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Redefining Terrorism: Why Mexican Drug Trafficking is More than Just Organized Crime

Sylvia M. Longmire
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Introduction

Mexican drug traffickers are more than criminals. They are terrorists. And that's not hyperbole. The tactics, strategy, organization, and even (to a limited extent) the goals of the Mexican drug cartels are all perfectly consistent with those of recognized terrorist organizations. Admittedly, the cartels lack the motivating political or religious ideology most terrorist groups display, and some argue this precludes the application of the "terrorist" label. However, we will show this objection is inclusive at best. Were the United States government to formally recognize the Mexican cartels as the terrorists they are—or at least hybrid organizations that employ terrorist tactics—a more effective range of options would become available for combating the cartels and curtailing the violence that today engulfs the US/Mexico borderlands.

Situation on the Ground

Violence along the United States border with Mexico has been the focus of political controversy for years. Killings spurred by turf wars and rivalries between Mexican drug trafficking organizations (DTOs), as well as border security concerns post-9/11, have put the US-Mexico border squarely in the spotlight. The issues involved can be overwhelming—the trafficking of billions of dollars worth of illicit narcotics; the illegal movement into Mexico of assault weapons purchased in US border states; human smuggling rings bringing special interest aliens¹ into the United States; the potential for terrorists to enter the United States via the southwest border; and ultimately, the effect of DTO-related violence that has spilled over into US border communities.

¹ Special interest aliens, or SIAs, are illegal immigrants from countries the US Government deems are of special interest, e.g. Iraq, Syria, Pakistan, etc.

Border violence statistics are staggering. In 2007, approximately 2,500 Mexicans lost their lives in DTO-related violence.² As of July 2008, the death toll was 2,000, on track to exceed 4,000 by the end of the year. DTO-related deaths in Mexico in the last year and a half exceed the number of coalition troops killed in Iraq since 2003,³ and the deaths in 2008 will likely exceed those of 9/11⁴ and the annual loss of life caused by narco-terrorism in Colombia.⁵ The homicide rate in Tijuana in the first half of 2008 was eleven times that of Los Angeles during the same period.^{6,7} The United Nations estimates the illicit narcotics business in Mexico is worth at least US\$142 billion—11 percent of Mexico's gross domestic product.⁸

As the violence has become pervasive, both the US and Mexican Governments have taken measures to deal with the problem. As of June 2008, the Mexican Government had 27,000 troops deployed to various DTO hot spots, out of approximately 240,000 total troops.⁹ The US Government has increased the number of US Border Patrol (USBP) Agents along the border, approved the deployment of the National Guard to support the USBP, and begun construction of a border fence. US state and local law enforcement is working to stop weapons traffickers and human smugglers. Yet despite these herculean efforts by both governments, the violence persists and, in many areas, worsens.

Both the Mexican and US Governments consider Mexican DTOs as organized crime. This initially seems rational, since DTO structures and operations clearly mimic those of paradigmatic organized crime in other parts of the world. However, some of the tactics, techniques, and procedures used by Mexican DTOs, usually through their enforcement arms, extend

2 Catherine Bremer, "Four people killed in Mexico drug-smuggling area." Reuters, May 19, 2008, <http://www.reuters.com/article/newsOne/idUSN1954747020080520?pageNumber=2&virtualBrandChannel=0>.

3 Strategic Forecasting, "Mexico Security Memo," July 7, 2008, http://www.stratfor.com/analysis/mexico_security_memo_july_7_2008.

4 The current tally places the 9/11 death toll at 2,752.

5 The Colombian Government estimates that approximately 3,000 people are killed every year as a result of narco-terrorism.

6 Amy Isackson, "14 Dead in Tijuana Breaks Uneasy Calm," KPBS, July 7, 2008, <http://www.kpbs.org/news/local/id=12179>.

7 L.A. County Murders, <http://www.lacountymurders.com/>.

8 The World Factbook, "Mexico," Central Intelligence Agency, <https://www.cia.gov/library/publications/the-world-factbook/print/mx.html>.

9 Strategic Forecasting, "Mexico Security Memo," June 2, 2008, http://www.stratfor.com/analysis/mexico_security_memo_june_2_2008.

Redefining Terrorism: Why Mexican Drug Trafficking is More than Just Organized Crime

beyond the traditional activities of groups like the Russian Mafia or the Gambino crime family. Mexican DTO enforcers have better weapons and better armor than Mexican or US law enforcement. They have similar, and often superior, training. Their funding comes from DTOs, which means their bankrolls are practically unlimited.

A Failed Approach

Even as it reaches crisis proportions, the violence in Mexico and along the US-Mexico border continues to be treated as a criminal problem with resources and personnel designed to counter simple lawbreakers. This tactic is winning some battles, but losing the overall war—an asymmetric, fourth generation war—with US and Mexican law enforcement attempting to defeat a foe engaging in terrorist, insurgent, and criminal activity at will.

A new approach is needed, an approach that can truly defeat DTO violence in Mexico and along the border. And here's a clue—while Mexican DTOs cannot easily be placed in any traditional category, all exhibit characteristics of terrorist, insurgent, as well as criminal organizations. Perhaps it is time to rethink the way we define Mexican DTOs, and to do so with an eye toward giving governments and law enforcement better tools to combat the scourge.

Definitions of Terrorism, Narco-terrorism, Insurgency, and Organized Crime

Before any new definition or category can be considered, current definitions must be understood.

Terrorism. Unfortunately, there is no universally-accepted definition of terrorism. However, there are certain definitional elements that are fairly common; namely, the use of violence, the target of violence, and the purpose behind the violence. According to Title 22 of the United States Code, Section 2656f(d), the US Government defines terrorism as premeditated, politically-motivated violence perpetrated against noncombatants by sub-national groups or clandestine agents, usually intended to influence an audience.¹⁰ The US Department of Defense (DoD) definition is more specific, identifying terrorism as the calculated use of unlawful violence or threat of unlawful violence to inculcate fear, intended to coerce or to intimidate governments or societies in the pursuit of goals that are gener-

ally political, religious, or ideological.¹¹ The Federal Bureau of Investigation (FBI) definition varies only slightly from that of the DoD, describing terrorism as the unlawful use of force or violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives.¹²

Narco-terrorism. The term "narco-terrorism" emerged recently. It was probably coined by former Peruvian President Belaunde Terry in 1983 to describe terrorist-type attacks against his police forces by members of *Sendero Luminoso*, or Shining Path. Then, in 1986, President Ronald Reagan spoke of narco-terrorism when referring to links between international drug trafficking and terrorism.¹³ The Drug Enforcement Administration (DEA) defines a narco-terrorist organization as an organized group that is complicit in the activities of drug trafficking in order to further, or fund, premeditated, politically-motivated violence perpetrated against noncombatant targets with the intention to influence (that is, influence a government or group of people).¹⁴

10 Office of the Coordinator for Counterterrorism, *Patterns of Global Terrorism 2002*, US Department of State Publication 11038 (Washington, DC: State Department, April 2003), p. 13,

<http://www.state.gov/documents/organization/20177.pdf>

11 United States Department of Defense, Office of Joint Chiefs of Staff, *Joint Publication 1-02: Department of Defense Dictionary of Military and Associated Terms* (Washington, DC: United States Department of Defense, 12 April 2001—As amended through 5 June 2003), p. 531,

http://www.dtic.mil/doctrine/jel/new_pubs/jp1_02.pdf

12 Counterterrorism Threat Assessment and Warning Unit, National Security Division, Federal Bureau of Investigation, *Terrorism in the United States 1999: 30 Years of Terrorism—A Special Retrospective Edition*, (Washington, DC: United States Department of Justice, 1999), p. i,

<http://www.fbi.gov/publications/terror/terror99.pdf>

13 Pierre-Arnaud Chouvy. "Narco-Terrorism in Afghanistan." *Terrorism Monitor*, Vol. 2, Issue 6. (Jamestown Foundation, 2004). http://www.jamestown.org/publications_details.php?volume_id=400&issue_id=2929&article_id=23648

14 "Narco-Terrorism: International Drug Trafficking and Terrorism—a Dangerous Mix." Statement of Steven W. Casteel, Assistant Administrator for Intelligence Before the Senate Committee on the Judiciary, May 20, 2003.

<http://www.usdoj.gov/dea/pubs/cngrtest/cto52003.html>

Insurgency. The terms "terrorist" and "insurgent" are commonly used interchangeably or incorrectly. According to the US Army's counterinsurgency manual, an insurgency is an organized movement aimed at the overthrow of a constituted government through the use of subversion and armed conflict. Stated another way, an insurgency is an organized, protracted politico-military struggle designed to weaken the control and legitimacy of an established government, occupying power, or other political authority while increasing insurgent control.¹⁵ The goal of an insurgency is to challenge the existing government for control of all or a portion of the national territory, or force political concessions, for example, sharing political power. Insurgencies require the support of a portion of the population. Activities of insurgencies and terrorist groups often overlap, which is a reason for the confusion between the two. The main difference between terrorism and insurgency is that an insurgency is a *movement*, a political effort with a specific aim. Guerrilla warfare and terrorism are methods that insurgencies can use, but insurgencies do not necessarily use terrorism. Insurgencies do not always target non-combatants, although many insurgencies expand the accepted definition of combatants to include police and security personnel, in addition to the military. Terrorists do not discriminate between combatants and non-combatants; they actually often prefer to target civilians. The targeting of civilians by insurgent groups is not that rare. In 1955, the National Liberation Front (an Algerian insurgent group) sought to escalate their conflict against the French by attacking civilian targets. Of the 123 killed in the Philippeville massacre, several were old women and infants.¹⁶ In September 1969, approximately 2,300 civilians had been unearthed in and around the city of Hue in Vietnam. All were executed by the Viet Cong during the Tet offensive in 1968.¹⁷ Choices like this by insurgent groups and the routine practice of targeting the civilian population by terrorist groups further blur the distinction. Ultimately, the difference between insurgency and terrorism comes down to the intent of the actor, at least for the purposes of this discussion. Insurgency movements and guerilla forces can adhere to international norms regarding the laws of war, but terrorists are by definition conducting crimes under both civil and military codes.¹⁸

15 US Army, *Counterinsurgency* (Washington DC: US Department of the Army, 2006).

16 Military, "Algerian National Liberation," GlobalSecurity.org, <http://www.globalsecurity.org/military/world/war/algeria.htm>.

17 "The Massacre at Hue," *Time*, October 31, 1969, <http://moderntimes.vcdh.virginia.edu/HIUS316/mbase/docs/hue.html>.

18 Terrorism Research, "Differences between Terrorism and Insurgency," <http://www.terrorism-research.com/insurgency/>

Organized crime. Historically, the term "organized crime" brought to mind organizations like La Cosa Nostra or the Russian Mafia, and activities like racketeering, prostitution, and extortion. Today, the face of organized crime presents itself in a more violent and public fashion, namely that of Mexican drug cartels and their enforcers. The FBI defines organized crime as any group having some manner of a formalized structure and whose primary objective is to obtain money through illegal activities. Such groups maintain their position through the use of actual or threatened violence, corrupt public officials, graft, or extortion, and generally have a significant effect on the people in their locales, region, or countries.¹⁹

The Problem with Definitions. The differences between these definitions are subtle. Threats to national security along our borders as well as internationally do not fit neatly into pre-determined classifications. The Revolutionary Armed Forces of Colombia (FARC) are a designated foreign terrorist organization, yet they have been fighting an insurgency for over 40 years. Terrorist groups are constantly evolving their methods and their targets. The same is happening with DTOs along the US-Mexico border. As the movement of drugs has shifted from the Caribbean to Mexico and Central America, the situation along the border has changed. No longer are petty criminals occupying the majority of USBP's time. Instead, as violence levels have increased and DTOs have become more sophisticated, conditions along the border tend toward all-out war. Pigeonholing DTOs as organized crime undermines the ultimate goal of effectively combating their threats.

Overview of Mexican DTOs

The Congressional Research Service reports that, although Mexico's cartels have existed for some time, they have become increasingly powerful in recent years with the demise of the Medellín and Cali cartels in Colombia. Reduction of the cocaine trafficking route through Florida also pushed cocaine traffic to Mexico, increasing the role of Mexican cartels in the cocaine business. The National Drug Intelligence Center (NDIC) believes Mexican DTOs now dominate the US illicit drug market.²⁰

19 Federal Bureau of Investigation, "Organized Crime Glossary," FBI Public Website, <http://www.fbi.gov/hq/cid/orgcrime/glossary.htm>

20 Colleen W. Cook, "Mexico's Drug Cartels." *CRS Report for Congress*, October 16, 2007. <http://www.fas.org/sgp/crs/row/RL34215.pdf>

Redefining Terrorism: Why Mexican Drug Trafficking is More than Just Organized Crime

Mexican Government data indicate that, as of late 2007, there were seven DTOs operating in Mexico.²¹ However, in the last year, some have formed and re-formed alliances, and lost key members and leaders to arrests and assassinations. Until recently, three main DTOs controlled most of the drug trade in Mexico and Mexican "plazas," or drug trafficking routes into the United States: The Arellano-Felix Organization (a.k.a. the AFO or Tijuana cartel), the Sinaloa Federation (a.k.a. the Golden Triangle Alliance), and the Gulf cartel. Over the last few months, the Juárez cartel has separated itself from the Sinaloa Federation, which means the Mexican government now has four major DTOs to deal with.²² The AFO has lost several key leaders to arrests in the last few years, and its remnants are struggling to retain control of territory and business in Baja California. If the AFO goes out of business, the number of major Mexican DTOs will go back to three.

Not surprisingly, violence along the US-Mexico border has long been associated with drug trafficking. However, law enforcement officials have noted a significant escalation in the level of violence in recent years. Much of the violence along the Southwest Border is a result of fights between the Gulf cartel and the Sinaloa Federation for control of key smuggling routes into the United States. The escalation of drug-related violence along the border increasingly involves DTO use of violent paramilitary enforcement groups. Mexican DTOs use such groups to protect operations and drug shipments, as well as to target members of rival drug cartels and law enforcement officers. *Los Zetas*, the enforcement arm of the Gulf Cartel, may be the most technologically advanced, sophisticated, and violent of these paramilitary enforcement groups. Some *Los Zetas* members are former Mexican Special Forces soldiers and maintain expertise in heavy weaponry, specialized military tactics, sophisticated communications equipment, intelligence collection, and countersurveillance techniques.²³

21 Cook, *CRS Report for Congress*, 2007.

22 Strategic Forecasting, "Mexico Security Memo," May 19, 2008, http://www.stratfor.com/analysis/mexico_security_memo_may_19_2008.

23 US Drug Enforcement Administration, "Southwest Border Region Drug Transportation and Homeland Security Issues," http://www.usdoj.gov/dea/concern/18862/southwest_border.htm#Start.

Terrorist-Style Tactics, Techniques, and Procedures of the Mexican DTOs

Mexican DTOs, through their enforcement groups, routinely engage in activities similar or identical to those of designated foreign terrorist organizations. Below are some recent examples of DTO-related actions that reflect definitions of terrorism.

Assassinations. DTO-orchestrated assassinations usually target Mexican law enforcement or members of the local government, although civilians connected to the Mexican drug trade are often targeted as well. DTO enforcers target police chiefs, mayors, and other mid-to senior-level government individuals, often with a high rate of success. As many as one or two dozen assassinations occur throughout Mexico in any given week. The following are just a few examples of assassinations that all occurred in the same week in late August 2008.

- On August 15, 2008, two police officers were wounded in an apparent assassination attempt in Puebla, during which gunmen fired more than eighty rounds. Some reports indicate the officers were bodyguards for a deputy state attorney general.²⁴
- On August 21, 2008, the bodies of three men presumed to be federal agents were discovered in a vehicle along a highway in the State of Mexico. Each had been shot once in the forehead. The same day, a police commander in Pabellon de Arteaga, Aguascalientes, died after being shot approximately thirty times.²⁵
- On August 23, 2008, the dead body of a police commander in the State of Hidalgo was found in Otumba, Mexico. He had been kidnapped the night before.²⁶
- On August 24, 2008, a police officer in Culiacán, Sinaloa, died after at least one gunman armed with an assault rifle shot him multiple times.²⁷

24 Strategic Forecasting, "Mexico Security Memo," August 18, 2008, http://www.stratfor.com/analysis/mexico_security_memo_aug_18_2008.

25 Strategic Forecasting, August 18, 2008.

26 Strategic Forecasting, August 18, 2008.

27 Strategic Forecasting, "Mexico Security Memo," August 25, 2008, http://www.stratfor.com/analysis/mexico_security_memo_aug_25_2008.

Redefining Terrorism: Why Mexican Drug Trafficking is More than Just Organized Crime

Executions. DTOs routinely use grisly executions to intimidate their rivals, the government, and the public.

- On July 7, 2008, Mexican authorities found the bodies of six men in Tijuana. The victims had been tortured and shot to death, and the killers tried to burn the bodies. The previous day, there were six other executions in different parts of Tijuana and the day before there were another three.²⁸
- On July 27, 2008, gunmen armed with AK-47 rifles executed two Mexican Federal Investigative Agency (AFI) agents and gravely wounded another just after the victims left a Chinese restaurant in the western part of Mexicali, Baja California.²⁹
- On August 9, 2008, the bodies of two unidentified men wrapped in a blanket and with signs of torture were discovered near Tijuana. A note was found near the bodies that read, "This will happen to those that keep working for [Sinaloa cartel associate] El Mayo Zambada."³⁰
- On August 25, 2008, authorities found the bodies of two unidentified men on Bulevar 2000 in Colonia Valle Imperial in Tijuana. One of the victims was decapitated.³¹
- On August 26, 2008, authorities found three decapitated bodies in an empty lot in Colonia Garcia in Tijuana. Three charred human heads were found nearby.³²
- On August 28, 2008, Mexican authorities found twelve decapitated bodies on the Yucatán Peninsula, but had yet to find the heads. Photos of the crime scene showed eleven headless corpses stacked on top of one another in a field outside the city of Mérida, the capital of Yucatán. A twelfth body was found in a town called Buctzotz, forty-five miles

28 "Seis ejecutados en Tijuana," *Frontera.info*, July 7, 2008,

<http://www.frontera.info/EdicionEnLinea/Notas/Noticias/07072008/313971.aspx>.

29 "Asesinaron a Agentes de la AFI en Mexicali," *Tribuna de San Luis*, July 27, 2008, <http://www.oem.com.mx/tribunadesanluis/notas/n788418.htm>.

30 Strategic Forecasting, "Mexico Security Memo," August 11, 2008, http://www.stratfor.com/analysis/mexico_security_memo_aug_11_2008.

31 "Aparecen dos ejecutados, uno de ellos decapitado," *El Mexicano*, August 25, 2008, <http://www.el-mexicano.com.mx/nota.aspx?idNota=316836&esSecc=true>.

32 Luis Gerardo Andrade. "Hallan tres decapitados más en Tijuana," *La Crónica*, August 26, 2008, <http://www.lacronica.com/EdicionEnLinea/Notas/Noticias/26082008/323571.aspx>.

northeast of Mérida. It appeared to be the largest single group of beheadings in recent years in Mexico.³³

Some analysts say tactics such as beheadings, once unheard of in Mexico's drug underworld, are akin to terrorism because part of the goal is to scare civilians so that they will press the government to back off.³⁴

Kidnappings. Kidnappings in Mexico jumped almost 40 percent between 2004 and 2007, according to official statistics. Police say there were 751 kidnappings in Mexico last year, but independent crime research institute ICESI says the true number could be above 7,000.³⁵ Tijuana suffers more kidnappings than almost any other city outside Baghdad, according to a global security firm that handles ransom negotiations south of the border. With the AFO and other smaller Mexican DTOs ravaged by arrests and killings, cartel lieutenants have been turning more and more to kidnappings to supplement their dwindling drug profits.³⁶ Between May 2004 and May 2005, there were thirty-five reported abductions of US citizens in the Southwest Border area. Much larger numbers of Mexican citizens have been abducted along the border. From January to mid-August 2005, 202 kidnappings occurred in the Mexican state of Tamaulipas, the Gulf Cartel's operational center, which includes the cities of Matamoros, Nuevo Laredo, and Reynosa. Thirty-four of these abductions occurred in Nuevo Laredo and involved US citizens who had crossed the border. Twenty-three victims were released by their captors, nine victims remain missing, and two are confirmed dead.³⁷ Abductions are occurring in the Phoenix, Arizona, area at the rate of practically one per day, and police suspect they have led to killings in which bound and bullet-riddled bodies have been found dumped in the desert. Phoenix had

33 "12 Decapitated Bodies Found in Mexico, Heads Still Missing." FOX News, August 29, 2008, <http://www.foxnews.com/story/0,2933,413183,00.html>.

34 Ken Ellingwood, "Drug War Bodies are Piling Up in Mexico," *Los Angeles Times*, August 30, 2008, <http://www.latimes.com/news/printedition/front/la-fg-mexdrugs30-2008aug30.0.4013974.story>.

35 "Over 150,000 March in Mexico Against Crime." Reuters, August 30, 2008, <http://www.reuters.com/article/worldNews/idUSN3050065320080831?page-Number=2&virtualBrandChannel=0>.

36 Richard Marosi, "Tijuana's elite flee to San Diego County to escape kidnappings and violence in Mexico." *Los Angeles Times*, June 7, 2008, <http://www.latimes.com/news/local/immigration/la-me-exodus7-2008jun07.0.1699616.full.story>.

37 Statement of Chris Swecker Assistant Director, Criminal Investigative Division Federal Bureau of Investigation Before the US House of Representatives Committee on Judiciary Subcommittee on Crime, Terrorism, and Homeland Security and the Subcommittee on Immigration, Border Security and Claims. 17 Nov 2005. Online at <http://www.fbi.gov/congress/congress05/swecker111705.htm>

Redefining Terrorism: Why Mexican Drug Trafficking is More than Just Organized Crime

more than 340 such kidnappings reported last year,³⁸ but police said the real number is higher because many cases go unreported.³⁹

Kidnappers in Mexico are three times more likely to kill their victims than are their counterparts in Colombia. About one out of every seven people kidnapped in Mexico was killed at the hands of their captors in 2005, compared to one out of every twenty-six victims in Colombia, according to a report by the Citizen Council for Public Safety, a private-sector think tank. While some kidnappers in Mexico may kill their victims to eliminate witnesses or because they have botched a kidnapping, others use violence selectively.⁴⁰

Use of High-Powered Assault Weapons. According to Bill Newell, the special agent in charge of the Phoenix field division of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), the DTOs' weapons of choice include variants of the AK-47 and AR-15, .50-caliber sniper rifles and a Belgian-made pistol called the "cop killer" or "mata policia" because of its ability to pierce a bulletproof vest with certain ammunition.⁴¹ Arms traffickers have left Mexico awash in assault rifles, pistols, telescope sighting devices, grenades, grenade launchers and high-powered ammunition.⁴²

- On August 11, 2008, three men driving along a highway in Durango died when they were shot by men armed with assault rifles.⁴³
- On August 18, 2008 in Ciudad Juarez, masked gunmen wielding assault rifles shot and killed two brothers. The same day, three men died and a woman and her husband were wounded when gunmen armed with automatic rifles opened fire during a wedding reception in Rosario, Sinaloa state.

38 Kidnappings in Phoenix are not included in southwest border kidnapping data, ostensibly because Phoenix is a three-hour drive away from the US-Mexico border.

39 "Kidnappings cross the border," MSNBC, January 11, 2008, <http://www.msnbc.msn.com/id/22614102/page/2/print/1/displaymode/1098/>.

40 "Mexico kidnappings deadliest in Latin America," MSNBC, 20 December 20, 2005, <http://www.msnbc.msn.com/id/10546934/>.

41 Brian Ross and Richard Esposito, "US Guns Arming Mexican Drug Gangs; Second Amendment to Blame?" ABC News, April 22, 2008, <http://abcnews.go.com/Blotter/Story?id=4695848&page=1>.

42 Manuel Roig-Franzia, "US Guns Behind Cartel Killings in Mexico," *The Washington Post*, October 29, 2007, http://www.washingtonpost.com/wp-dyn/content/article/2007/10/28/AR2007102801654_pf.html.

43 Strategic Forecasting, August 18, 2008.

- On August 24, 2008, a police officer in Culiacán, Sinaloa state, died after at least one gunman armed with an assault rifle shot him multiple times.⁴⁴

Fear Mongering. Fear as a result of DTO-related violence has spread like wildfire throughout Mexico. Wealthy Mexicans ride in bulletproof vehicles, wear protective clothing, and hire bodyguards. Businessmen avoid certain restaurants they fear might be frequented by cartel thugs. Many Mexicans take special care not to wear anything that might attract attention from DTO enforcers—certain clothing, hats, jewelry, etc. Individuals avoid eye contact if a Hummer or other large SUV pulls alongside at a stoplight. Police checkpoints are a cause for concern because the people dressed as police officers could be real police, or they could be DTO enforcers disguised as police. Women are careful in shunning unwanted male attention for fear that they might be carrying weapons they are very willing to use. Men are careful about the women they look at for fear they might be a wife or girlfriend of someone also willing to use a weapon. Some Mexicans are even having microchips inserted in their forearms so they can be tracked in case they are kidnapped by drug traffickers.⁴⁵ Banners placed in public areas have become a common intimidation tool and are often used to threaten violence against individuals. Banners hung ostensibly by DTOs in cities across Mexico in late August 2008 were noteworthy in that part of their message was directed toward civilians, assuring them that the cartels—not the government—control the level of violence in the country.⁴⁶

Similarities to Traditional Terrorism. Violent acts committed by DTOs and their enforcers are currently viewed as criminal acts. Yet, most of those acts are identical in nature to acts committed by traditional terrorist groups like al-Qaeda, the FARC, and the Provisional Irish Republican Army (IRA), and with similar intentions. DTO enforcers routinely use beheadings during executions of their rivals or enemies. Not many can forget the videotaped beheading of American businessman Nicholas Berg by members of al-Qaeda in Iraq in May 2004. DTOs engage in insurgent-style tactics against the Mexican military, Mexican and US law enforce-

44 Strategic Forecasting, August 25, 2008.

45 Marc Lacey, "Drug Violence Alters the Flow of Life in Mexico," *The New York Times*, August 30, 2008, <http://www.nytimes.com/2008/08/31/world/americas/31mexico.html?pagewanted=1&r=1&ref=world>.

46 Strategic Forecasting, "Mexico Security Memo," September 2, 2008, http://www.stratfor.com/analysis/mexico_security_memo_sept_2_2008.

ment, and civilians alike just like the FARC in Colombia. DTOs have successfully targeted government officials and law enforcement officers for assassination, just like the IRA in the 1970s and 1980s. Most importantly, the intention of all these groups is the same—to intimidate the populace and change the behavior of a government. The motivations are clearly different for each group, but the effect on the populace is the same.

A Precedent for Calling it Terrorism: United Self-Defense Forces of Colombia

Although Mexican DTOs, generally through their enforcers, use the same tactics, techniques, and procedures as terrorist groups like al-Qaeda and Shining Path, they are missing what some might say is the critical component—ideology. Mexican DTOs do not wish to remove the Mexican Government and replace it with one of their own. They are not religious zealots wishing to convert the Mexican people or the rest of the world. They simply want to maximize their profits and keep government and law enforcement out of their business. Many in the counterterrorism world say this lack of ideology precludes Mexican DTOs and their enforcers from even being in the same league as foreign terrorist organizations. However, an organization in Colombia provides a different precedent.

Commonly referred to by its Spanish acronym (AUC), the United Self-Defense Forces of Colombia was an umbrella group formed in 1997 to organize loosely affiliated illegal paramilitary groups in Colombia. These paramilitaries originally emerged in the 1980s, as Pablo Escobar and other drug lords began hiring protection for their territory and operations from left-wing Marxist rebels, such as the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN). The AUC increasingly discarded its counterinsurgency activities, electing instead to involve itself in the illegal drug trade. By 2007, as the result of a large demobilization, most of the AUC's centralized military structure had been dismantled. Colombia now faces criminal gangs formed by demobilized paramilitaries. Unlike the AUC, the new criminal groups make little claim to fighting insurgents and are more clearly criminal enterprises focused primarily on drug trafficking, other lucrative illicit activities, and influencing local politics to facilitate their criminal ventures. During its heyday, AUC operations varied from assassinating suspected insurgent supporters to engaging insurgent combat units. As much as 70 percent of the paramilitary operational costs were financed with drug-related earn-

Journal of Strategic Security

ings, with the rest coming from "donations" from sponsors and government corruption.⁴⁷

Despite never having a political, religious, or ideological goal, routinely engaging in violence that was not politically motivated, and not intending to influence any particular audience, the AUC was designated as a Foreign Terrorist Organization (FTO) by the State Department in 2001.⁴⁸ Although the AUC has "demobilized" and morphed into criminal enterprises focused on drug trafficking and other illicit activities, the US State Department has not removed the AUC's designation as an FTO. Mexican DTO enforcers and former AUC paramilitary groups are similar in almost every way. DTO enforcers do battle with rival enforcer groups, the Mexican military, and both Mexican and US law enforcement. The AUC did battle with left-wing guerrilla groups, the Mexican military, and Mexican law enforcement. Mexican DTO enforcers kill thousands of Mexicans every year, and the AUC killed, displaced, or kidnapped thousands of Colombians every year. Mexican DTO enforcer targets are usually involved in the drug trade in Mexico. AUC targets were usually members or supporters of left-wing terrorist groups. Innocent civilians have been victims of actions by both groups, but are generally considered collateral damage and not specifically targeted because they are innocent civilians. Yet, the AUC remains a designated FTO, and Mexican DTOs are considered organized crime groups.

DTO Use of Insurgent Tactics against Mexican Government Forces

In early 2008, US counterterrorism sources reported the Gulf cartel realized it was incapable of head-to-head engagements with the Mexican military and federal police, but felt that engaging in insurgent-style tactics would give it an advantage. Mexican DTOs have actually used these tactics for some time, and have demonstrated a strong capability to conduct ambushes and hit-and-run attacks against convoys, highway checkpoints, and police and military installations.⁴⁹ Over the last thirteen months, the army and federal police task forces have used both counter-insurgency

47 US State Department, *Country Reports on Terrorism* (April 2008), <http://www.state.gov/documents/organization/105904.pdf>

48 According to US State Department records, the Administration designated the AUC as a Foreign Terrorist Organization (FTO) on September 10, 2001, in consultation with the Attorney General and the Secretary of the Treasury.

49 Strategic Forecasting, "Mexico: A Shift in Cartel Tactics?" January 15, 2008, http://www.stratfor.com/analysis/mexico_shift_cartel_tactics.

Redefining Terrorism: Why Mexican Drug Trafficking is More than Just Organized Crime

warfare tactics and law enforcement techniques in counter-cartel operations. At times, the counter-insurgency tactics have taken precedence over traditional police-type anti-crime measures.⁵⁰

The Newest Generation of Organized Crime

According to Strategic Forecasting (Stratfor), what distinguishes Mexican DTOs from "traditional" terrorist and revolutionary groups is their underlying goal of making money.⁵¹ However, part of what makes the problem endemic is that DTOs make communities and many non-cartel-related individuals rich through their money-laundering activities. Many are happy to launder the cartels' millions—which account for an economic boom in Culiacán, Mexico, replete with new Hummer dealerships, and casinos and nightclubs where women sport diamond-encrusted fingernails. Laundering sustains a network of drug-tainted businesses, from cattle ranches to currency-exchange houses to motels.⁵²

Organized crime problems in Mexico are similar to cases past, in which criminal elements become factionalized. The battles that are taking place are largely the result of fighting among the organized crime groups, rather than DTOs simply fighting the Mexican Government. Organized crime tends to become more conservative as it grows and gets more established. Mexican DTOs could attempt to rein in more violent actors as a way of assuring their operations, similar to the actions of the American Mafia. Stratfor poses the crucial question of whether the Mexican DTOs will go in the direction of the American model or Colombian model of organized crime. Each route would have a very different impact on the state of affairs in Mexico. The American model could lead to an increase in stability and an overall decrease in violence, whereas the Colombian model—a hybrid of organized crime and insurgency—could lead to increased violence and even more problems for the Mexican Government.⁵³

50 Austin Bay, "Mexico's Cartel War," *The Washington Times*, January 18, 2008, <http://www.washingtontimes.com/news/2008/jan/18/mexicos-cartel-war/>.

51 Strategic Forecasting, "The Big Business of Organized Crime in Mexico," February 13, 2008, http://www.stratfor.com/weekly/big_business_organized_crime_mexico.

52 Tim Padgett and Ioan Grillo, "Mexico's Cocaine Capital," *TIME*, August 14, 2008, <http://www.time.com/time/magazine/article/0,9171,1832854-2,00.html>.

53 Strategic Forecasting, February 13, 2008.

Reasons for a New Definition

The practical argument for redefining Mexican DTOs as terrorist organizations is that resources could then be allocated differently and more effectively. Today, the brunt of the battle against Mexican DTOs is borne by law enforcement. In the United States, county and municipal law enforcement is funded locally. Some receive Homeland Security dollars, but those are often earmarked for counterterrorism. Many US law enforcement agencies along the border do not have the money to hire more officers and purchase the weapons and protective equipment necessary to combat DTO enforcers along the border. The US Army has been prohibited from providing much assistance due the Posse Comitatus Act of 1878, which has historically forbidden the military from engaging in civilian law enforcement activity. However, recent changes to the Act, namely Section 1076 of the John Warner National Defense Authorization Act,⁵⁴ are redefining the Army's role. The President can now employ the armed forces within the United States during natural disasters, public emergencies, and terrorist attacks. More importantly, those forces can be used when "domestic violence has occurred to such an extent that the constituted authorities of the State or possession are incapable of maintaining public order." Should DTOs take their activities along the border to the next level—meaning the use of terrorist tactics against US law enforcement officers that are incapable of responding—the Federal Government can choose to legally address that threat with the US military.

A new definition may open up avenues for providing assistance to Mexico in a fashion that is more diplomatically acceptable. Calling Mexican DTOs terrorist organizations would also allow Mexico and the United States to engage in more aggressive actions against DTOs that could not be used against criminal organizations. While it is ultimately up to the Mexican Government to decide how to handle DTO violence, redefining the problem could provide a bigger selection of tools than currently available. A new definition might also ameliorate some jurisdictional issues between law enforcement agencies on both sides of the border, as well as communication issues between the United States and Mexico, because the problem would be handled at the federal level.

DTOs operate along the border with impunity. The escalation of violence over the past few years is indicative of both their sophistication and the incapability of the United States and Mexico to effectively halt their operations. The Global War on Terrorism allows the full catalogue of American resources to be employed. If the War on Drugs is to move past its

⁵⁴ Also known as Public Law 109–364.

Redefining Terrorism: Why Mexican Drug Trafficking is More than Just Organized Crime

current stagnation, DTOs must be included with the likes of al-Qaeda, the FARC, and Hizballah. The redefinition of DTOs as terrorist organizations takes into account all aspects of their activity: the use of terrorist tactics; the use of proceeds from the production, sale, and distribution of narcotics to fund violent activity; the use of insurgent tactics against the Mexican Government, military, and law enforcement; and the use of organized crime group structure and business practices. While Shakespeare said a rose by any other name would smell as sweet, a Mexican DTO with a different name could mean a real change in the war on drug cartels. It could open up new opportunities for governments to finally end the DTOs' reign of terror throughout Mexico and along the US border.

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Journal of Strategic Security