. authorities to trace turn out to be from the United States—but better estimates suggest 20 to 35 percent of guns in Mexico are American) or the also oft-quoted claim that 2,000 assault rifles cross into Mexico every day. If true, this would mean that more than 2 million weapons have entered Mexico just since Calderón has been in office. To put it into context, Mexico has an average of 15 guns per 100 inhabitants. Finland has 55." See Jorge G. Castañeda, "What's Spanish for Quagmire? Five Myths that Caused the Failed War Next Door," *Foreign Policy*, January/February 2010, at http://www.foreignpolicy.com/articles/2010/01/04/whats_spanish_for_quagmire (April 15, 2010).

lated arms bazaar at the easy disposal of the Mexican cartels.⁴⁰

The Obama–Biden presidential election campaign promised to deliver major changes in U.S. gun laws.⁴¹ Once in office, Attorney General Eric Holder and several Members of Congress issued fresh calls for renewing the 2003 expired ban on the sale of assault weapons, requiring background checks for buyers at gun shows, and greater law enforcement access to and sharing of gun ownership data. These trial balloons for more restrictive changes governing gun laws, however, encountered strong congressional and negative public reactions, raising numerous concerns about legitimate restrictions on Second Amendment rights. In mid-April 2009, President Obama stated that changes in gun laws would be placed on hold.⁴²

Before his trip to Mexico in April 2009, President Obama announced that he would urge the Senate to proceed with ratification of the Inter-American Convention Against Illicit Manufacturing of and Trafficking in Firearms (CIFTA). President Bill Clinton signed the Convention in 1997, but neither he nor President George W. Bush sent it to the Senate for ratification.

CIFTA defines a series of criminal offenses related to the illegal manufacturing of and trafficking in firearms, as well as a series of requirements that signatories must apply to the manufacture, police seizure,

and international trade in firearms and a further series of requirements intended to promote cooperation between the signatories.⁴³ Because of these wide-ranging requirements, CIFTA poses threats to American sovereignty and to liberties protected by the Constitution. For example, CIFTA has not prevented Venezuela, one of the convention's signatories, from providing armed support to the Revolutionary Armed Forces of Colombia (FARC).⁴⁴

The Obama Administration has now revived the convention not because it has proven itself to be an effective or necessary instrument, but in order to send political and diplomatic signals to Mexico and other members of the Organization of American States that the U.S. is willing to join the hemispheric consensus on the need for yet another international instrument that will be difficult to implement and enforce.

There is no disputing the evidence that some weapons purchased in the U.S. have been illegally exported to Mexico,⁴⁵ but the exact number of arms purchased and used by Mexican cartels is not known. Thus, it is impossible to claim that 90 percent of the illegal weapons in Mexico necessarily come from the United States. In 2008, according to the GAO, the Mexican government claimed to have seized a total of 30,000 firearms, but only 7,200 were submitted to the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) for tracing. Of those

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40. "Arms purchased or otherwise acquired here [in the U.S.] and smuggled into Mexico equip the cartels with mines, anti-tank weapons, heavy machine guns, military hand grenades, and high-powered sniper rifles and high-tech equipment. Smuggling also equips the cartels with night-vision goggles, electronic intercept capabilities, encrypted communications, and helicopters." Testimony of David T. Johnson, Assistant Secretary, Bureau of International Narcotics and Law Enforcement Affairs, before the Subcommittee on State, Foreign Operations and Related Programs, Committee on Appropriations, U.S. House of Representatives, March 10, 2009.
41. Candidate Obama proposed to "repeal the Tiahrt Amendment, which restricts the ability of local law enforcement to access important gun trace information, and give police officers across the nation the tools they need to solve gun crimes and fight the illegal arms trade." Candidate Obama also pledged to support "closing the gun show loophole and making guns in this country childproof. They also support making the expired federal Assault Weapons Ban permanent." Office of the President-Elect, "Urban Policy Agenda," 2008, at http://www.barackobama.com/issues/urban_policy/index_campaign.php (April 19, 2010).
42. Jake Tapper, "President Obama Suggests Pushing for 'Assault Weapon' Ban Not in the Cards," ABC News, April 16, 2009, at <http://blogs.abcnews.com/politicalpunch/2009/04/president-ob-17.html> (April 15, 2010).
43. Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials, Article IV.2, at <http://www.oas.org/juridico/english/treaties/a-63.html> (April 1, 2010).
44. Ray Walser, "The FARC Files, Colombia, and International Terrorism," Heritage Foundation WebMemo No. 1872, March 28, 2008, at <http://www.heritage.org/Research/LatinAmerica/wm1872.cfm>.

7,200 firearms, 6,700 were confirmed to have originated in the U.S.⁴⁶

Reasons offered for this glaring discrepancy include “bureaucratic obstacles” in Mexico and lack of trained personnel to carry out e-Trace procedures. This view discounts the fact that the cartels’ weapons come from diverse sources that also include stolen and surrendered weapons from Mexican military stocks and weapons trafficked from Central America and other gray and black market sources, as well as weapons from the U.S. There is also a presumption in some U.S. circles that firearms coming from the U.S. would be difficult to replace with weapons originating in third countries or purchased on the illegal international arms market; but for cartels that manage to build mini-sub and run air drops, this presumption is hard to defend.

The Obama Administration needs the stomach and commitment to enforce existing laws.

Some advocates of major changes in U.S. gun laws also seem to forget that U.S. laws governing the sales and transfers of weapons, coupled with criminal liability for “straw buying” (making legal purchases to disguise paid transfers to illegal recipients) and for exports and transfers of weapons used in the commission of felonies, are already comprehensive.⁴⁷ What the Obama Administration needs is the stomach and commitment to enforce *existing* laws.

By early 2010, the Administration’s course of action seemed to be more pragmatic and incremental, aiming to enforce existing U.S. laws for more effective inspections and targeting gun law violations. Operation *Armas Cruzadas* (Crossed Arms), begun in June 2008, attempts to identify and disrupt cross-border weapons-smuggling. Mobile response teams of 25 Customs and Border Protection officers are charged with searching for smuggled arms and cash. Project Gunrunner provided \$76.6 million to the ATF between 2004 and 2008 to investigate gun sellers who violate U.S. laws. As many as 2,553 U.S. agents and investigators are engaged in the enforcement and investigation of violations of U.S. laws regarding firearms.⁴⁸

Yet these layered, intelligence-driven enforcement efforts have yielded modest results. ATF officials reported the seizure of 600 weapons between March and September 2009, a 50 percent increase in gun seizures since 2008.⁴⁹ This figure, however, represents only one firearm seizure for every four agents engaged in the search for the sale and transport of firearms to Mexico. There is need for greater clarity in the presentation of gun-recovery statistics.

The U.S. and Mexico are also turning to e-Trace, a U.S. government initiative that allows online access to data on registered firearms. The program is available in many U.S. consulates in Mexico in a Spanish version. The U.S. also continues to prosecute gun sellers who knowingly break U.S. laws, although securing convictions in key cases has been difficult.⁵⁰

45. “Smuggling Guns from Houston,” *The New York Times*, April 10, 2009, at <http://www.nytimes.com/interactive/2009/04/10/us/20090409-Mexico-Guns.html> (April 15, 2010), and William La Jeunesse and Maxim Lott, “The Myth of 90 Percent: Only a Small Fraction of Guns in Mexico Come from the U.S.,” FoxNews.com, April 2, 2009, at <http://www.foxnews.com/politics/elections/2009/04/02/myth-percent-guns-mexico-fraction-number-claimed/> (April 15, 2010). An important and relatively balanced view is provided by FactCheck.org, “Counting Mexico’s Guns,” April 22, 2009, at <http://www.factcheck.org/2009/04/counting-mexicos-guns/> (April 15, 2010). Pro-gun control reporting includes Tom Diaz, “Iron River: Gun Violence and Illegal Firearms Trafficking on the U.S.–Mexico Border,” Violence Policy Center, April 2009, at <http://www.vpc.org/studies/ironriver.pdf> (April 15, 2010).

46. U.S. Government Accountability Office, *Firearms Trafficking: U.S. Efforts to Combat Arms Trafficking to Mexico Face Planning and Coordination Challenges*, GAO-09-709, June 18, 2009, pp. 14–16, at <http://www.gao.gov/new.items/d09709.pdf> (April 15, 2010).

47. National Rifle Association Institute for Legal Action, “Gun Trafficking to Mexico: Already Against the Law,” April 1, 2009, at <http://www.nra.org/Issues/FactSheets/Read.aspx?id=257&issue=015> (April 15, 2010).

48. GAO, *Firearms Trafficking*, pp. 11–12.

49. Katherine McIntire Peters, “Guns and Drugs,” GovernmentExecutive.com, December 1, 2009, at <http://www.govexec.com/features/1209-01/1209-01s1.htm> (April 15, 2010).

While going after the cash is less controversial, it constitutes another difficult challenge. Money moves in numerous ways: in secret compartments of vehicles, in duffle bags carried by travelers, and even balanced on the heads of people who wade across rivers.⁵¹ The amounts of cash smuggled across the border are estimated at around \$10 billion annually. Money moves via wire transfers, ATM withdrawals, and shell companies that buy goods and ship them abroad.

The largest current anti-money laundering endeavor is Operation Firewall, carried out by Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE), which focuses on cash smuggling via commercial and passenger vehicles, air travel, and pedestrian transit. The CBP uses sniffer dogs and X-ray scanners to spot concealed cash. U.S. officials reported the seizure of \$57.9 million in drug money by the end of fiscal year (FY) 2009. The loss of this amount, however, has hardly dented the operations of traffickers, and there is considerable skepticism about whether there is an effective barrier against resourceful money laundering by Mexican trafficking organizations.

Finally, stating that U.S. demand for cocaine, marijuana, and other illegal drugs is at the root of problems in Mexico and the rest of the region, including Colombia, Central America, and the Caribbean, plays well abroad. Most recently in Guatemala, in March 2010, Secretary of State Clinton proclaimed that:

[T]he United States under the Obama Administration recognizes and accepts its share of responsibility for the problems posed by drug trafficking in this region. The demand in the large market in the United States drives the drug trade. We know that we are part of the problem and that is an

admission that we have been willing to make this past year.⁵²

The claim that demand is the root cause of the drug crisis implies that the federal government is responsible for and prepared to assume new responsibilities for reducing the demand for drugs within the U.S. Although the President can try to set the tone in the country and ask his fellow citizens to reject illegal drugs, reducing the demand for illegal drugs is not and never has been primarily the responsibility of the federal government. Traditionally, it has been the responsibility of states, local governments, private and charitable organizations, religious organizations, and other entities. By stating that the United States “accepts its share of responsibility,” the Administration may be raising expectations that the federal government has the primary responsibility for addressing the demand for illegal drugs by end users when in fact it has no such charter.

The Obama Administration’s record on the domestic front also does not appear to match the blame-America rhetoric employed abroad. President Obama selected Seattle, Washington, Chief of Police Gil Kerlikowske to head the Office of National Drug Control Policy. In naming Kerlikowske, the White House decided that the ONDCP “drug czar” would no longer be considered a Cabinet-level position.⁵³ In a May interview with *The Wall Street Journal*, Kerlikowske raised eyebrows when he announced that the drug fight was actually a misnamed “war on a product.” Kerlikowske insisted that “we should stop using the metaphor about war on drugs. People look at it as a war on them, and frankly we are not at war with the people of this country.”⁵⁴

The challenge for the Obama Administration is to combat drug cartels and redouble the government’s efforts to contain the cross-border movement

50. James C. McKinley, Jr., “Prosecutor Seek Appeal in Dismissal of Gun Case,” *The New York Times*, March 19, 2009, at http://www.nytimes.com/2009/03/20/us/20guns.html?_r=1 (April 15, 2010).

51. James C. McKinley, Jr., and Marc Lacey, “Along U.S.–Mexico Border, a Torrent of Illicit Cash,” *The New York Times*, December 25, 2009, at <http://www.nytimes.com/2009/12/26/world/americas/26laredo.html> (April 15, 2010).

52. Matthew Lee, “Clinton Admits U.S. Demand Fuels Drug War,” Associated Press, March 6, 2010, at <http://news.theage.com.au/breaking-news-world/clinton-admits-us-demand-fuels-drug-war-20100306-pp8c.html> (April 19, 2010).

53. John P. Walters, “Up in Smoke,” *The Daily Standard*, March 17, 2009, at http://www.hudson.org/index.cfm?fuseaction=publication_details&id=6095 (April 15, 2010).

of drugs and guns. It must also resist the siren calls for decriminalization of marijuana and other dangerous drugs. President Vicente Fox's foreign minister Jorge Castañeda, a persistent commentator and skeptic regarding Mexico's current anti-drug strategy, succinctly captures the Administration's dilemma:

If anything, the United States seems to be moving...toward decriminalization of marijuana, greater tolerance for safer forms of heroin, an effort to wean people off of methamphetamines, and in general the adoption of a far more relaxed attitude toward drugs....

It is absurd for hundreds of Mexican soldiers, police officers, and petty drug dealers to be dying over the drug war in Tijuana when, 100 or so miles to the north in Los Angeles, there are...more legal and public dispensaries of marijuana than public schools.⁵⁵

The Administration needs to resolve the dilemma by enforcing laws that prohibit sales to "recreational" users or that allow the establishment of dispensaries of dubious legality. It must also respond to individual state efforts such as the upcoming California referendum in November on marijuana legalization in the state.⁵⁶ For the moment, the Administration has reiterated that it has no intention of advocating national legalization of marijuana consumption, a measure that ONDCP Director Kerlikowske called a "nonstarter in the Obama Administration."⁵⁷

Finally, it should be noted that after a year in office, President Obama has remained reticent

about warning the American public of the dangers of drug abuse and has not clearly indicated that the medical, psychological, and economic harm done by drug abuse remains at the center of the debate about the quality and security of American lives.

The Resource Vice

The Obama Administration's readiness to launch a major departure in its drug policy, either internationally or domestically, is severely circumscribed by current resource limitations. While the entire FY 2011 federal budget races toward record-setting spending levels and deficits, funding for drug-related efforts reflects either modest increases or, in certain cases, reductions in requests for funding. The Administration's budget proposal for the State Department, for example, specifies a reduction in overall support for international narcotics and law enforcement from \$2.448 billion in FY 2010 to \$2.136 billion in FY 2011. The FY 2011 budget proposal for the State Department calls for additional funding for Mérida Initiative programs of approximately \$292 million, a 25 percent decrease from previous funding levels.⁵⁸

The National Drug Control budget request for FY 2011 calls for \$15.5 billion to reduce drug use and its consequences for the U.S.⁵⁹ This represents an increase of \$521.1 million over FY 2010. The largest increase will be dedicated to prevention with an increase of more than \$200 million, a 13.4 percent increase over FY 2010. A 3.7 percent increase will be allocated to treatment programs, while international programs are to be increased by a modest \$20.1 million (0.9 percent).

54. Gary Fields, "White House Czar Calls for End to 'War on Drugs,'" *The Wall Street Journal*, May 14, 2009, at <http://online.wsj.com/article/SB124225891527617397.html> (April 15, 2010), and Andy Sullivan, "U.S. Drug Czar Calls for End to War on Drugs," Reuters, June 8, 2009.

55. Castañeda, "What's Spanish for Quagmire?"

56. Peter Hecht, "California Sets Marijuana Legalization Vote for November," *The Miami Herald*, March 25, 2010, at <http://www.miamiherald.com/2010/03/25/1546385/california-sets-marijuana-legalization.html> (April 15, 2010).

57. "Marijuana Legalization? A White House Rebuttal, Finally," *The Christian Science Monitor*, March 12, 2010, at <http://www.csmonitor.com/Commentary/the-monitors-view/2010/0312/Marijuana-legalization-A-White-House-rebuttal-finally> (April 15, 2010).

58. U.S. Department of State, *Executive Budget Summary: Function 150 and Other International Programs, Fiscal Year 2011*, at <http://www.state.gov/documents/organization/135888.pdf> (April 15, 2010).

59. Office of National Drug Control Policy, "National Drug Control Budget: FY 2011 Funding Highlights," February 2010, at http://www.ondcp.gov/pdf/FY2011_Drug_Control_Budget_Highlights.pdf (April 15, 2010).

According to ONDCP's budget account, approximately \$6 billion will be spent in FY 2011 for interdiction and international law enforcement programs. The interdiction side of the ONDCP budget includes a recapitalization program for ships and aircraft for the Coast Guard. Within the international assistance component of the ONDCP-monitored budget, resources in international programs are being shifted to Department of Defense counter-narcotics support in Central Asia. The ONDCP budget also carves out of the limited budget funding for the start-up of a new Caribbean Basin Security Initiative.

Overall, resource limitations will substantially constrain the capacity of the Administration to respond to the mounting challenges posed by Mexico's drug crises. In addition, they will leave the United States well short of the resources needed to wage an aggressive strategy that targets foreign producers, suppliers, and traffickers while making serious inroads against consumption and drug use here in the U.S.

What Next?

As 2009 began, many in Washington worried that Mexico hovered on the brink of a narco-collapse or state failure. Without a doubt, Mexico has weathered an extremely tough year and will look back in horror at the more than 9,000 dead and associated costs imposed by President Calderon's war against narco-traffickers. This raging brush fire in Mexico has not jumped the border, but the sparks of the crisis have resulted in violence, broken lives, and unnecessary deaths in American communities.

The capacity of the Mexican drug cartels to breach border security with relative ease via tunnels and vehicular and foot traffic remains quite sobering and contributes to a well-founded fear that terrorists or other hostile elements might either collaborate with Mexican cartels or exploit drug-smuggling routes to launch an attack with a weapon of mass destruction against the U.S. or conduct a campaign of terrorism. With the Mexican traffickers

able to introduce tons of cocaine and marijuana into the U.S., the Obama Administration is in no position to rest on its laurels.

If the Obama Administration wishes to pursue a bolder policy that does more than perpetuate the *status quo* and demonstrates a deeper commitment to leadership and a genuine, enduring commitment to work with regional partners, it should undertake the following:

- **Develop an integrated hemispheric drug strategy.** The U.S. cannot run separate drug strategies for the Andes, the Caribbean, and Mexico and Central America as a three-ring circus. Congress should move swiftly to set up a Western Hemisphere drug commission to review the totality of U.S. drug strategies.⁶⁰ While most commissions consume tax dollars and seldom produce more than large unread documents, a high-level commission offers an opportunity to recommend greater discipline and coherence in the United States' scattered drug policies.
- **Fulfill Mérida Initiative commitments and develop a robust follow-up strategy.** The Administration and Congress must redouble their efforts to speed delivery of promised assistance to Mexico. The Administration must also begin consultations with the Mexican government and key military and law enforcement agencies to develop programs that focus on enhanced, secure, multi-layered cooperation with the goal of providing adequate resources. Particular attention must be paid to building and strengthening federal law enforcement capabilities and judicial reform in Mexico, enhancing citizen security and community participation, and continued secure cross-border cooperation.
- **Build a cross-border anti-drug coalition.** The U.S. also needs to pursue a more aggressive public diplomacy that encourages citizen-to-citizen contacts and mobilizes Mexico's growing middle class and civil society to press for effective reform and anti-corruption measures.⁶¹

60. Representative Eliot Engel (D-NY), chairman of the Subcommittee on the Western Hemisphere of the House Foreign Affairs Committee, has introduced H.R. 2134, the Western Hemisphere Drug Policy Commission Act of 2009, which has been passed by the House and awaits Senate action. See H.R. 2134: Western Hemisphere Drug Policy Commission Act of 2009, Govtrack.us, at <http://www.govtrack.us/congress/bill.xpd?bill=h111-2134> (April 15, 2010).

- **Strengthen military-to-military ties.** Congress should end its misapplied efforts to hold broad-based assistance and the provision of promised equipment hostage to alleged human rights abuses by Mexico's military. The Administration should, in fact, strengthen efforts aimed at cooperating with the Mexican armed forces. The U.S. should focus on targets such as human-rights training and military justice reform as well as training in intelligence collection and analysis and special operations needed to wage the fight the most violent elements in Mexico.
- **Invite Mexico to join NORAD.** The North American Aerospace Defense Command (NORAD) is a joint U.S.–Canadian command for monitoring air and sea approaches to the U.S. Extending participation to Mexico would augment “domain awareness” in North America and buttress continuing U.S.–Mexican cooperation.⁶²
- **Maintain a sustained commitment to border security.** The Administration must continue to reaffirm its readiness to look for effective, cost-efficient strategies that draw on innovative technologies such as SBInet, unmanned aerial surveillance, and innovative, intelligence-driven partnerships forged by BEST teams.
- **Engage in responsible public diplomacy.** President Obama should employ his considerable communication skills in a revamped and realistic effort that addresses both the challenges and the limits that the U.S. government faces when approaching the drug issue both at home and abroad, perhaps in conjunction with Latin American presidents such as Calderón of Mexico and Alvaro Uribe of Colombia. The Obama Administration must make a greater effort to educate the American public about the domestic and foreign harm caused by drug consumption.

Conclusion

From the domestic and foreign policy perspectives, there are no easy solutions to the nation's continued drug consumption habits, nor are there easy ways to respond to the mayhem created by powerful, nihilistic transnational criminal organizations with their nefarious, life-destroying businesses that capitalize on the weaknesses of individuals, law enforcement agencies, courts, and entire nations. U.S. drug policy must also answer to a chorus of domestic tinkerers, libertarians, and hedonists who believe in the necessity of a massive paradigm change away from the “failed drug war.”

In the year ahead, the U.S. needs manpower, technology, intelligence—and public support—to break the will and organization of Mexico's criminal gangs. The U.S. must degrade them by preserving a broad international front while working diligently to lower the pool of consumers in the U.S. It must strengthen secure partnerships with honest officials abroad and link these partnerships for greater security in the Americas. It needs effective statistics and solid evidence that target the illicit sales and export of firearms and transfers of bulk cash. Despite the austere budget climate, the Administration and Congress must make adequate resources available for tough, intelligent cooperation and enforcement at home and abroad against violent trafficking organizations, coupled with more education, research, treatment programs, and intelligent punitive options, such as drug courts.

If the U.S. fails to take these measures, the cost will be far higher.

—Ray Walser, Ph.D., is Senior Policy Analyst for Latin America in the Douglas and Sarah Allison Center for Foreign Policy Studies, a division of the Kathryn and Shelby Cullom Davis Institute for International Studies, at The Heritage Foundation.

61. O'Neil, “The Real War in Mexico.” O'Neil highlights the growing importance of Mexico's emerging middle class as a critical weapon in the fight for democratic reform, good governance, and anti-corruption measures.

62. Craig A. Deare, “U.S.–Mexico Defense Relations: An Incompatible Interface,” National Defense University, Institute for National Strategic Studies, July 2009, at <http://www.dtic.mil/cgi-bin/GetTRDoc?AD=ADA504170&Location=U2&doc=GetTRDoc.pdf> (April 15, 2010), and James Carafano, “Let Mexico Join NORAD,” *The Examiner* (Washington, D.C.), December 7, 2009, at <http://www.washingtonexaminer.com/opinion/columns/Let-Mexico-join-NORAD-8634584-78643172.html> (April 15, 2010).