The horrific violence in Mexico stemming from President Felipe Calderón’s decision to crack down on drug cartels was the subject of a 90-minute session at PERF’s Annual Meeting on March 26 in Washington, D.C.

PERF members heard a wide range of perspectives on the violence in Mexico, and how it is beginning to spread to U.S. cities. The panelists were:

- Luis Carlos Nájera Gutiérrez De Velasco, who heads the police force in the Mexican state of Jalisco;
- Nelson Vargas, resident agent in charge of the DEA in Guadalajara, Mexico;
- Zoran Yankovich, special agent in charge of the DEA in Houston;
- Chief Jack Harris, Phoenix Police Department;
- Deputy Chief Charlie Beck, Los Angeles Police Department;
- William McMahon, deputy assistant director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; and
- John Woods, deputy assistant director, Immigration and Customs Enforcement.

PERF Executive Director Chuck Wexler moderated the session. Following are excerpts of the discussion:

**Jack Harris:** Phoenix is one of the key distribution points in the United States for illegal narcotics—as well as one of the key locations for bringing illegal immigrants into the country and moving them throughout the United States to different workplaces.

Last year, we had 368 kidnappings and 337 home invasions. The kidnappings are almost entirely related to narcotics and human smuggling. It’s bad-guy-on-bad-guy, disputes among drug dealers in which they take a hostage and torture him in order to get money from the victim’s family. A call comes in to the Police Department from the victim’s family, and while we are on the phone, the victim is being tortured by his captors, and the family is being told to bring up to a half-million dollars immediately or they will kill the family’s loved one.

We also have a problem with smuggling of people into the country by these people known as “coyotes.” Mexicans hire a smuggler to bring them into the country, and pay maybe $1,500 a head to come into the country illegally. And then after they’ve crossed the border, they’re taken to a drop house. We’ve had 50 to 100 illegal immigrants crammed into a house in July, when it’s 110 degrees in Phoenix. There’s no air conditioning in the house, no food, no water, no facilities of any type. And sometimes these illegal immigrants are held hostage and tortured while the coyotes call their family members and demand that they bring...
FROM THE PRESIDENT

Ending the “War on Drugs”:
This Will Not Be a Walk in the Park

MY COLLEAGUE GIL KERLIKOWSKES, WHO IS NOW
President Obama’s drug czar, got some attention lately when he
said we should stop talking about the “war on drugs” because peo-
ple in a lot of communities across the country interpret that term
as a war on them.

No matter how you try to explain that the war is against a
harmful product, “people see it as a war on them,” Gil said. “We’re
not at war with people in this country.”

In other words, Gil is explaining that the Obama Adminis-
tration wants to promote drug treatment, as opposed to sending
drug users to jail. At the same time, he has made clear that the
Administration has no interest in legalizing drugs. “Legalization
isn’t in the President’s vocabulary, and it certainly isn’t in mine,”
Gil said to a meeting of policing officials in Nashville.

I agree with Chief Kerlikowske, and wish him success in
making this change in policy. I also think he’s got a tough job
ahead of him, because these drug issues get very complicated. It’s a
hell of a lot easier said than done.

Clearly, for people who are addicted to drugs or who use
them recreationally, the criminal justice system is not the best way
of handling the problem. We’d be better off giving these people
treatment. But having said that, my experience is that treatment
isn’t all it’s made out to be. Just like treatment for alcohol abuse,
drug treatment comes with some pretty high failure rates.

Back when I was commissioner in Philadelphia, we would
conduct big drug operations where we would lock a lot of people
up. The people selling drugs, the ones making a profit from the
drug trade, we would arrest. As for the users, we got permission
from the district attorney to have drug treatment people at the
scene, and we would tell the users, “You can either come to jail
with us, or you can go over there and sign up for a treatment
program.” A lot of them signed up, and we had some success. We
never really followed through to see how successful we were, but it
was a step in the right direction.

So we were using the lever of the criminal justice system to
push into treatment these people who, when you come right down
to it, are sick. And I think that’s a worthy use of the criminal jus-
tice system.

The other day I was reading a new study from the Cato In-
stitute about the situation in Portugal, where they decriminalized
all drugs in 2001—not just marijuana, but cocaine and heroin
too. And according to the study, the results over the last eight
years have been quite impressive. Rates of drug use in Portugal
now compare favorably to other countries in the European Union,
especially those with tough drug criminalization laws, the study
says. And the drug-related pathologies, like sexually transmitted
diseases and deaths caused by drug abuse—have declined dramati-
cally in Portugal, according to this study.

This is not exactly new; for a long time, many of the ad-
vocates of drug decriminalization have come from the libertarian
wing of the right, people like William F. Buckley and Milton
Friedman. They say, Why
are you wasting govern-
ment resources? If people
decide they want to be al-
coholics or drug users, it’s
their business, and so on.

But I don’t see legalization gaining traction in this country.
For one thing, if you legalize drugs, there goes the whole notion
of using the criminal justice system as a lever to encourage people
to go to a treatment program.

And another thing to consider is that if anyone in the United
States wants to talk about legalization, they’d better make sure it’s
not just five white guys sitting around a table pushing it. They’d
better involve some mothers and fathers from the minority com-
unities that are hardest hit by drugs, or else they’ll find they’re
being accused of genocide. There’s a certain amount of suspicion
within minority communities about this. I’ve been to meetings all
the time where people say, “Look, this cocaine, this heroin is not
being grown here in Miami. It’s coming in from Latin America,
from Afghanistan, and it’s the federal government that is letting it
into the United States, because you want to kill us.” I have heard
that from very rational people at community meetings. At least
one member of Congress I know of has expressed those sentiments.

For those of us in policing, for the average cop, when we
end up taking actions against drug dealers and users, it’s not be-
because John Timoney woke up one morning and said, “Starting
today, let’s go hit such-and-such a location.” It’s usually the result
of a community meeting where a mother stands up and says, “My
daughter can’t walk to school or go to the store without passing
these crackheads or stepping over used needles and condoms.” You
have all this assorted ugliness that goes along with drug use, and
they are legitimate concerns.

So the question becomes, who would you have address those
concerns except the police? Even though police are sympathetic to
the idea of drug treatment, we still have to respond to community
pressure. If I go into a meeting tonight or tomorrow night in Little
Havana or Liberty City, if open-air drug dealing is not the very
first topic of conversation, it’ll be number two. So it’s police of-
ficials who often find themselves caught in the middle. We’re sym-
pathetic, and we understand that some of these people on drugs
are just unfortunates. But at the end of the day, it’s illegal, and
people have a right to demand, and they do demand, that police
do something about it. Decent people shouldn’t have to live in the
awful conditions caused by drug abuse.

So as an academic exercise, drug policies are interesting
to talk about. And when that academic exercise runs head-on
into the realities of the street, it gets more interesting. I’m very
sympathetic to where Gil Kerlikowske is coming from. And I
think there’s a huge need for community involvement in help-
ing the Obama Administration to articulate what our new policies
will be.
Obama Budget Devotes 10 Percent of DOJ Funding To State and Local Agencies

President Obama has signaled an intention to reinvigorate the federal government’s commitment to state and local police and other criminal justice agencies with his first budget proposal, which he released on May 7. The budget, for the 2010 fiscal year, which begins October 1 of this year, includes a $510.6-million increase in aid to state and local law enforcement.

In fact, the Administration’s budget proposal for the U.S. Justice Department calls for a total of $2.6 billion for state and local assistance—approximately 10 percent of the department’s entire budget.

“The President’s budget request demonstrates both a dedication to protecting our national security and a renewed commitment to the Justice Department’s traditional missions,” Attorney General Eric Holder said in releasing the budget plan. “In these tough economic times, it’s more important than ever that we remain vigilant in the fight against crime while never relaxing our guard in the battle against global terrorism.”

The President’s budget proposal is only the first step in the process of funding the federal government; Congress spends the spring and summer revising the proposal, aiming to complete action by October 1. In some cases, Congress approves the exact dollar amount the President requests for a given program; but often a President’s proposals are modified or entirely ignored by Congress. In the case of funding for state and local police, Congress largely ignored President Obama’s requests earlier this year during consideration of the special economic stimulus bill.

BJA to Ramp Up Funding for Prisoner Reentry

The Justice Department said that one new priority for the Obama Administration in 2010 will be helping prison inmates and other criminal offenders make a successful reentry to society following their release.

“The most recent national-level recidivism study shows that two-thirds of ex-offenders released in 1994 came back into contact with the criminal justice system within three years of their release,” the Justice Department said in a fact sheet on its budget proposal. “Increased funding will be used to provide drug treatment, mentoring, and other transitional services to help ex-offenders successfully integrate into society and lead productive lives.”

Specifically, the budget includes $100 million in funding to implement the Second Chance Act, a law that Congress approved last year aimed at reducing recidivism rates and helping offenders establish themselves in productive lives.

The Justice Department’s Bureau of Justice Assistance (BJA), which already began implementing the Second Chance Act with $25 million in Fiscal Year 2009 funding, will manage the $100-million program in 2010.

Other BJA programs in the President’s Budget include:

- **Byrne Justice Assistance Grants**—Byrne/JAG grants would receive $519 million in 2010 under the President’s budget. This is a $27-million decrease from the $546 million provided in 2009; however, this program recently received an additional $2 billion under the stimulus bill.

- **Coverdell Grants**—The Administration’s budget calls for $35 million in 2010 for the Coverdell program, which awards grants to state and local governments to improve the quality and timeliness of forensic science and medical examiner services. That is a $10-million increase over the funding level in 2009.

- **Special Courts**—Funding for drug courts, mental health courts, and problem-solving courts would be increased from $50 million in 2009 to $59 million in 2010. The Justice Department noted that this funding will help state, local, and tribal governments develop systemwide responses to offenders with underlying social and psychological issues that the traditional justice system is not designed to address effectively.

**$298 Million For COPS Hiring**

The President’s budget calls for $298 million for the COPS hiring program, which received no funding in the regular 2009 appropriation bill. However, COPS received $1 billion to fund the hiring of local and state police in the stimulus bill. If Congress approves the $298 million for 2010, the Justice Department expects that the stimulus bill and 2010 funding combined will fund more than 7,000 officers. In announcing the President’s budget plan, the Justice Department again noted that the Administration is committed to eventually providing funding to communities across the country to begin hiring 50,000 police officers.

**Crime Victimization Survey Slated For Major Improvements**

Other programs and agencies affected by the budget plan include the following:

- **Bureau of Justice Statistics**—BJS would receive $60 million in 2010, an increase of $15 million over 2009. The increase would go toward modernization of the National Crime Victimization Survey (NCVS). The survey is one of the nation’s two major methods of measuring crime; the other is the FBI’s Uniform Crime Reporting (UCR) system. While the UCR tallies reports of crime that are made to local police departments, the crime victimization survey is designed to measure victimizations whether or not they are reported to police. However, “NCVS does not produce statistically reliable yearly data on victimizations at the state and local level necessary to inform policy decisions,” the Justice Department said. “This funding [increase] will provide BJS with the ability to identify and test various methodological improvements to redesign the program to provide better sub-national data, [and] more current information on emerging trends and issues.”

- **National Institute of Justice**—NIJ would receive $48 million in 2010 under the President’s plan, the same as in 2009.

- **Regional Information Sharing System**—RISS would receive $45 million in 2010, the same as in 2009.

- **State Criminal Alien Assistance Program**—The Obama Administration asked Congress to zero out the SCAAP program, which received $400 million in 2009. SCAAP partially reimburses certain state prisons and county jails for the costs of incarcerating illegal aliens who have committed crimes in the United States. The Justice Department said that the program “does not help states and communities combat crime.”

However, Congress may reject this proposal; Sen. Dianne Feinstein, for example, who serves on the Senate Judiciary Committee as well as the Appropriations

May 2009 Subject to Debate 3
another $1,000 or $2,000 or whatever they can, before they will release the immigrant. We have had shootouts on our streets during the middle of rush-hour traffic between coyotes, with their vans full of people and other coyotes trying to steal the “load.”

The people in this room may not understand the depth of the violence and the inhumanity that is being inflicted on these people who are coming here to try to work. We’re having women raped, men sodomized, car batteries with water and electrical torture, barbed wire wrapped around victims. It’s absolutely unbelievable what these people are going through.

We created a task force to deal just with the kidnappings, because they are extremely manpower-intensive. Because the victim is being tortured and sometimes killed as the family members listen on the phone, we’ll have 40 to 60 officers working one kidnapping, desperately trying to locate the victim. We created a Home Invasion and Kidnapping Enforcement Task Force (HIKE), and one of the reasons I’m in Washington now is to go to Capitol Hill and ask for support from COPS and the various grant programs, to increase the number of people working the HIKE unit by another 25 percent.

CHARLIE BECK: Jack’s scenario is exactly what we are trying to avoid in Los Angeles. We’ve had coyote kidnappings for many years, but we really haven’t had the cartel-type kidnappings until this year when we did have our first one. This prompted us to reach out to Jack’s department and the rest of Southwestern law enforcement and put together a conference on the specialized units. We’re all worried that this is going to become a very viable avenue for criminals as money starts to run out in Mexico or as things destabilize there.

CHUCK WEXLER: So when the President of Mexico announces that he’s going to take on the cartels, does that make it better in the United States or worse?

ZORAN YANKOVIČ: There are some very positive things happening in the United States. For the first time in decades, we’re seeing a sustained increase in price and decrease in purity of drugs. Less drugs are available, which drives the price up and the purity down. If they have only half the drugs, the drugs are cut down, and they can sell it at twice the price, because the demand is still there but the supply is not available.

CHUCK WEXLER: Nelson, you worked in Colombia for a time. People are saying that Mexico is going where Colombia used to be. Is that right?

NELSON VARGAS: That’s absolutely correct. It has that same feeling. When President [Alvaro] Uribe in Colombia put his foot down and said, “There’s going to be change in this country,” it brought fights and blood and tons of chaos. And this is what’s happening in Mexico. Calderón took this position that he no longer wanted to be part of the old agreement between the government and cartels. He’s putting his foot down.

CHUCK WEXLER: But not as many people in Mexico were getting killed before, so the people of Mexico are asking whether this is a good thing or a bad thing.

NELSON VARGAS: The cartels don’t want change, they want the old arrangements. But that involved a lot of corruption. That is changing now in Mexico.

CHUCK WEXLER: So it’s a matter of things having to get worse before they get better?

NELSON VARGAS: That’s correct.

CHUCK WEXLER: Bill McMahon, the other side of the Mexican drug cartel story is the guns being taken from the United States into Mexico.

WILLIAM McMAHON: It’s supply and demand. The Mexican cartels have a demand for firearms, and the United States is the supplier. The weapons of choice of the cartels are the high-caliber, high-capacity handguns and rifles. The AK-47 variants, the AR-15 variants, the 5.7-mm pistols and rifles, the .40- and .45-caliber handguns.

ATF is stepping up action on the border through our Project Gunrunner initiative, our intelligence-led policing, our inspections of licensed gun dealers in the United States. There are almost 60,000 licensed gun dealers, including 6,700 along the Mexican border. Through our inspections process, we get in there, look at their records, see who’s buying weapons, and do some proactive intelligence work that we call forward tracing. We try to find out who is buying large quantities of those weapons of choice.

We also do reactive intelligence work with the guns that are recovered in Mexico in connection with crimes. We trace and determine where they came from. We estimate from the successful traces that over 90 percent of the firearms are coming from the United States, and we develop tracking patterns of exactly where they are coming from. Obviously, the source states along the border—Texas, Arizona, New Mexico, and California—are the largest suppliers. But the tentacles of this are all over the country, and we’re finding large pockets of firearms coming from Washington State, Illinois, Georgia, and Florida.

CHUCK WEXLER: Why do the Mexican cartels need to buy smuggled U.S. guns?

WILLIAM McMAHON: There are no legal firearms in Mexico. The only people who can possess firearms over .38 caliber are military or police. Mexico’s gun laws are stricter than any state in the United States. They pay five to six times the value here in the United States. So a smuggled AK-47 goes for $5,000 in Mexico. It starts with a straw purchaser in the United States who has a clean record, who buys it from a U.S. dealer and makes maybe $50 or $100 for that one gun. They supply it to a trafficker who gets it across the border and makes a few hundred dollars per gun. And they get it to a distributor of firearms in Mexico, who gets the rest of the profits.

Another big aspect of this is that if you have firearms, you need ammunition. Obviously, the United States is the big source of ammunition. And ammunition is not regulated; it doesn’t have serial numbers on it. So we see cases all the time at gun shows or border dealers where a person will come across the border, walk into a store, and buy 25,000 rounds of 7.62-mm ammo and then return across the border into Mexico with it.

CHUCK WEXLER: John, I read in the paper that DHS Secretary Napolitano announced that ICE is now checking cars going south into Mexico, and that this is something new.

JOHN WOODS: We’ve been stepping up our outbound inspections as part of Secretary Napolitano’s new Southwest Border Initiative. Typically, you get freedom of movement to leave the United States. There is no uniform exit control, because that could be exploited by
LUís CARLOS NÁJERA: How long have you been in law enforcement in Mexico?

LUÍS CARLOS NÁJERA: 21 years in law enforcement, beginning as a police officer and eight years as chief—first in the capital city of Guadalajara, and now for the state of Jalisco.

CHUCK WEXLER: When your President changes policy and announces he is going after the cartels, how does that impact what you do?

LUÍS CARLOS NÁJERA: All has changed. Years ago, they had a pact. The different cartels had their own territory and would sell and sell the drugs. At ICE we try to see these not as individual crimes, but as part of a continuing crime; we look at the whole pipeline.

As part of ICE’s effort to thwart arms smuggling southbound, ICE has investigative operations such as Armas Cruzadas and Operation Firewall and leads the Border Enforcement Security Taskforce (BEST) to investigate and stop smuggling southbound. As part of these efforts ICE works with CBP by providing intelligence on persons and vehicles that may be carrying contraband across the border southbound.

CHUCK WEXLER: Chief Najara, how long have you been in law enforcement in Mexico?

LUÍS CARLOS NÁJERA: 21 years in law enforcement, beginning as a police officer and eight years as chief—first in the capital city of Guadalajara, and now for the state of Jalisco.

CHUCK WEXLER: When your President changes policy and announces he is going after the cartels, how does that impact what you do?

LUÍS CARLOS NÁJERA: All has changed. Years ago, they had a pact. The different cartels had their own territory and would sell and work in their own areas. But the last two, three years, the cartels have been fighting for all the territory.

CHUCK WEXLER: With an AK-47 selling for $5,000 and a kilo of cocaine for as much as $50,000, there must be a tremendous temptation for the Mexican police.

LUÍS CARLOS NÁJERA: We need to pay our police officers better. Street-level police in some states make $200 a month. We are working for pay increases, like $800 a month. We are working with polygraph tests of officers. We know we have many police officers who are working for different cartels. Many people have fear. The cartels use not only AK-47s; they have hand grenades, grenade launchers, .50-calibers. We have 15 police officers dead in Jalisco because they are pushing the police to make an arrangement.

But we need to do what we are doing now to make a better future for our people. We have the problem in Mexico with more and more people going to the drugs, more young people. This is a huge problem now in Mexico. We are losing the values of family, respect.

CHUCK WEXLER: Nelson, what’s it like to be a police chief in Mexico today?

NELSON VARGAS: It’s a tough job. [Chief Nájera] has already received two offers from the cartels. They want protection. If there’s going to be any action against the cartels, they want to know ahead of time. Or if they need to go through a certain town, they need to know they won’t be stopped or arrested. Twice they’ve approached him and said, “You can only say no a few times before we will take action against you.” They’ve told him they know where he lives, they know about his family, they know everything about him, they even know the names of his trusted bodyguards. When we talk on the phone, we talk in code, and we try not to talk at all. We don’t mention names, or if we do, we don’t use the real names of persons. We have intelligence that the cartels have purchased what they call wolf packs, which are listening devices to capture conversations. They do their own intel on us, and we have to be very careful.

CHUCK WEXLER: You must have concerns for your own safety.

NELSON VARGAS: It’s a hairy situation. I was in New York City in the early 80s; I worked with Bill McMahon on the firearms task force, I went to Bogota and saw the changes there, but I’ve never seen as many guns in my life as I’ve seen in Mexico. They’re definitely into the weapons. We had a seizure recently where we recovered rockets, grenades, .50-caliber sniper rifles. These guys are not playing.

And yet, it was an amazing change in Colombia, with excellent cooperation between us and the government. And this is what’s happening in Mexico. It’s an amazing thing when you’re there, and you see that the people want the change, they want to move forward, they want to get rid of this problem, even though they know that more people will die before it’s over.

Twenty years ago, when you asked the kids what they wanted to be when they grow older, they would say, fireman, police officer. Many kids now want to be drug dealers. They see the money, they see the big cars, the beautiful ladies.

Many people in Mexico are afraid now. They don’t want to see the problem. We need to fight against that. We are asking for anonymous calls about crime, and we see the change, because the people more than ever are calling and saying, “I see something wrong. I see people with guns.”

We are trying to make a better future for Mexico. We can’t turn our head to the other side. We need to make a challenge, face to face to the drug cartels.

NELSON VARGAS: It’s a tough job. [Chief Nájera] has already received two offers from the cartels. They want protection. If there’s going to be any action against the cartels, they want to know ahead of time. Or if they need to go through a certain town, they need to know they won’t be stopped or arrested. Twice they’ve approached him and said, “You can only say no a few times before we will take action against you.” They’ve told him they know where he lives, they know about his family, they know everything about him, they even know the names of his trusted bodyguards. When we talk on the phone, we talk in code, and we try not to talk at all. We don’t mention names, or if we do, we don’t use the real names of persons. We have intelligence that the cartels have purchased what they call wolf packs, which are listening devices to capture conversations. They do their own intel on us, and we have to be very careful.

CHUCK WEXLER: You must have concerns for your own safety.

NELSON VARGAS: It’s a hairy situation. I was in New York City in the early 80s; I worked with Bill McMahon on the firearms task force, I went to Bogota and saw the changes there, but I’ve never seen as many guns in my life as I’ve seen in Mexico. They’re definitely into the weapons. We had a seizure recently where we recovered rockets, grenades, .50-caliber sniper rifles. These guys are not playing.

And yet, it was an amazing change in Colombia, with excellent cooperation between us and the government. And this is what’s happening in Mexico. It’s an amazing thing when you’re there, and you see that the people want the change, they want to move forward, they want to get rid of this problem, even though they know that more people will die before it’s over.

>> continued on page 7
“Immigration is a total federal responsibility,” Feinstein said. “By failing to reimburse states and local governments for the cost of incarcerating criminal aliens, the federal government deprives communities of critical funding for public safety services. We cannot afford to let our public safety services crumble under the weight of our immigration policies, especially during this time of economic uncertainty. I am committed to restoring the funding for this essential program.”
the realities of us at the local level, where we’re looking at crime realities for me. I think there’s got to be a better connection between coke on the street level, and it absolutely translates into crime. The more effective DEA is at raising the price and seizing the home invasions last year, 98 percent of them were drug-related. I’ve got the same kind of violence going on as Jack Harris does in Phoenix. Out of my couple hundred arrests they made, but he’s not evaluated by my crime rate. And my violent crime rate is absolutely affected. I’ve got the same kind of violence going on as Jack Harris does in Phoenix. Out of my couple hundred home invasions last year, 98 percent of them were drug-related. The more effective DEA is at raising the price and seizing the product, it still doesn’t translate to people not being able to buy coke on the street level, and it absolutely translates into crime realities for me. I think there’s got to be a better connection between how the federal agencies measure success, coupled with the realities of us at the local level, where we’re looking at crime rates and the impacts of violent crime.