

The Biden-Harris Border Crisis: Victim Perspectives
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I. Our Shared Tragedies: Homicides, Disappearances, and Overdoses

Chairman Jordan, Ranking Member Nadler, and Members of the Committee, thank you for conducting this hearing and the opportunity to explain why characterizing the U.S.-Mexico border as an area in crisis is an inadequate and unproductive way for addressing North America's cross-border challenges. I appreciate the invitation to participate.

I am an expert on organized crime and U.S.-Mexico security cooperation. As a scholar of U.S.-Mexico relations, and as a proud resident of the border region, I am convinced that transnational problems require transnational solutions.

Mexico and the U.S. recently celebrated 200 years of diplomatic relations and despite the myriad ties that unite both countries, today Mexico and the U.S. find themselves unable to chart a path forward. Worryingly, the urgency to save lives is fueling xenophobic discourses and reviving the worst policy failures of the war on drugs. But we do not need to repeat past mistakes. The U.S. and Mexico have robust evidence produced by the public sector, civil society, and academia on how to acquire and maintain the health and safety of our communities.

The human costs of our shared tragedies cannot be overstated. Today, Americans are more likely to die from an opioid overdose than a car crash.ⁱⁱ Equally important, homicide is the leading cause of death for men ages 15 to 44 and the second cause of death for women ages 15 to 24 in Mexico.ⁱⁱⁱ Painfully, while families who have lost loved ones to overdoses or homicides may find some degree of solace in visiting their graves, this remains a dream for the thousands of family members who search for the more than 110,000 Mexicans who have disappeared.^{iv}

Suffering on both sides of the border is inextricably linked. The U.S. is facing one of its worst public health crises due to the availability of illicitly manufactured fentanyl and Mexico faces its own lethal epidemic with 70% of homicides perpetrated with a firearm.^v Adding insult to injury, harm reduction providers along the U.S.-Mexico border must smuggle naloxone to save both Mexican and American lives.^{vi} The greatest tragedy of all is that all these deaths are preventable.

II. Firearms as a Business Input

Low production costs are often cited as a key reason suppliers move away from heroin and into synthetic opioids like fentanyl. Overlooked in this conversation is that the same has happened with firearms and ammunition. The ease of acquiring firearms from the U.S. has lowered the costs of perpetrating violence for criminal groups in Mexico.

Even though there are significant variations as to the frequency and the ways criminal groups use violence, they all must issue credible threats on their ability to perpetrate this violence.^{vii} Their businesses depend on it. The newer and the more sophisticated the armament is, then the more

credible these threats become. Why intimidate potential victims with a rifle left over from the Mexican revolution when your arsenal can include everything from semi-automatic pistols to .50 caliber weapons?

This strategy has paid off for organized crime. Today, 74 percent of Mexicans believe criminal groups have more and better weapons than the armed forces; access to illegally trafficked weapons from the U.S. has allowed Mexican criminal groups to amass both a tremendous capacity for violence and a troubling capability to intimidate.^{viii} Simply stated, by failing to address firearms trafficking to Mexico, the U.S. is subsidizing the operating costs of criminal groups. It is as if cartels received an annual aid package with state-of-the-art technology to carry out the crimes this Congress wants to stop.

II.I Changes in the Drug Retail Market^{ix}

Considering that the population of drug consumers in Tijuana includes a substantial number of U.S. nationals, public health in the border region is an issue of concern for Congress. Evidence from Tijuana shows that substance users are not free to acquire their drugs from any given dealer in the city. Interest in controlling neighborhood retail points means that drug dealers are unwilling to sell to unknown individuals lest they are members of a rival group posing as customers. This creates invisible borders in the city with negative health outcomes for the CaliBaja region as a whole.

Because substance users are not free to transit the city, this excludes them from accessing harm reduction services that are essential for the well-being of the community. For instance, when people who inject drugs (PWID) cannot access clean syringes and needles, there is a greater chance of contracting and spreading HIV and viral hepatitis.^x Sharing syringes is the second-riskiest behavior for getting HIV.^{xi} Additionally, the challenge of accessing harm reduction services contributes to the risk of accidental overdose in cities like Tijuana and Mexicali where users continue to inject fentanyl and fentanyl analogues with varying degrees of potency.^{xii}

Street level dealers, most of whom are hardly criminal kingpins, are able to enforce these invisible borders precisely because of the availability of firearms and ammunition. Access to firearms allows street vendors with minimal linkages to transnational criminal organizations to issue credible threats to substance users who might otherwise transit the city to access services. As a result, substance users might consume adulterated products without a choice.^{xiii} Even though harm reduction service providers who are known to the community conduct rounds in the city to visit substance users *in situ*, these rounds also present potentially lethal dangers to them.

II.II Criminal Diversification

In recent years, more scholarly and media attention has been placed on criminal diversification in Mexico.^{xiv} While my research shows that criminal diversification is not an automatic process for drug trafficking organizations, criminal groups that engage in predatory violence like kidnapping and racketeering have benefited considerably from the ability to traffic firearms and ammunition from the United States.^{xv}

Protection rackets require *public* displays of violence.^{xvi} This is because potential or current victims need to be convinced that there is not another viable alternative for protection.^{xvii xviii} In racketeering, “victim[s] and victimizer[s] establish a sustained, medium-or long-term relationship that affects the former’s commercial or productive activity. Each week or month the “protection providers” visit their “clients” to collect their share of the businesses’ earnings.”^{xix}

Research conducted in Tijuana by a binational team of civil society experts and scholars on commercial extortion and racketeering (*cobro de piso*) showed that a “central aspect of forging ‘racketeering-protection’ relationships consists in constructing an ambience of violence that foments the need for protection and obliges people to accept an offer from one criminal provider of protection.”^{xx} Furthermore, “racketeering is a crime that escalates, and represents the first step in what may be a long chain of violence.”^{xxi}

Proximity to the border amplifies the firepower that these organizations can access and deploy in generating this violent atmosphere. According to the most recent data, 73.2 percent of adults ages 18 and above reported feeling unsafe in Tijuana.^{xxii} The threat of violence is such that the city’s mayor moved her residence to the local army barracks in an attempt to ensure her safety.

II.III Erosion of Civilian Public Safety Institutions

For citizens of Culiacán, Sinaloa the botched arrest of an alleged kingpin on October 17, 2019 marks a clear before and after in their lives.^{xxiii} That day, the Mexican army sought to arrest Ovidio Guzmán, son of Joaquín Guzmán Loera a.k.a “El Chapo.” With the operation still underway, videos and audio of his arrest began to circulate on social media. By 3:30 pm gunmen working for the Sinaloa organization engaged in shootouts with army troops in the commercial and residential area of Tres Ríos. Gunmen subsequently surrounded the military housing complex in the city and encouraged a jailbreak from the Aguaruto penal facility. By 4:30 pm, gunmen had blockaded roads leading into Culiacán. During these hours, citizens sheltered in place in stores, restaurants, and strangers’ homes trying to escape the battle taking place in the city. With the city paralyzed as evening arrived, Mr. Guzmán’s lawyer confirmed he had been released. By nightfall, the gunmen who had materialized seemingly out of thin air had vanished, returning to safehouses or leaving the city altogether.

Images from the battle made international headlines. But beyond the “narco spectacle”, what is remarkable about that day is that it exemplifies the escalation of violence that is taking place.^{xxiv} As criminal groups display and deploy more firepower, the Mexican state responds with ever-increasing levels of force and violence. Guzmán was (re)arrested in early 2023. Anticipating another gunbattle and blockades that would throw the city into chaos and fear, the army used helicopter gunships to support the ground operation in a nearby hamlet, using overwhelming and indiscriminate force.^{xxv} This escalation in the use of force has contributed to weakening the development of civilian institutions for public safety, and ultimately eroded citizen security.

III. Gendered Impacts of Firearms Trafficking

More people are killed in the Americas than any other region in the world. The most recent data shows the Americas have a homicide rate of 15 victims per 100,000 compared to the world average of 5.8 victims per 100,000.^{xxvi}

Homicide rates alone do not capture the differential impacts of armed violence. Illicit firearms trafficking has aggravated violence against women and LGBTIQ+ individuals.^{xxvii} Not only are more women killed today in Mexico with firearms, compared to two decades ago, hate crimes are also more easily perpetrated with firearms and increase the risk of groups who are already in vulnerable positions. Reports from civil society organizations in Mexico show that 56.6% of trans people were killed with firearms and 23.4% of homosexuals were killed in the same way.^{xxviii}

Unsurprisingly, these differential impacts on women, children, and the LGBTIQ+ community have taken a toll on communities, at times forcibly displacing families who have been victimized, and by extension changing the migrant population seeking relief in shelters and with immigration authorities on both sides of the U.S.-Mexico border.

In 2021, Linda was forced to leave her home in Ixtaro, Michoacán after her brother was killed by a criminal group. Knowing well that this group acted on its threats, she fled with her children towards the U.S.-Mexico border hoping to escape violence in the same country that had facilitated the weapons that led to her family tragedy.^{xxix} Linda's story, unfortunately, is increasingly common. Shelters along the U.S.-Mexico border increasingly receive women with adolescent or young children who are escaping violence.

Without official data, tracking forcibly displaced populations is a challenging task. Nevertheless, civil society in Mexico has found that as of the end of 2021, a documented 357,000 people in Mexico have been displaced because of violence and conflict—likely an underestimate because some of the displaced chose not to disclose their locations out of fear.^{xxx} These differential impacts of violence underscore that migration policies will remain inefficient as long as the negative impacts of firearms trafficking in displacing communities are not considered as a factor driving displacement.

IV. A call to action

Fentanyl and firearms trafficking have changed dynamics in illicit economies. But these changes are not as simple as prevailing narratives of organized crime suggest. Even though places like Sinaloa, Mexico have been portrayed as a Shangri-La for criminality, transnational drug trafficking in Mexico to the U.S. is not masterminded by three men hiding in the mountains. There is “no special ‘narco highway’ connecting the highlands of Sinaloa to the streets of Los Angeles or Philadelphia” but stakeholders on both sides of the border that take advantage of legal economies for the advancement of illicit activities.^{xxxi}

The examples shared in this testimony seek to highlight the *business* side of organized crime and how different criminal groups, with diverse portfolios of illicit activities, benefit from lowered costs of building state-of-the-art arsenals. The consequences are not only higher homicide rates, but

forced displacement, criminal diversification, and preventable negative health outcomes that affect entire communities. Equally important, these examples highlight the binational nature of our shared tragedies. North America is facing simultaneous and connected health crises with preventable overdose deaths, homicides, and disappearances. Perhaps paradoxically, the silver lining is that there is no secret solution awaiting to be discovered. Actions available to Congress can contribute to stemming the devastating effects of these public health crises and can be implemented through U.S.-Mexico cooperation.

Even though the border is often characterized in Washington D.C. and Mexico City as a perpetual crisis, for those of us who live and work in the region, we know it is where the most creative and innovative developments in the bilateral relationship take place. This is not an overstatement.

Consider, for instance, the health challenges the world faced with Covid-19. In a time of fear and uncertainty, where countries closed borders, the governments of California and Baja California, worked in partnership with public health experts, academia, and the private sector, to engineer a cross-border vaccination program. This type of proactive, collaborative ingenuity—rather than unilateral measures—is what is most urgently needed.

What to Stop

- 1) **Drug induced homicide laws.** Decades of evidence show that mass incarceration does not save lives, nor does it reduce the supply of illicit substances. On the contrary, these laws weaken communities and set in motion long-term structural inequalities that can reproduce lethal and non-lethal forms of violence.
- 2) **Accusatory statements.** Language matters. The U.S. and Mexico have a complicated history on security cooperation. It is one of the most challenging areas of the bilateral relationship. Accusatory rhetoric, on either side of the border, stalls bilateral action to the detriment of communities in Mexico and the U.S. Equally important, statements based on xenophobia and racism will not improve the safety and health of our communities. Policies based on evidence will.

What to start

- 1) **Support the Stop Arming Cartels Act.**
- 2) **Develop mutually accepted vetting mechanisms for exchanging information.** Best practices from other parts of the world show that weakening and precluding the activities of organized crime requires trusted partnerships across countries. Successful operations that take out entire management structures, instead of just one alleged kingpin, can take years to develop. As long as Mexico and the U.S. lack these mutually accepted vetting mechanisms, bilateral cooperation will be hindered.
- 3) The **Bipartisan Safer Communities Act (BSCA)** is an important step in addressing straw purchasing and trafficking. However, **successful implementation requires resources for prosecutors and the ATF.** The BSCA also provides an opportunity for seeking meaningful cooperation with Mexican counterparts.^{xxxii}

- 4) **Provide funding and support research for improved metrics of border security.** In 2024 it is unacceptable that the indicators for border security are detentions and seizures. Recording how many people were stopped or how many drugs were seized hardly builds a smart border. There is significant room for improvement. These metrics should be developed in partnership with civil society, the private sector, and academia. The bottom line is that we can help but the government needs to share data.
- 5) Work with the government of Mexico to **start a naloxone distribution pilot program along the U.S.-Mexico border.** This will save lives and stop excess mortality for both countries.
- 6) **Visit the border and its binational communities.** The border is not only a legal definition or a boundary between two countries. Our shared problems, and their solutions do not stop and start where the fence meets the ocean. There is no substitute for first-hand knowledge.

References

ⁱ I am grateful to Dr. Michael Lettieri for his thoughtful feedback and support in the development of this testimony.

ⁱⁱ National Safety Council, “Odds of Dying,” accessed February 23, 2004, <https://injuryfacts.nsc.org/all-injuries/preventable-death-overview/odds-of-dying/data-details/>

ⁱⁱⁱ National Institute of Statistics and Geography (INEGI), “Estadísticas de defunciones registradas,” October 31, 2023, <https://www.inegi.org.mx/contenidos/saladeprensa/boletines/2023/EDR/EDR2022-Dft.pdf>

^{iv} United Nations Office of the High Commissioner for Human Rights, “UN Committee on Enforced Disappearances publishes findings on Mauritania, Nigeria, Mexico and Netherlands,” October 3, 2023, <https://www.ohchr.org/en/press-releases/2023/10/un-committee-enforced-disappearances-publishes-findings-mauritania-nigeria#:~:text=The%20Committee%20took%20note%20that,Homologated%20Search%20Protocol%20and%20international>

^v National Institute of Statistics and Geography (INEGI), Defunciones por homicidio: https://www.inegi.org.mx/contenidos/saladeprensa/boletines/2024/DH/DH2023_Ene-dic.pdf

^{vi} Interviews by the author with harm reduction providers in Baja California and California.

^{vii} Farfan-Mendez, C. (2016). *Beyond cartels and kingpins: A theory on behavioral patterns of drug trafficking organizations*. Ph.D. Diss. University of California, Santa Barbara.

^{viii} Encuesta sobre la Calidad de la Democracia en México 2024, “Security and Armed Forces,” Forthcoming. Data available upon request.

^{ix} The Spanish version of this analysis is available in “Apuntes sobre la relación de los mercados ilícitos de armas y Drogas en la frontera México-Estados Unidos” in *El negocio de la letalidad: el tráfico de armas a México*, Instituto Matías Romero, forthcoming.

^x Centers for Disease Control and Prevention, “Hepatitis C & Injection Drug Use,” accessed February 23, 2024, <https://www.cdc.gov/hepatitis/hcv/pdfs/factsheet-pwid.pdf>

^{xi} Centers for Disease Control and Prevention, “HIV and Injection Drug Use,” accessed February 23, 2024, <https://www.cdc.gov/hiv/basics/hiv-transmission/injection-drug-use.html>

^{xii} Montero, F., Bourgois, P., and Friedman, J. (2022). “Potency-Enhancing Synthetics in the Drug Overdose Epidemic: Xylazine (“Tranq”), Fentanyl, Methamphetamine, and the Displacement of Heroin in Philadelphia and Tijuana,” *Journal of Illicit Economies and Development*, 4(2), 204–222. DOI: <https://doi.org/10.31389/jied.122>

^{xiii} Ibid.

^{xiv} Alcocer, M. (2023). *Drug Wars, Organized Crime Expansion, and State Capture*. Ph.D. Diss. University of California, San Diego.

^{xv} Farfan-Mendez, C. (2016). *Beyond cartels and kingpins: A theory on behavioral patterns of drug trafficking organizations*. Ph.D. Diss. University of California, Santa Barbara.

^{xvi} Farfán-Méndez, C. (2019). “The structure of drug trafficking organizations and money laundering practices: A risk appetite hypothesis,” *Journal of Illicit Economies and Development*, 1(3), 294-311.

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- ^{xvii} Martínez Trujillo, M. T. (2019). *Businessmen and protection patterns in dangerous contexts: putting the case of Guadalajara, Mexico into perspective*. Ph.D. Diss. Paris, Institut d'études politiques.
- ^{xviii} Martínez Trujillo, M. T., "¡Sálvese quien pueda!: protección selectiva, protección criminal y otras formas de desfondar al Estado," *Nexos*, September 26, 2023, <https://seguridad.nexos.com.mx/salvese-quien-pueda-proteccion-selectiva-proteccion-criminal-y-otras-formas-de-desfondar-al-estado/>
- ^{xix} México Evalua, "Business Extortion and Public Security in Tijuana: Who is Protecting Who?" September, 2022, <https://www.mexicoevalua.org/wp-content/uploads/2022/10/extorsiontijuanaenvf.pdf>
- ^{xx} Ibid.
- ^{xxi} Ibid.
- ^{xxii} National Institute of Statistics and Geography (INEGI), "Encuesta Nacional de Seguridad Pública Urbana," March, 2024, https://www.inegi.org.mx/contenidos/programas/ensu/doc/ensu2024_marzo_presentacion_ejecutiva.pdf
- ^{xxiii} For an extensive discussion on the events and meaning of October 17, 2019 in Sinaloa see *The Battles After the Battle*, The Mexico Violence Resource Project, <https://www.mexicoviolence.org/battles-after-the-battle>.
- ^{xxiv} Le Cour Grandmaison, R. "The Narco Spectacle Can End," The Mexico Violence Resource Project, <https://www.mexicoviolence.org/battles-after-battle/the-narco-spectacle-can-end>
- ^{xxv} BBC, "Ovidio Guzmán-López: Twenty-nine killed during arrest of El Chapo's son," January 6 2023, <https://www.bbc.com/news/world-latin-america-64179356>
- ^{xxvi} United Nations Office on Drugs and Crime (UNODC), "Homicide Trends and Patterns," *Global Study on Homicide 2023*, https://www.unodc.org/documents/data-and-analysis/gsh/2023/GSH23_Chapter_2.pdf
- ^{xxvii} Intersecta, "Violencia de género con armas de fuego en México," October, 2021, <https://www.intersecta.org/posts/violencia-de-genero-con-armas-de-fuego-en-mexico>
- ^{xxviii} IM Swedish Development Partner, "Voices of Women: On guns, violence, and activism," accessed February 23, 2024, https://assets-global.website-files.com/64c019456bb62d07dc3af2b9/65035d98b94ba8b9e472d041_vMChBM_TbgJbVDS_ITXhIBzqrIMEwZ2BTca4R65xELE.pdf
- ^{xxix} Corpi, S. and Sarno Jordan, T. "Mexico's avocados and arms trafficking: The criminal combination suffocating Michoacán," *El País*, November 11, 2023, <https://english.elpais.com/international/2023-11-11/mexicos-avocados-and-arms-trafficking-the-criminal-combination-suffocating-michoacan.html>
- ^{xxx} Comisión Mexicana de Defensa Y Promoción de los Derechos Humanos, "Episodios de Desplazamiento Interno Forzado Masivo en México: Informe 2020," November, 2021, <https://cmdpdh.org/episodios-de-desplazamiento-interno-forzado-masivo-en-mexico-informe-2020/>
- ^{xxxi} Farfán-Méndez, C., Le Cour Grandmaison, R., and Morris, N. (2022). Why the Drug War Endures: Local and Transnational Linkages in the North and Central America Drug Trades. *Journal of Illicit Economies and Development*, 4(2), 102-112; Farfán-Méndez, C. "'Sinaloa is not Guerrero': Illicit Production, Licit Agribusiness," The Mexico Violence Resource Project, March 9, 2021, <https://www.mexicoviolence.org/post/sinaloa-is-not-guerrero-illicit-production-licit-agribusiness>
- ^{xxxii} The Mexico Institute, Woodrow Wilson Center, "Mexico's Next President: Challenges and Recommendations," accessed February 23, 2024, <https://www.wilsoncenter.org/sites/default/files/media/uploads/documents/MexicoElectionBookletFinalWebProof.pdf>