

Rice University's Baker Institute for Public Policy

# DRUG POLICY



## THE VICTIMOLOGY OF EXTORTIONS IN MEXICO

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October 2016

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Gary J. Hale  
“The Victimology of Extortions in Mexico”

## Abstract

Extortion has become the most favored activity among traditional organized crime elements<sup>1</sup> in Mexico, motivated by several factors that contribute to the longevity of the practice. Chief among these is the enormous money-making opportunities these groups can seize by forcing people into situations in which they would gladly forfeit their assets in exchange for the freedom to continue their daily business and personal activities. Most of the other factors that make extortion a popular crime are related to the fact that extortionists are typically granted immunity from prosecution. Immunity is derived from various phenomena, including:

- Subjugation of police forces: some extortionists or cartels have superior weaponry and strength in numbers compared to police forces, causing the latter to acquiesce to the former.
- Collusion by corrupt police forces: some police officers simply decide to join the extortionists in return for payment-in-kind for their participation.
- The intimidation, hurt, harm, or killing of victims and witnesses, which leads to a lack of social accountability for the extortionists, emboldening them to continue committing the crime.
- The lack of successful prosecutions of extortion cases brought to the criminal justice system, a significant motivator that will remain in place until such time as substantial and lasting criminal justice reform is enacted in Mexico.

This analysis addresses the criminal extortion practices occurring in Mexico, with emphasis given to activities along the northern border states, particularly the Mexican state of Tamaulipas and along the trade corridor between Laredo, Texas, and Nuevo Laredo, Tamaulipas. This analysis also uses the import of used cars from the United States to Mexico as one useful case study.

## Extortion in Mexico

Extortion is defined under Mexican law as any action that requires or obligates another to give, do, cease from doing, or accept something by:

- obtaining, benefitting, or gaining something for themselves or another;
- causing someone's possessions, inheritance, or rights to become jeopardized; and
- the use of physical or moral violence.

The law further states that such actions include those conducted in person or via other forms of communications, including by telephone, e-mail, or any other means through

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<sup>1</sup> Traditional organized crime elements in Mexico are defined as any individual criminal or organized crime group that may or may not also be involved in drug trafficking activities typically attributed to "drug cartels." That is to say, some drug cartels are involved in extortion, but not all extortionists are drug cartel members.

which signals, characters, images, voices, sounds, or any other information may be transmitted, such as by radio signals, imagery, satellite transmissions, or any other systems.

## Extortion Indicators and Trends

### *The Executive Secretariat of the National Public Safety System*

Extortion reached historic highs in Mexico in 2014. Approximately 21 people were extorted on a daily basis since January 2014 in Mexico, according to statistics compiled by the Secretariado Ejecutivo del Sistema Nacional de Seguridad Pública (SESNSP), a Mexican government public safety entity.

To that end, reported extortion activities increased by 104.4 percent between April 2011 and January 2014, signaling a continued upward trend in this criminal activity.<sup>2</sup>

### *U.S. Chamber of Commerce*

Extortion began to rise in Mexico in 2011, according to a survey conducted by the U.S. Chamber of Commerce. The study included responses from 541 chamber members, as well as the British and Japanese Chambers of Commerce in Mexico, regarding their victimization. The analysis determined that the percentage of firms reporting cartel extortions more than doubled from 16 percent in 2011 to 36 percent in 2013. One-third of the businesses that responded stated that they moved operations outside of Mexico as a result of the security situation, and 5 percent said they relocated to other parts of Mexico.

The areas causing the most concern were the northern states of Nuevo Leon and Tamaulipas, followed by the Distrito Federal, Mexico's capital district.<sup>3</sup>

### *Observatorio Nacional Ciudadano*

A separate oversight group, the Observatorio Nacional Ciudadano, which collects and reports crime data as a method of ensuring government accountability throughout Mexico, reported levels of extortion that are consistent with information gathered by the American Chamber of Commerce in Mexico.

Focusing on the northern border state of Tamaulipas, the Observatorio recorded 225 acts of extortion in 2013, or 18.8 cases per month on average. In January 2014 alone, the state experienced 26 reported cases of extortion, which indicated a more than 38 percent rise in cases from the previous year's average.

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<sup>2</sup> Observatorio Nacional Ciudadano, "Definition of Extortion and Extortion Statistics," Reporte Sobre Delitos de Alto Impacto, Enero 2014, <http://onc.org.mx/2016/01/23/reporte-mensual-sobre-los-delitos-de-alto-impacto-noviembre-2015/>.

<sup>3</sup> Gabriel Stargardter, "Companies say Mexico security situation improving or steady: survey," Reuters, May 28, 2013, <http://www.reuters.com/article/us-mexico-security-survey-idUSBRE94R0WD20130528>.

When viewed regionally, the northern Mexican states of Tamaulipas, Nuevo León, and Coahuila—all three of which are situated opposite of the state of Texas—together registered 65 reports of extortion in January 2014, indicating that 1 out of every 10 extortion complaints nationally occurred in the border region.<sup>4</sup>

### **Extortion in Northeastern Mexico**

Many Mexican businesses are being extorted by Mexican organized crime groups along the U.S.-Mexico border. These activities are having a detrimental effect on commerce, causing many businesses to either relocate within Mexico or to flee the country and re-establish elsewhere, including the United States. Furthermore, some businesses have closed down, while those that remain have had to pay extortion fees in order to survive and continue operating. Business owners who do not comply with extortion demands may experience violent retaliation—including kidnapping and murder—against themselves or family members.

### **The Extortion of Used Car Importers in Mexico<sup>5</sup>**

The Mexican Association of Automotive Distributors (AMDA) estimated that 700,000 used automobiles were imported into Mexico from the United States in 2011. During the six years prior, a total of 7 million used vehicles entered Mexico. For many years, Mexico had strict prohibitions against importing used automobiles; however, a few exceptions existed. One exception permitted an American used car to be imported if it was used to fulfill a business contract or if the vehicle belonged to anyone living in a border free trade zone such as Baja California or Sonora. Importers' fears of having their vehicles confiscated led Mexican politicians to grant them amnesty, just prior to elections.

On August 22, 2005, Mexican President Vicente Fox issued an automotive decree to make lower-priced automobiles available to Mexico's citizens. In 2005, approximately 100 million cars in the United States qualified for importation into Mexico. In the 12 months following the decree, more than 1.5 million used vehicles were imported from the United States into Mexico.

Before the 2005 decree expired on its own terms, President Felipe Calderón issued an automotive decree in March of 2008 in order to comply with NAFTA provisions on Mexico's importation of used cars. NAFTA required that beginning in 2009, Mexico had to import used automobiles from the United States and Canada without restrictions on a staggered basis. This meant Mexico could not adopt or maintain prohibitive or restrictive guidelines on imported used vehicles from Canada or the United States that were at least 10 years old. Every two years thereafter, the minimum age of the used automobiles decreases

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<sup>4</sup> Observatorio Nacional Ciudadano, "Definition of Extortion and Extortion Statistics."

<sup>5</sup> Murry Page, "The Saga of Mexico's Used Car Dilemma Caused By NAFTA," *Banderas News*, March 16, 2012, <http://www.banderasnews.com/1203/nb-sagaofusedcarsinmexico.htm>.

by 2 years, so that by 2019, there will be no restrictions on the importation of any used car from the United States or Canada.

### *The Used Car Import Business*

The used car import business in both the United States and Mexico emerged in the latter 1990s. During this period, Mexican new car dealerships asked the Mexican government to cut-off imports of used cars due to the increased competition for new car sales. Various importers went through the judicial system in Mexico and obtained an *amparo*, or a legal challenge, to Mexican laws that prohibited the import of used cars in Mexico. As a result, several hundred cars are imported into Mexico every day.

Mexican criminals subsequently learned of the increased profits Mexican importers were receiving and began to extort them. The criminals required that the importers pay an extortion fee or “*cuota*” of \$100 per imported car. With corrupt officials on their payroll, the criminals knew the exact (total) *cuota* to expect from the importers because they knew exactly how many cars had been imported on any given day.

Since at least 2010, many of the Mexican businessmen who have been extorted and victimized by Mexican criminals reportedly fled their communities, including Nuevo Laredo, Reynosa, Tampico, Victoria, and other towns in the state of Tamaulipas, only to resettle their families and businesses in various Texas cities on the U.S. side of the border. Many of these displaced Mexicans indicated that they had been victims of kidnapping, theft, assault, extortion, and other crimes by Mexican criminals who required them to pay thousands of dollars in exchange for the liberty to conduct business without reprisals, or in exchange for ransom demands.

While some of these victims remain unnamed, banking executives from Laredo, Texas, as well as owners of Mexican construction and international trade companies reportedly filed complaints with Ramiro Ramos Salinas, president of the Partido Revolucionario Institucional (PRI) for the state of Tamaulipas, alleging that they had been victims of extortion schemes in Mexico.

In a November 2012 press conference, Ramos Salinas stated that, “If the new government [referring to the then-impending installation of the Enrique Peña Nieto administration] can invest in education and better police forces, they can also put an end to the extortions that we have all been victim to. It is sad that we have to flee our own country because there is no authority that can help us, because corruption has a powerful hold over all of the judicial entities here.” He went further to confirm that the majority of those present had been victims of Mexican organized crime groups, whom he described as people without scruples who have raped and robbed women, then threatened them when they complained to the authorities.

During the press conference, one Tamaulipas banker who requested anonymity asked, “And why should we file complaints when the authorities do nothing...and in fact demand that those complaints be withdrawn, under threat of being subjected to even worse



punishment?” This same banker assured the PRI president that he fled the border to avoid being extorted, only to have his workers be victimized in his stead, “workers who obviously cannot defend themselves, who do not have money to pay extortionists and who have even less money to live on the American side of the border.”

Four of the other businessmen present asserted that they had paid ransoms of between 100,000 pesos and 5 million pesos (roughly US\$10,000 to \$500,000). The victimization noted at the press conference occurred in Nuevo Laredo, but it is atypical of the types of crime that occur on a routine basis throughout the country: an average of four kidnappings, 21 cases of extortion, 44 killings, and innumerable robberies occurred on a daily basis in Mexico in 2014, as reported by the Observatorio Nacional Ciudadano.

### Silversmith Case Study

Another example of the extent of extortion activities is the case of Ronald James Wooden, a U.S. citizen who moved from Texas to Mexico in 2013 to work as a silversmith in the area of Taxco, Mexico, a famously known silver mining town that draws hundreds of tourists seeking silver relics at reasonable prices.

No sooner than his arrival, local criminals demanded that Wooden provide them with a 10,000 peso per month *cuota* or be killed. Wooden reported the extortion to local police, only to be beaten and injured severely by corrupt police officers who belonged to a regional criminal gang.

While these extortion activities were typical, given what is usually committed elsewhere in Mexico, Wooden’s case took an unexpected turn when he successfully obtained a writ from the government that ordered an investigation into his abuse. A subsequent investigation by the Human Rights Defense Commission in the state of Guerrero in 2014 determined that Taxco police illegally detained Wooden and gave contradictory statements about how he was injured, committing perjury in their statements. A criminal investigation eventually began against the corrupt police officials.<sup>6</sup>

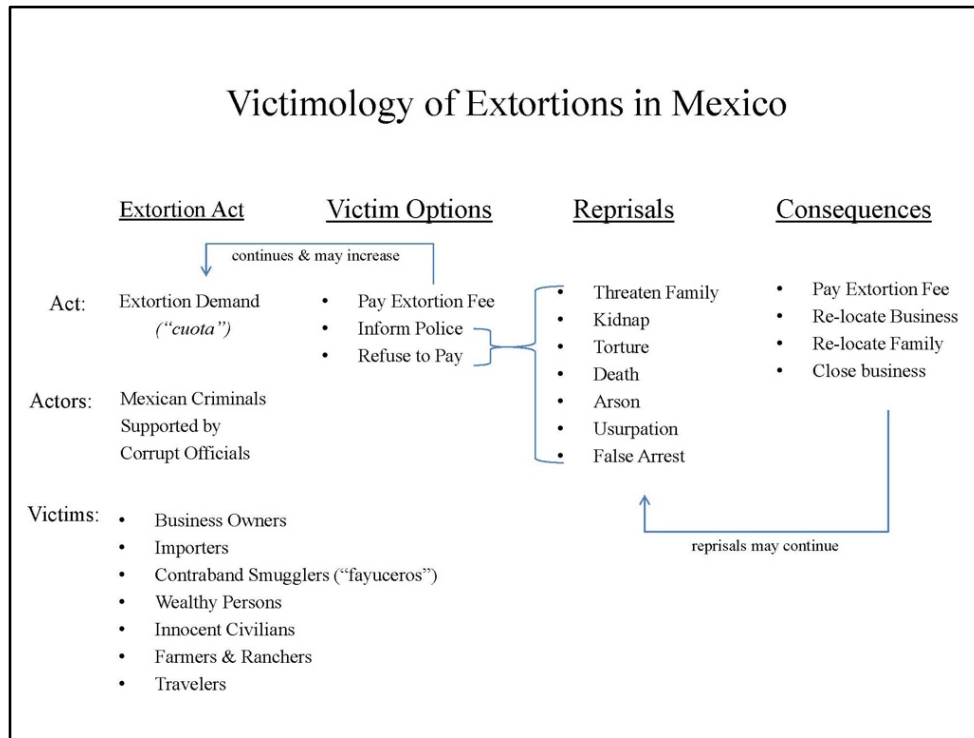
### Victimology of Extortions in Mexico

A review of a random sampling of extortion cases reveals the various repercussions victims face in failing to cooperate with criminals who demand money in exchange for allowing a business enterprise to operate without interference. The following flow chart illustrates the typical extortion process and the victim’s options, subsequent reprisals, and ultimate consequences of failing to comply with criminal extortion:

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<sup>6</sup> Mark Stevenson, “Torture Scandal in Mexico: American ‘Nearly Beaten to Death,’” *Associated Press*, July 13, 2016, <http://abcnews.go.com/International/wireStory/torture-scandal-mexico-american-beaten-death-40536273>.

Figure 1. Flow chart of the victimology of extortions in Mexico



Source: Author's own elaboration.

As demonstrated in the above flow chart, in a typical case, an extortion act follows the same generic pattern, as follows:

1. **The extortion act** is initiated by a criminal group and may require or demand a victim pay to a "cuota" or tribute, tax, or similar fee. Such payment represents a percentage of the value of the work being conducted by the victim, or of an item the victim sells or imports.
2. **The actors** are typically members of a transnational criminal organization (TCO), otherwise known as a Mexican cartel. TCO actors are typically supported by corrupt public officials, such as police or customs officers or others, who provide services or goods to the TCOs in exchange for a percentage of the profit and possess the authority to act in whatever manner benefits the criminal enterprise.
3. **The victims** are any number of people, both Mexican and non-Mexican nationals, who do business in the country, including business owners, importers, smugglers of contraband (or "fayuca," electronics, and similar items), wealthy individuals, politicians, civilians, farmers, ranchers, travelers, and others.



Once the extortion demand is made to the victim, the victim may exercise several options including:

1. **Paying the extortion fees** in the amount and time periods demanded by the TCOs. While this option averts immediate danger, it also obligates the victim to continue paying the tribute or *cuota*, which the TCO may subsequently increase over time.
2. **Informing the police**, though most victims rarely report extortions to police officials for fear of reprisal or of collusion between the TCOs and police.
3. **Refusing to pay** is also an option, though oftentimes victims are subjected to a series of reprisals until they agree to pay.

Reprisals are any number of actions designed to force or coerce the victim into compliance with the extortion demand. These include threatening or kidnapping family members, torturing and/or killing the victim or their relatives, burning down homes or businesses, stealing businesses, or having victims falsely arrested by corrupt police officers.

Other case studies offer additional examples of reprisals taken against victims who refused to cooperate with extorters:

#### *Kidnappings/Killings/Murders*

- In January 2016, street vendors in Chilpancingo, Guerrero, were murdered after refusing to continue paying criminals for the right to sell their products, or what is commonly known as *derecho de piso*.<sup>7</sup>
- Teachers in Guerrero also became targets, as criminals gained information on the times and locations where they collect their pensions, end-of-year bonuses, or monthly paychecks.<sup>8</sup>
- Acapulco's tortilla makers were also victimized, with reports of up to seven employees murdered by criminal groups. According to anonymous reports tortillería workers provided to media outlets, criminals demanded fees in exchange for allowing the businesses to remain open.<sup>9</sup>
- In November 2015, the family of the leader of a worker's union at a manufacturing plant in Matamoros, Tamaulipas, was kidnapped until a ransom was paid. Once his family was released, they all moved to Brownsville, Texas, in order to avoid further victimization.<sup>10</sup>

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<sup>7</sup> "Extortion cases surge; tortilla stores targeted," *Mexico Daily News*, January 9, 2016; <http://mexiconewsdaily.com/news/extortion-cases-surge-tortilla-stores-targeted/>.

<sup>8</sup> Murry Page, "The Saga of Mexico's Used Car Dilemma Caused By NAFTA."

<sup>9</sup> Murry Page, "The Saga of Mexico's Used Car Dilemma Caused By NAFTA."

<sup>10</sup> Ioan Grillo, "Mexican drug cartels have found a very lucrative new business: Robbing multinational corporations," *The Global Post*, April 24, 2015, <https://theweek.com/articles/551132/mexican-drug-cartels-have-found-lucrative-new-business-robbing-multinational-corporations>.

- In March 2015, the owner of a construction company in Matamoros, Tamaulipas, was kidnapped by federal police officers in an extortion scheme. He was released after paying a \$2 million ransom.<sup>11</sup>
- In 2013, several employees at an Australian zinc mining company in the state of Guerrero were kidnapped and company trucks carrying the precious metal were burned when the business failed to pay an extortion fee.<sup>12</sup>
- On June 15, 2012, prominent Playa del Carmen businessman Juan Manuel Díaz Moguel, 48, was kidnapped from his hotel in the state of Quintana Roo in Mexico's Yucatan Peninsula. He was found dead several hours later, with a gunshot wound to the head. Authorities said his execution was almost surely the result of refusing to pay the obligatory *derecho de piso* assessed against virtually every business owner in town.<sup>13</sup>

### *Arson/Detonations*

- In January 2016, two bus drivers in Acapulco were set on fire inside their vehicles for failing to pay extortion fees.<sup>14</sup>
- In March 2015, criminals set fire to a local subsidiary of Houston's Key Energy Services in the Gulf coast state of Tabasco. Tabasco's top prosecutor Fernando Valenzuela said the attack appeared to be extortion related.<sup>15</sup>
- In 2014, alleged members of the Zetas cartel used a homemade tank to fire at a hotel where employees of oil services multinational company Weatherford International were staying in Ciudad Mier, near the Texas border.<sup>16</sup>
- In 2012, gunmen from the Knights Templar cartel set fire to more than 30 trucks and two warehouses belonging to a local potato chip company owned by PepsiCo. The Templars hung messages from bridges stating that the attack was in retaliation for the company having worked with police.<sup>17</sup>
- In August 2011, the Casino Royale in Monterrey was burned to the ground by the Zetas after business owners refused to make extortion payments. Fifty-two civilians were killed.<sup>18</sup>

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<sup>11</sup> "15 Mexican Police Arrested For Kidnap, Extortion," The Huffington Post, March 7, 2015, <http://www.dailymail.co.uk/wires/ap/article-2984479/Mexico-official-14-police-arrested-kidnap-extortion.html>.

<sup>12</sup> Interview with John Boyd in Mexico City, IPS Global; January 16, 2012

<sup>13</sup> "Riviera Maya hotel owner refuses to pay the 'rent,' so extortionists execute him," *The Mexico Gulf Reporter*, June 2012, <http://mexicogulfreporter.blogspot.mx/2011/12/300-businesses-close-in-cancun-riviera.html>.

<sup>14</sup> Murry Page, "The Saga of Mexico's Used Car Dilemma Caused By NAFTA."

<sup>15</sup> Murry Page, "The Saga of Mexico's Used Car Dilemma Caused By NAFTA."

<sup>16</sup> Murry Page, "The Saga of Mexico's Used Car Dilemma Caused By NAFTA."

<sup>17</sup> Murry Page, "The Saga of Mexico's Used Car Dilemma Caused By NAFTA."

<sup>18</sup> Patrick Corcoran, "Mexico Corporations Complain to President of Extortion Threat" *InSight Crime*, September 24, 2013, <http://www.insightcrime.org/news-analysis/mexico-corporations-complain-to-president-of-extortion-threat>.

### *Usurpation*

- In April 2014, McEwen Mining Inc., a Canadian pit operator, had \$8.5 million worth of gold stolen by criminals that had previously extorted the company.<sup>19</sup>
- In September 2013, major Mexican construction companies Grupo Carso, CEMEX, and Empresas ICA purchased a front-page ad in Mexico's *Reforma* newspaper that described how extortionists had infiltrated construction projects in Acapulco, Oaxaca, and Mexico City, forcing subcontractors to pay protection fees in order to continue on-site operations. Several of the construction projects were government funded and jeopardized private sector services while placing employees' lives in danger.<sup>20</sup>

Such reprisals are designed to ensure that the victim pays the extortion fee. One security adviser in Mexico stated: "If you start paying extortion, the price goes up, and it would be a never-ending situation," indicating that once a victim is extorted, the demands for more money inevitably rose under equally increasing pressure.<sup>21</sup> Ultimately, the victim may suffer from any of the aforementioned reprisals, or choose to flee, or suffer consequences, such as acquiescence to TCOs and finally paying the extortion fee, relocating the victim's business or family to other parts of Mexico or outside the country, or closing the business enterprise down altogether, many time only to have the TCO usurp the victims enterprise.

### *Displacement of homes, families, and businesses*

In December 2011, a media source named "Por Esto" reported that drug cartels, specifically Los Zetas, were taking over various businesses in the state of Quintana Roo. More than 300 local establishments closed down in 2011 primarily as a result of extortion and organized crime threats. By comparison, the newspaper reported that 70 businesses closed in 2009, and 120 shut down in 2010.<sup>22</sup>

From 2005 to 2010—about the same time frame that extortions were skyrocketing in Mexico—Juárez, Chihuahua, was devastated by the mass flight of residents as more than 10,000 businesses closed, leaving tens of thousands of people unemployed. As a result, more than 116,000 homes were abandoned, according to the Juárez Municipal Institute of Investigations and Planning. Media reports citing the Mexican Census Bureau indicated that more than 500,000 people left Juárez for El Paso and other safer locations because of fear of reprisals, violence, or endemic unemployment, though the exact number of people who fled is unclear. The El Paso Regional Economic Development Corporation estimated that there were approximately 5,000 new arrivals in El Paso from Juarez during that period. El Paso Police Chief Greg Allen estimated the number to be near 30,000. Juárez's

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<sup>19</sup> Murry Page, "The Saga of Mexico's Used Car Dilemma Caused By NAFTA."

<sup>20</sup> Murry Page, "The Saga of Mexico's Used Car Dilemma Caused By NAFTA."

<sup>21</sup> Murry Page, "The Saga of Mexico's Used Car Dilemma Caused By NAFTA."

<sup>22</sup> "300 businesses close in Cancún, Riviera Maya due to 2011 narco extortion, threats," *The Mexico Gulf Reporter*, December 24, 2011, <http://mexicogulfreporter.blogspot.mx/2011/12/300-businesses-close-in-cancun-riviera.html>.

Autonomous University calculated that 60,000 people moved north into the United States.<sup>23</sup>

## Policy Implications of Extortion in Mexico

Mexico has had a long history of corruption and is listed among the most corrupt countries in the world, according to Transparency International's Corruption Perceptions Index 2015. The analysis scores countries based on the perceived level of public sector corruption on a scale of 0 (highly corrupt) to 100 (very clean). In 2015, Mexico scored a 35. When compared to other nations, Mexico also ranked as the 95th most corrupt country in the world out of 114 countries evaluated.<sup>24</sup>

In the past 100 years, Mexico has been ruled largely by a two-party system comprised of the PRI (the Partido Revolucionario Institucional) and the PAN (Partido Acción Nacional). While other parties have contested this two-party system, not much headway has been made in breaking this near monopoly. Of the two, the PRI has ruled Mexico for about 70 years, during which corrupt politicians established a pact of convenience between the government entities they directed and organized crime organizations. Thus, the PRI has had decades to establish contacts and relationships with organized crime elements, and the party is credited with creating an operational framework that carved out territories between the government and the criminal groups that are allowed to flourish.

Those territories became known as "*plazas*," which represented cities, states, or regions. The framework includes a series of controls called "*cuotas*" or " *piso*," a method of taxation to recover a proportionate share of the revenues collected by organized crime that remains in use today.

In return for the agreed-upon proportionate share of proceeds provided to government officials, organized crime groups are granted explicit or implicit authority to operate; cultivate, manufacture, and transport drugs; enforce claims to territory; and conduct any activity necessary for the successful operation of the enterprise.

### *Government Corruption Admitted*

On February 23, 2011, Sócrates Rizzo Garcia, who served as governor of Nuevo León between 1991 and 1996, confirmed the long reported connection between government and organized crime when he admitted in a speech at Coahuila State University that previous PRI officials influenced or controlled the assignment of drug trafficking routes. He also linked that control with the government's ability to prevent some attacks on civilians and impact the levels of violence Mexico experienced.<sup>25</sup>

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<sup>23</sup> Alfredo Corchado, "Families, businesses flee Jurez for U.S. pastures," The Dallas Morning News, March 7, 2010, <http://www.dallasnews.com/news/20100306-Families-businesses-flee-Jurez-for-5693.ece>.

<sup>24</sup> See Corruption Perceptions Index 2015, <http://www.transparency.org/cpi2015#downloads>.

<sup>25</sup> Sócrates Rizzo, "PRI Presidents oversaw drug trafficking," *Vanguardia MX*, February 27, 2011, <http://www.borderlandbeat.com/2011/02/socrates-rizzo-pri-presidents-oversaw.html>.

Rizzo further stated that government control of organized crime ended with the PAN administrations of Presidents Fox and Calderón, who failed to heed advice on how things were done in previous years. He asserted that the PAN's failure to cooperate, communicate, and coordinate with organized crime groups was among the reasons that violence had increased during the 12 years those two presidents were in power.

Rizzo stated: "This dilemma was lost due to problems of professionalism. It is natural that new officials come without experience, they wanted to do things differently and they did not take advice because the last thing they wanted to hear was anything from the PRI. They said that the PRI were the 'snake in the grass' and with that they refused counsel.

"Although there was a change of party, you should have had continuity with what the past government was doing. I think not taking advice on past arrangements relaxed discipline and mechanisms of control, and now we see the results."

### *Government Subjugation to Organized Crime*

Organized crime groups such as the Zetas, specifically in the state of Tamaulipas, have evolved beyond mere criminal actors and are considered by some to be insurgents or threats to national security, in that they have continually challenged and/or opposed to legitimate institutions of governance. This is reflected by the fact that the Zetas and other groups are persecuting the people of the state of Tamaulipas, as well as other Mexican states, as they attempt to develop an alternate form of government in which criminality is the power that drives governance.

The Mexican government, whether at the municipal, state, or federal levels, has been unable to control organized crime due to the depth of corruption such groups have inserted into the political and governmental process, which has progressively gotten worse over time.

The culture of corruption in Mexican governmental entities, including public safety, political, and other institutional elements, has subjugated municipal, state, and federal police forces to criminal elements as a result of coercion, force, or death. Threats and acts of retribution convert police officers into surrogate organized crime actors who, in turn, participate in extortion, kidnapping, and assassination at the behest of their criminal sponsors.

The victims of these violent crimes are predominantly those citizens who are unwilling to participate in illicit activities. Failure to participate in corrupt practices routinely leads to the resisters being tortured or killed, or to the victimization of their extended family.

It is far too obvious that various levels of government in Mexico are incapable or unwilling to protect its citizens and often collaborate with the organized crime groups to further their criminal endeavors, thereby becoming co-conspirators that are part of the problem and not the solution. As a result, the Mexican government is willfully blind and permissive of

criminal activity, and in many cases has become a partner in crime with several criminal organizations or cartels.

This subjugation-turned partnership with criminality is in effect the institutional acquiescence of a national government that is allowing or permitting nongovernmental criminal entities to rule large segments of territory, from both a political and public safety standpoint.

One striking public response to this acquiescence to criminality is the formation of “*autodefensas*” or self-defense (vigilante) groups throughout Mexico that have banded together to take justice into their own hands in the absence of government control over public safety issues.

### Loss of Government Dominance over Public Safety<sup>26</sup>

The Peña Nieto administration took office in December 2012 and quickly announced plans to reduce crime and violence.<sup>27</sup> Yet aside from the 2014 arrest (and re-arrest in 2016) of Joaquin “El Chapo” Guzman and other so-called kingpins, little measurable or meaningful progress toward reducing crime and violence has been achieved in the ensuing 21 months that the PRI has controlled the presidency.

#### *AutoDefensas*

In mid-January 2014, Guardias Comunitarios (translated as a “Civil Guard” or “Civil Defense”), one the many names referring to *autodefensas* groups, took up arms in the Pacific state of Michoacán, where the Sinaloa cartel had been fighting a protracted battle to retain control of the lucrative maritime ports in that state. The group’s decision to organize and carry out these functions was reportedly reached by a consensus of township leadership figures, who often met at public plazas without government representatives.

The *autodefensas* directed their activities toward removing the notorious Knights Templar gang, the latest iteration of the former La Familia Michoacána drug trafficking organization, which had been operating in Michoacán and Guerrero for several years, extorting or otherwise expropriating common citizens’ properties to the point of public exasperation.

Those *autodefensas* groups have begun to perform most, if not all, of the public safety functions for which government police forces are usually responsible. Their activities have included establishing access controls or checkpoints at the entrances to certain towns or villages; detentions, arrests, and perfunctory trials; and subjecting criminal suspects, whom they detained in make-shift jails, to corporal punishment and, in some cases, forced labor.

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<sup>26</sup>Gary J. Hale, “Autodefensas, Vigilantes and Self-Policing in Mexico: Civilian Dominance over Public Safety Policies?” *The Small Wars Journal* (June 2014).

<sup>27</sup> President Enrique Peña-Nieto, Primer Informe de Gobierno (First State of the Union Address), September 2, 2013, <http://www.presidencia.gob.mx/informe/>.



These examples clearly demonstrate that the Mexican government is either incapable of providing adequate public safety and criminal justice services to Mexican society, or is part and parcel of the criminality that has led to the rise of these vigilante groups. Both of these factors demonstrate the government's acquiescence, the abdication of public safety responsibilities, and the collusion between government and criminal elements.

The formation of *autodefensas*, particularly in the states where drug cartels have a vested financial interest in the import of illegal drugs and precursor chemicals, is a symptom of a larger ailment afflicting governance in Mexico. This is evident in the Pacific states of Michoacán and Guerrero, and also holds true with regard to the export of drugs into the United States from the northern state of Tamaulipas.

The Mexican citizens can hardly tolerate continuing government inefficacy and growing acquiescence to criminal groups. A movement entitled #YoSoyAutoDefensas and #TodosSomosAutodefensas ("I am Self-Defense, We are all Self-Defenders") has been launched on social media sites such as Twitter, Facebook, and YouTube and is gaining momentum across the nation as all elements of Mexican society, particularly in Tamaulipas, signal that they will no longer tolerate criminal impunity and that they are taking matters into their own hands, albeit as a pacifist, social, anti-crime movement. This loss of confidence by human rights activists, businessmen, politicians, students, public servants, the clergy, and many other citizens indicates that Mexicans across the board have ultimately lost faith in their government's ability to maintain order, protect life and property, and successfully prosecute and punish criminals.

### *Independent Candidacies—A New Manner by which to Protest the Status Quo*

The Mexican public is angry, frustrated, and tired of the current administration's lack of control of organized crime. In a show of public frustration with the established political parties, which are seen as complicit, corrupt, and ineffective, a new movement by candidates that have no affiliation to any political party has taken root. Nuevo Leon became the first state to elect an independent candidate to the state house in the country's history. Jaime Rodríguez Calderón, known as "*El Bronco*" was elected governor in June 2015, beating his nearest competitor from the PRI.

Rodríguez' election is seen by many as a protest vote against the ever unpopular PRI, which has done little to improve public safety and the rule of law in Mexico.

### *Sustained Mexican Government Acquiescence*

Another recent case that gained international attention and global dismay was the September 26, 2014, kidnapping of 43 students by local police officers in Iguala, Guerrero. In that case, Mexican federal prosecutors alleged that local police in Guerrero state turned the students over to a drug gang called the Guerreros Unidos, which allegedly killed the students and burned their bodies. These officers reportedly were operating at the behest of a corrupt local mayor and his wife, and the students' bodies have never been found.

The families of the missing students have rejected the government's account of what happened. In February 2015, the Rojos drug gang, rivals to the Guerreros Unidos, put up banners saying that the gang had nothing to do with the students' disappearance and indicated that their leader, Mazari Hernandez, was open to meeting with relatives to talk about the case. In March 2015, some of the parents of the missing students contacted Hernandez to discuss their concerns and ask for his help in learning what happened to their children.

In the ensuing year since the disappearance, municipal, state, and federal authorities have failed to conduct a credible investigation into the incident, leading to the formation of an international body of forensic experts that has been tasked with providing an untarnished, objective, and unbiased investigation into the matter.

This incident has become a cause célèbre for Mexican society and is being hailed as another example of government and criminal collusion. The case demonstrates that in many regions of the country, the Mexican government has abdicated its public safety responsibilities, largely given up in its attempts to exact control over criminality, and has either joined or ignored the heinous criminal activities that are destroying lives and families in Mexico. The acquiescence of the Mexican government, at all levels, is leading to a lawless society in which impunity reigns over the rule of law.

The most recent example of this was the February 11, 2016, discovery that prisoners at the Topo Chico prison in the state of Nuevo Leon had "luxury cells" equipped with aquariums, portable saunas, and a personal bar. Police reportedly took control of the prison and "put an end to the self-government that leaders of organized crime exerted with the complicity of some authorities."<sup>28</sup>

### Closing

The endemic levels of violence, coupled with high levels of extortions, are proof of concept that criminal activity in Mexico cannot occur without the complicity of municipal, state, or federal authorities and indeed flourish under these corrupt arrangements. Accordingly, this necessarily shifts criminal responsibility from organized crime groups to the government.

This concept is realized in the context of weak Mexican government institutions and a confrontational relationship by the government that allows Mexican organized crime groups to war against each other for control of territory to traffic drugs and extort or oppress innocent civilians.

Mexican organized crime elements have entered an equilibrium in which "symbolic violence" has become a method by which to control and dominate Mexican society; such forms of violent control are no longer exclusive to Mexican government institutions.

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<sup>28</sup> "Saunas, aquariums and bar found at Mexico prison," *Yahoo News*, February 15, 2016; <http://news.yahoo.com/portable-saunas-aquariums-found-mexico-prison-003638932.html>.