

THE UNIVERSITY OF TEXAS AT EL PASO

**EXAMINING MEXICAN TRANSNATIONAL CRIMINAL ORGANIZATION'S
CORRUPTION OF U.S. FEDERAL LAW ENFORCEMENT**

INTELLIGENCE AND NATIONAL SECURITY STUDIES

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Introduction

Mexico's rampant narcotic trade has been excessively violent, corrupt, and as many officials have described, a threat to United States national security. They are part of the transnational criminal organization (TCO) phenomenon perpetrated by "globalization". While illegal drug use and smuggling have been around for decades, the current sophistication is a national security concern due to a highly corrupt Mexican government, the United States most intimate neighbor. The corruption has reached into United States institutions. One area it has reached is U.S. law enforcement. Federal and municipal law enforcement agencies have been compromised by Mexican TCOs in the illegal drug trade. Reports indicate most federal agencies have been affected. Therefore, it is my intent to bring awareness and examine the level of corruption in U.S. law enforcement with emphasis on the Texas southwest border.

Historical Consideration

Narcotic smuggling across the US/Mexican border goes back to the early 1900s. However, the threat of national security was not an issue during this time. U.S. officials have made comments making Mexico a top-three security concern after Iran and al-Qaeda (Sullivan & Elkus, 2010). The discourse is mostly about illegal immigration and the chance of Islamic extremists sneaking across the border to do the United States harm. What is not understood is that the threat of illegal narcotics is not just in the demand and consumption. This already exists and will never be completely eliminated. What is not largely studied is the manipulation of U.S. institutions by the criminal barons that drive a multi-billion dollar industry and the "spill over" crime into the United States (Wysopaul, 2010).¹

This industry is no longer small operations run in rural Mexico. In the four-decades the U.S. declared a war on drugs these operations have vastly evolved (Crawford, 1997). This new generation of these transnational criminal organizations (TCOs) are much more educated and sophisticated. They are very aware of the critical influence of banking, law enforcement, and politics. So much so that their agents have infiltrated these institutions to better facilitate their business plan (Reuters, 2010). Dr. Eskridge (1999) wrote that Amado Fuentes Carrillo's (founder of the Juarez cartel), number four item in his business plan, was money laundering and developing relationships with government officials.²

Multi-billion dollar industries must diversify and the tools like lobbying involve banking, political affiliations, and enforcement. But in an illegitimate industry such as illicit narcotic trafficking and international money laundering, the

¹ Special Agent Wysopaul was responsible for starting a FBI unit that deal with the concern of over Mexican TCO "spill over violence" into the United States. The unit has since been dissolved. The phrase continues to be controversial in U.S. politics.

² Amado Carrillo Fuentes was a top cartel boss that operated the Juarez/El Paso plaza on the Texas southwest border. His business plan was very thorough and successful beyond his death.

tools are corruption, murder, and a host of other crimes. When crimes infiltrate the institutions of a State, then it becomes a national security concern indirect as it may be.

In intelligence jargon the threat can compromise democracy, intelligence, military and economics (DIME) of a nation. Although, the motivations of Mexican TCOs are not the same as an actor with insurgency goals, the infiltration of these institutions are similar. For MTCOs, the manipulation of banking, law enforcement, and politics facilitates the leverage of smuggling, money laundering, and protecting their commodity.

Therefore, it is imperative to examine these institutions and the vulnerabilities exposed and exploited by MTCOs. As the guardians of the border, federal law enforcement and others need to uphold the integrity critical to securing a nation. It is my intent in this proposal to examine the federal law enforcement agencies with jurisdiction abutting the border and examine reported corruption, the agencies involved and any patterns developing.

Public perspective of the problem is constricted to the southwest border. The issue with this, as is the whole aspect of the Mexican narcotics trade violence, is what is seen is only the symptoms and not the underlying elements. There are political, financial, and enforcement dynamics that do not gain the reporting the graphic murders receive.

For this discourse, I refer to the U.S involvement of this phenomenon. Mexico's corrupt institutions have been well documented (Grayson, 2009). But the U.S. complicit actors have not received as much attention. Billions of dollars are not made without the involvement of these institutions.

Literature Review

Secretary of Department of Homeland Security, Janet Napolitano visited El Paso, Texas to discuss U.S./Mexican border security and the status of "Southwest Border Initiative" (SBI) (Juarez-El Paso Now, 2011).³ The SBI is a border law enforcement effort to secure the border by combating drug cartels. According to her estimations, efforts are going according to plan. But violence in Mexico continues.

Literature in this phenomenon mostly documents the violent aftermath of this phenomenon. Although, much has been reported on the drug trade organizations, their leaders, and their areas of operation, little perspective of the U.S. accomplices has been observed.

There is a history in the Mexican illegal drug trafficking phenomenon. Poppa (1990) provides a good background on the Southwestern element of this that goes back to the 1940s. Other books offer more of the violent atrocities that top over sixty- thousand related murders and the perpetrators that have been

³ Most public policy commentary on the security of the southern border is based on infrastructure and number of agents assigned to the border territory. Little address is on the corruption of personnel assigned to these areas.

captured or killed.⁴ Some books provide more of the culture that is important because of the psychology of addressing the corruption (Bowden, 2002). Scholastic papers, such as those by Schulz (1997), provide a more sophisticated view of the economic and social penetration by MDTO activities.⁵

Recently, activities such as the violence that is well reported and the books on the subject have been written with more detail. The violence is well spotlighted by the Los Angeles Times special “Mexico Under Siege” online (Mohan, 2011). But the violence is one of the symptoms of the larger conflict. MDTOs battle for U.S. territory by subcontracting out to American street gangs such “Barrio Aztecas” known to have ties to the Mexican drug trade (Campbell, 2009). A prison guard at La Tuna Federal Penitentiary in El Paso County describes the “school house” affect that breeds MDTO operational planning once inmates finish their terms or communicate to their gangs outside the institution (Uribe, 2011). The problem is a dynamic phenomenon in both the United States and Mexico.

Validity

As new data is accumulating each day, the validity is questionable in many respects. One is the reporting by Mexican journalists. They have been targeted, threatened, and murdered by MDTOs for their reporting. Some have sought U.S. asylum. Subsequently, reporting has been coerced by threats. Therefore data may be difficult to substantiate. While U.S. data can be better scrutinized, it is also limited. Lastly, border security is highly controversial and political suicide if too critical on corruption. While academic studies are few, it can still be risky in terms of primary research. Lastly, law enforcement is a closed society to outsiders so developing data can take time.

Compromised Institutions

What is not addressed is the corruption level that has already entered U.S. institutions (2010). What elements in the U.S. contributes to increased violence; who in the U.S. allows for the smuggling of weapons into Mexico, a country that has strict weapons laws; who in the U.S. allows smuggling of huge amounts of narcotics that supplies the demand of North Americans (Crawford, 1997).

Schulz (1997) has discussed the difficulty of U.S. national security because of Mexico’s economic and criminal ills. He warned of the fallout from the corruption and the relationship of illegal drug trafficking on Mexican society. Fourteen years later, it still holds true and the violence has increased along with

⁴ This is an approximate number as it is difficult to ascertain the exact number due to Mexican record keeping and those that have disappeared with no record. Additionally, the current administration of Enrique Pena Nieto has been criticized for its vague reporting of missing and dead.

⁵ Professor Donald Schulz makes some important revelations about the level of corruption in the economics of drug trafficking, Mexico and even the United States. Some of his work became politically controversial between Mexico and the United States.

the illegal profits reaffirming the insurgency by the drug traffickers into the Mexican social economic fabric as remarked by Secretary of State Clinton (2010).

Aim of Drug Lords

Dr. Eskridge (1999) followed up similar work in his observations titled “Mexican Cartels and Their Integration into Mexican Socio-Political Culture”. He carefully dissected the elements of the Mexican drug trade organizations (MDTOs) and connected many of the actors involved. His work was a first in seeing these cartels as a part of a society and not a criminal element that stayed in the shadows or underworld.

Poppa (1990) describes in his book “Drug Lord: The life and times of Pablo Acosta” the history of smuggling across the southern U.S. border as far back as the 1930s. In the seventies, he details Acosta’s lucrative illegal drug operations out of Ojinaga, Mexico, a border town across Presidio, Texas about 240 miles southeast of El Paso, Texas. Even then corruption was rampant as Acosta bribed military and law enforcement officials with upwards of \$100,000 dollars a month for protection and to overlook his criminal activities. He introduced Columbian cocaine trafficking into the area. Poppa has been writing and researching years prior to the recent violence that has hastily promoted much publication in the last five years.⁶

Limited Studies

While much has been written by major newspapers like the New York Times, Washington Post, even Al Jazeera, the Los Angeles Times (Mohan, 2011) has a continuing section online entitled “Mexico Under Siege” which chronologically tracks events and tallies the number of drug related deaths in Mexico.⁷ Yet the focus of the reporting has been on the shock the violence brings to communities or the colorfully nicknamed cartel leaders captured or killed. What is rarely reported is the phenomena’s reach beyond the violence. The reach into U.S banking, federal law enforcement, and political indifference are the factors that promote and allow the trafficking to grow and create incredible profits.

The literature that has studied narcotic related money laundering, law enforcement, and political corruption have not focused specifically on the Mexico/U.S. correlation. This is not surprising as the data in the Southwest region is not plentiful and at times dangerous to obtain. This certainly holds true if the perspective of Mexico. So while there are vast studies of law enforcement

⁶ Poppa essentially describes a microcosm of the essential business concepts still used in the Mexican TCO operations today. He further describes the beginnings of some of the most power cartels figures still of significance today.

⁷ A series of the ongoing war on drugs produced by the Los Angeles Times.

corruption, it is mostly of municipalities and do not target the elements involved with the Southwest border and Mexican TCOs.⁸

Literature reveals that many have written about the violent corruption of the Mexican DTOs. It has introduced the United States policies such as the Merida initiative and southwest Border Initiative in addressing MDTOs. Published articles describe the more sophisticated crimes associated with the phenomena such as money laundering, illegal banking activity, and corrupted law enforcement. What is not covered is any perspective of the amount of U.S. complicity of MDTO operations and its depth.

A Mexican businessman now an U.S. resident with dual citizenship stated that the Mexican government cannot stop the drug trade but merely “administrate it”. If we follow this premise then growth is inevitable with the United States as a demanding customer. The next step for MDTOs is to make the United States a willing partner beyond the consumer.

What is not Studied

There are much more journalistic reporting on corruption but this is different from in depth academic studies. One can find research in the corruption of law enforcement in the major metropolitan areas such as Miami, New York, Chicago, and Los Angeles. It makes sense as the population lends themselves to quantities of data. There is also much more reporting as is picked up by local news. The crimes and cities covered are ones developed into television series. But there is yet to be series on border crimes and law enforcement. Issues in the more rural less sophisticated regions of the southwest do not offer much study regarding the corruption issues that it has experienced. It may be that the current driving threats of 9/11, TCO activities, Mexico’s war on drug cartels, thousands of murders just across the border were not as visible in the past.

Research Design and Methodology

Research Question and Hypothesis

As this paragraph is being written, there have been over 60,000 deaths in Mexico in relation to the “drug war” former Mexican president Calderon declared in 2006. A few of those murdered have been United States citizens (El Paso Times 2008).⁹ The border cities of the southwest have experienced a rise in violence. Although many would say it is a Mexican problem. This is not correct. Aside from the ravenous demand for North Americans to get high and Mexico supplying them with 80% of the product, there is evidence of U.S. banking institutions laundering billions in illegal drug money and U.S. political corruption.

⁸ There are extensive criminal justice studies on police corruption in urban United States but few studies on southwest border corruption.

⁹ *Data on Mexican drug war violence* reports that between over 460 U.S. citizens have been killed between 2002 and 2011 due to violent causes.

This evidence would indicate the U.S. is much more complicit in the Mexican illegal narcotics phenomenon than is reported.

In order to find effective solutions to this problem, those involved should be evaluated. If one U.S. institution has been corrupted then others are vulnerable. As guardians of the border, federal law enforcement along with local jurisdictions is the first line of defense. With the concern over the U.S. southwestern border security, the emphasis has been on putting up a type of fence, more border patrol agents or both. The assumption is that both fences and personnel are impenetrable and/or incorruptible but it is the agents that enforce these fences and other obstacles. Otherwise, the blockades are effective.

Therefore, as a null, U.S. law enforcement is not corrupted by Mexican TCOs. The alternative Mexican drug trade organizations have corrupted United States law enforcement? And if so, to what extent? And what agencies? For this study, we will limit the area of border research to the US/Mexico border.

Data

Data was extracted from federal documents and primary source interviews. Major federal indices included the Justice department, National Drug Intelligence Center and any other agencies. The variables included agencies such as the Federal bureau of Investigations, (FBI), Customs Border Protection (CBP), Customs Immigration Service (CIS), and Immigration Customs Enforcement (ICE). Other sources were derived from personal interviews of active and retired federal agents.

Analytical Method

The analysis focuses on convictions of law enforcement officials associated with Mexican Transnational Criminal Organizations (MTCO). The types of activities associated with crimes like bribery, smuggling narcotics, passing on intelligence, smuggling or selling weapons to MTCO agents. MTCOs are a much more sophisticated industry in at least its forty years of border activity. The drug trade industry involves weapons, cash, narcotics, and other factors so that all these and related data factors will be considered during my analysis.

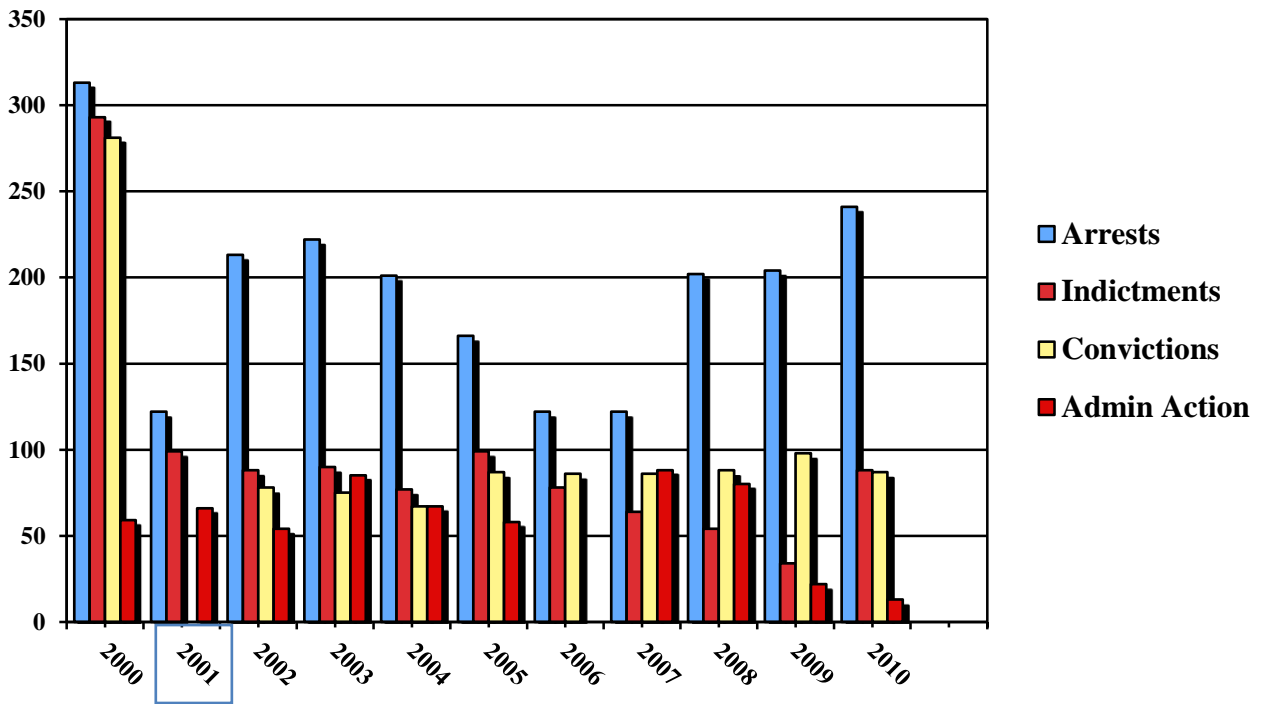
Research Observations

Table 1 looks at a 10-year span of time that provides the charges against federal law enforcement agents. The model set up includes the number criminal charges of federal agents as the variables on the x-axis and a ten-year timeline as the y-axis. The color code indicates the type of charge. The event of 9/11 is an indicator and significant variable. The second indicator would be year 2006 when the "war on drugs cartels" was declared by Mexican president Calderon. This was the beginning of the increase in violence and narcotics related murders. Year 2001 and 2007 are the points of reference to the events mentioned above.

The comparisons include corruption by law enforcement or support staff in the same agencies such as data entry, analysts, and other support personnel.

Examining the table shows a high rate of charges of prior to 2002 with a significant drop between 2000 and 2001. In 2002 it climbs almost to the pre-2000 numbers and stays consistent until about 2005. In 2006 it drops some for two years then it picks up again from 2008 through 2010 when the study ends.¹⁰

Table 1. **Federal Charges on federal law enforcement employees
Office of Inspector General**



¹⁰ 2001 was the 9/11 attacks and in 2006 is when Mexican president Felipe Calderon declared war on the drug cartels of Mexico.

Between January 1 and December 31, 2011, the DHS issued a special report: Summary of Significant Investigations within the organization. The report addressed allegations, investigations, and other actions.¹¹ Categories were as indicated in table 2.

Table 2

Allegations, Investigations, and Other Actions	
Allegations Received and Reviewed	19,848
Investigative Reports Issued	846
Investigations Initiated	1,389
Investigations Closed	1,161
Arrests	318
Indictments	206
Convictions	260
Personnel Actions	119

From table 2, we can ascertain, from how our judicial system works that of “beyond a reasonable doubt” that there are those who may be guilty but just did not have enough evidence for conviction raising the threat level of those working against U.S. efforts.¹² Others, whose guilt may be more likely, have received “personnel actions” against them. Therefore, for assessing the threat level against border corruption, what it likely to be overlooked are these individuals thus figures in computing the penetration of the overall border security. One anonymous retired federal agent informed the author that he was aware of a current agent who was corrupt (he has now retired).¹³

Though the report provides case studies of those convicted of crimes, it does not provide all of them. Nor does it provide any form of assessment that could help counter these activities.

Outliers

The FBI is responsible for all investigations on U.S. law enforcement. However, they are without criminal activity among their ranks though in not such high number when it comes to the U.S. southern border. There are two cases which may have created significant damage to border security efforts and direct support to Mexican TCOs.

FBI Special Agent Hardrick Crawford was the senior FBI official for the El Paso sector that was convicted of perjury. However, he was known to associate

¹¹ DHS special report

¹² The U.S. judicial system is based on requiring evidence to premise that the guilt must be proven a court of law. Thus not all potentially guilty can be proven in court.

¹³ During discussion with a retired federal agent, he spoke of mutual acquaintance whose relative was known to be conspiring with Mexican TCO.

with a Juarez casino businessman with ties to the Juarez TCO by the name of Jose Maria Guardia.¹⁴ His wife took a job with Mr. Guardia during this time. This made for, at the least, an awkward relationship considering her husband's position.

John Shipley was a FBI Special Agent convicted of straw purchasing weapons that ended up in Mexico.¹⁵ He was assigned to the El Paso office.

Results

U.S. government and independent reporting supports the fact that there is corruption among the federal law enforcement ranks as well as state and local LEAs.¹⁶ DHS's Office of Inspector General confirms this among their ranks. As table 1 indicates, there are more investigations than convictions. What this tells us is there may be cases of corruption that could not be proven. Thus the level of corruption aside from "legal" allegations may be skewed. If data show high levels of corruption, then this could be significant because most assume that all our border guardians are impenetrable in terms of corruption and thus making assessments of border security more vulnerable than previously considered. The southwest over the decades has become an intermingling society with inhabitants straddling the bi-national border communities. Subsequently, I found evidence that many of the corrupt personnel to be of Hispanic descent.

Law enforcement corruption is not a new phenomenon (GAO, 1998). What is new is the assumption, especially post 9/11, that our US/Mexican borders are secure from threat. The fact is all borders are porous to some degree and corruption of law enforcement officials does exist. Add to this the high motivation to smuggle narcotics for significant profits, makes this more comprehensive in defense of the borders.

Case Studies

The following are examples of the samples taken in qualitative observations of those involved and convicted of corruption.

Luis Franciso Alarid, 31, a Customs and Border Protection officer was arrested on charges of conspiring to smuggle illegal immigrants and drugs into the U.S. On one occasion, his uncle was the driver of one of the smuggling vehicles that contained 18 illegal immigrants.¹⁷

¹⁴ El Paso Times (2011).

¹⁵ El Paso Times (2011).

¹⁶ Due to the limits of this study only federal cases will be examined. However, during research for this monograph, evidence of state and local law enforcement corruption does exist and is worthy of a separate study.

¹⁷ Alarid

Juan Luis Sanchez, 31, a border patrol agent pled guilty to bribery and fraud charges. He was smuggling 3,000 pounds of marijuana in exchange for \$45,000 dollars in bribes.

DHS for fiscal year 2009 opened 839 allegations involving DHS components: 576 CBP; 64 CIS; 35 TSA; and 164 ICE.¹⁸ If we consider the jobs descriptions of the different components, we note that CBP has the highest allegations. This may be attributed to the direct control they have on overseeing the passage of passengers and commodities across the border. This is supported by the case studies that involve more CBP officials than any others. These officials would have more value to drug traffickers in allowing their contraband across the border as they actually enforce the border. ICE more likely has the second highest numbers because they involve potential alien smuggling another enterprise involving drug cartels. The other positions have assignments beyond that actual border such as at airports. Some fulfill more administrative duties.

Conclusion

There is corruption on the southwest border and it is significant. There is higher abuse by some components of DHS than others. The principal conclusion is that the security of the border is underestimated because corruption by LEOs are underestimated, under investigated, and not part of the border security argument as a variable. These counterintelligence tactics that MTCOs have developed have a deeper consequence to national security. Not only do LEOs allow contraband but they provide procedural intelligence to the adversary. In essence, MTCO have operational intelligence on the southwest border.

Institutional compromise is potentially increasing by the backlog of investigations of alleged corruption. As LEA pursue these cases, the longer they take to understand the activities, the longer it takes to take this information and create countermeasures. Additionally, this prevents criteria in vetting the coming crop of newly recruited officers in training.

This discussion is not an attempt to explain the issues regarding corruption but to identify the gaps in the system that perpetuates targeting by Mexican TCOs (and others) of U.S. law enforcement and the institution itself. LEOs are susceptible to the behaviors of human nature and so complex when addressing their infractions within the U.S. judicial system. Oversight by the judicial system is present but is it sufficient.

OIG has had the awareness to investigate and have hearings on the corruption of LEOs. This is a start. More studies are required to understand the

¹⁸ Statement of Thomas Frost, Deputy Inspector General for Department of Homeland Security.

variables that both make LEOs a target and to prevent it. Also, it is not too soon to anticipate and create counter efforts in the corruption of law enforcement agencies/offices. This would be the next objective from the MTCO perspective, in supporting their goals.¹⁹

The outliers that were identified are of specific concern as the FBI has oversight on other agencies for investigations. Crawford had significant oversight of this area of responsibilities in a “plaza”²⁰. The amount of compromise to the significant area of responsibility he held (Juarez, Mexico and El Paso, TX) and FBI operations is unknown.

Case studies.

The case studies add an element that is more personal to this phenomenon in assessing unique variables that may not be determined by the other design models. For example, how many have relatives in Mexico, were born in Mexico, and or married to Mexican nationals. Determining motivational variables would be extremely important for detection and prevention of corrupted actions. Because of the generations of intermingling culture and people the southwest region and bi-national players, the question of loyalties may come into play. Furthermore, Mexican nationals are allowed to join the U.S. military. Typically this can lead to citizenship and a federal law enforcement position. Little data exists on how this background could affect the current dynamics.

In the case studies we observed, we noted either a Hispanic background and or relatives that were also Hispanic. This allows for ease in communicating and blending in with the narcotic trafficking culture and language.

The age group from our sample identified the range from 27 to 44 with most being in the 30s age group. There was some difficulty with the sampling because some reporting does not specify names while others do so there could be some replication.

Many of the case studies show CBP and BP as the main officials conduction drug and alien smuggling activities. This could be because they often work independently and at the front lines of the border and in rural areas.

Intelligence Gaps

The following are some key intelligence questions that require research and study:

1) Cost analysis for IA investigations? What is the cost of these investigations and how much of the budget do they affect. What is the cost of reassigning

¹⁹ As in the case of Hardrick Crawford, he was a manager with oversight of a city office. We are not certain the level of compromise he is guilty of.

²⁰ Plaza is a term used in the Mexican narcotics trade that represents important territory in the transfer of illegal contraband.

personnel for these duties, thus drawing from assets, personnel and monetary, from front line assignments.

- 2) Does this cost come out of border security funding front line assets?
- 3) Which cartel organizations are targeting convicted LEOs? What MTCOs are using this strategy more effectively than others? This answer may determine who "controls" point of entry (POE) locations. Would Los Zetas contraband be more likely to cross if Sinaloa has their bribed assets working the line?
- 4) Has the vetting process been changed for recruits of the respective agencies?

This is by no means that extent of the questions that can be posed but it is a necessary start.

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