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Joint Task Force – North: Options for Disrupting Transnational Criminal Organizations in Mexico

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JTF-N Options for Disrupting TCO Operations in Mexico

Executive Summary: The Columbia Capstone Group focused on various options to target and degrade the capabilities of Mexican Transnational Criminal Organizations (TCOs). We first conducted case studies on Afghanistan, Colombia, and other countries that have struggled with TCOs and illicit narcotics trafficking to identify lessons learned that could be extrapolated to address the Mexico problem set. The next stage of our research included bilateral diplomatic and economic options between USG and Mexico, with a primary focus on unilateral US options to reduce TCO capacity. We selectively included relevant lessons and examples that pertain to our chosen recommendations. Based on our extensive research, the options below will prove most effective—ranging from more focused, short-term actions to systemic, longer-term options.

None of these options are silver bullets given the scale and severity of this problem. Each recommendation will have pros, cons, and considerations, which we include in our annex. We strongly recommend reading our annex in addition to this memo to better understand our thinking and sources that led us to these particular recommendations, which we have bookmarked via hyperlinks for easier access. This research was done using unclassified, open-source information. We hope that JTF-N and the USG can use and build off of these options moving forward.

Option #1 – IO Campaign Against TCOs

Problem: TCOs and small criminal groups use social media as one of their main recruitment platforms. They spread misinformation that glorifies their activities and the “narco lifestyle”.

Solution: The US government, in alliance with the OAS and some allied Mexican local governments, could conduct an IO campaign that illuminates the dangers and malign activity conducted by TCOs.

Action: This campaign would focus on the emotional stories of real people harmed by TCOs as well as portraying TCOs as cowardly in order to curb recruitment and degrade overall support for TCOs operating within Mexico and US border states. The campaign would take place in the US but also with some local governments who decide to conduct operations alongside the US government. This information campaign must be backed up by economic and social incentives in Mexico for young men not to join organized crime.

Option #2 – Utilizing US Cyber Components to Disrupt TCO Operations

Problem: TCOs use cyberspace for largely illicit activities such as clandestine communication, product marketing, recruitment, money laundering, and cyber-attacks. The Mexican government's insufficient training and institutional capacity hampers their ability to counter these activities.

Solution: Create a Cyber Task Force modeled after Joint Task Force – Ares to target and disrupt TCO cyber operations, akin to efforts against ISIS. Deploy Cyber National Mission Force (CNMF) "Hunt Forward" teams to aid Mexico in exposing TCO activities.

Action: JTF-N should develop a relationship with the CMNF at CYBERCOM, and inquire into the full range of capabilities that reside at the TS/SCI level. Lastly, work

through diplomatic channels in Mexico to galvanize political and institutional support for a bilateral relationship focusing on building partner capacity and defeating TCOs in cyberspace.

Option #3 – Threat of Sanctions and Tariffs Combined With Diplomatic Incentives

Problem: The Mexican government's recent non-confrontational approach in dealing with TCOs has provided them with enough breathing room to consolidate power in various regions in Mexico and has resulted in a large increase in violence in the country.

Solution: The threat of sanctions on government officials or tariffs on US-Mexico bilateral trade, combined with an offering of diplomatic and economic incentives can shift Mexican policy towards actively combating TCOs.

Action: JTF-N can encourage DOD to coordinate with the Departments of Treasury, Commerce, Justice, and State to properly implement these steps.

Option #4 – Increase Local Diplomacy

Problem: While some US officials engage in local diplomacy, US consulate work is primarily limited to helping US nationals residing in Mexico, or consular services for Mexican nationals—leaving gaps in local governments' awareness of USG trade, commercial, and cultural programs and foreign aid available to address local issues (e.g. youth unemployment).

Solution: Increase US engagement and cooperation with Mexican state and local governments. Increase funding for State, USDFC, and USAID, which will allow for increased investment in Mexico and raise the US' standing in the eyes of rural populations.

Action: By engaging with local government agencies and investing in local priorities, in time enough goodwill can be built to allow for local US-Mexico security cooperation.

Option #5 – Legalization of Select Illicit Substances that Generate TCOs' Income

Problem: Most TCOs' income stems from the illicit drug trade. This is driven by demand from the US which is exacerbated by prohibition and a lack of treatment infrastructure.

Solution: Legalization can reduce TCOs' access to the US market because of competing legal and regulated supply with FDA oversight. Coupling this with a comprehensive rehabilitation process could support a reduction in the user base in the US, further hampering long-term profits and capabilities.

Action: JTF-N's advocacy would help by presenting (or co-presenting with another agency, like the FDA) a data-informed case for how this process is more effective in producing long-term benefits to reduce drug use and degrade TCOs than just relying on criminalization of drug use and possession.

Annex

This annex includes more detailed information regarding the above options along with sources used throughout the research phase. We strongly recommend reviewing this section to better understand how and why we came to this list. We provide further alternatives below this section to include our holistic thinking, but these will not have the same level of detail. Some may still merit some exploration, but we will have to leave that to JTF-N and the USG to consider.

Option #1 - IO Campaign Against TCOs

Summary: Based on the 2021 “Dona tu Voz” conscience campaigns (public awareness-raising or social messaging) conducted by the Colombian government, the US government, in alliance with the OAS and some allied Mexican local governments, could conduct an IO campaign that illuminates the dangers and malign activity conducted by TCOs. This campaign would focus on the emotional stories of real people harmed by TCOs in order to curb recruitment and degrade overall support for TCOs operating within Mexico and US border states.

Why is it a successful case study?¹ According to the Colombian government the campaign attracted over 45 thousand survivors of the armed conflict in over 160 municipalities of the country, which demonstrates that the call for civil society to participate was fairly successful. The objective of this campaign was to sensitize the Colombian citizens to stories of the victims of the armed conflict as well as to display the actions of Duque’s administration to reconstruct the social fabric. The campaign was designed to “cover” all of Colombia, from the streets to all of cyberspace, combining both a digital and an in-person strategy.²

Pros:

- An information campaign can educate populations most vulnerable to TCO recruitment within the US population and educate them about the realities of drug trafficking in Mexico and the violence caused.
- Can discourage adolescents from both the US and Mexico from being recruited by local gangs that are involved in drug trafficking and are connected with the Mexican narcos.
- Counter Information operations against the glorification of the narco lifestyle and the risks associated with recruitment.

Cons:

¹ Unidad para las Víctimas. “Conoce Cómo Puedes Donar Tu Voz Por Las Víctimas #9ADonarTuVoz 🗣️,” March 23, 2021. <https://www.youtube.com/watch?v=YZpVF9Gp7I4>.

² PRESIDENTE IVÁN DUQUE. “CAMPAÑA.” Press-release, 2021. https://mexico.consulado.gov.co/sites/default/files/news/attachments/brief_externo_campana9a.pdf.

- If designed in a flawed, insensitive, or inappropriate manner, it could be seen as a campaign against Mexico, Mexicans, or Mexican migration. Could be used by political actors to potentialize their anti-migration narratives.
- If not provided with enough support by the US government, there can be retaliation by the TCOs against local government officials. Because of this, there might be resistance from local governments to conduct this campaign.
- It is important to take into account that the campaign should be backed up by providing economic and social incentives by local governments to young men who are vulnerable to being recruited by organized crime.

Option #2 – Utilizing US Cyber components to disrupt TCO operations.

Summary: Transnational Criminal Organizations (TCOs) are increasingly turning to cyberspace to expand their illicit activities. These organizations utilize the cyber realm to communicate, market products on the dark web, recruit, launder money, and conduct cyber-attacks as a means of generating revenue³. The Mexican government currently lacks the training and institutional capacity necessary to appropriately counter nefarious activities in cyberspace⁴. This trend highlights the need for US entities to take a more active role in cyber operations against TCOs operating within the NORTHCOM area of responsibility, as well as develop options for building the institutional capacity for Mexico to counter TCO operations within their own networks.

Two cyber COAs can be investigated to achieve effects on TCOs operating within the NORTHCOM AOR:

COA 1: Create a Cyber Task Force based on the model of Joint Task Force – Ares and their operations to counter ISIL media and recruiting operations in cyberspace. JTF – Ares was established to C2 cyber forces in order to deny ISIL’s use of the cyberspace domain⁵. JTF—Ares carried out Operation Glowing Symphony in 2016 where cyber warriors were able to hack into ISIL servers to delete, disrupt, and target content that was necessary for the organization's recruiting, propaganda, and financial operations⁶. TCOs operating in the USNORTHCOM AOR implement similar strategies in cyber space as the Islamic State, and dedicating a specialized task force to target and disrupt TCO cyber operations could be a low-risk solution for countering their influence.

³ Suárez, Amanda. 2021. "Why Mexican Cyber-Cartels Threaten U.S. National Security." *Geopolitical Monitor*. June 24. <https://www.geopoliticalmonitor.com/why-mexican-cyber-cartels-threaten-u-s-national-security/>.

⁴ Mexico received an estimated 800 million attempted cyberattacks in the first quarter of 2020 alone. The absence of actionable steps toward implementing its cybersecurity strategy and the administrations lack of focus on cyber issues has hindered Mexico’s ability to protect against cyber threats.

Ziemer, Ryan C. Berg and Henry. 2021. "The Development of the ICT landscape in Mexico." *CSIS.org*. November. https://csis-website-prod.s3.amazonaws.com/s3fs-public/publication/211119_Berg_ICTLandscape_Mexico.pdf?VersionId=Z0yzo4_Zu2bfmgbZkNFTpkowarHB5wew.

⁵ CYBERCOM, US. 2016. *USCYBERCOM FRAGORD 01 TO TASKORD 16-0063 TO ESTABLISH JOINT TASK FORCE (JTF)--ARES TO COUNTER THE ISLAMIC STATE OF IRAQ AND THE LEVANT (ISIL) IN CYBERSPACE*. FRAGORD, STRATCOM.

⁶ The best open-source account of operation glowing symphony can be found here: Temple-Raston, Dina. 2019. *How the U.S. hacked ISIS*. September 26. <https://www.npr.org/2019/09/26/763545811/how-the-u-s-hacked-isis>.

COA 2: Utilize the Cyber National Mission Force (CNMF) to deploy “Hunt Forward” teams to assist the Mexican government in exposing TCO activities on Mexican networks. SOUTHCOM recently implemented a similar strategy in other Latin American countries in 2023 to counter malicious cyber actors and strengthen partner cyber defense capabilities⁷. This option could open the door for creating a bilateral partnership between the US and Mexico⁸ in Cyberspace that could greatly inhibit TCO operations.

Action: Joint Task Force – North can start by advocating for draft legislation that is currently under consideration by the US Congress to counter Mexican TCOs in Cyberspace. Next, JTF-N should begin to develop a relationship with the CMNF at CYBERCOM, and inquire into the full-range of capabilities that reside at the TS/SCI level. Lastly, work through diplomatic channels in Mexico to galvanize political support for a bilateral relationship focusing on building partner capacity and defeating TCOs in cyberspace.

Pros:

- Established Model: The US military already has a successful model of implementing a persistent threat strategy to disrupt a non-state actor.
- Capacity Building: SOUTHCOM has successfully utilized hunt forward operations within Latin America.

Cons:

- Retaliation Risks: provoking TCOs through cyber disruptions could lead to retaliatory cyber-attacks or escalations.

Considerations:

- Due to the sensitive nature of U.S. Cyber operations, coordinations and additional information on USCYBERCOM, JTF-Ares debriefings, and CMNF Hunt Forward Operations need to be conducted with appropriate clearances and on TS communications servers. Columbia university students did not have access to the appropriate TS systems during their research, therefore additional inquiries need to be conducted from within the DOD.

⁷ Obis, Anastasia. 2023. "Cyber Command Finishes its First 'Hunt Forward' Operation in Latin America." *govciomedia.com*. June 30. <https://govciomedia.com/cyber-command-finishes-its-first-hunt-forward-operation-in-latin-america/>

⁸ The scientific division of the National Guards Center of Expertise in Technological Response (CERT-MX) handles cybercrime investigations in Mexico and would be the preferred partner of choice in the recommendation of the capstone group.

Option #3 - Threat of Sanctions and Tariffs Combined With Diplomatic Incentives

Summary: President Andrés Manuel López Obrador's (AMLO) "hugs, not bullets" strategy of relying on developmental aid instead of confronting Mexican cartels with force has resulted in unprecedented levels of violence in the country as TCOs use the opportunity to take over vast swaths of territory and the economy. AMLO and his administration have shown no indication of changing their approach to TCOs in their country. In the absence of any desire to change policy direction, the USG could resort to coercion to prompt the Mexican government to more assertively tackle TCOs within their territory.

This plan of action requires two things: a carrot and a stick. The carrot in this case would be compliance with a series of demands AMLO has put forward in the past as a condition for working with the US: reduce or eliminate sanctions on Cuba and Venezuela and provide development aid to economically disadvantaged countries in Latin America. These demands were originally made during the Trump administration as a condition for stopping migrants from reaching the US-Mexico border, but they can be repurposed as bargaining chips during negotiations to change Mexican policy.^{9,10} It is possible that the Mexican Government is no longer interested in these specific changes in US policy; in that case, JTF-N could utilize a whole of government approach by working with the State Department to find attainable concessions for negotiating with Mexico.

The stick would be the threat of tariffs on US-Mexico bilateral trade as well as the threat of financial and travel sanctions on any Mexican government official that has collaborated with or accepted money from any TCO. The exception to this would be those government officials who are sent to negotiate with TCOs or those who must coordinate with TCOs in order to ensure that civilians have the resources they need. For example, it is not out of the question that a mayor of a town would have to coordinate with a local branch of a TCO so that the citizens of his city have access to resources such as water or food.¹¹ This is not the type of behavior that will be targeted by sanctions. Instead, those targeted would mostly be those from the federal government and other high-level leaders and politicians who take bribes from TCOs and/or support TCO's ability to operate in the country.

There is precedent for the threat of tariffs; in 2019, the Trump administration used the threat of tariffs in negotiations with Mexico over the issue of limiting border crossings. The tariffs were never carried out, but there are many indications that the

⁹ "Mexico's President Is Willing to Help with Border Migrant Crush but Wants US to Open Talks with Cuba." *AP*, December 22, 2023. <https://apnews.com/article/mexico-border-crossings-migrants-venezuela-cuba-6844e96d09bee286964e9bac15d06fba>.

¹⁰ Hagstrom, Anders. "Mexican President Demands \$20B, Work Permits for 10M Hispanics in Exchange for Immigration Help." *Fox News*, January 8, 2024. <https://www.foxnews.com/politics/mexican-president-demands-20-billion-work-permits-10-million-hispanics-exchange-immigration-help>.

¹¹ Sullivan, John P., and Robert J. Bunker. "Mexican Cartel Strategic Note No. 24: Cartel and Gang Provision of Post-Earthquake Humanitarian Aid." *Small Wars Journal*, October 21, 2017. <https://smallwarsjournal.com/jrnl/art/mexican-cartel-strategic-note-no-24-cartel-and-gang-provision-post-earthquake-humanitarian>.

threat of implementing them helped the Trump administration secure the “remain in Mexico” deal.¹²

Pros:

- Forcing a more adversarial relationship between the Mexican government and TCOs is politically more viable than unilateral US action against TCOs; such a policy shift could also result in improved security cooperation against TCOs.¹³
- Implementation of tariffs will lead to economic harm that could create a perception in the Mexican populace that their government is uninterested in their economic needs, leading to a decrease in support for a government that has thus far been uninterested in engaging more directly with TCOs.
- Improved economic conditions in Cuba and Venezuela reduce immigration and the income TCOs receive from human smuggling.

Cons:

- This could have adverse effects on perceptions of the US among Mexico’s electorate, leading to future governments being less receptive to US interests in the region.
- Diplomatic relations between the US and Mexico could suffer
- Could threaten the US’s attempts to de-risk from China.
- Lifts constraints on Venezuelan/Cuban economies providing political victories to undemocratic, anti-American regimes.

Considerations:

- The demonstrated effectiveness of leveraging economic pressure to influence Mexican policy is evident; for instance, the threat of tariffs led to the implementation of the “Remain in Mexico” policy in 2019.

Option #4 - Increase Local Diplomacy

Summary: As of 2022, 45.8% of the Mexican population, aged 18 years old and younger, live in poverty.¹⁴ 38% of Mexico’s population is younger than 18, and 48% are younger than 24.¹⁵ For many young men, joining a gang is a means of subsistence—a reliable method of securing economic mobility and increased social capital. A large population of young men with no prospective economic future provides TCOs with an unlimited labor supply. Poverty is the primary facilitator of gang recruitment, and through

¹² Jeremy Diamond, Michelle Kosinski , Caroline Kelly, and Maegan Vazquez. "Trump Drops His Mexico Tariff Threat after Reaching Immigration Enforcement Deal." *CNN*, June 8, 2019. <https://www.cnn.com/2019/06/07/politics/trump-tariffs-mexico-mike-pence/index.html>.

¹³ Mendoza, Diego. "Mexico Marks Another Record-breaking Year for Murders." *Semafor*. January 17, 2024. <https://www.semafor.com/article/01/17/2024/mexico-records-most-violent-period-in-modern-history>.

¹⁴ Statista. "Poverty Rate by Age Group in Mexico 2022." Accessed May 1, 2024. <https://www.statista.com/statistics/1045442/mexico-poverty-rate-age-group/>.

¹⁵ "UNSD — Demographic and Social Statistics." Accessed May 1, 2024. https://unstats.un.org/unsd/demographic-social/products/dyb/dyb_2019/.

revitalized local economies, USG can help provide a viable alternative to young men in an otherwise disparate situation.

USG allocates significant portions of the federal budget to USDFC to connect the public and private sectors, to USAID to provide foreign aid, and to DOS to improve USG's diplomatic standing. However, local Mexican governments and US corporations remain unaware of the vast resources available to spur investment in Mexico. To improve the effectiveness of US local diplomacy, USG should increase funding and expand the mandate of USDFC as well as expand the physical presence of USDFC, DOS, and USAID on the ground throughout Mexico. USG should also foster interagency cooperation and coordinate its lines of effort across USDFC, USAID, DOS, IDB, EXIM to streamline the process for local Mexican governments and US corporations to access USG assistance. Local governments and US corporations do not wish to work with representatives from a series of different USG agencies. Pursuing a streamlined, whole of government approach to US assistance and presenting all USG resources together will allow for simplicity for the consumer and will accurately convey the full scope and scale of US assistance to improve the economic environment in rural Mexico.

USG public relations capability is diffuse and disjointed and is constrained in ways the propaganda campaigns of its competitors are not. By encouraging notable US corporations to invest in Mexico, the US' private and public presence will generate goodwill and positive perceptions of USG.

Pros:

- Increasing funding for State, USDFC, and USAID will allow for increased engagement and FDI at the local level.¹⁶ Coordinating lines of engagement across DOS, USDFC, USAID, and IDB will streamline the process for accessing foreign aid and investment for local governments. By fully funding and uncomplicating the process, more local governments and corporations will partner with USG.
- By engaging with local Mexican governments and holding meetings with local interest groups the US will foster better relationships with legislators, governors and local community leaders, allowing for eventual partnerships on security related matters.

Cons:

- The central government may see local engagement as undermining federal authority.
- May simply be throwing money at the problem without sufficient results.
- Local governments need to invite the US government in order to start an initial engagement (a strategy for making this happen is required).

¹⁶ Hill, Michael. "NYC Mayor to Residents of Puebla, Mexico: 'Mi Casa Es Su Casa,' but 'There's No More Room.'" US News, October 5, 2023. <https://www.usnews.com/news/world/articles/2023-10-05/nyc-mayor-to-residents-of-puebla-mexico-mi-casa-es-su-casa-but-theres-no-more-room>.

Considerations:

- Depending on the success of diplomatic and economic efforts, USG's approach could be followed with investment in local law enforcement/judiciary reform.

Option #5 – Legalization of Select Illicit Substances that Generate TCOs' Income

Difference between Legalization and Decriminalization

Legalization and decriminalization have very different legal implications, outcomes, and challenges. Both options can help provide relief to an overburdened criminal justice system, reduce over-policing, and negate the societal repercussions of a criminal conviction—which can severely hinder employment, access to housing, and other social services.¹⁷ A lack of access can have drastic implications for an individual's quality of life, increasing the potential for relapse, reincarceration, and recidivism.

Legalization removes all criminal penalties for possession and personal use of a particular drug.¹⁸ Importantly, the production and sale of the substance becomes legal provided that both manufacturers and sellers incorporate and comply with legal regulations and obtain appropriate licensing. Illicit production and selling would remain illegal and may be subject to criminal prosecution. Further legislation regarding public use of particular substances, which can create additional societal challenges may require additional legislation.

Decriminalization maintains the illegality of a particular drug but reduces the penalties, such as criminal sanctions (arrest, jail time) and civil fines, for possession.¹⁹ The production and sale of the drug remain illegal and subject to criminal prosecution. However, no structure exists to provide a legal, regulated supply. This allows for an illicit market to exist and thrive because no regulatory system exists with oversight to counter illegal activity and provide legal sources. Decriminalization does not allow drug use in the same way as legalization (nor does it increase usage rates²⁰ because of civil penalties for the first offense and, potentially, increasing penalties for subsequent offenses.

Summary: The cartels' primary source of income stems from the trafficking of illicit substances, particularly cocaine, opioids, and fentanyl, whose high demand in the US guarantees a steady cash flow for TCOs to maintain and expand their operations. However, federal, state, and local governments' response to the opioid and fentanyl epidemics have focused on punitive actions against users, rather than addressing addiction as a public health issue.

¹⁷ Sheely A, Kneipp SM. The Effects of Collateral Consequences of Criminal Involvement on Employment, Use of Temporary Assistance for Needy Families, and Health. *Women Health*. 2015;55(5):548-65.

¹⁸ LII / Legal Information Institute. "Decriminalization," n.d.

<https://www.law.cornell.edu/wex/decriminalization#:~:text=Decriminalization%20means%20it%20would%20remain,legal%20prohibitions%20against%20the%20act.>

¹⁹ Ibid

²⁰ "Approaches to Decriminalizing Drug Use & Possession." UNODC, February 2015.

[https://www.unodc.org/documents/ungass2016/Contributions/Civil/DrugPolicyAlliance/DPA_Fact_Sheet_Approaches_to_Decriminalization_Feb2015_1.pdf.](https://www.unodc.org/documents/ungass2016/Contributions/Civil/DrugPolicyAlliance/DPA_Fact_Sheet_Approaches_to_Decriminalization_Feb2015_1.pdf)

Thus, the purpose of legalization is twofold:

1) Legalization would reduce user demand for drugs within the US and would presumably limit production to only domestic sources. While legalization of some illegal substances would not eliminate all sources of TCO income, it may significantly reduce revenue and complicate TCO access to the US market by forcing incorporation within the US and compliance with FDA regulations.

2) Legalization must be paired with a comprehensive rehabilitation process for addicted persons, including drug treatment, housing, and employment programs. Housing and employment programs are necessary for this process because economic and housing instability often accompany addiction²¹ as addicted persons frequently lack support networks that can reinforce the rehabilitation process. These services will help sustain recovery in the long term and reduce relapses.

However, legalization cannot be pursued without law enforcement and continued targeting and degradation of TCO operations. As in Portugal,²² traffickers must still be criminally prosecuted for illicitly supplying drugs. However, illicit drugs will still exist regardless of the success of US-MEX counter-narcotics efforts. Therefore, enforcement must be complimented with sustained funding for recovery programs.

Legalization is not a silver bullet and presents its own challenges. Addiction will continue to some extent and not all drugs, like fentanyl, can be legalized because of their lethal effects on users. Legalization must also be accompanied by capacity building, with states dedicating new tax revenues from legalization to help manage the increased intake of new patients seeking treatment—to avoid Oregon’s haphazard approach to decriminalization.²³ However, decriminalization still allows TCOs to operate with minimal oversight. Legalization is the only way to eliminate the black market.

We identify cocaine as a primary candidate for legalization because the cost of prohibition outweighs the benefits. As black-market dealers increasingly inject lethal amounts of fentanyl into their cocaine supply, legalization and regulation of the production and sale of cocaine is necessary to significantly reduce user risk. While cartels will shift production to other drugs, like fentanyl and opioids, as well as to other markets,²⁴ the legalization of cocaine can reduce their profits, undermine their influence and stifle their expansion. Cocaine is an addictive substance, so legalization must be a careful process that considers how its production and consumption can be properly regulated to minimize abuse while substantially curtailing illicit trade.

As recent history has shown, decades of overcriminalization of crack cocaine versus powder cocaine has had systemic and generational consequences in the US,

²¹ Saldua, Mark. “Addressing Social Determinants of Health Among Individuals Experiencing Homelessness.” SAMHSA, November 15, 2023. <https://www.samhsa.gov/blog/addressing-social-determinants-health-among-individuals-experiencing-homelessness>.

²² Shea, Gregory. “Is Portugal’s Drug Decriminalization a Failure or Success? The Answer Isn’t So Simple.” Knowledge at Wharton, September 5, 2023. <https://knowledge.wharton.upenn.edu/article/is-portugals-drug-decriminalization-a-failure-or-success-the-answer-isnt-so-simple/>.

²³ Wilson, Conrad. “Oregon Pioneered a Radical Drug Policy. Now It’s Reconsidering.” NPR, February 7, 2024. <https://www.npr.org/2024/02/07/1229655142/oregon-pioneered-a-radical-drug-policy-now-its-reconsidering#:~:text=Oregon%20voters%20passed%20the%20most,and%20point%20them%20towards%20treatment>.

²⁴ Simon, Scott. “Mexican Drug Cartels Are Getting into the Avocado and Lime Business.” NPR, February 19, 2022. <https://www.npr.org/2022/02/19/1081948884/mexican-drug-cartels-are-getting-into-the-avocado-and-lime-business>.

exacerbating existing racial disparities that have had cascading effects on US economic, criminal justice, health care, and political systems.²⁵ Criminalization has not been successful in diminishing the trafficking and consumption of cocaine, and continued criminal prosecution has not been effective in reducing cocaine production,²⁶ which has only increased over the past few years. Law enforcement cannot be removed from counter-narcotic operations. However, solving the drug crisis will only be successful if the US approaches it through a public health perspective focused on harm reduction, not punitive action.

Pros:

- Establishes and expands holistic recovery infrastructure involving drug treatment, housing, and employment programs.
- Reduces the overall number of addicted persons.
- Greater regulation of TCOs, and substances sold within the U.S.
- Governments can expect increased tax revenue from legalization as indicated by revenues generated by the legalization of marijuana.
- Targets and mitigates a significant source of income for cartels.
- Would help tackle the ongoing opioid and fentanyl crisis by reducing the potential for accidental overdose by drugs laced with stronger/more lethal substances.

Cons:

- Faces steep political hurdles within the US
- This does not eliminate the possibility that cartels could still incorporate themselves into this legal market.
- Not all drugs can or should be legalized (e.g. fentanyl), still allowing some pathways for illicit trafficking.
- Legalizes the use of addictive substances (e.g. cocaine)

Considerations:

- Only palatable if accompanied by an easily accessible and comprehensive drug treatment program for addicts to gradually reduce demand within the US among other social programming and healthcare considerations including employment and housing programs to improve stability for addicted persons to complete their recovery.
- Only addresses one revenue stream, cartels would likely shift to other sources to compensate. The entry of cartels into other legal markets, like the avocado or lime industry, could very likely increase, creating important implications for how America conducts trade when legitimate consumption supports TCOs.
- Legalization must be a permanent or long-term implementation to ensure cartels cannot wait and resume activities at a later date.
- Not all states and municipalities have the infrastructure to support legalization immediately, requiring years, potentially decades-long implementation.

²⁵ Human Rights Watch. "US: Disastrous Toll of Criminalizing Drug Use," October 28, 2020. <https://www.hrw.org/news/2016/10/12/us-disastrous-toll-criminalizing-drug-use>.

²⁶"Global Report on Cocaine 2023." UNODC. United Nations Office on Drugs and Crime, March 2023. https://www.unodc.org/documents/data-and-analysis/cocaine/Global_cocaine_report_2023.pdf., pp.12-18

- Requires enduring financial support because, as Portugal experienced, budget cuts led to relapses of addicted persons and people falling off of their rehabilitation.
- Law enforcement and the criminal justice system cannot be removed but must reorient focus to illicit producers and smugglers instead of users.

Alternative Options

Option #6 – Designating Mexican TCOs as Foreign Terrorist Organizations (FTOs)

Summary: Designating Mexican TCOs, specifically the cartels, as FTOs would allow USG to directly target and degrade TCOs' operations that would otherwise be illegal or require special authorization. An FTO designation does not inherently necessitate lethal use of force, and it could be used to apply legal constraints on certain commercial entities that directly or indirectly support TCO operations. JTF-N would support and advocate for the passing of US Senate Bill 698 (designation of certain Mexican drug cartels as FTOs) at the GCC or SecDef level.

Pros:

- Circumvents legislative hurdles (e.g. drug/gun reform) and can effectively reduce illicit business activities that move guns or cash southward.
- Criminalizes those buyers who then traffic and/or sell guns to TCOs.

Cons:

- Risks a political rift between USG and MEX, reducing mil-mil cooperation, trade and economic relations, and potentially other negative, second-order effects in the relationship.
- May increase the use of military force in situations when not strictly necessary.
- May jeopardize the safety of Americans in Mexico, overseas, and within the US.

Considerations:

- Offers asylum seekers potentially legitimate claims to escape terrorism, exacerbating migration issues.²⁷
- Opens a pathway for lethal action against cartels in Mexico (e.g. drone strikes) that may not have the desired effect of curtailing cartel power and could lead to greater violence in Mexico and the US.
- Given Russian and Chinese influence in Mexico, this action may increase Mexican diplomatic, economic, or even military engagement with these countries.
- Requires a high degree of restraint from defense and political leadership to avoid utilizing lethal force that would cause severe diplomatic and international repercussions and unpredictable second and third-order effects, including damaging trade, migration, and security.

²⁷ US-Mexico relations are in a difficult state. Take into account possible greater collaboration of Mexico with external actors such as Russia and China, if relations were to deteriorate because of this option.

Option #7 – Task Force for Greater Executive Action (TFGEA)²⁸

Summary: The White House needs a unified, coordinated approach to dealing with TCOs. Taskings/budgets to combat TCOs' sources of income are divided among agencies. A 'TFGEA', under the direction of a political appointee, with representatives from NORTHCOM, SOUTHCOM, SOCOM, CMF, NSA, CIA, DIA, NRO, NGA, DEA, ATF, OFAC (Treasury), BIS (Commerce), and DHS would work to provide unilateral options to POTUS to solve the border crisis/combat TCOs.

Pros:

- Provides greater executive action, interagency cooperation, an expanded budget, increased information sharing and better response times to crises.
- An Executive Branch Task Force will proactively take appropriate action as directed by POTUS, including: offensive cyber/information operations, deployment of SOF, deployment of UAVs, sanctions/Kingpin Law.
- TFGEA will improve information sharing among agencies on TCOs' capabilities and USG options—helping POTUS coordinate a whole-of-government approach.
- Ability to target logistical nodes critical to daily TCO operations and are difficult to replace (money launderers, goods transporters), could force TCO's to turn to taxing their local populations to a greater extent.

Cons:

- A task force drawing from rival agencies could spur interagency conflict.
- Akin to criticisms of the weakness of the ODNI, without control over finances TFGEA's ability to facilitate interagency cooperation could prove difficult.

Option #8 – Legislate Controls on Firearms and Weapons Manufacturers that Arm TCOs

Summary: The majority of firearms²⁹ that TCOs obtain are produced within the US, which is a component of the significant number of firearms within the US and the lack of oversight and regulation on gun manufacturers. The lack of adequate legislation within the US has led to the significant proliferation of firearms across the border into Mexico.

Pros:

- Reduces the availability of firearms to be trafficked to Mexico.
- May lead to more targeted legislation that focuses on restricting movement/sales of guns out of the US.
- Would reduce gun violence within both the US and Mexico

Cons:

²⁸ A proper name/acronym is still under consideration.

²⁹ Lemus, Guillermo. "Infographics | Arms Trafficking Across the US-Mexico Border." Wilson Center, February 13, 2024. <https://www.wilsoncenter.org/article/infographics-arms-trafficking-across-us-mexico-border>.

- Necessitates significant bipartisan support to propose and pass substantial legislation to control the proliferation of firearms in the US and their trafficking across the border.
- Must overcome staunch political divides within the US.

Considerations:

- Removing legal protections for gun manufacturers, such as the Protection of Lawful Commerce in Arms Act (PLCAA)
- Mexican lawsuits against gun manufacturers may provide avenues to support this effort.

Option #9 – Work in collaboration with local authorities to incentivize witness protection.

Summary: TCOs are deeply embedded within Mexican society and government. This is a disincentive for anyone to provide evidence or information against TCOs³⁰. Local governments in Mexico often have limited resources and training to help victims of the TCOs, also if a cartel controls a certain territory, for the local government/police force can be more dangerous to protect victims³¹. The program would include relocation of witnesses within different States of Mexico -and if possible, the US- where only third parties (OAS or USG) know the true identities of whistleblowers. Identities should be protected at all times, without the sending city knowing their location.

Pros:

- By offering protection, the US and partner multilateral organizations can increase their legitimacy within these vulnerable communities and change the perception of the dangers of working against TCOs. The US government could do this with the help of the OAS.

Cons:

- May be difficult to convince the Mexican government to implement such a policy; could be perceived as a loss of national sovereignty. (Can be framed as a peace operation in conjunction with other Mexican NGOs in charge of witness protection).
- Would require a significant increase in the budget to focus on relocation, helping witnesses find employment and relocating entire families.

³⁰ Martínez, Andrés. “Decapitados Y Con Un Mensaje: Esto Se Sabe Sobre Los Cuerpos Hallados En Puebla.” *Infobae*, April 6, 2024. <https://www.infobae.com/mexico/2024/04/06/decapitados-y-con-un-mensaje-esto-se-sabe-sobre-los-cuerpos-hallados-en-puebla/>.

³¹ Mayen, Baruc. “Operativa Barredora Del CJNG Amenaza a Mandos Policiacos De Puebla Y Exhibe a Exagente Secuestrado.” *Infobae*, April 1, 2024. <https://www.infobae.com/mexico/2024/04/01/operativa-barredora-del-cjng-amenaza-a-mandos-policiacos-de-puebla-y-exhibe-a-exagente-secuestrado/>.

Considerations:

- If TCOs are designated as FTOs, it could make implementing a witness protection program for former TCO members more difficult
- Such a program for foreign nationals may seem novel, but the intelligence community has a defector protection program that functions in a similar manner.

Option #10 – Increase scrutiny on border crossings of US citizens and authorized persons who may carry illicit goods, arms, and ammunition to Mexico

Summary: The vast majority of TCO weapons are sourced from the US.³² Because they typically face less scrutiny, US citizens and authorized persons,³³ rather than migrants, frequently act as couriers for cartels and carry illicit goods across the border. Increasing inspections of vehicular traffic on the US side of the border going from the US to Mexico can limit the number of arms and ammunition available to TCOs. Partnering with the Mexican Attorney General's Office to crack down on cross-border firearm trafficking originating in the US will demonstrate USG's commitment to a Mexican priority, foster goodwill, and enhance cooperation on counter narcotic operations within Mexico.

Pros:

- Reduce trafficking of ammunition, guns, or other illicit goods to diminish cartel resources over time.

Cons:

- Will slow border movement and cross-border trade.
- Will face US political blowback for increased scrutiny on US citizens from groups preferring more laissez-faire approaches to border management.

Considerations:

- Should supplement this scrutiny with support from treatment centers or some other assistance programs because US couriers may be addicted persons experiencing financial hardship.
- Cartels could switch to other groups of people to traffic illicit goods.
- This scrutiny should not replace additional focus placed on North-to-South movement of illicit goods.
- Artificial Intelligence may be utilized to better target couriers and trafficking methods, making this an area for growth in terms of impact and feasibility.

³² Lemus, Guillermo. "Arms Trafficking Across the US-Mexico Border." The Wilson Center. February 13, 2024. <https://www.wilsoncenter.org/article/infographics-arms-trafficking-across-us-mexico-border>.

³³ Rose, Joel. "Who Is Sneaking Fentanyl across the Southern Border? Hint: It's Not the Migrants." NPR, August 9, 2023. <https://www.npr.org/2023/08/09/1191638114/fentanyl-smuggling-migrants-mexico-border-drugs>.