



December 2, 2020

The Honorable Eliot Engel  
Chairman  
Committee on Foreign Affairs  
U.S. House of Representatives  
Washington, D.C. 20515

The Honorable Michael McCaul  
Ranking Member  
Committee on Foreign Affairs  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Chairman Engel, Ranking Member McCaul, and members of the Committee:

I wish to express my appreciation to the chairman and members of the House Committee on Foreign Affairs for the opportunity to submit this statement. The Western Hemisphere Drug Policy Commission is addressing an important, but frequently under-examined, issue in our relations with our hemispheric neighbors. For decades, the United States has pursued a vigorous campaign to stamp out the trafficking in illegal drugs, as well as the use of such substances by American consumers. The campaign escalated dramatically when President Richard M. Nixon declared a “war” on drugs in 1971, and it has remained a high priority for U.S. policymakers since then.

That war has both demand-side and supply-side components. The latter seeks not only to interdict shipments of illegal drugs, but to eradicate drug crops, principally marijuana, cocaine, and opium poppies, in drug-source countries. The impact of the U.S.-led policy has been especially pronounced on Mexico, Central America, and the Andean countries of South America. Unfortunately, the strategy has not only failed to achieve the desired results, it has fostered increased corruption, social strains, and disorder in those societies. Worse, it has helped enrich and empower the most violence-prone criminal drug cartels. The Commission wisely seeks alternatives to the current, failed policy.

Washington’s focus on the Andean region peaked during the 1980s, 1990s, and the initial years of the twenty-first century. It subsequently has shifted north to Central America and, especially, to Mexico. The Andean phase exacerbated social tensions in Colombia, Peru, and Bolivia. Aerial spraying programs to eradicate coca and other drug-source crops were especially unpopular in Colombia during the years they were in effect because of both health concerns and adverse economic effects. It was during this period that the Colombian drug cartels rose to unprecedented prominence and influence. Astonishingly, Colombia’s defense minister, Carlos Holmes Trujillo, stated just this week that he wants to resume the aerial spraying programs that were suspended in 2015, despite that dismal track record. Indications are that the U.S. government would enthusiastically endorse such a resumption.

The negative impact of drug eradication campaigns in Peru and Bolivia is somewhat less severe than in Colombia, but it has been bad enough. Among other consequences, it helped create extensive political support for radical left-wing political figures such as

Bolivia's former president, Evo Morales. Beleaguered coca farmers long have been the core of his political base. More recently, income from drug trafficking has helped fund and empower Venezuela's authoritarian regime.

Such examples hardly exhaust the list of adverse unintended consequences in the hemisphere from Washington's war on drugs. Even apparent triumphs usually turn out to be hollow. U.S. officials celebrated the decline of the Colombian drug cartels, but control of the illicit trade merely shifted northward to Mexico, facilitating the rise of equally violent cartels in that country. It was an example of the "push-down, pop-up" phenomenon. Drug war "victories" in one arena simply lead to the emergence of new, dominant players in another locale where the pressure is not as great. The United States and its hemispheric allies continue to play this grotesque game of "whack-a-mole" with predictably unsatisfying results.

The outcome has been especially tragic in Mexico. In 2006, George W. Bush's administration pressed Mexico's newly elected president, Felipe Calderon, to wage a more vigorous campaign against the cartels. Calderon then made the military the lead agency and launched a vigorous armed offensive. The result was outright warfare between the military and drug-trafficking organizations and a surge in fatalities that—except for a modest interlude from 2012 to 2016—continues to spiral upward.

A key reason for the temporary flattening of the curve was the ability of the Sinaloa cartel under the leadership of Joaquin "El Chapo" Guzman to gain control of an estimated 50 percent of Mexico's illicit drug trade. The resulting weakness of his competitors reduced the number and severity of turf fights. When Mexican authorities captured Guzman (for the third time) in January 2016 and extradited him to the United States, leaders in both countries were ecstatic. But the achievement triggered another set of highly unpleasant, unintended consequences. The decline and eventual fracture of the Sinaloa cartel created power vacuums and led to turf fights of unprecedented severity.

Mexico's nearly 35,000 murders (most of which were related to the drug trade) in 2019 set a new record—breaking the previous record in 2018. The first six months of 2020 saw an additional increase, despite lockdowns and other restrictions on movement imposed in response to the COVID pandemic. Mexico's homicide rate in 2005, the year before Calderon ordered the military to launch its offensive against the cartels, was 10 per 100,000 inhabitants; in 2019, the figure stood at 29 per 100,000.

In October 2019, armed enforcers of the Sinaloa cartel battled units of Mexico's National Guard on the streets of Culiacan, a city of eight hundred thousand people, for more than eight hours to free two sons of El Chapo Guzman from jail. In a stunning development, they defeated the Guard troops and compelled the national government to release the suspects. That incident is just one indication of how powerful the cartels have become. Major swaths of territory in Mexico are under their effective control, and government security personnel venture into such zones only at their great peril.

The consequences of the war on drugs in Central America are at least as bad. As pressure on the cartels from Mexico's government mounted after 2006, traffickers relocated many of their processing and distribution operations to Honduras, Guatemala, and El Salvador. It was yet another manifestation of the "push-down, pop-up" effect. As a result, those already fragile and turbulent societies have experienced a massive spike in both corruption and violence. Major portions of all three countries are now under the de facto control of one or more cartel armies. Among other actions, those organizations forcibly recruit teenagers and young adults into their ranks. Many of the people in the large refugee flows coming from Central America through Mexico in recent years are not fleeing generic poverty in their home countries, as bad as that poverty might be; instead they are attempting to escape the depredations of the drug cartels. Once again, Washington's hemispheric war on drugs has produced horrific unintended consequences.

The existing hemispheric drug policy defies the basic laws of economics. The cartels are powerful because there is a sizable consumer market for drugs in the United States and other countries. The prohibition policy to which Washington and its allies stubbornly cling drives up prices (usually by several hundred percent), thereby enriching and empowering the organizations that control such a lucrative commerce. Much of the violence, especially in Mexico, is the result of "turf fights" to control valuable trafficking routes to the United States.

Officials in some countries are now balking at Washington's continuing demand for uncompromising anti-drug crusades. Several years ago, Uruguay embraced a policy of widespread decriminalization, and Mexico's current government openly discusses the option of full decriminalization or even legalization of drug consumption. In doing so, reformers likely look to the model that Portugal adopted nearly two decades ago. Portuguese authorities shifted from viewing drug use as a matter for the national security and criminal justice systems and instead addressed it as a public health issue. Instead of jailing drug users, officials made drug-treatment programs more widely available. Contrary to the prediction of soaring drug use and crime under such a system, the reforms have led to less crime and even to less drug consumption.

The new Biden administration should respect the wishes of such advocates of reform among our hemispheric neighbors. Moving away from the failed policy of drug prohibition would be a more effective strategy to defund the cartels and curb their power. Even the limited decriminalization or legalization of marijuana in some portions of the United States has drastically reduced the revenue flow from that source to the trafficking organizations. Not surprisingly, most American consumers prefer to get their marijuana from legal enterprises rather than unsavory gangs, if they have that choice. Applying the same principle to harder drugs would strike an even bigger blow to cartel revenues.

Such an approach requires policymakers to accept a frustrating, unappealing reality. As much as we might wish otherwise, millions of Americans (and other populations) will continue to use mind-altering substances, whether they are legal or illegal. Government edicts and actions cannot suppress the trade in such substances when a high level of consumer demand is present. Where a robust demand exists, suppliers inevitably will arise

to fulfill that demand and reap the profits. Government policies will determine only whether honest businesses or violent criminal gangs control the supply. The hemispheric war on drugs, as did America's ill-fated experiment with alcohol prohibition, has guaranteed that it will be the latter option. Washington's strategy has created enormous grief both in the United States and in other countries throughout the hemisphere. It is long past time to adopt a totally different approach.

Sincerely,

/s/

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