



Department of Justice

STATEMENT OF

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BEFORE THE
SUBCOMMITTEE ON OVERSIGHT, INVESTIGATIONS AND MANAGEMENT
COMMITTEE ON HOMELAND SECURITY
UNITED STATES HOUSE OF REPRESENTATIVES

**“ON THE BORDER AND IN THE LINE OF FIRE: U.S. LAW ENFORCEMENT,
HOMELAND SECURITY AND DRUG CARTEL VIOLENCE”**

MAY 11, 2011

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INTRODUCTION

Good morning, Mr. Chairman, Mr. Keating, and distinguished Members of the Subcommittee. Thank you for your invitation to address the Subcommittee and for the opportunity to discuss the Department of Justice’s work in the United States and in Mexico to combat drug cartel violence. Mr. Chairman, I followed with interest your last hearing on the Mexican war against the drug cartels. Your commitment to these issues – and these hearings – comes at a critical time for both Mexico and the United States. Just last month, Attorney General Holder participated in a U.S./Mexico High Level Meeting, hosted by Secretary Clinton at the State Department, where leaders from Mexico’s Law Enforcement, Security, and Diplomatic agencies met with their U.S. counterparts to discuss the progress achieved under the Merida Initiative and to set out next steps and commitments for the joint work that lies ahead. The stakes are high for both countries. The safety and well-being of the public in Mexico and the United States depend on our joint work on investigations and prosecutions and advancing the

rule of law. These efforts will help defeat the drug trafficking organizations that threaten the safety of all our citizens.

I. Mexican Drug Trafficking Organizations Remain a Critical Threat to U.S. and Mexican Security

This Committee needs no reminding of the critical importance of Mexico to the security of the United States. The National Drug Intelligence Center's 2010 National Drug Threat Assessment indicates that Mexican Drug Trafficking Organizations (DTOs) "continue to represent the single greatest drug trafficking threat to the United States." The influence of the Mexican DTOs is felt in every region of the United States and in at least 230 U.S. cities, up from about 50 cities in 2006. Although historically the Colombian cartels posed the more significant threat, there is increasing evidence that as the United States and Colombian governments successfully dismantle the Colombian cartels, the Mexican cartels have become more powerful and active.

In Mexico, in recent years, there has been a marked increase in violent crime, particularly as a result of desperate drug cartels battling for turf. Murder rates have risen significantly in some major cities located on or near the border. Kidnapping remains a serious threat in that country. Moreover, DTOs have engaged in increasingly brazen behavior within Mexico including: (a) the creation of unauthorized checkpoints where they have killed motorists who have not stopped; (b) the use of automatic weapons and grenades in confrontations with the Mexican army and police; and (c) the use of full or partial police or military uniforms and vehicles. The violence in Ciudad Juarez, just across the border from El Paso, Texas, makes it one of the most dangerous cities in the world, outside of a war zone. Large firefights have taken

place in towns and cities in many parts of Mexico, often in broad daylight on streets and in public.

The violence in Mexico has impacted U.S. citizens and U.S. government employees who live, work, and travel in Mexico. Indeed, U.S. citizens and U.S. law enforcement officers have been the victims of violent crime in Mexico, including kidnapping and murder. In the wake of the deteriorating security situation in Mexico, the United States government has curtailed the movement of U.S. government personnel; prohibiting U.S. personnel from driving from the U.S.-Mexico border to the interior of Mexico or Central America; advising U.S. Embassy employees to defer travel to parts of the State of San Luis Potosi, including the entire stretch of Highway 57D; and prohibiting Embassy personnel from hailing taxis off the street in Mexico City because of frequent kidnappings and robberies. In September 2010, the U.S. Consulate in Monterrey became a partially unaccompanied post, with no minor dependents of U.S. government employees permitted in response to changes in the security situation. The current State Department Travel Warning urges U.S. citizens to defer unnecessary travel to Michoacán and Tamaulipas, and to parts of Chihuahua, Sinaloa, Durango, and Coahuila, and advises U.S. citizens residing or traveling in those areas to exercise extreme caution.

Of course, the impact on U.S. citizens and U.S. government personnel is dwarfed by the tremendous and tragic violence experienced by Mexican civilians, law enforcement, journalists, and politicians who have suffered at the hands of the cartels. Although the vast majority of the victims of the violence are believed to be affiliated with the cartels, there are far too many innocent bystanders who are often tragically caught in the cross-fire. We have not seen a significant spike in crime on the U.S. side of the Southwest border, but the fact remains that the instability and violence in certain cities along the border such as Ciudad Juarez raise concerns

about the safety and security of communities along both sides of the border as the cartels become more desperate to secure distribution routes into the United States.

II. The Department of Justice's Two-Pronged Strategy for Addressing Drugs and Violence on the Southwest Border

The dismantling and disabling of the Mexican DTOs is a priority for this Administration. To target these DTOs, members of the Executive Branch are coordinating their efforts as never before. The prosecutors of the Criminal Division and the U.S. Attorneys' Offices work with all of the law enforcement agencies of the United States, including the Department of Justice's Drug Enforcement Administration, Federal Bureau of Investigation, U.S. Marshals Service, and the Bureau of Alcohol, Tobacco, Firearms, and Explosives, and the Department of Homeland Security's Immigration and Customs Enforcement and Customs and Border Protection.

Our strategy is two-pronged: first, to intensify our investigative and prosecutorial efforts through coordinated, intelligence-driven operations; and second, to strengthen the Mexican government's own capacity to dismantle the DTOs. Both aspects of this strategy are essential. Transnational organized crime knows no borders – and without strong, stable, and trustworthy foreign law enforcement partners, we cannot hope to defeat organized criminal groups.

A. Prong One: Increasing and Intensifying Our Law Enforcement Efforts in the United States

The first prong of the Department of Justice's strategy for addressing drugs and violence on the Southwest border is through our own investigative and prosecutorial efforts as detailed in our Strategy for Combating the Mexican Cartels, promulgated by the Attorney General on January 5, 2010. The Strategy uses intelligence to coordinate long-term, extensive investigations

to identify all the tentacles of a particular organization. Through the Special Operations Division (SOD), we are able to execute multi-jurisdictional enforcement actions, arresting as many high-level members of the organization as possible, disrupting and dismantling the domestic transportation and distribution cells of the organization, and seizing as many of the organization's assets as possible, whether those assets be in the form of bank accounts, real property, cash, drugs, or weapons. Finally, we prosecute the leaders of the cartels and their principal facilitators, locating, arresting, and extraditing them from abroad as necessary. In this effort, we coordinate closely with our Mexican counterparts to achieve the goal: destruction or weakening of the drug cartels to the point that they no longer pose a viable threat to U.S. interests and can be dealt with by Mexican law enforcement in conjunction with a strengthened judicial system and an improved legal framework for fighting organized crime.

This "whole of government" approach has led to a number of remarkable successes. Some recent examples of such SOD-coordinated investigations involving multiple Organized Crime Drug Enforcement Task Forces (OCDETF) and other task forces include:

- Operation Bombardier: Announced in 2011, this disruption operation was a multi-agency coordinated response to the murder of one U.S. agent and wounding of another by members of Los Zetas Cartel. Operation Bombardier was a rapid response strike targeting all Mexico DTOs including cartel members, associates, infrastructure and activity operating in the United States regardless of specific cartel affiliation and resulted in 676 arrests;
- Project Deliverance: Announced in 2010, this 22-month multi-agency investigation targeted all Mexican DTO transportation and distribution infrastructure along the

Southwest border and elsewhere in the United States, resulting in more than 2,200 arrests;

- Project Coronado: Announced in 2009, this 44-month multi-agency operation targeted the La Familia Michoacana Cartel's distribution networks within the United States. It was the largest ever undertaken against a Mexican drug cartel and resulted in 1,186 arrests;
- Operation Xcellerator: Announced in 2009, this 21-month multi-agency operation targeted the Sinaloa cartel and resulted in the arrest of more than 750 individuals; and
- Project Reckoning: Announced in 2008, this 18-month multi-agency operation targeted the then combined Gulf and Los Zetas Cartels and resulted in 621 arrests.

Combined, these five Department of Justice-led SOD and OCDETF investigations over the past three years resulted in more than 5,500 arrests and the seizure of more than \$300,000,000 in U.S. Currency; 260,000 pounds of marijuana; 36,000 kilograms of cocaine; 1,450 pounds of heroin; 6,500 pounds of methamphetamine; and 1,500 weapons.

The Department is also committed to combating violent and organized crime through aggressive use of our asset forfeiture and anti-money laundering laws. The key to the vitality of drug trafficking and other criminal organizations is their continued access to enormous sums of money. Disrupting that flow of money is a top priority for the Department. Wherever possible and particularly in our multi-jurisdictional investigations, U.S. Attorney's Offices and the Criminal Division are adding forfeiture counts to indictments, not as an afterthought, but as part of a deliberate and targeted strategy.

As a measure of how seriously the Department takes this responsibility, the Asset Forfeiture and Money Laundering Section (AFMLS) of the Criminal Division has created a new

Money Laundering and Bank Integrity Unit and a Mexican Drug Cartel Team devoted to investigating and prosecuting complex criminal cases involving financial institutions and the individual criminal facilitators who hide and obfuscate the financial flows that enable the cartels to operate. The Team will aggressively use all of the tools at their disposal to develop domestic and international forfeiture cases targeting the criminal proceeds and operating assets of the Mexican drug cartels, and all those who support their operations. To achieve this objective, the team is partnering with countries throughout the Central American region.

Similarly, the Department is aggressively seeking the extradition of high-level traffickers to the United States. The Criminal Division's Office of International Affairs, working with the full collaboration of the Mexican Government, and our Embassies and foreign counterparts, has sought and secured the extradition of major Mexican traffickers to face criminal prosecution in the United States. In the past two years, we have secured the extradition from Mexico of over 200 drug traffickers and violent criminals, more than in any other two year period. Just last month, Mexico extradited Benjamin Arellano Felix, the former head of the Tijuana Cartel, to face racketeering and drug conspiracy charges resulting from a long running OCDETF investigation in San Diego. And our work in Mexico has led to the apprehension and extradition of other high value targets, such as Mario Villanueva Madrid, the former governor of the Mexican state of Quintana Roo charged with money laundering conspiracy, bribery, and narcotics conspiracy offenses for his support of the Juarez cartel; Vicente Zambada Niebla, son of Ismael Zambada Garcia, one of two Sinaloa cartel leaders; Oscar Arriola Marquez, designated as a Foreign Narcotics Kingpin under the Kingpin Designation Act, and CPOT (Consolidated Priority Organization Target) Oscar Nava Valencia, charged with drug conspiracy offenses in the Southern District of Texas. We hope to build and expand upon these successes in

the coming year as we work more closely than ever with the Mexican Attorney General's Office and the Foreign Ministry in this critical area of cooperation. However, while extraditions are an important tool in our joint efforts against the cartels and the violence, we are also determined to assist our counterparts with long-term measures to reform and strengthen institutions that the public can trust and in which they can have confidence.

B. Prong Two: Increasing the Capacity of the Government of Mexico to Investigate and Prosecute Cases in Mexico

We and our Mexican counterparts recognize that we cannot rely on criminal investigations and prosecutions in the United States alone if we are to defeat the DTOs. Instead, we must ensure that Mexico has the capacity to investigate and prosecute these and other criminals in legal systems that are transparent and efficient, and that are seen to be so by their populations. Mexico has committed itself to significant legal reforms to accomplish this goal, and we are strongly supporting the Mexican efforts.

The Department of Justice's primary rule of law work is undertaken pursuant to the Merida Initiative, a multi-year program that aims to improve law enforcement capabilities to identify, disrupt, and dismantle transnational DTOs and organized criminal enterprises. With funding from the State Department and U.S. Agency for International Development (USAID), we currently have three senior federal prosecutors stationed in Mexico City under the auspices of the Criminal Division's Office of Overseas Prosecutorial Development, Assistance and Training to work on rule of law issues with their Mexican counterparts. Our rule of law work in Mexico runs the gamut from high-level advice on criminal code reform – as Mexico moves forward on its own decision to create a more adversarial system – to practical training on investigations and prosecutions. To assist the Mexican transition to the accusatory system, expert-to-expert

exchanges, seminars, and workshops and training programs are underway. To date, working with U.S. federal law enforcement agencies and the Department of State, the Justice Department has trained over 10,657 individuals at all levels and in the executive and judicial branches.

We are also partnering with law enforcement agencies and prosecutors in Colombia, and have sent Mexican members of Congress, prosecutors and law enforcement officers to train in tandem with their U.S.-trained Colombian counterparts on code reform, strengthening internal affairs and corruption investigations, and creating effective witness protection programs.

But our training and mentoring extends beyond the classroom to partnering on investigations and prosecutions. First, the DEA has provided counsel to several vetted units of highly trained investigators from the SSP, the Mexican Federal Police. These vetted units have achieved tremendous success, including the apprehension of significant leaders of the drug cartels such as Antonio Arcos-Martinez. This past year, the Criminal Division, working jointly with DEA, began training prosecutors of the PGR, the Mexican Attorney General's Office, to join the SSP investigators to work as part of a task force. As part of this project, Assistant U.S. Attorneys and Criminal Division prosecutors are mentoring and partnering with their Mexican counterparts as they begin to use the task force model. For the first time, we are seeing PGR prosecutors and SSP investigators truly sharing their expertise and intelligence.

Additionally, as of December 2010, prosecutors and investigators from the Departments of Justice, Homeland Security, and Treasury are collaborating with our counterparts in the Mexican government to work on several money laundering cases together.

Finally, our Southwest border U.S. Attorneys are forging relationships with their counterparts in the PGR so that they can more effectively share leads on cases and fight crime on both sides of the border. These essential relationships have resulted in the coordination of

prosecutorial efforts and strategies to fight crimes along and on both sides of the border and better protect our own citizens.

III.A Meaningful and Robust Partnership with Congress is Crucial to Our Success

While we have made great strides against the Mexican drug cartels in recent years, we cannot achieve success without the support and input from Members of our Congress. There are several ways Congress has already, and can in the future, play a meaningful role in this fight.

A. Investing in the Southwest Border

First and foremost, we are grateful to Congress for its investment in our efforts along the Southwest border. The supplemental funding from last summer's Southwest Border Initiative, of which the Department received \$196 million, has been crucial to our strategy along the border and in Mexico. Much of that money went to our law enforcement agencies to expand their successful investigative efforts, but we also invested a significant amount in shoring up our ability to prosecute the cartel members whose drug trade is the root cause of violence in that region. We hired more prosecutors, bolstered Mexican fugitive apprehension, enhanced capacity at the multi-agency SOD and OCDETF Fusion Center, and provided additional funding for OCDETF Strike Forces along the Southwest border. As a result, our five Southwest border districts have increased the overall number of felony prosecutions, particularly prosecutions of narcotics, firearms, and public corruption offenses.

Within the Department's Criminal Division, we have explicitly dedicated a number of our resources to Mexico and the Southwest border. The supplemental funding allowed the Criminal Division to deploy another attaché to Mexico City to work with AUSAs around the country to build cases against the cartels. In addition to AFMLS's new Mexican Drug Cartel Team

discussed above, we created a new Mexico cartel unit in the Criminal Division's Narcotics and Dangerous Drug Section that is dedicated to the prosecution of these Mexican drug cartels. We also have added prosecutors in the Division's Organized Crime and Gang Sections to investigate and prosecute the gangs that do the bidding of the drug cartels, using statutes such as RICO. The recently announced indictment against 35 members of the Barrio Azteca international gang for violations of RICO, including the murders of a U.S. Consulate employee and two family members, is a direct result of Congress' investment. The Department is working through the Administration to identify areas where additional tools and resources will strengthen our anti money laundering and forfeiture efforts. We would welcome the opportunity to work with Congress should we identify any such areas.

B. A Sustained Commitment is Crucial

Finally, we appreciate Congress' recognition that our efforts in Mexico must be consistent and sustained. It was over a period of ten years that Plan Colombia achieved the success we now see today. Plan Colombia was preceded by years of work by the U.S. government. Our experience teaches us that we will not see quick fixes to a problem as complex as the Mexican drug cartels. But we are in this struggle for the long-haul. And through a long-term, cooperative partnership with our neighbors in Mexico, we will weaken the influence of organized crime on Mexican society, thereby better protecting our citizens.

CONCLUSION

In sum, working with Mexico to fight the drug cartels and the violence associated with them both in our country and in Mexico is a top priority of the Department of Justice. I thank you for the opportunity to discuss our efforts, which make the citizens of both our countries

safer, and we look forward to partnering with you to ensure that we are doing all we can to curtail the reach of these organized crime rings.

I will be happy to answer any questions you may have.