

# CRS Report for Congress

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## **Mexico's Anti-Drug Efforts: Effects of Past U.S. Pressures and Sanctions**

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### **Summary**

This report provides an analysis of past U.S. pressures and sanctions on Mexico related to drug trafficking and the effect that this action had on Mexico's cooperation in counter-narcotics efforts. After examining the interplay of U.S. congressional action and Mexico's narcotics control efforts from roughly 1975 to 1994, the report concludes that the effects are mixed and not entirely clear. When conditions were imposed in the mid-1980s, the late 1980s, and the early 1990s, Mexico reduced anti-drug cooperation. At other times, Mexico appeared to be more cooperative as drug certification decisions were approaching.

### **Introduction**

Since the 1960s, Mexico has been a major producer of heroin and marijuana for the U.S. market, and since the mid-1980s it has been an increasingly important transit point in the flow of cocaine from South America. In 1991, it was estimated to be the source of about 23% of the heroin and about 63% of the marijuana entering the U.S. market, and about half of the cocaine shipped to the United States passed through Mexico.<sup>1</sup>

### **Late 1970s and Early 1980s— Successes in Eradication Without U.S. Pressures**

Mexico's battle against drugs began in the 1960s and was strengthened in the 1970s by the arrival of more U.S. Drug Enforcement Administration (DEA) advisers. Most of the early effort focused on aerial and manual eradication of marijuana and opium poppy

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<sup>1</sup> For more detail on past efforts see, *Mexico's Counter-Narcotics Efforts, 1985-1995*, CRS Report 96-239, March 14, 1996, by K. Larry Storrs; and the State Department's yearly *International Narcotics Control Strategy Reports*, which are important sources for this report.

fields. These eradication efforts were very successful in the late 1970s and the early 1980s and Mexico was viewed as a model of success.<sup>2</sup> About 25% of all Mexican army troops were reported to be engaged regularly in manual eradication efforts. These successes occurred in a cooperative environment, with U.S. assistance but few U.S. pressures.

### **Mid-1980s—Camarena and Cortez Cases Lead to Conditions and Declining Mexican Cooperation**

Cooperation between Mexico and the United States in drug enforcement efforts reached a low after the kidnapping, torture, and murder of DEA Special Agent Enrique Camarena and his Mexican pilot in Guadalajara, Mexico, in March 1985, and the torture of DEA Agent Victor Cortez in Guadalajara in August 1986. The United States demanded that those responsible for the crimes be prosecuted, and it exerted considerable pressure on Mexico. The Mexican government arrested and imprisoned Rafael Caro Quintero and Ernesto Fonseca Carrillo in 1985 on charges of drug trafficking and responsibility for the killing of DEA agent Camarena, but there were reports that the two were receiving especially lenient treatment in prison. In January 1988, a U.S. grand jury in Los Angeles indicted 8 Mexicans, including 3 former police officials, in connection with the murder.

In 1986 and 1988, stimulated significantly by the Camarena and Cortez cases, Congress passed the Anti-Drug Abuse Acts of 1986 (P.L. 99-570) and 1988 (P.L. 100-690). These required the U.S. President to certify that drug-producing or drug-transit countries were cooperating fully with the United States in international drug control efforts in order to avoid a series of aid and trade sanctions. In 1987, Congress also required the Secretary of State to file reports every 90 days on progress on the two cases as well as the general safety of U.S. tourists in Mexico.

President Reagan certified, on March 1, 1987, and on March 1, 1988, that Mexico had cooperated fully with the United States, but he mentioned Mexico's capability for far greater achievement in narcotics control efforts. The Presidential certifications were quite controversial in Congress, provoking criticisms of the President and of Mexico. In 1987, the Senate Foreign Relations Committee reported out a resolution to disapprove the certification, and in 1988 the full Senate voted 63-27 to disapprove the President's certification. Full congressional action on these measures was never completed, however.

Mexican cooperation seemed to weaken during this period, U.S. pressures and conditions notwithstanding. A few arrests were made in connection with the two cases, but investigation and prosecution slowed, and the suspects seemed to obtain special treatment. It is not apparent whether the decline in cooperation was related to the incidents involving the two DEA agents, the lack of commitment of the Miguel de la Madrid government (1982-1988), Mexican resistance to pressures and criticisms, or some other causes.

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<sup>2</sup> See Richard Craig, *Operation Condor: Mexico's Antidrug Campaign Enters a New Era*, *Journal of Interamerican Studies and World Affairs*, Vol. 22 (Aug. 1980), pp. 345-363.

## **Late 1980s—Cooperation under Salinas, Congressional Conditions, and Delay On Mutual Legal Assistance Cooperation Treaty**

With the inauguration of President Carlos Salinas de Gortari in late 1988, cooperation seemed to improve. In 1989, Mexican authorities arrested Miguel Angel Felix Gallardo, a major cocaine trafficker and a suspect in the Camarena murder, and Jose Antonio Zorilla Perez, former Federal Security Director, who allegedly protected major drug traffickers. In mid-year, four former Jalisco Judicial Police officers were convicted and sentenced to 5 years imprisonment for abuse of authority in the torture case of DEA agent Victor Cortez. In January 1990, after lengthy legal proceedings, the Fourth District Judge in Jalisco state found 28 people guilty of crimes related to the Camarena case. Caro Quintero and Fonseca Carrillo were sentenced to prison terms of 116 and 144 years, respectively, while 10 others were given 40-year prison terms, none of whom were eligible for parole. The Mexican government complained bitterly when NBC aired a mini-series on the Camarena murder in January 1990 that implicated high-level Mexican officials. On January 31, 1990, a Federal grand jury in Los Angeles indicted several Mexicans in the Camarena case, including Miguel Aldana Ibarra, the former head of Interpol in Mexico; Manuel Ibarra Herrera, the former director of the Federal Judicial Police; and Ruben Zuno Arce, the brother-in-law of former President Luis Echeverria (1970-1976).

On March 1, 1989, President Bush certified that Mexico had cooperated fully in drug control efforts, but the certification contained a statement of explanation on Mexico with some qualifications. The certification and the accompanying International Narcotics Control Strategy Report noted that Mexico's opium and marijuana eradication programs expanded in 1988 and that cocaine seizures rose sharply. Mexico remained the largest single country source for heroin, and a leading transit point for cocaine, although it dropped to the second largest source of marijuana. The explanation noted stepped-up arrests of major traffickers and the conviction in September 1988 of major drug kingpins Rafael Caro Quintero and Ernesto Fonseca Carrillo. The report praised President Salinas' enhanced commitment to anti-narcotics programs, but noted that "corruption remains a serious impediment to program effectiveness, and many major traffickers remain at large."

On April 13, 1989, the Senate Foreign Relations Committee voted against reporting out a resolution of disapproval (S.J.Res. 82), and no action was taken in the House to reverse the President's certification. On July 19, 1989, acting on an early version of the State Department authorization bill for FY1990 (S. 1160), the Senate adopted a sense of the Senate measure that praised President Salinas' anti-drug activities, but mentioned testimony implicating high-ranking Mexican officials in illicit drug trafficking activities. The Senate-passed provision was deleted from subsequent versions of the measure.

In October 1989, the Senate completed action on the Mutual Legal Assistance Cooperation Treaty with Mexico, which provided for cooperation on criminal matters by law enforcement officials of the two countries. The treaty was signed in December 1987, and approved by the Mexican Senate in the same month, but action was delayed in the U.S. Senate. The Senate Foreign Relations Committee held hearings on this and similar treaties with other countries in 1988 and reported out the treaty on Sept. 30, 1988 (Exec.Rept. 100-27), but action was not completed. The Committee held new hearings in 1989 and reported out the treaty on July 31, 1989 (Exec. Rept. 101-9). The Senate

gave its advice and consent to the treaty on Oct. 24, 1989, with two understandings that were adopted on the floor: (1) that nothing in the treaty requires any action by the United States that is prohibited by the U.S. Constitution, and (2) that the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to the information to be provided under the treaty is engaged in or facilitates the production or distribution of illegal drugs. Following the addition of the two U.S. understandings and the implicit criticism of the Mexican government, Mexico returned the Treaty to the Mexican Senate for further consideration. The Mexican Senate stalled on action for more than a year. The Treaty entered into force on May 3, 1991, when the instruments of ratification were exchanged.

In November 1989, the Congress passed the International Narcotics Control Act of 1989 (H.R. 3611) and the President signed the measure into law (P.L. 101-231) on Dec. 13, 1989. Section 7 of the Act, dealing with Mexico, limited anti-narcotics assistance to Mexico for FY1990 to \$15 million unless relevant committees were notified in accordance with reprogramming procedures. It also praised President Salinas' anti-drug activities, but mentioned testimony implicating high-ranking Mexican officials in illicit drug trafficking. It called upon Mexico to conclude the prosecution in the Camarena and Cortez cases; urged Mexico to cooperate with the United States in joint overflight, interdiction, and hot pursuit operations, and to provide bank records and verification of eradication statistics to U.S. personnel; and stated that the people of Mexico should be supported in efforts to rid their country of illicit narcotics, bribery and corruption, and electoral fraud.

On March 1, 1990, President Bush certified that Mexico had cooperated fully in drug control efforts, but a statement of explanation contained praise as well as criticism. It praised the following achievements: the increased funding for anti-narcotics programs, the arrest of drug kingpin Miguel Angel Felix Gallardo, the conviction and sentencing of principal figures in the Camarena and Cortez cases, the seizure of record amounts of cocaine, and the signing of a comprehensive agreement on bilateral cooperation. While noting that President Salinas had moved vigorously to combat corruption, it said there were still indications of such activity by some law enforcement and military elements.

This period seemed to start on a cooperative note, with a renewed commitment from President Salinas and stepped-up arrests and convictions, and little support in the U.S. Congress for challenging President Bush's certification of Mexico. It ended with U.S. congressional restrictions on anti-narcotics assistance to Mexico and the addition of two understandings to the Mutual Legal Assistance Cooperation Treaty. In part, because of these pressures, Mexico delayed action on the Treaty until 1991.

### **Early 1990s—Cooperation Disturbed by Alvarez Machain Case, Mexico Rejects U.S. Counter-Narcotics Assistance**

Cooperation efforts between the two countries were severely strained in April and May 1990 when Mexico charged that the United States had encouraged the abduction and illegal transfer to the United States of Mexican doctor Humberto Alvarez Machain to face charges of involvement in the torture-murder of DEA agent Enrique Camarena.

Despite the difficulties created by this incident, President Bush certified in 1991 and 1992 that Mexico was cooperating in drug control efforts. The statement of explanation accompanying the 1992 certification said that “Mexico’s 1991 anti-drug effort paralleled its impressive 1990 success; arrests and drug seizures were up.” It noted an increase in U.S.-Mexican cooperation in the area, but mentioned the killing of narcotics agents by elements of the Mexican army at year end as a sobering note. “While corruption continues to impede efforts to curb drug trafficking in Mexico,” the statement concluded, “sustained interdiction, intensified eradication, broad demand reduction/eradication efforts, systemic legal reforms and tough anti-corruption measures clearly demonstrate Mexico’s political will to combat drug trafficking on all fronts.”

Cooperation efforts were strained again when the U.S. Supreme Court ruled on June 15, 1992, that the U.S.-Mexico extradition treaty did not specifically forbid kidnapping, and that Mexican citizen Humberto Alvarez Machain, who was kidnapped in Mexico, could be tried for involvement in the torture and murder of DEA Agent Enrique Camarena. Mexico initially banned U.S. drug control activities in Mexico and demanded a renegotiation of the extradition treaty, but cooperation was restored when the United States promised to respect Mexican sovereignty. Tensions emerged again in December 1992, when Alvarez Machain and Ruben Zuno Arce, were tried in Los Angeles. The judge acquitted Alvarez Machain in mid-December 1992, on grounds that evidence against him was inadequate, but Zuno Arce was found guilty.

For a variety of reasons, including concern for sovereignty and Mexico’s determination to devote its own resources to a major national security threat, Mexico decided in 1992 that it would no longer accept U.S. counter-narcotics assistance, except for some minor technical assistance. This policy has been called “Mexicanization” and resulted in considerable reduction in counter-narcotics contacts between the United States and Mexico.

On March 1, 1994, President Clinton certified that Mexico was a fully cooperative country in terms of drug control requirements. The statement of explanation praised action against official corruption in 1993, including the firing of eight Federal Judicial Police commanders and corruption charges against three judges and a former Supreme Court Justice. In early 1993, President Salinas appointed Jorge Carpizo MacGregor, the respected Chairman of the National Human Rights Commission, as the Attorney General to reinvigorate anti-drug activities. The killing of Cardinal Juan Jesus Posadas Ocampo by drug gangs near the Guadalajara airport, on May 24, 1993, focused new attention on drug dealers and official complicity when suspects escaped easily. Following an investigation by the new Attorney General, 67 federal policemen were dismissed for having close ties to drug traffickers, and two Federal Judicial Police commanders and two Jalisco state police officers were arrested in connection with the Posadas killing, while another Guadalajara police official was arrested in the United States. The statement noted President Salinas’ establishment of the National Drug Control Institute to coordinate all government activities, his end-of-year renewed commitment, Mexican legislation increasing civil penalties for money laundering, and Mexico’s full assumption of counter-narcotics costs. Despite these successes, the statement noted that illicit drug crop cultivation had spread to new and more remote areas, official corruption remained a problem at middle and lower levels, and lack of controls permitted extensive money laundering activities.

During this period, the Alvarez Machain case disturbed relations between the countries, and was a major factor leading to Mexico's decision to assume full responsibility for counter-narcotics efforts and to nearly eliminate the role of U.S. counter-narcotics assistance. Nevertheless, President Salinas appointed a widely respected Attorney General who dismissed many police officials on corruption charges, and he created an anti-drug institute to coordinate and invigorate Mexico's counter-narcotics activities. During this fairly productive period, Mexico was fully certified as a cooperative country, and there were no serious congressional efforts to disapprove the presidential determinations.

## **Conclusion**

In sum, the effect of past U.S. pressures on Mexico to cooperate in counter-narcotics activities is mixed, in part because Mexico's decisions to cooperate may be as much related to trade, investment, domestic, and foreign policy issues as to drug control issues. For example, the North American Free Trade Agreement (NAFTA) was debated in 1993, and entered into force in early 1994. Looking back, counter-narcotics relationships were generally considered to be cooperative in the late 1970s and early 1980s, before certification requirements existed, as well as in mid-1990s,<sup>3</sup> when few congressional conditions were enacted. When criticisms and conditions relating to the Camarena and Cortez cases were imposed in the mid-1980s, Mexican cooperation seemed to weaken. When conditions were imposed in 1989, Mexico reacted by delaying implementation of the Mutual Legal Assistance Cooperation Treaty. When relations were disturbed by the kidnapping of Alvarez Machain in the early 1990s, Mexico reacted by terminating most U.S. counter-narcotics assistance. However, at times Mexico has appeared to adopt more aggressive anti-drug measures while U.S. pressures were being applied, as it did in the late 1980s and the early 1990s. At times it also appears to be more cooperative as drug certification decisions are approaching, as it did in 1996 when it expelled drug lord Juan Garcia Abrego to the United States and agreed to create the bilateral High Level Contact Group on Narcotics Control.

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<sup>3</sup> See report cited above; and *Mexico's Counter-Narcotics Efforts under Zedillo*, December 1994 to March 1997, CRS Report 97-354, March 14, 1997, by K. Larry Storrs.