July 15, 2018

To Stephen Manning:

This letter is in response to your request for information regarding the current socio-political context in Mexico, especially the role that criminal organizations such as drug cartels play there, and an analysis of the risks that an individual would face if forced to return to Mexico in light of the danger posed by these criminal organizations. Furthermore, the letter addresses the question of whether resisting or refusing to join a cartel is viewed by the cartel as a political opinion or an act of political dissent.

Expertise
I am qualified to provide my opinion given my background and experience on the political and social history of Central America. I am a Professor of History at Lewis & Clark College where I teach Latin American and immigration history. I have conducted extensive field research and scholarly studies about cross-border smuggling, paramilitary groups on the border, and clandestine trafficking of migrants. In addition to my scholarship, I have served for eight years on the Committee for Council of the Earlham College Border Studies program, which was based in El Paso/Júarez, and currently is based in Tucson, Arizona. My articles have appeared in leading scholarly journals like the Western Historical Quarterly, Mexican Studies, Cuban Studies and the Southwestern Historical Quarterly. I have published three books, Alien Nation: Chinese Migrations in the Americas from the Coolie Era to WWII (UNC Press, 2014), Catarino Garza’s Revolution on the Texas Mexico Border (Duke University Press 2004), and a co-edited volume on borderlands history entitled Continental Crossroads: Remapping the US-Mexico Borderlands History (Duke University Press 2004). I earned a BA in History and Latin American Studies from Princeton University ’89, and an MA and Ph.D. in Latin American History from the University of Texas at Austin ’97. I was awarded the Fulbright and Fulbright Hays fellowships in Mexico for my dissertation research in 1995-96, and a Woodrow Wilson and a Mellon fellowship for my research on clandestine cross-border Chinese migration in the Americas, 1840-1940. In 2012, I delivered the World Affairs Council Great Decisions Series lecture on the topic of “Narcotrafficking and Ungovernability in Mexico” and have presented at numerous academic conferences on the subject. In 2016, I delivered a lecture at the national university in Mexico City (UNAM) on clandestine migratory networks between the US and Mexico. Finally, I founded the Tepoztlán Institute for Transnational History of the Americas in 2004. This Institute meets every July in Tepoztlán, Mexico, bringing together North and Latin American scholars to discuss issues such as migration, violence and transnational criminal networks.
Drug Cartels and Current Political Context in Mexico

The major drug cartels, also known as transnational criminal organizations (TCOs), currently operating in Mexico include the Tijuana Cartel, the Beltrán Leyva Cartel, the Sinaloa Cartel, the Júarez Cartel, La Familia Michoacána (now known as the Knights Templar Cartel), the Gulf Cartel (Del Golfo), Los Zetas and La Nueva Generación de Jalisco cartel or Cartel de Jalisco Nueva Generación (CJNG). In addition, there are other newer cartels that are sprouting up and vying for power.

While each has its own history, structure, and particular relationship to the state, in my opinion, they all operate with relative impunity. The financial resources amassed through their illegal activities have been strategically invested in purchasing military-grade weaponry and infiltrating both political and policing institutions. Drug cartels pose a formidable political and military threat to the federal government in Mexico, and have largely prevented the federal government from enforcing rule of law norms throughout the country.

The Mexican government estimates that during the presidency of Felipe Calderón (2006-2012) more than 60,000 people have been killed in drug-related violence. The total number of homicides from 2007-2013 has been estimated at 135,000, with another 25,000 disappearances. The violence due to gangs, drug cartels, and the police show no signs of abating. In fact, 2017 saw over 23,000 murders in Mexico, the highest number of killings since Mexico began collecting data in 1997, and above the levels seen at the height of the Drug War in 2011. The most recent U.S. State Department travel advisory reflects this reality, warning that “violent crime, such as homicide, kidnapping, carjacking, and robbery, is widespread,” and forbidding U.S. government employees from traveling to many Mexican states, including Colima, Guerrero, Michoacán, Sinaloa, and Tamaulipas.

The rising number of targeted assassinations of police, politicians, government officials and journalists suggests that Mexico is a country on the brink of ungovernability. It is not an exaggeration to say that Mexico is experiencing a war that reaches every level of society. The high degree of control that Mexican drug cartels and related gangs are able to maintain is due in part to their organizational structures and the extensive network of allies they have built within the legitimate government of Mexico. The Mexican government cannot control the actions of these transnational criminal organizations (TCO). In fact, the government is actually implicated in many of the transgressions as a result of corruption.

Furthermore, all too frequently, the TCOs have direct ties to the police, politicians, and government officials. These relationships allow the TCOs to operate with impunity.

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while providing protection to government officials who are afraid of the repercussions that might ensue if they refused to cooperate with the demands of the criminal organizations.

The Expanding Scope and Implications of Official Corruption

The complex political climate in Mexico has provided the ideal opportunity for TCOs to collaborate with government officials in order to expand their business opportunities. This has created a widespread system of corruption where TCOs work directly with government officials. Such cooperation often takes the form of government-provided protection for drug traffickers in exchange for lucrative bribes. For example, local police officers make very little money, yet they are placed in grave danger when trying to fight the pervasive violence in Mexico. The police are given a choice: *plata o plomo* (silver or lead). Therefore, local police will often accept monetary benefits and promises of protection from future harm. In return, they affirmatively turn a blind eye to the criminal activities of the TCOs and act on their behalf.

Given the authority both the drug cartels and local gangs have in Mexico, the government is incapable of protecting individuals from extreme violence and retaliation. More significantly, there is ample evidence from throughout Mexico that government actors from the local, state, and federal police work in collusion with criminal organizations. The 2015 escape of “El Chapo” Guzman, the leader of the Sinaloa cartel, from a Mexican prison with the assistance of prison guards and other government officials shows the extent of the Mexican government’s collaboration with TCOs like the Sinaloa cartel. On October 18, 2016, the judge who was presiding over Guzman’s extradition case was shot in the head while jogging outside his home in Mexico City. In 2016, the attorney general in the state of Jalisco estimated that 1 in 5 police were employed by the Sinaloa cartel, and that 70 percent would not act against them. One Mexican government study found that more than 68 percent of the police in Baja California and 34 percent in Guanajuato did not meet the minimum educational requirements for the position and failed their licensing tests. Such officers were therefore particularly susceptible to corruption and extortion by cartels and gangs.

Although the Mexican military is considered less corrupt than the police, the Mexican Army was implicated in the killings of 43 students in Guerrero as well as other instances of mass executions. According to one *AP* report, the Mexican Army was responsible for the mass execution of 22 people on June 30, 2014. A witness who survived the killings was kicked in the ribs and threatened with rape when she refused to sign a statement that exonerated the military. As the Associated Press reported, “They put a bag over her head, plunged her face into a toilet bowl and beat her so hard that, six months later, she still has trouble with her

hearing and eyesight.” Witnesses of violent crimes are hesitant to report what they have seen for fear of retribution from both government officials and drug traffickers.  

Drug Cartel Resisters Viewed as Political Dissenters

Drug cartels in large parts of Mexico operate as quasi-governments, taking taxes from residents in exchange for providing the community with protection, a system of justice, jobs and social services. James Kostelnik and David Skarbek have shown in their journal article that Mexican drug cartels, like La Familia Michoacana, have internal forms of organization that are similar to governments. The quasi-governmental structures of the cartels help them continue to grow in power in spite of a rise in violence. As the authors put it, the “inability of the state to provide governance provides an avenue for criminal organizations to provide such institutions in exchange for cooperation.”

Since the drug cartels operate as political entities in the absence of a strong legitimate government, they see resisters as the state would view challengers to its authority: as political opponents who need to be disciplined or neutralized. When a person in Mexico refuses to join a drug cartel or work for them, or resists by fleeing to the United States, these actions are viewed as an act of political dissent by the cartel. Given the lack of jails and prisons run by drug cartels, although there have been some instances of people being held captive in ranches, the cartels respond to opposition through violence, beatings, torture and killings. So while the Mexican state might incarcerate people who challenge its authority, drug cartels will resort to killing as a way to exercise their authority and maintain internal discipline.

Mexicans Returning from the United States

People who have been deported from the U.S. are particularly susceptible to drug traffickers who target them as low-level recruits in the drug trade or see their families abroad as a potential source of high ransom payments. The same is true of self-defense groups known as comunitarios. Comunitarios arose, in large part, as a response to the state’s inability to control rising cartel violence, but have since become a source of violence and danger themselves. The groups are often “funded or otherwise backed by local criminal groups, or have become organized criminal actors themselves.” It is incredibly important to the viability of these groups that they maintain complete control of the flow of people in their communities. If an individual is known to have escaped the community without the permission of the self-defense groups and returns, he or she will be targeted as an example as a means of deterrence to others who wish to circumvent the power of these groups.

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9 Id.
Furthermore, Mexicans with links to family members in the U.S. are seen as particularly promising candidates for extortion and kidnappings. Amnesty International reported that on March 18, 2014, three recently deported women were kidnapped while standing in line at a Western Union in Matamoros, a border town. The Mexican government’s National Migration Institute has compiled data that shows that most deportees to Mexico are being sent to the most dangerous areas of the country and are thus susceptible to homicide and other violent crimes. In addition, the U.S. State Department’s travel warning indicates that U.S. citizens and people who have come from the U.S. are especially vulnerable to extortion because they are viewed as having access to money and resources.

**Risk for Future Harm**

Increased deportations to Mexico have actually increased the power of the cartels due to an ever-ready source of vulnerable victims and forced recruits. Taking just one state as an example, Mexico’s National Migration Institute has reported that U.S. deportations to Tamaulipas have increased five-fold between 2006 and 2012, supplying the Gulf Cartel, Los Zetas and the Sinaloa cartel with an increasing number of kidnapping victims whose family members have access to dollars. In August of 2010, 72 migrants were massacred by Los Zetas in San Fernando in Tamaulipas, and the following year 47 mass graves were discovered there, with the remains of nearly 200 migrants who had been kidnapped. In 2011, the Mexican army in Tamaulipas rescued 120 migrants kidnapped while trying to reach the U.S. Jeremy Slack, principal investigator on the Migrant Border Crossing Study, has noted that recently deported migrants are regularly recruited by cartels to watch the Rio Grande to make sure that no one crosses without paying a fee to the cartels. Many of these migrants have disappeared after starting work with the cartels. Tamaulipas serves as an example, but not an exception, as cartels operate with impunity throughout the country.

The presence of criminal organizations in Mexico is pervasive and those who fear retribution from criminal organizations cannot rely on the Mexican government for protection. Infiltration of police and military forces in Mexico, and even sectors of the judiciary, by drug cartels means that government officials are often willfully blind or working with the cartels to identify individuals targeted by the cartels. Furthermore, relocating to another part of Mexico in order to avoid the harm an individual fears is ineffective. These groups have extensive networks that spread throughout the country and are capable of conducting targeted and mass killings even in areas controlled by their rivals. The map below shows the general areas of cartel influence.

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15 Kilpatrick, “Into the arms of the cartels.”
Areas of Cartel influence in Mexico, 2017, compiled by BBC.

**Conclusion**
The levels of violence and inability of the government to control large swaths of its territory means that the Mexican government cannot guarantee the safety of its citizens. Furthermore, the complicity of Mexican police at local, state and federal levels and the Mexican Army with drug trafficking suggests that legal authorities cannot be relied upon to provide protection from narco-trafficking violence and in many cases may be the perpetrators of such violence. It is my considered opinion that someone who has refused to participate with or resisted a drug cartel or gang in Mexico, or has been threatened and targeted by in the past, would be perceived as political dissidents by the cartels, and would be particularly vulnerable to violent punishment and retribution if forcibly returned. In addition, affiliation with the United States puts such a person at a great risk for kidnapping and extortion if deported.

Sincerely,

Elliott Young
Professor of History