

## Preface

In the international narcotics trade, assassinations associated with the transport of drugs have emerged as a concern for scholars of the rule of law and state stability (Richani 2010; Rueter 2009; Van Dijk 2007; Marat 2006). In general, violence in global drug markets varies. High levels of drug-related homicides were seen in the US crack market in the 1980s and in Russia and Central Europe since the collapse of communism (Hignett 2010; Reuter 2009; Fryer et al. 2005 ). In the Latin American dynamic, however, the proximity to the enormous US drug-market, combined with political, judicial, and criminal justice institutions affected by drug-related corruption, has led to extreme surges in drug-related homicides, threats to the stability of governments, and international aid plans to restabilize the state in several instances. In Colombia in the 1990s, the rise of drug-related assassinations, including the killing of government officials (judges, politicians, mayors), was one significant element in the launching of Plan Colombia, an international, multi-institutional security plan to reestablish state capacity (Bibes 2001). In Mexico and Central America, homicide levels since 2006 have reached epidemic proportions, including over 55,000 organized-crime-related homicides in Mexico alone (Molzhan et al. 2013:5, 22). This, combined with regional drug-related threats to local governing stability, has led to several U.S. funded security plans for the region (Plan Mérida, Mérida II, Central American Regional Security Initiative) (Seelke and Finklea 2013, US Department of State 2013).

The case of drug-related assassination in Mexico is of particular interest to the question of the rule of law and state stability because it demonstrates two elements. First, the national, state, and local government has become increasingly recognized as a party to the current “multidimensional, multiparty and multi-location armed conflict among criminal groups being waged in Mexico” (Kan 2012). Second, a close look at these killings of government officials shows it is law enforcement, particularly local law enforcement, who are the main targets of a pattern of systematic assassinations across Mexican states and municipalities (Molzahn et al. 2013:31).

This book analyzes the assassination of law-enforcement, more specifically, the targeted killings of police chiefs and top commanders in the Mexican drug war

(2006–2012). It does so in the context of international and national institutional “gaps” in the rule of law that contribute to these murders.<sup>1</sup> At the municipal level, documentation of the rise of the assassination of Mexican mayors has demonstrated its negative impact on the local rule of law (Ríos 2011b).<sup>2</sup> The literature also acknowledges that Mexican law enforcement has been increasingly the target of violence in urban cities (Sabet 2012:57; Murataya et al. 2011:89; García 2011; Olson et al. 2010:15; Sullivan and Elkus 2008:7). Nevertheless, little has been written on the dispersion of organized crime violence against municipal law enforcement outside of the major urban centers, despite recognition of the acute vulnerability of local, rural police chiefs (Guerrero-Gutiérrez 2011:45). Thus, this book provides a first case study of the assassination of municipal law enforcement (police chiefs, top-level police commanders) who have been killed in relatively large numbers and at a greater rate than military personnel in Mexico’s drug war (Molzahn et al. 2013: *Excelsior* 9/11/11).

A road map to this book begins with the empirical fact that over 2,500 law-enforcement officers have been killed in Mexico since 2006. By legal code, organized crimes are a *federal* offense, prosecuted by federal forces (Pásara 2009:220). As such, it would be expected that the officer death toll in the Mexican drug-war would be worse for prosecuting federal forces (the federal preventative police and the military). Yet, official US and Mexican government figures and academic figures on the law-enforcement death toll in Mexico show a different picture. Academic data on the national ratio of police to military deaths across all Mexican

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<sup>1</sup> It is beyond the scope of this book to analyze in-depth the relationship between the degree of lethality used by the state and the frequency of its punitive actions against criminal groups in order to assess the overall level of damage caused by the state’s use of lethal force on criminal groups across the nation. Osorio (2011) measured the total number of government enforcement actions against organized crime, nation-wide. According to his analysis, the government used violence against DTOs (drug-trafficking organizations) only in 3.26 percent of the events, whereas the remaining 96.74 percent corresponded to non-violent enforcement. Nevertheless, he argues that increasing levels of non-violent government enforcement have a similar disruptive effect among DTOs than the one generated by violent state actions. This suggests that even a small proportion of lethal state action can trigger substantial spirals of violence among DTOs. This point speaks to the repression-dissent literature which indicates that in some circumstances challengers increase levels of contestation as a response to previous state repression. It partially helps explain some of the retaliation killings of Northern Tier police chiefs and commanders analyzed in this book (Gamson 1975; Lichback 1987; Gurr 1970).

<sup>2</sup> The impact of assassination on the local rule of law has not been well studied. In part, this is because the level of analysis in the literature on civil conflict is national, not sub-national in orientation. For example, in the literature on civil wars, Buhaug and Rod (2006) and Buhaug, Gates and Lujala (2009) have found that geographic factors such as location, terrain, and natural resources interact with rebel fighting capacity. Together, these factors play a crucial role in determining the duration of a conflict. Conflicts last substantially longer when located in rural areas, at considerable distance from main government strongholds and/or along remote international borders.

states show overwhelmingly that it is the Mexican *police*, not (federal) military officers who have suffered lethal attacks in the drug-war (Shirk 2010:5).<sup>3</sup>

Official Mexican government data in 2010 reveal the death toll for municipal police officers was higher than that of state and federal police forces (municipal police forces: (n = 915 persons killed or 0.57 % of the entire force killed, state police forces: (n = 698 or 0.32 % of the entire force, military and federal police forces: (n = 463, 0.15 %) (US Senate 2011b; García 2011:246; Gustavo and García 2010).<sup>4</sup> By November 2012, academic sources reported a total of 2,539 police officers and 204 military personnel were victims of organized-crime-style violence with the ratio of police to military deaths growing from 12 to 1 (2008–2011) to 16 to 1 in 2012 (Molzahn et al. 2013:31).

Official Mexican government data in early 2012 state that 83 % of the total municipal police killed were assassinated with the remaining 17 % killed in confrontations with organized crime elements (n = 1,381) (*Excelsior* 1/3/12). Such death toll figures do suggest that the municipal police in Mexico represent the “front line” or “the foot troops in the drug-war conflict” (Sullivan and Elkus 2008:7).

As such, this book focuses on the topic of organized crime and the rule of law in contemporary Mexico by examining the assassination of local law enforcement in the drug-war conflict. It is organized into three chapters. Chapter 1 presents a backdrop to the assassination of local law enforcement in Mexico (2006–2012). It is argued that spill-over arms, many from the US (U.S. Senate 2011a, b; Dube, Dube and García-Ponce 2012; McDougal et al. 2013) helped change the tactical balance of power between organized crime elements and the municipal police, opening a space for the successful use of “law-enforcement assassination”.

In Chap. 2, a case study is presented of a system of assassinations for the purpose of rigorously undermining the rule of law at the municipal level in Chihuahua. The argument advanced is that law-enforcement assassinations are employed by

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<sup>3</sup> Shirk (2010) TBI NarcroBarometro (mid-2008–2010) reports that of the total law enforcement killed (n = 1,620), there were 123 military dead and 1,497 police killed.

<sup>4</sup> To calculate the death toll by force level, this brief relied on Sabet’s (2012:11) 2009 academic figures on the total numbers of Mexican law enforcement personnel by force level. Also used were official Mexican government statistics on law-enforcement (2006–July 2010) which report a total of 2,076 officers assassinated (US Senate 2011b; García: 2011:246; Gustavo and García 2010). The breakdown of officers assassinated by level of force was: 915 municipal police, 698 state police, and 463 federal agents killed by Mexican organized crime groups. By January 2012, official Mexican government statistics on law enforcement deaths report a total of 2,997 agents killed (*Excelsior* 1/3/12). In early 2013, official reports stated there were 399 federal police killed in Mexico’s drug-war (2007–2012) which have occurred largely in Michoacán (n = 78), Chihuahua (n = 55) and the Federal District (n = 45) with less than 20 federal police officers killed per state in the remaining states (*Excelsior* 2/26/13). The nation-wide study of state and federal officers assassinated is an area for future research, expanding on the concept of law-enforcement assassination in Mexico’s drug war.

“organized crime elements”<sup>5</sup> to try and achieve several types of criminal goals. The multiple motivations for such assassinations include retaliation for federal, state and/or local prosecution, to try and neutralize police chiefs and/or to place corrupt police chiefs at the municipal level. In addition, organized crime elements seek, in certain strategic towns lying along key drug trafficking routes, to achieve intermittent local governance and/or to reduce local governmental capacity in order to obtain greater freedom for movement of goods. Thus, law-enforcement assassinations are importantly ‘instrumental’ murders, involving prior planning (Batton 2002:846) and committed as a means to an end or as a way of accomplishing several criminal goals.

In Chap. 3, a wider look is presented at a series of law-enforcement assassinations across a range of 11 Northern Mexican states. It is argued that the tactical advantage of organized crime elements gives them relatively easy physical access to law-enforcement targets. It is thus one prime element facilitating the use of assassination as a strategy (White 2008). U.S. and Mexican legal, political, and judicial institutions have not been able to adequately restrict opportunity for law-enforcement assassinations. The inability to reduce access to weapons and officials, to increase security for police personnel, to reduce corruption, and punish offenders sets the stage for the assassination of local law enforcement. Yet, it is the goals of organized crime elements (to clear drug-smuggling routes and to try and gain more political governance at the municipal level) that ultimately motivate such killings.

In sum, acquiring enhanced weaponry increased the power of organized crime elements (their tactical means). This combines with their planning capacities to achieve clearer routes to smuggle drugs (their operational means). Together, these elements (tactical and operational means) gave rise to the use of law-enforcement assassination as a more “efficient” strategy for action against law-enforcement agents.

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<sup>5</sup> This book uses the term “organized crime elements” interchangeably with “fragmented cartels”, and “drug-trafficking organizations” (DTOs). The terms “hired guns”, “hitmen” and “assassins,” and/or “enforcer gangs” (a group of assassins) are also used interchangeably. The general trend in organized crime toward the fragmentation of large cartels (Garzón 2008:172) has also occurred in Mexico (and Chihuahua state). Ultimately, as Molzahn, Ríos and Shirk (2011:6) argue, the many terms used to describe organized crime [(DTOs, organized crime groups, cartels, transnational criminal organizations (TCOs)], etc., are inadequate because they suggest a degree of cohesiveness and hierarchy that “probably does not exist, at least not consistently, in the illicit drug trade”. They also tend to “dehumanize the individuals involved and also distract us from the fact that the “enemy” comprises members of all segments and strata of society, from Mexican farmers, truck drivers, and auto-body mechanics to U.S. bankers, college students, and corrupt government officials” (Molzahn, Ríos and Shirk 2012:6). Hence, this book uses the more generic term “organized crime elements”.

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<http://www.springer.com/978-94-017-9248-6>

Impact of Organized Crime on Murder of Law  
Enforcement Personnel at the U.S.-Mexican Border  
Schatz, S.

2014, XIII, 114 p. 13 illus., Softcover

ISBN: 978-94-017-9248-6