

# COUNTERNARCOTICS EFFORTS IN MEXICO AND ALONG THE SOUTHWEST BORDER

---

## HEARING BEFORE THE SUBCOMMITTEE ON NATIONAL SECURITY, INTERNATIONAL AFFAIRS, AND CRIMINAL JUSTICE OF THE COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT HOUSE OF REPRESENTATIVES ONE HUNDRED FIFTH CONGRESS FIRST SESSION

FEBRUARY 25, 1997

**Serial No. 105-14**

Printed for the use of the Committee on Government Reform and Oversight



U.S. GOVERNMENT PRINTING OFFICE

41-196 CC

WASHINGTON : 1997

---

For sale by the Superintendent of Documents, U.S. Government Printing Office  
Internet: bookstore.gpo.gov Phone: toll free (866) 512-1800; DC area (202) 512-1800  
Fax: (202) 512-2250 Mail: Stop SSOP, Washington, DC 20402-0001

## COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

DAN BURTON, Indiana, *Chairman*

BENJAMIN A. GILMAN, New York	HENRY A. WAXMAN, California
J. DENNIS HASTERT, Illinois	TOM LANTOS, California
CONSTANCE A. MORELLA, Maryland	ROBERT E. WISE, JR., West Virginia
CHRISTOPHER SHAYS, Connecticut	MAJOR R. OWENS, New York
STEVEN H. SCHIFF, New Mexico	EDOLPHUS TOWNS, New York
CHRISTOPHER COX, California	PAUL E. KANJORSKI, Pennsylvania
ILEANA ROS-LEHTINEN, Florida	GARY A. CONDIT, California
JOHN M. McHUGH, New York	CAROLYN B. MALONEY, New York
STEPHEN HORN, California	THOMAS M. BARRETT, Wisconsin
JOHN L. MICA, Florida	ELEANOR HOLMES NORTON, Washington, DC
THOMAS M. DAVIS, Virginia	CHAKA FATTAH, Pennsylvania
DAVID M. MCINTOSH, Indiana	TIM HOLDEN, Pennsylvania
MARK E. SOUDER, Indiana	ELIJAH E. CUMMINGS, Maryland
JOE SCARBOROUGH, Florida	DENNIS KUCINICH, Ohio
JOHN SHADEGG, Arizona	ROD R. BLAGOJEVICH, Illinois
STEVEN C. LATOURETTE, Ohio	DANNY K. DAVIS, Illinois
MARSHALL "MARK" SANFORD, South Carolina	JOHN F. TIERNEY, Massachusetts
JOHN E. SUNUNU, New Hampshire	JIM TURNER, Texas
PETE SESSIONS, Texas	THOMAS H. ALLEN, Maine
MIKE PAPPAS, New Jersey	
VINCE SNOWBARGER, Kansas	BERNARD SANDERS, Vermont
BOB BARR, Georgia	(Independent)

KEVIN BINGER, *Staff Director*  
DANIEL R. MOLL, *Deputy Staff Director*  
JUDITH MCCOY, *Chief Clerk*  
PHIL SCHILIRO, *Minority Staff Director*

## SUBCOMMITTEE ON NATIONAL SECURITY, INTERNATIONAL AFFAIRS, AND CRIMINAL JUSTICE

J. DENNIS HASTERT, *Chairman*

MARK SOUDER, Indiana	THOMAS M. BARRETT, Wisconsin
CHRISTOPHER SHAYS, Connecticut	TOM LANTOS, California
STEVEN SCHIFF, New Mexico	BOB WISE, West Virginia
ILEANA ROS-LEHTINEN, Florida	GARY A. CONDIT, California
JOHN McHUGH, New York	ROD R. BLAGOJEVICH, Illinois
JOHN L. MICA, Florida	CAROLYN B. MALONEY, New York
JOHN B. SHADEGG, Arizona	ELIJAH E. CUMMINGS, Maryland
STEVE LATOURETTE, Ohio	JIM TURNER, Texas
BOB BARR, Georgia	

## EX OFFICIO

DAN BURTON, Indiana	HENRY A. WAXMAN, California
ROBERT CHARLES, <i>Staff Director and Chief Counsel</i>	
MICHELE LANG, <i>Special Counsel</i>	
SEAN LITTLEFIELD, <i>Professional Staff Member</i>	
IANTHE SAYLOR, <i>Clerk</i>	
MARK STEPHENSON, <i>Minority Professional Staff Member</i>	
RONALD STROMAN, <i>Minority Professional Staff Member</i>	

## CONTENTS

---

Hearing held on February 25, 1997 .....	Page 1
Statement of:	
Bonilla, Hon. Henry, a Representative in Congress from the State of Texas; and Tony Castaneda, chief of police, Eagle Pass, TX .....	24
Constantine, Thomas A., Administrator, Drug Enforcement Administration; Mary Lee Warren, Deputy Assistant Attorney General, Criminal Division, Department of Justice; and Douglas M. Kruhm, Assistant Commissioner, U.S. Border Patrol .....	41
Gelbard, Robert S., assistant secretary of State, Bureau of International Narcotics and Law Enforcement Affairs .....	4
Letters, statements, etc., submitted for the record by:	
Bonilla, Hon. Henry, a Representative in Congress from the State of Texas, prepared statement of .....	27
Constantine, Thomas A., Administrator, Drug Enforcement Administration, prepared statement of .....	48
Kruhm, Douglas M., Assistant Commissioner, U.S. Border Patrol, prepared statement of .....	87
Warren, Mary Lee, Deputy Assistant Attorney General, Criminal Division, Department of Justice, prepared statement of .....	71



## COUNTERNARCOTICS EFFORTS IN MEXICO AND ALONG THE SOUTHWEST BORDER

TUESDAY, FEBRUARY 25, 1997

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON NATIONAL SECURITY, INTERNATIONAL  
AFFAIRS, AND CRIMINAL JUSTICE,  
COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT,  
*Washington, DC.*

The subcommittee met, pursuant to notice, at 1:10 p.m., in room 2154, Rayburn House Office Building, Hon. J. Dennis Hastert (chairman of the subcommittee) presiding.

Present: Representatives Hastert, Souder, Schiff, Mica, LaTourette, Barr, Barrett, Blagojevich, and Turner.

Staff present: Robert Charles, staff director and chief counsel; Michele Lang, special counsel; Sean Littlefield, professional staff member; Ianthe Saylor, clerk; Mark Stephenson, and Ron Stroman, minority professional staff members; and Jean Gosa, minority administrative clerk.

Mr. HASTERT. The Subcommittee on National Security, International Affairs, and Criminal Justice will come to order.

Good afternoon. I want to thank everybody for coming today. The subcommittee and Congress wrestle with an escalating national security threat posed by international drug trafficking. One country has been on our lips repeatedly over the last week; that country is Mexico.

Today, we sit a few days away from the President's annual certification decision. Before next Monday, the President must either certify that Mexico is cooperating fully with the United States on all counternarcotics efforts or not cooperating fully.

If he reaches the conclusion that they are not cooperating fully, he may, in the interest of continuing commercial trade and counternarcotics aid, grant Mexico a national interest waiver. Like last year, this decision is being closely watched, both domestically and internationally. Last year, President Clinton certified Mexico's counternarcotics efforts while decertifying Colombia's.

Eleven days ago, the subcommittee concluded its first drug policy hearing of the 105th Congress and focused on Colombia's counternarcotics efforts. We learned in that hearing that decertification can spur action by sending a clear signal of deep U.S. concern. We also learned that decertification without a national interest waiver can hurt U.S. efforts to get counternarcotics aid to the target country.

Today's hearing is focused on learning more about drug trafficking along our Southwest Border and Mexican cooperation in the

war on drugs. Make no mistake about it, the four powerful, wealthy, violent Mexican drug cartels pose direct and insidious national security threats to this country and, in fact, to Mexico's own stable future. In fact, the Mexican drug trafficking organizations are as much a threat as the Colombian cartels have been up to now.

This hearing is about Mexico and the land border we share, but it is also about the certification process itself. I think it is very plain that if, as expected, President Clinton certifies Mexico and decertifies Colombia, we will want to make sure that there is a fair and even-handed policy.

Some may not think that would exist. A double standard that undermines the role of certification in our international drug strategy could be questioned by some. As the certification decision is pending, I cannot yet judge, but I fully expect that, if Mexico is certified and Colombia is decertified, a close examination of this decision by Congress certainly will follow.

If this President's decision will be apparent to most that competing interests in United States-Mexican relations trump the status of the United States-Mexican thrust on counternarcotics, let's be honest with the American people. There is an important economic link between us. We share a 2,000-mile border and there is a continuing need for Mexican cooperation to curb illegal immigration.

But we also face another reality. The drug czar, the Mexican drug czar, was just arrested for links to the most dangerous drug trafficker in Mexico. Mexican officials apparently knew he had been associated with the trafficker for 7 years, and they knew his assistant had been tied to the drug cartels. Adding injury, U.S. officials were not even told of his removal on drug charges until 12 days after that event.

Now, here's the broader drug picture. Mexico not only shipped 400 tons of cocaine, 150 tons of methamphetamine, and 15 tons of heroin into the United States last year, they have only extradited three persons, despite United States extradition requests in 1996 for more than 150 suspected felons. Mexican officials promised me and other Members of Congress that they would be installing three ground-based radars to halt air traffic last April. That promise is now a dead letter. There will, apparently, be no radars.

While Mexico eradicates much opium poppy annually, it has blocked a blanket maritime agreement to stop traffickers, refused additional United States antidrug aid, refused to put an extra 20 DEA agents in Mexico, after we appropriated the money for this effort, and now has told DEA agents that they cannot carry weapons when required to cross the United States-Mexican border. Beyond this, there are certain deficiencies we cannot fully explore in an open session.

In short, I am deeply disappointed, and I certainly hope the President is. In my view, while economic considerations should play in Mexico's favor, there should be a careful, honest debate on granting a national interest waiver to Mexico and maybe a possible decertification. There should be an honest parallel assessment of Colombia. That's what we are here for.

Without anything further, we are rearranging our schedule a little bit to allow our Ambassador on International Narcotics and

Law Enforcement Affairs to come before us today, Ambassador Gelbard.

Before proceeding with our first panel, I am pleased to turn to my colleague, the subcommittee's ranking member, Tom Barrett, for any opening remarks he may have.

Mr. BARRETT. Thank you, Mr. Chairman.

I thank you for holding this second hearing on an issue that is of vital importance to the American people, because there are few issues more important to the future national security of our country than controlling illegal drug trafficking. The cost to our Nation of illegal drug use is estimated at \$70 billion per year, and every year illegal drugs cost 16,000 American lives.

Our Southwest Border remains a principal route for drugs coming into the United States, so I thank the chairman for holding this hearing today. We will never solve the drug problem in our country without stopping the flow of drugs over this border. Mexico, unfortunately, remains the principal route for cocaine entering the United States, with 50 to 70 percent of the total cocaine produced in South America transported via Mexico.

Mexico also supplied 20 to 30 percent of the heroin and about 70 percent of the foreign-grown marijuana last year, and Mexican traffickers dominate the growing methamphetamine trade in the United States. Criminal organizations are increasingly looking to Mexico as a venue for money laundering. The recent arrest of the Mexican drug czar, Gen. Gutierrez-Rebollo, demonstrates that corruption continues to be a major problem for Mexico.

I think that the point that the chairman made on the serious question of how we look at Colombia and how we look at Mexico are issues that we have to explore, and I am pleased that the President is exploring them carefully. I also concur with the chairman that the issue of our economic ties to Mexico weighs into this equation, and I will be very interested in hearing our panels today.

Thank you.

Mr. HASTERT. Thank you.

I would like to welcome Assistant Secretary of State for International Narcotics and Law Enforcement Affairs, Ambassador Bob Gelbard. Because we are trying to work our schedule around his very busy schedule, I would ask that all other opening statements be submitted for the record.

Any objections?

[No response.]

Mr. HASTERT. Without objection, so ordered.

Ambassador Gelbard, we had you testify before us last week in the Colombia hearing. We appreciate your being here today, and we know it is certainly a busy time of year for you, especially concentrated in these next weeks or so.

Ambassador, if you would stand and raise your hand, the committee's rules require me to swear you in.

[Witness sworn.]

Mr. HASTERT. Let the record show that the witness responded in the affirmative.

Ambassador.

**STATEMENT OF ROBERT S. GELBARD, ASSISTANT SECRETARY  
OF STATE, BUREAU OF INTERNATIONAL NARCOTICS AND  
LAW ENFORCEMENT AFFAIRS**

Mr. GELBARD. Thank you, Mr. Chairman, members of the subcommittee. Good afternoon.

Thank you for accommodating my schedule. As you can imagine, in the days coming up to certification, we are extremely busy, and I appreciate your understanding.

Mexico-based drug trafficking organizations take advantage of the 2,000-mile border between Mexico and the United States and the massive flow of legitimate trade and traffic to smuggle hundreds of tons of South American cocaine, thousands of tons of Mexican-grown marijuana, tons each of heroin and methamphetamine precursors, and large quantities of pharmaceuticals to the United States each year.

Many of these organizations operate extensive distribution networks within the United States. Mexico-based trafficking organizations now dominate the production and distribution of methamphetamine in the United States, a particularly dangerous drug with alarming abuse projections across the country. Mexico is also one of the most significant money laundering centers in the hemisphere.

From a foreign policy perspective, the severity of the threat posed to the United States by drug trafficking organizations operating out of Mexico makes this one of the most important issues on our agenda with Mexico, an agenda which is arguably one of the broadest we have in the world.

Counternarcotics cooperation with Mexico is obviously an essential component of our national drug strategy. Mexican President Ernesto Zedillo, in whom we have the highest level of trust and confidence, has declared the drug threat and related official corruption to be the principal national security threat to his nation. His decisions and actions have supported this declaration, and he has underscored the importance of the U.S. partnership in his government's antidrug effort.

As we saw last week, President Zedillo moved quickly to remove from office the new national antidrug coordinator after an internal investigation revealed ties to the nation's most powerful drug trafficker. The investigation is continuing, and 36 officials from the drug commission are now apparently implicated.

While the revelations of corruption by individuals in such sensitive positions is a matter of grave concern to us, the Government of Mexico's quick response demonstrated President Zedillo's resolve to identify, remove, and punish compromised officials, even at the risk of embarrassment to his own administration.

The United States and Mexican Governments are working to build a counterdrug partnership on the foundation of the shared perception of the threat and our mutual determination to combat it. It was in this spirit that the United States and Mexico established a high-level contact group on narcotics control a year ago, to explore joint solutions to the shared drug threat, to coordinate the full range of narcotics issues, and to promote closer law enforcement cooperation.



We will seek, with this sense of partnership, to aid Mexico to address the institutional weaknesses that permit such serious security breaches to occur and persist, and to strengthen its law enforcement capacity through training, material, and technical assistance. Mexico is one of our most important allies in the international struggle against organized crime and drug trafficking. We need each other, and we are determined to make this partnership work.

The Mexican Government has prepared a comprehensive strategy, encompassing efforts to attack the drug trafficking organizations, combat money laundering and chemical diversion, eradicate drug crops, interdict drug shipments, and increase public awareness. The Mexican Government intensified its investigations of major narcotrafficking organizations, including the Juarez Cartel of Amado Carrillo-Fuentes; the Tijuana Cartel, headed by the Arellano-Felixes; the Caro-Quintero Organization; and the Gulf Cartel, previously directed by Juan Garcia-Abrego.

However, persistent and widespread official corruption, frequent changes in personnel, lack of institutional capabilities, and failure to follow through on government commitments have combined to hinder Mexico's ability to implement its antidrug strategy effectively or to conclude its organized crime investigations.

In its anticorruption efforts, the Mexican Government dismissed over 1,250 Federal law enforcement officers and technical personnel, and indicted two former senior Mexican officials on corruption and money laundering charges. It also charged a current Under Secretary of Tourism with official corruption.

In 1996, Mexican authorities arrested a number of major traffickers, including Juan Garcia-Abrego, head of the Gulf Cartel and one of the FBI's 10 most wanted fugitives; Jose Luis Pereira Salas, linked to the Cali and the Juarez Cartels; and Manuel Lopez-Rodriguez, a major maritime operator linked to Jose Castrillon.

The Government of Mexico expelled Garcia-Abrego and Pereira Salas to the United States. Garcia-Abrego was convicted in Houston on 20 counts, sentenced to 11 life terms, and fined \$128 million, with \$350 million in forfeited assets. Pereira Salas is awaiting trial in Miami.

The Mexican Congress passed penal code reforms to criminalize money laundering and establish some controls on chemical diversion. It also passed an organized crime bill which authorizes use of modern investigative techniques such as electronic surveillance, witness protection, and prosecution for criminal association and conspiracy.

The Mexican Government acknowledged the need to strengthen its counterdrug capabilities and signed several technical and material support agreements with us, as well as an operational coordination agreement for the border task forces. Interagency cooperation among Mexican antidrug police and military forces improved drug-related arrests and seizures of cocaine, heroin, and marijuana increased over 1995. Eradication results were on a par with 1995 but continued the trend toward reduced net production.

Mexican authorities seized 23.8 metric tons of cocaine, 363 kilos of heroin, more than 1,000 tons of marijuana, uncovered 20 clandestine drug laboratories, made over 11,000 drug-related arrests,

and eradicated 22,769 hectares of cannabis and 14,671 hectares of opium poppy.

Bilaterally, the return of fugitives, money laundering, chemical diversion, and military-to-military relations were among our highest priorities for bilateral cooperation. The extradition relationship, while still very far from ideal, improved significantly last year. Mexico extradited 13 fugitives to the United States, including three individuals with claims to Mexican citizenship, for the first time. It expelled a number of other fugitives, including Garcia-Abrego and Pereira Salas.

The two nations made major strides in forging a more productive military-to-military relationship, including counterdrug cooperation, training, and technical assistance. Bilateral cooperation on money laundering controls also improved. Technical working groups focused on specific ways to improve national and bilateral effectiveness in areas such as money laundering, chemical control, demand reduction, arms trafficking, and so forth.

However, there remain many areas where Mexico's counterdrug performance can and must be improved and where bilateral cooperation can be improved. These areas constitute the agenda for our discussions in the coming months and the focus of our joint efforts.

The arrest of Gen. Gutierrez-Rebollo and subsequent dismissal of 36 of his deputies belie previous assumptions that corruption was largely limited to operational police levels. This illustrates, vividly, the need for major system-wide reform and integrity controls. Criminal justice system reform must be a high priority, both for Mexico's antidrug efforts as well as for more meaningful bilateral cooperation.

The organized crime bill must be implemented fully, with appropriate training provided to law enforcement, prosecutorial, and judicial personnel. Organized crime task forces have been established but not fully funded or supported.

Personnel rotate too frequently. U.S. liaison personnel have not been provided appropriate official status or adequate provisions for self-defense, as you mentioned, Mr. Chairman. This must be immediately addressed and resolved satisfactorily. Smooth integration of the new military antidrug response teams into the existing interdiction framework and clear command-and-control structures must be effected.

The United States Government is seeking to assist the Mexican Government combat corruption through technical assistance and training, particularly in developing trusted units and professional responsibility. We are likewise working to help the Mexican Government recruit, train, and equip special investigative units which can become trusted partners of United States law enforcement.

The United States welcomes the improvements in extradition of fugitives, but there are still long backlogs of pending cases. We would also like to see extradition of Mexican drug fugitives to break the perception that they can act with impunity in Mexico and evade justice through abuse of their citizenship.

There are still major gaps in Mexico's interdiction program; specifically, to counter fast-moving cargo jets and maritime trafficking. The existing air interdiction program suffers inadequate funding

and logistical support problems. Bilateral maritime cooperation has been sporadic and needs to be improved.

There continues to be a problem of diversion or fraudulent prescription of pharmaceuticals such as Rohypnol, the so-called date rape pill, in Mexico, despite United States Government efforts to raise awareness of this problem.

To make its new money laundering legislation effective, the Mexican Government needs to implement suspicious and currency transaction reports with mandatory penalties, something we have been promised.

While there has been progress in controlling precursor chemicals, largely because of a concerted effort by the United States to raise the Mexican Government's awareness about the growing methamphetamine crisis in the United States, basic controls are needed on the essential chemicals that are used to manufacture cocaine, heroin, and other illicit drugs.

As I said earlier, the United States Government is prepared to work forcefully with the Government of Mexico to assist in accomplishing these objectives. We, of course, need your support in providing the necessary resources and political support for our efforts, and we welcome what you have done in this last year.

Thank you for your kind attention. I will be happy to take your questions.

Mr. HASTERT. Thank you, Mr. Ambassador. I appreciate your thorough statement and certainly your hard work on this issue. We will now move quickly through one round of questions because of your time restraint, and I will begin.

First of all, in your statement, just listening to it, why isn't adequate Mexican protection for our law enforcement personnel a condition of United States certification of Mexico? Maybe it is, but I didn't hear it in your statement.

Mr. GELBARD. Well, in fact, in my statement I didn't get into the issues we have discussed with Mexico regarding certification. But the questions regarding immunities and the ability to use weapons for American law enforcement officials who are working with Mexican counterparts is a fundamental priority for the United States Government.

Last week, when Foreign Secretary Gurria was here in Washington, this was one of the very top issues then Acting Secretary of State Tarnoff raised, and I think also was raised as one of the fundamental issues by the Attorney General. So, we consider this one of our very top priorities. We have been given assurances that this will be resolved urgently, and we look forward to that.

Mr. HASTERT. Mr. Ambassador, in your opinion, is the United States really and truly receiving full cooperation from the Mexican police and military?

Mr. GELBARD. Mr. Chairman, one of the basic problems that I alluded to in my statement is that there is a serious problem that Mexico recognizes, in terms of lack of institutional capabilities. I feel we have strong cooperation from President Zedillo. The problem is the lack of strong capabilities on the part of Mexican law enforcement. This is what needs to be resolved.

Mr. HASTERT. Let me ask you another issue on extradition. We have seen over 150 extradition requests, and most of those are still

pending. Mexico has extradited only three nationals to the United States, in 1996, I understand. Is that full cooperation, or what are the problems involved in that situation?

Mr. GELBARD. In terms of detail, I will defer to my colleague, Ms. Warren, from the Justice Department. But let me say, first, the good news was that, for the first time in what I understand is history, Mexico did decide to extradite nationals last year. We are, however, concerned, as I said, that first we have a long list of others, such as Amado Carrillo-Fuentes, whom we consider to be an extremely high priority, who have not been extradited.

Second, we remain concerned that the condition of having people extradited only under exceptional circumstances often means that people who claim Mexican citizenship, real or otherwise, can escape sentences commensurate with their crimes.

Mr. HASTERT. These are people who also hold American citizenship; right, in many cases?

Mr. GELBARD. In some cases. But in the case of Juan Garcia-Abrego, who apparently did have dual citizenship, the Mexican Government showed great and serious determination by expelling him to the United States. He is, of course, one of the leading traffickers in the world.

Mr. HASTERT. Mr. Ambassador, I guess this is more a comment than a question. We had very fine testimony on your behalf last week when we looked at the Colombia situation. I, again, appreciate, with your tough schedule, your being here today. Can you give us assurance that both those countries will be looked at in an even-handed way? I think that's one of the things that we're concerned about.

Mr. GELBARD. Both of those countries are being looked at in an even-handed way. There are serious ongoing discussions still being held about all the certification issues. No decisions have yet been made, but they are being looked at in an even-handed way, absolutely.

Mr. HASTERT. Thank you. I'm going to defer to the gentleman who is the ranking member, Mr. Barrett from Wisconsin.

Mr. BARRETT. Thank you, Mr. Chairman.

Mr. Ambassador, it's good to see you back. I appreciate your taking the time. I realize it's a very busy week for you. When we last met, some 10 or 11 days ago, that was before the public revelation, either to the American Government or to the American public, about Gen. Gutierrez.

What has been our response to the delay, apparently an 11-day delay between the time he was taken into incarceration and we learned about it? Am I correct in my assumption that the State Department and the U.S. Government first learned about this some 11 days after his arrest?

Mr. GELBARD. That's correct. The U.S. Government learned about this last Tuesday. Actually, we learned about it initially from press reports coming out of Mexico that were later confirmed by the Mexican Government. The Mexican Government has told us that, when they first began to suspect corrupt activity on Gen. Gutierrez-Rebollo's part, they wanted to maintain secrecy until they were able to actually determine that it was true. So for that reason, they decided to hold a confidential investigation.

Once they were able to determine that, indeed and very unfortunately, obviously, it was true, they did inform us in a variety of ways at high levels.

Mr. BARRETT. During the period between which he was incarcerated and the period which we learned about his incarceration, was there a continuing flow of information coming from the United States to him or his office? Obviously, he was incarcerated, so he wouldn't get it directly, but to his office. I'm trying to measure the damage that was done during that 10- or 11-day period.

Mr. GELBARD. I do not know.

Mr. BARRETT. In your view, was the failure or the lack of notification from the Mexican Government appropriate?

Mr. GELBARD. It's a hard call on the part of the Mexican Government. I think they should be commended, obviously, for taking very seriously the information that began to develop about his corruption, acting on it expeditiously, in spite of the fact that it was obviously a major embarrassment to them. The statement issued by Secretary of Defense Cervantes was, I think, exemplary, in taking responsibility for this and acting on it quickly.

It's hard to second-guess their decision to act with some secrecy because they acted effectively. What is clear is that now needs to be an experience upon which to build. There has to be serious action by the Mexican Government in terms of examining, with extraordinary scrutiny, law enforcement officials: background checks, financial background checks, perhaps even polygraphing people to ascertain that the degree of corruption that we have seen, up to and including Gen. Gutierrez-Rebollo and in the case of lots of other people at lots of other levels, is not repeated and is avoided in the future, and action is taken against them.

Mr. BARRETT. The irony here—and, again, I juxtapose this with the hearing we had 10 days ago—on Colombia, it seems we have a situation where the President or the executive branch is causing us problems, but the military and the police seem to be more responsible. Mexico seems to be almost a mirror image of that, in that we have full compliance, it appears, from the President, and the problems are coming from the police, and that's why they started moving to the military. Now it's clear that there are some serious problems in the military.

In the scope of certification, do you think intent is more important, or do you think that the proof should be in the pudding?

Mr. GELBARD. Well, we are, obviously, very interested in both. There has to be serious intent. The Mexican Government clearly recognizes that they have a long way to go, in terms of developing the institutional capabilities. The good news of this incident is that they did take action, and they took action quickly.

In Colombia, I had to be the one to go to the Colombian Government and ask them to fire the commissioner of police 2½ years ago. I would welcome the idea of President Samper taking a polygraph exam.

It's very clear that the Mexican Government has to take serious action to examine law enforcement officials at all levels, examine people who are taking positions of responsibility the way we do, and really examine these very carefully, including such things, as

I say, financial checks and other kinds of background checks, and even polygraphing.

Mr. BARRETT. I realize that the administration has not made a determination on certification of Mexico, but it strikes me that the certification or the lack of certification, but with a waiver, would be a way for us to send a message to Mexico that we mean business. Again, I realize that we are getting cooperation from the President there. I don't know how else we can send the message, though, to other public officials in Mexico that we are serious about the drug problem.

I don't know if you want to comment on that.

Mr. GELBARD. I would just say that we have seen, on this day compared to this day a year ago, I think, some substantial and important changes in Mexico, in terms of them moving forward in cooperation with us. There clearly is a long, long way to go. This is not something which is going to be resolved in a year or even 2 years. This is going to be something for the medium and the long term. There clearly is a major corruption problem at all levels: Federal, State, and local.

We are seeing scandals that are opening up repeatedly at lots of different levels and lots of different places. They need to be dealt with for Mexico's own national security. I think that's basically what it comes down to.

Mr. BARRETT. One final question: Do you think certification with a waiver for national interest would ignite American businesses to be more interested in this issue?

Mr. GELBARD. I really, if you will excuse me, would rather not talk about certification, even hypothetically, at this point.

Mr. BARRETT. All right.

Mr. GELBARD. Thank you, sir.

Mr. BARRETT. I have no further questions.

Mr. HASTERT. I thank the gentleman. I now turn to the vice chairman, from Indiana, Mr. Souder.

Mr. SOUDER. Hi, how are you again? I appreciate your coming back today. I've got a couple of concerns I wanted to express right off the top. One is that I understand it's difficult. Anybody who has at all looked at this issue in trying to clean up a long past history—when we visited Mexico and had the chance to talk with President Zedillo and their Congress and others—it's clear, at least from what you can tell from the superficial personal relationships, that there is a deep commitment to try to do this.

The problem is that we keep hearing, "It's coming. It's coming," and it's like a constant back to the future again. Ultimately, at some point, we have to measure by the actions in front of us. This is a little bit like your spouse—you said earlier that, well, at least they have been very honest, and they have cleaned house. It's a little bit like your spouse coming to you and saying that they were actually married to someone else earlier before they married you, and you are proud or pleased that they were honest enough to tell you that, but the fact is still the fact.

The drug czar, or the equivalent of their DEA, was on the payroll of the cartel. Now, one of the things—I have just finished reading the book, "Bordering on Chaos," which is a—as many books have—

have a lot of different controversial things in them, and may have different parts of it—in its veracity.

But I was very intrigued in one political section, because one of the things that is very critical in this whole debate is, it's clear that the Colombian police are going after and are dying fighting narcotics, but we have questions about the President. In Mexico, we have questions about the police, but believe that the President and certain leaders are trying to clean it up, although we have seen the problem of Clausio getting killed, of multiple murders, of now the drug czar.

In that book, as a politician, what was very intriguing to me was the process that Zedillo, at least in this book, was claimed to have been nominated, and the key person was the Governor, Sonora Beltrones, and that it talked about his closeness to President Zedillo, and how he had maneuvered to use the Clausio tape to see that Zedillo was nominated.

Now, I don't know whether that's all true, but it is especially interesting since Sunday we saw pictures and stories, and again today, from the New York Times, calling into question, which is denied by the Governor, that he has been investigated, as well. The President of Mexico has said there is no ongoing investigation of any Governors.

When we met with the President directly, what he told us—and as a Reagan conservative I found this comforting—that he wanted to delegate more authority to the Governors and wanted to decentralize power, but that that was complicating things in the drug issue.

Now, I'm not saying—because I take President Zedillo at his word—but if this person is indeed—if he's trying to transfer power to the Governors, if this person has been critical in his support, if people in his administration are having problems, at what point do we say that there is a problem in the Government of Mexico, in addition to their police force, and why aren't they willing to investigate some of the people in their government itself, such as the Governors of Mexico? Is it political? Have you asked them that question? Where do you see this heading?

Because, at some point, we have to not just—because I, personally, from talking to him, have no reason to believe President Zedillo isn't completely honest with us, but that's what we heard about the drug czar, too. Are you asking them these questions? Do you want them to pursue additional investigations of their Governors? Are you pushing them, or are you just making public statements that you hope he's above all this?

Mr. GELBARD. We have raised concerns about individuals with the Government of Mexico over time. There are individuals about whom we have been very concerned, deeply concerned, and we have passed on to senior government officials of Mexico their names. Under certain circumstances, it's certainly possible to share information with them. We have concerns about Governor Beltrones, and we are studying that—we are continuing to study that.

We do try, whether it's Mexico or Colombia or other countries, when we have knowledge or strong reason to believe that individuals have been or are involved in drug trafficking, we have a num-

ber of ways to try to convey that information, to try to convey our knowledge. We continue to do that.

Mr. SOUDER. Does it concern you that the President says he won't investigate the two Governors or that the Governors aren't under investigation?

Mr. GELBARD. Well, I would be concerned under any circumstances when anybody says they are not interested in knowing information, but I think it's important to ultimately see what information can be conveyed.

Mr. SOUDER. Because it's politically very explosive where the Governors of the territories are often heads of the party in those areas, and at the same time, the criteria for the differentiation of Mexico and Colombia has been that we trust the government. We should be, at the very least, pressing that government as hard as we can, if that's the criteria, because one of the questions is, would the Mexican Government be willing to submit their highest officials to vetting?

If that's the premise, and that's what you've leaned on in both these hearings, that Samper and the government can't be as trusted—I mean, we can get into the police question, but we have a fundamental differential being based on whether we trust the government right now.

Mr. GELBARD. No, actually, we have serious suspicions or actual knowledge of corruption about a lot of officials in the Colombian Government, too, and we try to deal with it in relatively similar ways. Our interest is ultimately effectiveness. We are deeply worried about corruption at senior levels, as you are, Congressman. The issue is, the ultimate question, in my mind, is: How do we get the kinds of results to try to assure that there will be effective rule of law and action resulting in the kinds of results that Mexico needs and that we need?

Mr. SOUDER. Understanding the difficulty with immigration and trade questions, is there nothing short of decertification to send an even stronger signal to Mexico?

Mr. GELBARD. I'm not quite sure what you have in mind.

Mr. SOUDER. In other words, is there something short—in standards and conditions that we can put on this process—is the administration looking at things short of just either certifying or decertifying?

Mr. GELBARD. Once again, I really, if you will excuse me, I really don't want to get into any hypothetical issues about certification.

Mr. SOUDER. OK. It may not be completely hypothetical very soon. Thank you.

Mr. HASTERT. Thank you. At this time we turn to one of our new Members, Mr. Turner.

Mr. TURNER. Thank you, Mr. Chairman.

One question that I had come to my mind was to inquire as to what degree our drug war intelligence has been compromised by virtue of what we have discovered about Gen. Gutierrez. Obviously, he had been in the job only a short period of time, but I gather that, in his position, he received briefings and had conferences with folks on our side of the table about joint efforts to combat drugs.

It would seem that the potential exists, not only for our entire drug war strategy to have been revealed to those that we would



find it most abhorrent to have such disclosed to, but that it also could have endangered some lives of those who fight the war against drugs on our side. To what degree do you consider that a breach of our national security?

Mr. GELBARD. We are very worried about it, for precisely the reasons you cited, Congressman. The administration is conducting an assessment of that right now, which I hope will be concluded shortly. I think that you might want to raise this with my friend Tom Constantine, the Administrator of the DEA when he testifies. This is something that we are examining with great seriousness right now, between the law enforcement community and the intelligence community.

Mr. TURNER. Does it not seem that, in light of the potential threat to actual life that may have occurred, by virtue of the disclosures that may have been made to Gen. Gutierrez, that it would prompt us to deal perhaps much more firmly with the Mexican Government in such a circumstance than perhaps we otherwise would?

Mr. GELBARD. Yes. Obviously, when we see compromise of sensitive information, if indeed such information was passed on to him or any of his other colleagues, as I have to imagine it was, then we are seriously concerned, because there is the potential for endangering American lives. As you may be aware, one American DEA agent was tortured and murdered in Mexico several years ago.

What it means is we have to be even more careful about the information we pass, how we pass it, who the recipients are, and under what circumstances they are operating. This is exactly the reason why we feel it's so important to be assured, on a continuing basis, that the counterparts that we work with and with whom we want to work show the highest integrity in their performance.

Mr. TURNER. I would like to request, Mr. Chairman, on behalf of myself—and I hope the committee would request—that once the report is concluded regarding the full ramifications of the Gutierrez situation, that this committee would be advised regarding the findings of your report, Mr. Ambassador.

Mr. GELBARD. We would be happy to share that with you, sir.

Mr. TURNER. Thank you very much, Mr. Chairman.

Mr. HASTERT. The gentleman from New Mexico, Mr. Schiff.

Mr. SCHIFF. Thank you, Mr. Chairman. Mr. Chairman, I first want to say, as a representative from a Southwestern State, I especially appreciate your holding this hearing.

Let me say, Mr. Ambassador, I want to say up front that I believe I am a strong proponent of strong ties between the United States and Mexico—for that matter, the United States and Canada, in particular. Because I believe that, as our closest neighbors, anything that affects these two countries will ultimately and inevitably affect the United States.

For that reason, I voted for NAFTA, because I think we need to look at global competition on a global basis. I see the future world economy based upon regional cooperation in competition with other regions. More particularly, I supported the President's decision to support a loan to the Government of Mexico during their peso de-

valuation crisis, because I think economic turmoil in that country, again, ultimately will affect this country.

I am very proud of that support of Mexico as, again, along with Canada, our closest neighbors. However, I have always felt that that cooperation should be seen as a two-way obligation. In other words, it seems to me that for all the reasons I think the United States should have close cooperation with Mexico, Mexico should see itself desiring close cooperation with the United States. I don't know that, in all cases, I've seen that.

The example we're talking about now, of course, is the flow of narcotics. I want to begin with the subject that my colleague, Mr. Souder, brought up during his questioning.

We have been promised by the Mexican Government, over a number of administrations, over a number of years, back, certainly, well before I got to Congress, that there would be improvements in eradicating corruption in the law enforcement apparatus in Mexico. No country is free of corruption, but there has been a longstanding concession that theirs is a very significant problem—and yet we seem to be getting these promises, and I'm not sure what we're getting in the way of action.

I think the question is, is Mexico really making progress in terms of assisting this country in the fight against drugs, given the percentage of drugs that illegally seem to get across our border from originations in Mexico? I would like you to respond to that, if you would.

Mr. GELBARD. I fully agree with you that this has to be a two-way street in all aspects of the relationship. We benefit from trade with Mexico through NAFTA, and so do they. Obviously, it is critical to have the closest possible ties. It is for that reason that I fully agree with you, too, that the relationship on counternarcotics has to be a two-way street and has to be the most fluid two-way street possible.

I think part of the problem you have identified is the problem of attacking corruption in a serious way, and aligned with that is the issue of building institutional capabilities so that there are strong mechanisms to deal with this problem.

The corruption problem has existed in Mexico for a long time. It's not just narcotics-related; it's in other areas, too. I don't consider myself naive; I don't think anybody does. I think President Zedillo is serious in trying to attack this problem. That's why he was willing to take the very, very hard decision to publicly remove Gen. Gutierrez-Rebollo and a lot of his associates. That's a tough decision in any country.

Trying to develop these institutions in a serious way is also very tough. We are frustrated. You are absolutely right, we are frustrated by the slowness with which this is developing. Meanwhile, there has been some good news last year that I mentioned in my statement. We have seen progress, but all these things take a while to develop.

Obviously, it is immensely frustrating, because we see corruption happening on a regular basis, on a frequent basis. My colleagues in the law enforcement community probably see it even more frequently than I. So we've got to have a more fluid two-way mecha-

nism. I think the establishment of this high-level contact group has helped somewhat, but we've clearly got to have more.

It's not just us, though. It's got to be Mexico that needs it, too, precisely because President Zedillo himself has identified this as their No. 1 national security problem and something that really is hurting Mexico dramatically.

Mr. SCHIFF. How do you explain the fact that Gen. Gutierrez-Rebollo was able to function for so long and at an increasingly higher and higher level in the Mexican Army, and then get the appointment to be their equivalent of our drug czar position? There wasn't an inkling of suspicion on the part of Mexican authorities that occurred that might have caused someone to think twice before making this appointment?

Mr. GELBARD. Obviously, I can't explain it, and I won't explain it. I would point out, we didn't do such a great job with Aldrich Ames and some recent other people, either.

But this is something that, obviously, is part of what I mentioned before, in terms of the need to have much more scrupulous attention paid, as part of this institution-building, in terms of background checks, in terms of internal affairs units which investigate people on an ongoing basis, in terms of financial disclosure statements. Maybe people won't reveal all their wealth, but it might have come out that he was living in an awfully nice house, perhaps beyond his means.

There needs to be better mechanisms built in. When we do police training, we try to build in, as an intrinsic element, the idea of internal affairs units to investigate corruption. The very people who are in those internal affairs units are polygraphed on a continuing basis. This is the kind of thing, among the many kinds of things, that clearly needs to be done on an urgent basis in Mexico.

Mr. SCHIFF. One last question: To the best of your knowledge, did our Government have any suspicions, serious suspicions, about Gen. Gutierrez-Rebollo? I am obviously referring to the fact that Gen. McCaffrey, our own drug czar, was rather lavish in his praise for the General, which, of course, created an embarrassment for our Government, as well, when these facts came out. Did we have any forewarning that there could be a problem here?

Mr. GELBARD. I can't speak to other agencies. I certainly did not, and I don't believe the State Department did. Obviously, Gen. McCaffrey didn't. I am reading now in the press that there were some concerns in some agencies. We certainly hadn't heard it.

Mr. SCHIFF. Thank you very much, Mr. Ambassador.

I yield back, Mr. Chairman.

Mr. HASTERT. I thank the gentleman from New Mexico.

Mr. Ambassador, I just want to ask you one quick question before I yield to my colleague on the other side.

You, in fact, last year, stepped back from some of the hands-on policy development; is that correct?

Mr. GELBARD. I'm not sure I know what you mean.

Mr. HASTERT. Were you as intense this year in working on Mexican policy as you were in years past?

Mr. GELBARD. I personally?

Mr. HASTERT. Yes.

Mr. GELBARD. Yes, I've been very involved. With Gen. McCaffrey's designation as the Director of National Drug Control Policy, he decided that, because Mexico was the fundamental concern, he would take the lead on these issues, and I and my staff have worked very closely to support him.

Mr. HASTERT. So a lot of the briefings that went on didn't necessarily come out of your office, what may have been disbursed and shared with other offices, that responsibility?

Mr. GELBARD. That's correct.

Mr. HASTERT. Thank you.

The gentleman from Illinois, Mr. Blagojevich. Is he here? I'm sorry.

From Florida, Mr. Mica.

Mr. MICA. Thank you, Mr. Chairman.

Bob, I'm a little bit dismayed by really our lack of intelligence regarding the Gutierrez problem. Mr. Schiff spoke about it, but we had our drug czar saying, when Gutierrez was named the head of the National Institute to Combat Drugs in Mexico, our drug czar said, he is, ". . . a guy of absolute, unquestioned integrity."

At a press conference January 29, just less than a month ago, our drug czar was lauding the integrity of Gen. Gutierrez as "an honest man and a no-nonsense field commander." I'm really wondering what's going on with U.S. intelligence, both the information that you have at the State Department and information that is provided to our agencies. Do you think we're up to snuff? Do you think we're doing what we should be doing to know who's doing what in this arena?

Mr. GELBARD. Well, obviously, we wish we had known more. If there was information, obviously, Gen. McCaffrey and I both wish we had known it. I had a brief encounter with the new attorney general of Mexico at the time of his visit and with Gen. Gutierrez-Rebollo.

Mr. MICA. That was my next question. Did you meet with Gutierrez?

Mr. GELBARD. My principal deputy and I had a working breakfast with them, and I pointed out to Attorney General Madrazo that he was the sixth attorney general I've worked with in 5 years. I pointed out to Gen. Gutierrez that he was the seventh drug czar I've worked with in 5 years, and I said I really hoped there would be some continuity. I guess there wasn't.

Mr. MICA. Well, my next question would be, you met with Gutierrez, and you said it was a working breakfast; I'm curious as to how much Gutierrez knew about our national drug strategy and policy, both from the information you provided him or our other folks.

Mr. GELBARD. In the discussion I had with Attorney General Madrazo and Gen. Gutierrez and a number of other people, there was nothing sensitive discussed at all. The circumstances were not appropriate.

Mr. MICA. Are you aware of his being provided confidential briefings?

Mr. GELBARD. I don't have first-hand knowledge of that. I've heard that he was provided with some classified information. But as I said to Congressman Turner, what's happening now is that

there is an assessment being made, and we are looking at this. The State Department never briefed him during his visit. We never provided him with any confidential information.

Mr. MICA. You're not aware of other confidential briefings at this point? What disturbs me even more is, Mexican officials say that the relationship between Gutierrez and Fuentes, reputed to be Mexico's most powerful drug lord, dated back as far as 7 years, and yet your agency knew nothing about the problems with Gutierrez; is that correct?

Mr. GELBARD. That's right. We don't collect intelligence, as you know, Congressman.

Mr. MICA. Well, I'm also becoming a little bit concerned. Last hearing, on the 14th I think it was, we heard that there were only two honest people left in Colombia. Today, I'm beginning to think there's only one honest individual left in Mexico, the President, that we can trust, as far as leaders. Is this a false impression?

Mr. GELBARD. Yes, I think on both counts. Obviously, on Colombia, we tend to talk about Prosecutor General Valdivieso and Gen. Serrano, because they are principal points of contact in terms of operations.

Mr. MICA. Well, who can we trust in Mexico besides Zedillo?

Mr. GELBARD. There are a substantial number of people in whom we have confidence in Mexico.

Mr. MICA. It's my understanding that last week they moved the military into the Southwest Border of the United States in Mexico, and they are going to now replace those Mexican drug agents; is that correct?

Mr. GELBARD. Let me answer your previous question. We believe that President Zedillo is trying to put serious, honest people in the government. He's trying to show effectiveness, and we saw some of those results last year. It's not easy for him, particularly because of the lack of background information and the ability to develop this, but there are serious, dedicated people in Mexico, without any question.

In terms of the army being deployed for counternarcotics operations, on the one hand, this is being done because of a lack of confidence, to a certain degree, in the police. There's no question about that, and that's what they have said. On the other hand, there have been such efforts before, and some of these efforts have worked, but others have failed because of corruption.

For example, I am aware of one such effort in Chihuahua within the last couple of years that did not work, and there have been others, too.

Mr. MICA. Well, we get into the Chihuahua situation. We also get into the use of U.S. assistance against domestic opposition.

Mr. GELBARD. Let me just finish. This is exactly why we think it is critical for the Mexican Government to develop the kinds of clear, trustworthy units, in which they feel confident and in which we feel confident, to carry out operations on a successful basis.

Mr. MICA. I hope it's not being done, just a week before the certification process, as show.

Thank you, Mr. Chairman.

Mr. HASTERT. Mr. Ambassador, before I move on to our next query, I have to step away for a minute. I want to personally thank you for being here and for taking time to do this.

Now I would like to ask the gentleman from Ohio, Mr. LaTourette.

Mr. LATOURETTE. Thank you, Mr. Chairman.

Thank you again, Mr. Ambassador, for being here. I think the last time we saw you was on Valentine's Day, and I would have preferred to have seen my wife, but it's nice to see you again in another hearing.

I want to followup a little bit on some of the questions that Mr. Mica, and Mr. Turner, and also Mr. Barrett were exploring. My recollection from the Valentine's Day hearing, in response to some questions that I had asked you about President Samper of Colombia, was that part of our general disgust with that administration had to do with not only the allegations that he had received \$6 million, allegedly, in campaign contributions from narco traffickers, but I think you indicated to the panel at that hearing that there was a longstanding history that dated back many, many years that could be documented.

Mr. Mica was just talking to you in that same vein about Gen. Gutierrez, and there have been accounts that—and actually, if you play out the scenario, it would be highly unlikely that a fellow who is only 10 weeks new on the job, all of a sudden, has developed a relationship that would land him in a new apartment and the ability to live above his means. So it makes sense that the hints that there is, in fact, a 7-year relationship, I suppose, that more likely than not would exist.

Mr. Mica was exploring with you the fact that, you know, what did we know here in the United States or what did we not know here in the United States. When you were talking to Mr. Barrett and Mr. Turner, it was on the issue of whether or not there was a flow of information and, as I understood, even though I stepped out of the room when you were talking to Mr. Turner, that there is an investigation ongoing as to what information may have been sent to Gen. Gutierrez and his associates.

Is the administration likewise conducting an investigation or an analysis of whether or not different branches of our government should be talking to each other? For instance, should Justice—have you made any inquiry as to whether or not Justice had any information about Gen. Gutierrez prior to this recent event in February?

Mr. GELBARD. Certainly, we are looking into the question of whether and which agencies did have information, any information about him, and obviously, if so, why we didn't know about it. We have normally had a very good relationship with agencies about trying to determine when there are individuals about whom there is suspicion, and that has enabled us, I think, to act usually pretty effectively. So if there was any information and policymakers didn't get it, obviously, that's a subject of great concern.

Mr. LATOURETTE. The thing that struck me in your prepared testimony, you made the observation that Gen. Gutierrez' arrest and sort of defrocking belied earlier assumptions that the corruption was limited to the police. I assume that this series of activities now

indicates that the military, which was considered to be more trustworthy than the national police, is now called into suspicion, as well.

Who, in the administration, is going to be charged with that sort of coordination of interagency intelligence gathering? Has someone been assigned to that task, or is it sort of an ad hoc enterprise?

Mr. GELBARD. I think this is basically under Gen. McCaffrey, in the sense that he has responsibility for coordination of the national drug control policy.

Mr. LATOURETTE. Just one last question because I know you have a busy schedule today. When the chairman began the hearing, he expressed a concern and a question that Colombia and Mexico be treated in an even-handed manner during the certification or recertification process. Your response was that they are. You also indicated a hesitancy to talk about the certification process.

I think what leads some Members on this panel to be somewhat nervous is, there have been some accounts in the newspaper that, after the Gutierrez affair, if we can call it that—we won't call it Gutierrez Gate, I guess—broke in the papers, that this situation will not impact upon the administration's decision on certification. There are other accounts that with Colombia and Mexico, Mexico is somehow different because Mexico is such an important trading partner with this country, whereas Colombia is not.

None of them are attributed to you, obviously, because I don't assume you feel that way. Can you give us the administration's assurance, or at least the State Department's assurance, that those types of considerations are not taking place in the certification process?

Mr. GELBARD. First of all, I am always surprised by accounts in the press which come about this time of year and are coming out now, alleging that decisions have been made one way or another about any country. I will be categorical, as far as I am aware, no decisions have been made about Colombia, Mexico, or any other countries. I think I have reason to be knowledgeable about this.

The Secretary of State is just returning from her trip this afternoon, and we haven't met with her yet about it. There have been no discussions between the President's Cabinet and the key Cabinet members about this. The Secretary's recommendations, which are what are called for under the law, have not been forwarded to the President yet. So I can assure you that those accounts are not accurate.

Mr. LATOURETTE. Just an observation, as my yellow light goes on is, I had the opportunity to see the Secretary on television over the weekend, from overseas, and I found her comments regarding this situation of waiting to see when she got home, to take a look at all of the developments, to be highly commendable, and I commend her for them.

I thank you, Mr. Chairman, and yield back.

Mr. SOUDER [presiding]. Thank you.

I now yield to my friend from Georgia, Mr. Barr, former U.S. attorney from Georgia.

Mr. BARR. Thank you, Mr. Chairman.

Ambassador, I certainly understand that there are some delicate decisions that the administration has to make, and I certainly un-

derstand that you have to be very careful about what you say, but I am absolutely baffled by some of the things I'm hearing today.

You say that our Government has the highest level of confidence in Zedillo. I'd hate to see a leader that we don't have the highest level of confidence in. You said that the United States is prepared to work forcefully with Mexico, yet you won't make any statements at all, even hinting at doing anything tough with them. You say that now we're really going to tighten up. You mentioned polygraphing the Generals. Good luck. I don't consider that even realistic to talk about that.

You started to make a statement, and I'm not quite sure whether you finished it or not, I hope you didn't, to the effect that we don't collect intelligence on these things, in response, I think, to either a statement or a question from another Member about why we were caught absolutely flat-footed here. I know we collect intelligence on these matters.

Mr. GELBARD. I don't believe I said that.

Mr. BARR. You then said there have been no discussions in our Cabinet about this. I read press reports that not only is—I mean, our Government seems to be essentially unconcerned about this, and I mean, there are apparently no plans to decertify Mexico. Not only that, but I'm hearing press reports today that the administration wants to move the process forward, for what purpose I don't know.

But can't you at least state that the most prudent thing to do at this point would be not accelerate the process of making a determination on the certification? Would you at least be prepared to state that?

Mr. GELBARD. The President is required by law to make a determination on certification by this Saturday.

Mr. BARR. Right. But I'm hearing press accounts—and I'd like you to, hopefully, state that they are absolutely, categorically wrong, that the President is considering accelerating that, so that the decision is made even before that time.

Mr. GELBARD. I haven't heard any of those press accounts, and I don't know where they come from.

Mr. BARR. Are they wrong?

Mr. GELBARD. I have no idea what is being discussed in the press.

Mr. BARR. Let's just say, hypothetically, if there were press accounts.

Mr. GELBARD. These are issues which are being examined and discussed with the utmost seriousness, which is what they merit. The issue of certification, for any country that's on the majors list that was sent to the Congress by the President, is being examined with great care and great examination. I'm not responsible for things that come out in the press, nor would you want to be, Congressman, but I can only assure you.

Mr. BARR. But if I'm misquoted in the press, I'll at least say it's wrong. Can't you at least say that that's wrong?

Mr. GELBARD. I wasn't quoted in the press saying that either. I can only assure you that the relevant members of the administration are looking at these issues intensively. This is why I asked to be excused from this hearing, because we are deeply involved, not



just within the State Department, but within all parts of the Government that have responsibilities on these issues.

When I talked about the Cabinet, what I meant was that there has been no formal discussion yet among Cabinet members with the President, of which I'm aware, to make final decisions. But there are detailed, comprehensive discussions going on, on a continuing basis. I will be going back to some this afternoon. I have been involved in some this morning, as I was yesterday and the day before that. So this is going on in a very, very serious way.

As I said on the date of the previous hearing, it's only been with this administration that certification has been taken really seriously. When I took over my responsibilities, my feeling was, this is the law of the land, and therefore I was going to handle this as a very, very serious issue.

We wouldn't be even having these discussions, probably, if I, supported by then Secretary of State Christopher, Attorney General Reno, and most importantly, President Clinton, had not taken the fundamental decision to handle the certification issues as serious, critical issues. We feel that they have played a very useful role in policy.

If you look back on the history.

Mr. BARR. I'm not interested.

Mr. GELBARD. If I can just finish my statement, please.

Mr. BARR. Hold on just a second, please. I mean, I'm not interested in saying the last administration didn't do anything on drugs, and this is the only administration that has. That's not the point. It's not the case, either.

Mr. GELBARD. That isn't what I said.

Mr. BARR. Well, you know, let's stay away from the political rhetoric. What I'm trying to get at is, how we can look at the situation in Mexico and reach anything but one of two conclusions, both of which impact, I would think, seriously on the certification decision-making.

Those two conclusions—and I think they are the only two that can be reached—are, one, either Zedillo is not a knight in shining armor and not the most trustworthy man on the face of the earth, or second, he may be very honest, but he has absolutely no knowledge of or control over what's happening in his government.

Where you have an individual such as Gen. Gutierrez, he's not a mid-level functionary; he's not a petty bureaucrat; he is the top person. He is more important than Gen. McCaffrey. I mean, he is not only the policymaker, in a sense, but the executor of that policy. There is no more important person in their government, if they are, indeed, going to have an effective antinarcotics operation.

Yet we have this person in the government apparently on the take for quite some period of time, and the President either didn't know about it until just a few days ago, which raises a serious question in my mind, as I said, about whether or not he is in control of his government, even assuming he is honest. Second, he may not be as honest as we're talking about here. I mean, we've been fooled before. Gen. Gutierrez certainly fooled the top people in our Government.

Mr. GELBARD. I have every reason to believe that President Zedillo had no knowledge that this man was corrupt. What he de-

cided to do when they began to have suspicions of his corruption was that he ordered an investigation; he ordered the man taken into custody, through Secretary of Defense Cervantes; he acted quickly until he got a confession; and he then incarcerated the man pending trial, as he has now done with others; and there is an ongoing investigation taking place.

I think you, particularly, would understand, as a former prosecutor, that the need to act swiftly and in secrecy worked here. The tragedy, of course, is the person who they appointed. But I have no reason to believe that he had any knowledge of this. If he had, then the question would be, why did he take such action, as he swiftly did?

Mr. BARR. Well, if he is honest, and let's assume, hypothetically, that what you're saying is correct, then do we have here a very honest government that is not in control of its government?

Mr. GELBARD. We have a government, as I have said repeatedly today, that is clearly aware of the need to try to build institutional capabilities, because they know they don't have them right now, and they know they have a serious corruption problem that they are beginning to deal with.

Mr. SOUDER. Thank you for your questions, Mr. Barr.

Mr. BARR. Thank you, Mr. Chairman.

Mr. SOUDER. We are going to have one additional question from Mr. Mica.

Mr. MICA. Mr. Chairman, Mr. Gilman, who is chairman of another full committee, as you well know, isn't able to ask this question, a question that I also share with him, relating to the February 14 hearing on drug policy, in which you participated. You twice answered, in response to questions, that there had, in fact, been no impact from decertification on the Colombian National Police.

The question that we have is, how could you make that statement with a couple of things that had happened? First of all, there was a DC-3 that was not repaired for, I think it was, months—it may have been as many as 6 months—while the administration was trying to decide whether or not they could repair the plane under FMS. That's the first part of the question.

The second part of the question is, I have a list that was provided me from the Colombian National Police Force, and it's of equipment that reputedly was not provided or stopped, per decertification, to the Colombian National Police Force. Just a few of these—and I'll give you the whole list—it's ammo, machine guns, air refueling equipment, aircraft armor installation team.

Without objection, I would like these entered in the record.

Mr. BARRETT. May I see a copy of those, please, Mr. Chairman?

Mr. MICA. Basically, how?

Mr. BARRETT. Mr. Chairman, I will object until we see a copy. If I could see a copy, please.

Mr. MICA. OK. I'll be glad to give it to you.

Basically, Mr. Gelbard, how can you say that there was no impact from decertification to the Colombian National Police Force, with this information that has been provided to us?

Mr. GELBARD. What I did say during the hearing—and I, of course, welcome the fact that we have parallelism now, a lot of dis-

cussion on Mexico in the Colombia hearing, and now a lot of discussion on Colombia in a Mexico hearing—I did say, at the time, that the way the certification law was written excluded, according to all legal authorities in the executive branch, the ability to provide FMF and FMS assistance, and the administration is examining the idea of using a 614 waiver to provide the assistance. I was very clearly on the record about that.

That being said, just because there are things that the Colombian police may feel are among their needs does not mean that we, necessarily, can provide them through assistance, based on off-the-shelf or inventory availability. Some of these things are based on equipment that the U.S. military has, without degrading readiness, and other things we just simply can't provide.

Mr. MICA. Well, Mr. Chairman, the statement that was made on page 20 is, "The decision to decertify did not in any way affect the support provided to the police." Those are your exact words. We have this information of material that was not provided or equipment that was, in fact, delayed. It doesn't appear to jibe.

Is there any objection to including that list of material into the record?

Mr. BARRETT. We're having a photocopy made to look at it. Before we are done, I will resolve it one way or another.

Mr. MICA. All right. Mr. Chairman, then, at the appropriate time, I would ask that, if there is no objection, that be made part of the record. Thank you, and I yield back.

Mr. SOUDER. I want to thank you, Mr. Ambassador, for coming. I know this is your favorite time of year, and I appreciate your sharing it with us. Once again, we appreciate the time you spent with the committee.

Did you have any additional questions?

Mr. BARRETT. Again, thank you, Ambassador. Good luck with your decisions.

Mr. SOUDER. Will the second panel please come forward?

While we are welcoming our second panel, the gentleman from Wisconsin has a point of order he would like to raise.

Mr. BARRETT. Mr. Chairman, I have a point of order. Let me say at the outset that I plan to withdraw this point of order. Let me further state to Mr. Castaneda and Representative Bonilla that I am simply making a parliamentary point, so please don't take it personally.

Mr. Chairman, we were informed only last night at 5:30 about the appearance today of Mr. Castaneda. As I'm sure you know, committee rules require members to be notified 3 days in advance of hearing of any witness that might be present. If you would like to make changes to the witness list within 3 days of a hearing, I would appreciate your contacting the minority directly, as soon as you are aware of any changes.

I withdraw my point of order.

Mr. SOUDER. We will definitely take what you said under advisement. There was a problem getting logistics organized, and that's why you were told that he may be, but it was only confirmed at the end. We also have had, in this story, a lot of things breaking. In the past history of this committee, and we will continue to try to do that, we have tried to work very closely with the minority,

because it's important we approach the drug issue in a bipartisan way.

Mr. BARRETT. Thank you.

Mr. SOUDER. Thank you for your concern.

I would now like to welcome our second panel. We are fortunate to have our distinguished colleague, Congressman Henry Bonilla, from the San Antonio area.

Welcome.

Congressman Bonilla represents the 23d District, from the State of Texas. That includes El Paso, Eagle Pass, and Del Rio townships.

Congressman Bonilla, we thank you for taking the time to be with us.

Also, we have Tony Castaneda with us here today. Chief Castaneda is the chief of police in Eagle Pass, TX. He is here today to give us a picture of the front line in the drug war along the border.

We thank you for taking time to come up to be with us today and to share your grassroots wisdom on what's happening in your hometowns.

Mr. Bonilla.

**STATEMENTS OF HON. HENRY BONILLA, A REPRESENTATIVE  
IN CONGRESS FROM THE STATE OF TEXAS; AND TONY  
CASTANEDA, CHIEF OF POLICE, EAGLE PASS, TX**

Mr. BONILLA. Thank you very much, Mr. Chairman.

You are correct, the only reason we did not let the committee know a little earlier about Chief Castaneda's visit here is because the logistics were being worked out, and we informed the committee just as soon as we knew he was going to definitely appear. We appreciate the indulgence.

Mr. Chairman, I am glad he is here today, because, as soon as I make some brief remarks, he is going to let us know, first-hand, what it's like on the front lines at the Mexican border. The chief sees first-hand the smugglers coming across the border, armed, arrogant, fearless, understanding that it's almost an open-door policy because of the lack of Border Patrol and Customs agents to police such a large square-mile area. That's something that we're here to discuss in detail here today.

Mr. Chairman, once again, I salute you for focusing attention on a problem, for those of us living along the border, that we've had to live with for far too long. We, on the border, have been on the front lines of this battle against drugs for years, and we welcome your help and the help of anyone in this country who can help us fight off the invasion of drug smugglers along the Mexican border.

The Rio Grande is the lifeblood of the region, not a barrier dividing it. Mexico is our neighbor. It is often said that you can choose your friends, but you can't choose your neighbors. You have to live with each other, and I am committed to supporting policies that ensure that we continue to live together as friends, Mexico and the United States.

We can't pretend Mexico's problems will not affect us. Mexico is a nation in crisis. Its institutions are under strain. Mexicans have

seen their economy offer the promise of a better life, only to see this dream dashed by economic setbacks time and time again.

Mexico's middle class is increasingly impatient with the failings of a one-party State and generations of corruption. A genuine multiparty system is beginning to take hold. Not surprisingly, these revolutionary changes, the hope they embody and the abandonment of old uncertainties which have accompanied their rise, will shape the face of Mexico's future. That future will have a great impact on our future along the border and throughout the United States.

The drug barons have moved into this power vacuum, Mr. Chairman. Our Nation's immense demand for drugs has made them billions of dollars, and they are using these resources to further spread their scourge. To win this battle, we must wage a battle on two fronts, against both supply and demand for drugs.

Drug use is a threat to our children's future. The drug lords' profits have given them the resources to capitalize on Mexico's economic stress and tradition of political enrichment to buy themselves a base of operations. The difficulty in combating this onslaught is immense and need not be minimized. Our national interest demands that we assist in this effort. However, that is easier said than done, as there are few certainties concerning this problem.

The people who live in my district are on the front lines of this conflict. Drug trafficking is threatening their lives. Ranchers and farmers live in fear as armed smugglers cut down their fences and pass right outside their homes, brazen, even when people are out in the backyard and children are playing nearby. Many feel pressured to sell property to the smugglers.

One of my constituents, a ranch hand, reported witnessing armed guards standing watch over a large quantity of marijuana, awaiting its pickup by U.S. drug dealers. My colleagues, this is not an acceptable environment for Americans, and we are talking about America. No American citizen should have to live under this threat.

Unfortunately, the administration has taken actions which have exacerbated the problems my constituents face. Less than 100 of the 1,000 new agents joining the Border Patrol have been assigned to this region covering over 600 miles of the Texas-Mexico border. This region has fewer resources to stop the smugglers than others.

Actions speak louder than words. The drug lords understand the administration's message. The message is, "Go right ahead and smuggle along the Texas border. There are fewer resources here to stop you, so why not come on in." The Clinton administration needs to change its tune. The good people of Eagle Pass and other border communities deserve no less. I would appreciate the committee's help in working to direct resources where they are needed, as opposed to where they are politically beneficial.

The situation in Mexico is grave. In recent days and at this hearing today, we've seen Mexico's drug czar, Gen. Jesus Gutierrez-Rebollo arrested for being in the pocket of the Juarez Cartel. This has followed months of investigations linking high-ranking members of the Salinas government and family to the drug cartels. Just yesterday, serious allegations were made regarding the Governors

of Sonora and Morelos. All this information appears to paint a very gloomy situation in Mexico.

In fact, there is some very good news in this bad news. The good news is that the truth is finally coming out. Corruption is being exposed and justice is being served. Let us not ignore this progress as we recognize the massive scope of the drug problem.

My colleagues, America has faced more difficult challenges and triumphed in the past. I know that we can defeat the drug scourge and build a better future on both sides of the border. An important first step would be in letting law enforcement, not politicians, map out our strategy. We need to ensure that Federal law enforcement efforts are closely coordinated with local law enforcement. We need to make sure that all parts of the border get the resources they require.

I am pleased that we will now hear from Chief of Police of Eagle Pass, Tony Castaneda, who has traveled and just arrived here in Washington within the last hour, to tell us what is going on on the front lines of the battleground along the Mexican border.

Mr. Chairman, if I may now turn the microphone over to Chief Castaneda, I will do that.

[The prepared statement of Hon. Henry Bonilla follows:]

STATEMENT OF THE HONORABLE  
HENRY BONILLA  
FEBRUARY 25, 1997  
  
BEFORE THE  
SUBCOMMITTEE ON NATIONAL SECURITY, INTERNATIONAL  
AFFAIRS AND CRIMINAL JUSTICE

Mr. Chairman, members of the subcommittee, let me begin by saluting you for focusing attention on a problem those of us living on the border have had to live with for far too long. We on the border have been on the front lines of this battle against drugs for years and welcome your help.

I represent over 600 miles of our border with Mexico. This region is simultaneously one of the poorest and most economically dynamic in the country. The Rio Grande is the lifeblood of the region, not a barrier dividing it. Mexico is our neighbor. It is often said you can choose your friends, but not your neighbors. You have to live with each other and I am committed to supporting policies that ensure we continue to live together as friends. We can't pretend Mexico's problems won't affect us and we would be deluding ourselves if we pretended we can evade dealing with these problems by constructing a wall. A wall hasn't been built which one can't go over or around.

Mexico is a nation in crisis. Its institutions are under strain. Mexicans have seen their economy offer the promise of a better life only to see this dream dashed by economic setbacks. Mexico's middle class is increasingly impatient with the failings of a one party state and generations of corruption. A genuine multi-party system is beginning to take hold. Not surprisingly these revolutionary changes, the hope they embody and the abandonment of old certainties which have accompanied their rise, will shape the face of Mexico's future. That future will have a great impact on our future along the border and throughout the United States.

The drug barons have moved into this power vacuum. Our nation's immense demand for drugs has made them billions and they are using these resources to further spread this scourge. To win this battle we must wage a battle on two fronts, against both supply and demand for drugs. Drug use is threat to our children's future. The drug lords profits have given them the resources to capitalize on Mexico's economic stress and tradition of political enrichment to buy themselves a base of operations. The difficulty in combating this onslaught is immense and not to be minimized. Our national interest demands that we assist in this effort. However, that is easier said than done as there are few certainties concerning this problem.

The people who live in my district are on the front lines of this conflict. Drug trafficking is threatening their lives. Ranchers and farmers live in fear as armed smugglers cut down their fences and pass right outside their homes. Many, feel pressured to sell property to the smugglers. One of my constituents, a ranch hand, reported witnessing armed guards standing watch over a large quantity of marijuana awaiting its pick up by U.S. drug dealers. My colleagues, this is not an acceptable environment for Americans. No American citizen should have to live under this threat.

Unfortunately, the Administration has taken actions which have exacerbated the problems my constituents face. Less than 100 of the 1000 new agents joining the Border Patrol have been assigned to this region covering over 600 miles of border. This region has fewer resources to stop

the smugglers than others.

My colleagues, actions speak louder than words. The drug lords understand the administration's message. That message is smuggle along the Texas border, there are fewer resources here to stop you. The Clinton Administration needs to change its tune. The good people of Eagle Pass and other border communities deserve no less. I would appreciate the committee's help in working to direct resources where they are needed as opposed to where they are politically beneficial.

The situation in Mexico is grave. In recent days we have seen Mexico's drug czar, General Jesus Gutierrez Rebollo, arrested for being in the pocket of the Juarez cartel. This has followed months of investigations linking high ranking members of the Salinas government and family to the drug cartels. Just yesterday, serious allegations were made regarding the governors of Sonora and Morelos. All this information appears to paint a very gloomy situation in Mexico.

In fact, there is some very good news in this bad news. The good news is that the truth is coming out. Corruption is being exposed and justice is being served. Let us not ignore this progress as we recognize the massive scope of the drug problem.

My colleagues, America has faced more difficult challenges and triumphed in the past. I know that we can defeat the drug scourge and build a better future on both sides of the border. An important first step would be letting law enforcement, not politicians, map out our strategy. We need to insure that federal law enforcement efforts are closely coordinated with local law enforcement. We need to make sure all parts of the border get the resources they require. I am pleased we may shortly be hearing from someone who knows this fight all too well, the Chief of Police from Eagle Pass, Texas -- Tony Castaneda. Hopefully, the airlines permitting, Chief Castaneda will be briefing you on the situation on the ground. Thank you for listening.



Mr. SOUDER. I need to swear you in, Mr. Castaneda.

[Witness sworn.]

Mr. SOUDER. Let the record show that the witness responded in the affirmative.

Once again, we welcome you here, and we are looking forward to hearing your testimony.

Mr. CASTANEDA. Thank you, Mr. Chairman.

Before I start off, I would like to extend my sincere apologies for being delayed today. I ran into some problems at the airport, and luckily we were able to work those out so I could be here on time.

Mr. SOUDER. We appreciate your coming so far, and it's unlikely you had a private, direct plane that got you here.

Mr. CASTANEDA. Yes, it's a long line.

Mr. Chairman, members of the committee, I represent a community that borders the Mexican border. I grew up in Eagle Pass, went to school there, have a family, and I live along the border myself, in the community of Quemado, which is a small farming community about 20 miles north of Eagle Pass.

Currently, I've been the chief of police for the city of Eagle Pass for 3 years, and statistically I have seen an increase in our regular crimes there in the community. Most of the crimes and the criminals that we've been able to arrest come from an extensive history of being involved in narcotics trafficking.

About a year ago, sir, we lost a very good fellow law enforcement officer in the city of Eagle Pass, a Border Patrolman by the name of Jefferson Barr. Mr. Jefferson Barr's death opened the eyes of the members of our community, something that law enforcement personnel were already exposed to. Nevertheless, the community has rallied behind this death to make sure that we regain our community.

Basically, my trip here, sir, today is to echo the sentiments of Congressman Bonilla, who represents the interests of our area. Our area is desolate. We're understaffed, and it's a big drug haven for the drug lords moving in.

Last year, after the death of Jefferson Barr, our community was saturated with news reports of being identified as a drug haven, a major drug route for Mexican traffickers. As a result of that, we saw temporary relief from supplemental agents from the DEA, Customs, and even Border Patrol. Then, with the assistance of Senator Phil Gramm, we got the assistance of the State of Texas to bring in State troopers to assist us in detecting and working an interdiction program.

However, that help was only shortlived. They were there for several months, and they had a big impact in our community, and they were welcome. However, now they are gone. We are starting to see an increase again on drug seizures in our area and crime again in our communities.

Basically, I'm here, sir, to answer any questions that you all might have concerning these incidents. Basically, the major turning point for us has been the death of Jefferson Barr, sir. It affected the morale of my officers, realizing that we're understaffed and not properly equipped. It's a dangerous situation. We have encountered several violent incidents where exchange of gunfire has been with

narcotic traffickers. We have arrested several narcotic traffickers, and we have seized a lot of narcotics.

The U.S. Border Patrol that services our area are our first line of defense down there. They are the major interdiction force. Besides interdicting narcotics, they are also assigned the task of interdicting the illegal entry of aliens into our country. What we have recently is that the narcotic traffickers are using illegal aliens, poor, decent folks trying to earn a decent living, you know, using them as fronts so that the agents will detect them, apprehend them, and then shortly after they have finished with their business, then the narcotic traffickers come in through the rear with the dope.

It's an overwhelming battle, and certainly Federal attention needs to be serviced in this area. My presence here, sir, is only a direct testimony of what the need needs to be, and that we need the help.

Mr. SOUDER. Thank you very much, Chief, for coming.

Thank you, Mr. Bonilla, for arranging that. We appreciate your leadership here in fighting for this.

Starting my questions, are the Border Patrol ever moved from your area, and what happens if they are pulled over to another targeted area? Do the dealers then move into your area? Can you see that immediately? What kind of reaction do you see?

Mr. CASTANEDA. Yes, sir. I become aware of several special assignments sometimes, that they move local agents stationed there in the Eagle Pass area to go service other areas in Arizona, California. When this happens, sir, it's undermining an already limited defense.

My office is regularly on a routine, daily operation. We apprehend and detain a lot of illegal aliens and wait for the Border Patrol to come in. They are inside the city limits of Eagle Pass. So once they are moved, certainly it limits the response time for the agents to service the whole area, and it has a big impact when they are moved from the Eagle Pass area to other areas of the border.

Mr. SOUDER. What are the odds that the drug dealers don't know that the Border Patrol people have been moved? In other words, when I was at the Nogales border, they even had spotters on the Mexican side to watch how closely they were looking at the cars. They would send somebody through and see what they were doing. There were spotters to watch the spotters.

Now, Border Patrol isn't quite as visible as that, but I would assume that the information would be pretty potent that, when they are out of town, it opens up.

Mr. CASTANEDA. Absolutely, sir. They perfect their own methods of operation. We have checkpoints out of the community of Eagle Pass, and regularly they are staffed by Border Patrol agents doing their work. However, narcotic traffickers and illegal alien traffickers, you know, they know the hours. They have spotters, as you mentioned, sir, and they try any which way to try to smuggle the drugs in.

Usually, when those posts are manned on the highways, that leaves an area open along the riverbanks or limits the amount of officers that can be assigned to particular sectors to patrol the river.

Mr. SOUDER. Do you view the police on the other side of the border as helpful, as assets? If you have a tip, and somebody moves across the other side, what is your relationship?

Mr. CASTANEDA. We maintain a pretty good relationship with the local law enforcement officers there, sir, but normally they are not the ones that call us and give us information such as, "We have a particular load that's going to come through here," or anything like that. Our relationship hasn't nurtured that type of a relationship with them.

Mr. SOUDER. How large is your police force, and what is your equipment, vis-a-vis the drug dealers that you are seeing coming through, in the communications, in the weapons?

Mr. CASTANEDA. Basically, I supervise a police force of 58 sworn commissioned officers, by the State of Texas, plus my support staff. Out of those 58, I have about 10 officers: 6 that are assigned to the local DEA office there; and 4 that work hand-in-hand with the U.S. Customs Service office there in Eagle Pass.

Basically, from what I gather from the reports and their conversations with me, as far as statistics and intelligence, they are running into a lot of armed bandits, you know, smuggling the marijuana. They have pretty modern technology to assist them in coming through, and I'm talking about night vision glasses, good communications systems with them, and things of that nature, sir. Basically, we're meeting people that are sophisticated in their game plan in order to bring in the narcotics.

Mr. SOUDER. One of the core questions, we always hear how long the border is from Texas on through New Mexico, Arizona, and California, and that it's impossible to make progress. One of the fundamental questions is, when we put pressure on at the logical points, and in effect move the traffickers off the main highways, is it easier or harder?

Because, on one hand, it would seem like the Highway Patrol and other people who normally pick them up wouldn't be available if you move them off. On the other hand, some of the reaction I got from my Arizona experience was being able to see that, in effect, if you deprive them of the main roads, often they will have to resort to mules or other types of things, and the planes flying overhead may see them moving through an open area as opposed to inside the city, or mixed in with other traffic.

Can you give me some of your ground level feelings on that?

Mr. CASTANEDA. Basically, sir, over the years, a lot of Federal pressure was placed on south Texas. As a result of that, we started apprehending a lot of narcotics smugglers in the Eagle Pass area that had prior arrest histories effected down in south Texas. But normally the narcotic traffickers in our area, when they are in transit of the narcotics, they are either stored in stash houses there in the community and then moved at a later date, you know, smuggled under furniture, produce, or things of that nature.

I don't know if I answered your question, Mr. Chairman.

Mr. SOUDER. I'm wondering, if you put the pressure on at the crossing points, and you have intensive—if we focus our intensive efforts at the logical crossing points, presumably, what that does is move a certain percentage off by small airplane, or by mule train,

or other types of things. Does that, in your experience, make it harder or easier on the dealers?

In other words, on the one hand, you have all these miles and miles of ranchers and things with fences that can be cut through; on the other hand, they are a little more isolated. Because, in the city, once it's mixed with the commerce, boy, it's like hunting for a needle in a haystack.

Mr. CASTANEDA. Yes, sir. If we were to concentrate heavily along the border, it would certainly make it difficult for the traffickers to come through. This can come through with the personnel and the resources to supplement police departments like ours.

We do have a concern with the rental of a lot of buildings where they are hiding, narcotics to be moved at a later date. The officers, Federal officers, assigned to the port of entry and the local Border Patrol, they apply the necessary pressure to try to put up a legitimate defense. However, the area is very vast and long, and there are a lot of holes through there.

Mr. SOUDER. One last question. Congressman Bonilla referred to ranchers who are afraid and others. Are they afraid to speak out? Is there increasing intimidation? Is this getting worse?

Mr. BONILLA. Yes, they are afraid to speak out, Mr. Chairman. In many cases, we have tried to get people to come out and publicly tell their story, and they are simply terrified that, if they are seen on the evening news or in a newspaper article, that there will be retaliation against them. It's unfortunate. It is a horrible situation along the border.

Just to elaborate on what the Chief was just talking about, changing manpower from one spot to another and how that might affect things. Yes, I think your question was right on target. It's hard, with the limited manpower and the vast amount of space we have to cover down there, to keep an eye on every inch of the border.

This is a war going on, and I think down the road we've got to look at somehow having unmanned UAV surveillance, or satellite surveillance, or something, so that they know that we can watch every inch of the border, versus a place where we happen to have more agents at 1 day.

Mr. SOUDER. Thank you.

Mr. Barrett.

Mr. BARRETT. Chief, we appreciate your coming and sharing your testimony with us.

We have heard today a number of questioners and people talking about the corruption, both within the military in Mexico and within the local police forces. I assume that you have interaction with the local police forces on the other side of the border, and I am interested in your perception as to, either directly or indirectly, how much you know or feel, how much corruption there is there.

Mr. CASTANEDA. I think corruption is a way of life down there, sir. Since I've been there, for the 3 years, I have terminated three officers, and two of them were because of involvement in narcotics or suspicion of narcotics, or in illegal entry of illegal aliens for profit.

On the Mexican side, the only thing I can comment on is what I read in the paper. I do not frequent with them. I do not converse

with them, and do not talk shop with them. Basically, there is an area of mistrust, but still, nevertheless, to say there's a lot of decent folks that try to uphold the law in Mexico, and especially in the border community. But, nevertheless, I'm still limited as far as what I tell them and how I conduct myself back there.

Mr. BARRETT. Is the distrust a mutual distrust?

Mr. CASTANEDA. Yes, sir. Yes, sir.

Mr. BARRETT. What do you perceive is the reason they mistrust the American side? I'm from Wisconsin, so this is new to me, to find out why they would distrust you.

Mr. CASTANEDA. Well, the mistrust would be that they don't know if really you're part of the game plan with them, and just us living on this side of the border and they living on that side of the border. You have some officers, like I mentioned, that are extremely honest and they will share information. However, since we don't know them and we don't deal with them directly, we sometimes limit what we tell them, and that perks up their ears, you know, sometimes that we're not playing a full game with them. That starts developing the mistrust on their side.

Mr. BARRETT. Do you have any idea how much they make?

Mr. CASTANEDA. Excuse me, sir.

Mr. BARRETT. Do you have any idea how much they make?

Mr. CASTANEDA. Very little, sir. I don't know. It just varies.

Mr. BARRETT. Again, not knowing the region, can you give me sort of an estimate or guesstimate as to how much they would make?

Mr. CASTANEDA. I'd say no more than \$50 every week.

Mr. BARRETT. OK.

Representative, I appreciate your attention to this problem. Obviously, the issue of utmost importance this week is whether we certify Mexico or whether we don't certify. Again, I look to you for your expertise. Having a long border with Mexico, you obviously have a lot more economic interaction than I do, coming from Wisconsin.

I would just be curious as to whether you have formulated an opinion on certification or what we should be doing.

Mr. BONILLA. Well, I think the barometer we should look at is whether or not it's helpful or hurtful, in terms of certification. I think it would be helpful to have the certification, to let them know that, even though they have stumbled greatly, we believe they are trying to correct the problems. There are vast problems. If we were not to give them certification, then I think it would be, to some degree, perhaps, demoralizing, and that is not helpful. So I think, given the two choices, we should certify Mexico.

Mr. BARRETT. The third option that is being bandied about, to show our displeasure with what has happened in the last several weeks and the failure, really, to clean up the lower echelons of Mexican Government, is not to certify but to grant them a waiver for national security interests. What is your feeling about that?

Mr. BONILLA. Well, I'm still thinking about that. I can't give you a definitive answer right now. Sometimes I wonder whether the problems that they have with corruption, that go from, as we have seen, the very top to the very bottom level of law enforcement, as the chief is referring to, it is almost like changing an entire culture

and way of thinking, because it's a way of life, almost, to be corrupt at many levels.

The alternative is to just allow them to drown and not offer a helping hand to Mexico. Since they affect us directly in so many ways, I think it's in our best interest to try to at least be encouraging with certification and any other assistance we can give them.

Mr. BARRETT. I agree with you that decertification is not something that we need to do. If we went with a straight certification, how would you think it would be appropriate, or do you think it's appropriate for us to send a message about the high-level corruption that we have seen? What should we be doing?

Mr. BONILLA. Well, I think we should send a message; absolutely. We can't act like nothing is going on down there. I think, by the fact that we're having this hearing, we're talking about some very serious problems in Mexico that we're aware of and we want them to fix it.

If we do follow through with the certification, there ought to be an addendum or some kind of message attached to it that we want to see more improvement. Because even though they were willing to correct this problem with the person who was just arrested last week, there are many of us who feel it should have been done earlier and that we should have seen the evidence presented earlier and not wait so long.

So I don't think we should, by any means, just sit back and act like nothing and continue doing things the way you're doing them now.

Mr. BARRETT. OK. I have no further questions at this time.

Mr. SOUDER. That's a particular concern if it's true that Gutierrez tipped off Fuentes about incoming flights from the El Paso center, being in your district, that was tracking. Those types of tips to the very people we're trying to catch would be so counter-productive, at the grassroots level, to what we're doing.

Mr. Schiff.

Mr. SCHIFF. Thank you, Mr. Chairman.

Gentlemen, as I had the opportunity to say to Ambassador Gelbard a few minutes ago, I'm a strong proponent of a strong United States-Mexico relationship, for a number of reasons, including, I believe, involving Canada and other countries who are our closest neighbors. However, in this area of law enforcement, I have found just an increasing frustration.

Let me talk about the Mexican side first. Ambassador Gelbard said that the Mexican Government was beginning to address its severe corruption problem. They have been beginning to address it since I entered law enforcement in 1972, in the State of New Mexico.

Again, we have to be sensitive to the fact that we're talking about the internal affairs of a sovereign country; on the other hand, a country with whom we desire a great deal of cooperation and for whom I supported specific cooperation when they asked for it, and very pleased to do so and have no regrets.

I just don't know what the answer is, and I just wonder if either of you gentlemen have anything to add, especially if you favor continued certification. What can we do to get the Mexican Govern-

ment to begin a little faster, in terms of the movement they are making?

Mr. BONILLA. Mr. Schiff, I think all we can do is continue to apply pressure at the international level and perhaps get some other countries to join our effort. We need to let them know that, if they want to increase their standing in the world as a free country, a sovereign country that wants to be a trading partner with other countries around the world, that they have got to demonstrate that they have their own house in order. Otherwise, it's always going to be there as a drain on their efforts to try to become a part of the world in a respectful way.

We're not suggesting, by any means, that we intercede in a sovereign nation anymore than we would want anyone interceding in our sovereign nation, but I think we need to continue to apply the pressure, internationally, along with other countries who believe that the drug problem needs to be eliminated.

Mr. SCHIFF. Chief, anything you want to add on that?

Mr. CASTANEDA. Yes, sir. Mr. Schiff, I would like to say, my earlier comments, I hope they won't misinterpret it by meaning that the majority of the Mexican officers are corrupt or on the take. We do have a lot of Mexican police officers that take to heart their solemn obligation to uphold the law and serve their communities. These are the officers that we need to continue to support.

I am sure, within the PGR, the local State police in Mexico, you have honorable men and honorable people in Mexico that need our help. Certainly, it is in the best interest of this country to continue to support Mexico. However, you know, a message needs to be sent that they need to clean up their own house.

Mr. SCHIFF. Chief, that was a very good point to add, especially in view of our previous conversation. Nobody is indicting the entire law enforcement institution in Mexico. However, it has been acknowledged by a number of people, including Ambassador Gelbard who testified earlier, that although every country has some degree of corruption in law enforcement—we're certainly not immune to it—the problems in Mexico have historically been worse. Trying to address those problems is what we are all talking about, not, of course, every single official there.

Let me now move to this side of the border, and that is, let me ask you, Chief or Congressman, do you think you have received all the support that can reasonably be provided by our own Federal Government in your fight against illegal drug trafficking across the border? It seems to me that of all the things that the Federal Government has exclusive or very nearly exclusive control of—I would say it's exclusive—it's control of the borders.

That's the responsibility of the Federal Government to regulate. It's not the responsibility, necessarily, to regulate every fistfight that might occur in your jurisdiction, Chief, but I think we have the primary responsibility here of determining who and under what circumstances people cross the border.

Do you feel like you're getting adequate support from our national Government?

Mr. CASTANEDA. Mr. Schiff, in Eagle Pass, our department has a very good working relationship with Federal law enforcement in our community, and they are very responsive. We work a lot of

close cases together, sir, and I'm talking from DEA, FBI, ATF, Customs, Border Patrol, Immigration. We do have a very good relationship, sir.

Our area is growing, and as the area grows, the problems are going to continue to exist or get bigger. It would be just that we continue to pay attention to these areas, to continue to supplement those areas with the necessary personnel to try to minimize the problems.

Mr. SCHIFF. Chief, I was given some information—and I must acknowledge to you, I do not know the total basis for it, perhaps you can supply the rest—however, that the Federal officials did not provide aerial surveillance when requested for a Texas State operation that dealt with targeting an 80-mile stretch of border right around your jurisdiction. Are you familiar with what that might be about, Chief?

Mr. CASTANEDA. No, sir. Basically, from my officers that are assigned to work with DEA and Customs, you know, they report of having good relationships with aerial surveillance when it is requested from either Customs or the Border Patrol.

Mr. SCHIFF. One last question. Going back, again, to the Mexican side of the border, and actually, Chief, following up on your point that there are a number of officers in their government as dedicated to eradicating drugs as you are, on behalf of our Government, given the fact that Mexico, like the United States, has a Federal system of government, do you have any suggestions—or Congressman Bonilla, do you have any suggestions for—are there ways that we can improve the direct agency-to-agency contacts between departments like the chief's department and similar agencies along the border, on the Mexican side of the border?

Is there anything we can do directly, so that those who are together in fighting this battle can work more closely together on a day-to-day basis, without having to every day go through their Federal capitals? Any suggestions on that?

Mr. CASTANEDA. One of the things that we have been doing, Mr. Schiff, is trying to provide training to the officers on the Mexican side so that they get accustomed to our procedures, so they will know, and we will be able to work a little bit better. I think this opens the door for some confidence and acceptance on both sides.

We try to visit and exchange information on limited situations. I think one of the major problems that is attributed to exchanging or opening our whole information is because Mexican officers customarily stay, and Federal officers are moved regularly. They are not located in certain areas for extended periods of time so that they can build up that good working relationship with their American counterparts.

I think this is one of the problems that creates that mistrust and lack of information from both sides.

Mr. SCHIFF. Thank you. I yield back, Mr. Chairman.

Mr. BONILLA. Mr. Chairman, may I elaborate on this subject just for a second?

Mr. SCHIFF. OK.

Mr. BONILLA. One of the difficulties, as the Chief is pointing out, to working with law enforcement on the other side, as those of you who have visited some of the border communities know, as soon as



you step across the border you are, in many cases, entering Third World neighborhoods. There has never been—and we wish there could be—greater sophistication among law enforcement on the other side, as well. I just wanted to elaborate on that, because the chief touched on it.

But you asked a question earlier, Mr. Schiff, is our Government doing everything we can to help law enforcement along the border, and I just want to make sure that you understand the answer is, clearly, no. A lot of us in the Southwest were concerned, especially during the last 12 months, that perhaps, during an election season, Border Patrol agents and other manpower, INS, were being shifted out of Texas into other States like California—and California needs help, too—but we have a big, tenfold amount of mileage to cover along the border.

While the drug stories were hitting the newspapers nationally about the arrogant, armed, law enforcement-defying drug smugglers coming across the border, even during that time, Border Patrol agents were being shifted from Texas to go to other areas during an election year. I wanted to make sure that I was clear about that, for the record.

Mr. SCHIFF. Thank you, gentlemen.

Thank you, Mr. Chairman.

Mr. SOUDER. I thank the gentleman from New Mexico, Mr. Schiff.

I want to comment, too, that while it looks like it's a Southwest Border problem, the drugs come across in Texas, New Mexico, Arizona, and California, and come to Indiana and Wisconsin, and places in the Midwest, and kids are dying in our streets because of our failure, to some degree, to control it at the borders.

The gentleman from Florida, Mr. Mica.

Mr. MICA. Chief, I read about the tragic death of the Border Patrol officer near your community. I'm wondering if the threat of drugs coming from Mexico is as bad now or worse than it was a year ago when that death took place; about the same, or where are we?

Mr. CASTANEDA. I'm glad you touched on that, Mr. Mica. The death of Jefferson Barr is the ultimate sacrifice that a peace officer can give for his country. Just this morning, I was being briefed that, in my community, at 4 a.m., there was an exchange of gunfire with narcotic traffickers. So my response to your question is, sir, it isn't getting any better. So, obviously, it's getting worse.

Mr. MICA. It's getting worse. Well, I just had handed to me a summary of the administration's plans. Our drug czar was having a press conference while we're having this hearing. It's a good diversionary tactic.

But he said, "The administration plans to concentrate its anti-drug efforts on education and prevention." The summary said, "The strategy calls for bold changes in antidrug policy, such as explicit recognition that demand reduction must be the centerpiece of the national antidrug effort," and "Prevention of drug use by youth is the top priority, with an emphasis on prevention of underage drinking and smoking."

I guess there's a list of five basic goals; the last of these is strengthening the interdiction in air, land, and sea. So it doesn't look like you're going to win out in this new policy.

Mr. BONILLA. Mr. Mica, that's going to sound like a wonderful story, I'm sure, on the evening news, but the reality is that there is, again, a war going on along the Mexican border, with all of our States. Until we get more law enforcement down on the border, all of these programs that sound wonderful—and some of them may be very helpful—are not going to stop two-thirds of the amount of drugs coming into our country across the Mexican border.

Mr. MICA. So what do you think, Chief?

Mr. CASTANEDA. Mr. Mica, I know that public education and drug awareness has its place, sir, but I'd have to agree with the Congressman, sir. I mean, it's a war, and I think the priority is that, you know, we need to supplement the men that are actually out there trying to do the interdiction.

Mr. MICA. I think you told me, too, that a large portion of the crime in your community is drug-related; is that true?

Mr. CASTANEDA. Absolutely, sir.

Mr. MICA. We held a hearing in my little community. I serve a beautiful area in central Florida. It's probably as nice a place as you want to live, and I usually hold up a headline that shows "Heroin deaths increasing; cocaine deaths increasing." I didn't bring it with me; I just sent it back to the office. But that's my little community. Yours is 26,000. You had an officer shot to death. That was one horrible death. I can't imagine the pain that your community or the loss of that young mother left with children, as I understand it.

But here in Washington, just before we left, they came into the streets and blew away an officer, just put the gun in and blew him away. In the streets of Washington, last year, they killed 399 individuals in our Nation's Capital. So it's everywhere. It's in my community. It's in Washington. We're going to be talking about prevention of underage drinking and smoking as a sort of centerpiece. It looks like we're pretty much zeroing in on the problem, doesn't it?

Mr. CASTANEDA. Well, I'm not a politician, Mr. Mica.

Mr. MICA. I guess I'm not a very good one either. My last question would be, you're in law enforcement down there on the front line in the border community, are these people just coming across carrying a little dope, or are they fairly well equipped? What is the status of the smugglers? Is it an amateur hour, or is there some well organized effort down there? Is it something we're just imagining?

Mr. CASTANEDA. No, it's a very well organized effort, Mr. Mica. When you have armed smugglers with tracking devices, night vision glasses, walkie-talkie radios, they know pickup points, they have stash houses, I mean, you're basically talking about people that are organized and they know what they are doing.

Mr. MICA. You weren't too aware of what the request was for surveillance of the border area, but as I understand it, there was some question as to whether we could provide as much surveillance information to the State, the Federal Government could, as was requested. Was that the problem, that there was too much surveillance, aerial surveillance requested?

Mr. CASTANEDA. I'm not aware of that, Mr. Mica, so I really can't respond to that, sir.

Mr. MICA. OK. What, in your estimation, then, would help, from the Federal level, in this war?

Mr. CASTANEDA. Well, total commitment, sir. If you're going to go to war, you know, you need to dedicate it to the cause and make sure that we come out victoriously.

Mr. MICA. Thank you.

Mr. Chairman, I will yield back.

Mr. SOUDER. Thank you, Mr. Mica.

The gentleman from Georgia, Mr. Barr.

Mr. BARR. Thank you, Mr. Chairman.

Chief, just as I came back in, after having been at a brief meeting, you were saying something that I think is entirely appropriate, and that is the war against drugs is, in fact, a war. Yet we have—and I think Congressman Mica might have touched on this, and maybe some others—I have been reading, during our district work period last week, the administration's 1997 drug strategy, which I gather the President made public today.

He states explicitly in there that it is not a war against drugs, because war is too harsh a term to use, that we need to have compassion and view people that do drugs as victims. That is a very subtle way of, I think, changing the entire complexion and character of what heretofore has been, in the view of our Government, one of the most serious challenges facing our country. So I appreciate your using the word drug rather than a social problem, or a disease, or something, because I think it really is a Drug War.

I think I also heard Congressman Mica make reference to the fact that, throughout the administration's new so-called "drug strategy," in many instances in that document, they link explicitly drug usage, mind-altering drugs, illicit or illegal drugs, whatever you want to call them, with teen use of tobacco and underage drinking. Both are serious problems, but in my mind don't come anywhere close to the danger posed to our society, and you and your men, by the drug trafficking and drug usage.

Do you and your officers fear for their lives when they confront underage smokers, tobacco smokers?

Mr. CASTANEDA. No, sir.

Mr. BARR. Do you fear for your lives when you confront people of any age who are trafficking in mind-altering drugs?

Mr. CASTANEDA. Yes, sir.

Mr. BARR. Do you fear for your lives when you see people and come into contact with people who are under the influence of mind-altering drugs?

Mr. CASTANEDA. Yes, sir.

Mr. BARR. In your view, is this one of the most serious problems facing our society and our country today?

Mr. CASTANEDA. It's an extremely serious problem, sir. Just to comment on our community, on the death of Jefferson Barr, I think a lot of people took their head out of the dirt and realized that we actually have a problem.

Mr. BARR. I think that, nowadays, some people in this administration are putting their heads in the dirt. Not that we're condoning teen smoking, not that we're condoning teen alcohol

usage, those are very serious problems, but, again, to constantly link these three as if they are somehow on par with each other, in terms of priorities and importance, I think does a disservice to people like you and your officers, who literally do put their lives on their line fighting this scourge on our society.

I commend you for it, and also the work, Congressman Bonilla, that you have been doing on the front lines, as well, in the political arena. Thank you both very much.

Thank you, Mr. Chairman.

Mr. SOUDER. Thank you, Mr. Barr.

I want to thank both of you for coming and stress that we obviously are spending millions and millions of dollars on treatment and education, as well, and police officers all over the country are involved in D.A.R.E. and other programs in the schools. There's not a parent who isn't concerned about trying to get their kids off of drugs and understand the importance of gateway drugs and that we need to focus on that.

But the plain truth of the matter is, there's only so much we can do in Fort Wayne if we're getting flooded with the cheap drugs coming into the streets with the potency we are, and we should never back off of any facet of the war. I went to 18 schools this past fall, talking about this issue.

We're also kidding ourselves if we think we're going to be able to win just through a couple public service announcements and something in school, when it's flooding the rock music scene and the movie scene. We've got to have a war going on every front, and the starting is right where it's coming across the borders.

Thank you for taking the time to educate us by coming all the way in from Eagle Pass, and thank you, Mr. Bonilla.

Mr. BONILLA. Thank you, Mr. Chairman.

Mr. CASTANEDA. Thank you, sir.

Mr. SOUDER. Will the third panel please come forward.

It is my distinct pleasure to welcome our third panel. We have with us today Tom Constantine, Administrator of the Drug Enforcement Administration; Douglas Kruhm, Assistant Commissioner, U.S. Border Patrol; and Mary Lee Warren, Deputy Assistant Attorney General, Criminal Division, Department of Justice. We thank you all for being with us today.

If you will please stand. Obviously, Mr. Constantine has been here so often that he knows not to sit down.

[Witnesses sworn.]

Mr. SOUDER. Let the record show that the witnesses responded in the affirmative.

Mr. Constantine, if you will go first. I appreciate you have been here so many times, and I think that, through the past year-and-a-half, a lot through your efforts directly here and through your staff, it has really helped us focus on the drug issue. While we may have disagreements from time to time with the administration, the fact is, it's great that we're all now fighting together to really raise the American consciousness on this issue. I want to congratulate you personally for your leadership with this.

**STATEMENTS OF THOMAS A. CONSTANTINE, ADMINISTRATOR,  
DRUG ENFORCEMENT ADMINISTRATION; MARY LEE WARREN,  
DEPUTY ASSISTANT ATTORNEY GENERAL, CRIMINAL  
DIVISION, DEPARTMENT OF JUSTICE; AND DOUGLAS M.  
KRUHM, ASSISTANT COMMISSIONER, U.S. BORDER PATROL**

Mr. CONSTANTINE. Congressman, thank you.

Obviously, with the press of time, I have a long statement that we will file for your record. However, let me just kind of set the parameters around my testimony.

Based on 37 years in law enforcement, both at the local level, the State level, and now at the Federal level—and I have, since I've been head of DEA, reviewed every major case that involves large scale narcotics trafficking between the United States and Mexico; I have visited every city, town, and county along the Southwest Border, all the way from Brownsville over to San Diego—I'm trying to set out for you how the organized crime systems that really manage and run these narcotics trafficking groups work and the effect that they have on the United States, and some of the issues that involve the Government of Mexico.

Many times, as I look at people refer to these groups as some type of a complex or sophisticated business relationship, and title them as cartel or federations, I think that masks the true meaning of what are very vicious, destructive entities.

The group from Cali, Colombia, and the four major trafficking groups in Mexico, out of Juarez, Tijuana, Sonora, and the Gulf, are, in my opinion, simply organized crime groups, only this time the leaders are not in Brooklyn or Queens, but rather, in many ways, existing in safety on foreign soil.

The syndicate leaders, the Rodriguez-Orejuela brothers in Colombia, to Amado Carrillo-Fuentes, Juan Garcia-Abrego, Miguel Caro-Quintero, and the Arellano-Felix brothers, are simply the 1990's versions of the mob leaders U.S. law enforcement has fought since the turn of the century, only this group of leaders are, in many ways, more dangerous and more influential, and have a great deal more impact on our daily lives than their domestic predecessors.

While at one time we could control or investigate and, in many ways, manage our own outcome within the United States, the present organized crime system, in many ways, makes their influence pale in comparison. The individuals operating from headquarters locations absolutely influence the choices that many Americans make about where to live, when to venture out of their homes, or which schools to send their children to. The drugs and the attendant violence which accompanies the drug trade have reached into every community within the United States.

Organized crime in the United States was addressed over time but only after we recognized the dangers that the Mafia posed to our everyday way of life. I can recall a time within the United States when there was an absolute rejection of the idea that there was a Mafia or organized crime. That changed in the fall of 1957, when a State police sergeant named Edgar Crosswell raided an estate at Appalachia, NY, and uncovered all the leadership of organized crime in the United States.

Following thereafter, Attorney General Bobby Kennedy was unequivocal in his approach to ending the reign of the Mafia, and con-

sistent law enforcement policies and legislation were enacted which have resulted in substantial gains. Today, the Mafia, as we know it in the United States, has, in many ways been decimated and is a fragment of what it once was.

At the height of its power, those groups were in the hands of a few major players within our own criminal justice system. All decisions were made within the United States, orders were carried out on U.S. soil, and while I know, having worked those cases, it was not easy to build them against the Mafia leaders, law enforcement knew that once a case was made, the subject would be located, arrested, and sent away to jail for a very long period of time.

That is not the case with today's organized crime. They are strong, sophisticated, destructive organizations, and now those decisions are made virtually in sanctuaries in Cali, Colombia, and Guadalajara, Mexico. Even the day-to-day decisions as to where to ship the cocaine, which cars their workers in the United States should rent, which apartments should be leased, which marking should be on the cocaine package, which contract murders should be ordered, which official should be bribed and how much, are decisions made outside of the United States.

These are shadowy figures who have armies of workers in Colombia, Mexico, and the United States, but these workers answer to them via daily fax machines, cellular phones, and pagers. These armies carry out killings within the United States: 1 day an outspoken journalist; 1 day a courier who had lost a load; the next an innocent bystander caught in the line of fire, all on the orders from the top leadership.

They operate from the relative safety of protected locations and are free to come and go as they please within their home countries. These syndicate bosses have at their disposal airplanes, boats, vehicles, radars, and communications equipment which in many ways rival that of small countries.

It is difficult, sometimes almost impossible, for U.S. law enforcement to locate and to arrest the Mafia leaders without the assistance of law enforcement in those host countries. Their communications are coded. They are protected by corrupt law enforcement officials.

Despite, often, pledges of cooperation, they have not been able to apprehend the syndicate leaders, and law enforcement authorities have been unable to even locate them. Even if they are located, the Government is often not obligated or does not desire to extradite, to send them to the United States to stand trial before a jury of the peers of those whom they have injured.

In Mexico, as discussed today, as in any other country where mafias or organized crime have flourished, two things are vital and important: there has to be corruption, and there has to be an intimidation of law enforcement. They cannot thrive, they cannot exist unless the law enforcement officials have been bribed and corrupted and the witnesses fear for their lives. It's a lesson that we learned full well in the 1930's, 1940's, and 1950's.

We can't really talk about the traffickers from Mexico without a little historical reference to the group from Cali, Colombia, probably the most sophisticated, powerful organized crime syndicate that the world had ever seen. As they assumed greater power and

control and money, their relative impunity from arrest, at least until 1995 and 1996, allowed them to amass fortunes where they ran these multibillion-dollar corporations.

They used landing areas in Mexico and often were able to evade United States law enforcement officials, and eventually made important alliances with transportation and distribution experts in Mexico. There has been intense law enforcement pressure focused on the Cali leadership by the brave men and women of the Colombian National Police, in 1995 and 1996.

All of the top leadership of the Cali organized crime systems are now either in jail or dead. The fine work was done, much of it by Gen. Serrano, who appeared before your subcommittee only 2 weeks ago, and a host of other CNP officers, many of whom gave their lives.

Since their imprisonment, on sentences which I must tell you are ridiculously short and not really a serious deterrent to drug trafficking in Colombia, traffickers from Mexico have now taken on some greater prominence. The alliance between these two groups had benefits for both sides.

Traditionally, the traffickers from Mexico have long been involved in smuggling marijuana and heroin. As they brokered the distribution routes throughout Mexico, the group from Cali was concerned about the security of their loads. They made a commercial arrangement with the traffickers from Mexico, which reduced their potential losses.

This agreement entailed the Colombians moving cocaine from the Andean region to Mexican organizations who then assumed the responsibility of delivering the cocaine into the United States, and originally turning it over to organized crime systems from Colombia that are operating within America.

The majority of cocaine entering the United States continues to come across this border. There, however, is new evidence that traffickers in Mexico have gone directly to sources of cocaine in Bolivia and Peru, in order to circumvent Colombian middlemen. In addition, Mexico is now responsible for being the primary producer and trafficker of thousands of pounds of methamphetamine, most of which is distributed within the United States.

There are several major traffickers in Mexico. I will briefly discuss them as we put a chart up with their pictures. These are the leaders of the major organized crime systems in Mexico. Most of them are already under indictment for crimes that they have committed within the United States.

The Department of Justice has submitted provisional arrest warrants for many of these subjects, and only one, to my knowledge, Juan Garcia-Abrego, because he was a dual citizen, has been sent back to the United States to face justice. The others, in many ways, have escaped law enforcement action and have suffered little, if any, inconvenience from their criminal activities.

The first, which has been mentioned, and this is only one—and I would suspect it's important not to indicate that this is the only organized crime leader in Mexico, because I think that would be a mistake; there are many powerful syndicates operating out of that country—but the one who has received the most attention in the

paper recently is Amado Carrillo-Fuentes, the head of the so-called "Juarez Cartel."

He is the individual linked in the papers and linked in reports of the corruption and bribery of Gen. Gutierrez, the commissioner and the head of the INCD, which is the equivalent of the DEA in Mexico. He is associated with the Rodriguez-Orejuela organization in Cali, and the Ochoa brothers in Medellin. He handles huge shipments of cocaine from Colombia. They have regional bases in Guadalajara, Hermosillo, and Tlaxcala, and those are merely storage locations to move the drugs closer to the United States.

The scope of his financial network is staggering, and probably much of it is unknown in exact detail to us. We know that he often forwards \$20 million to \$30 million to Colombia from each major operation or shipment. Like his Colombian counterparts, he is sophisticated in technology and countersurveillance. He has become so powerful that he is even seeking to expand his market into traditional Colombian strongholds on the East Coast of the United States.

Carrillo-Fuentes, who is the subject of numerous separate United States law enforcement investigations, has been indicted in Florida and Texas, and, again, still remains a fugitive, unarrested, in Mexico.

The second is Miguel Caro-Quintero. He's the brother of Rafael Caro-Quintero, the individual who was responsible for the kidnapping, torture, and murder of a DEA agent in Mexico in 1985. He also is a major trafficker in cocaine, in Mexican heroin, and marijuana. Miguel Caro-Quintero is the subject of several indictments in the United States, and currently the subject of provisional arrest warrants issued by the U.S. Government.

Yet, when I was in Mexico City in April of last year, and mentioned the fact that Miguel Caro-Quintero was a major trafficker and should be subject to arrest, he immediately called a radio station in Hermosillo, indicating that he was bothered by statements that I made and he was rather an innocent rancher, and that the charges were untrue. He had the audacity to give his address and invite law enforcement officials from Mexico and the United States to visit him, yet he remains at large.

The third group which you will hear a great deal about is the Arellano-Felix brothers, operating out of San Diego, a very powerful, very aggressive, and undeniably perhaps the most violent. It extends its tentacles directly from high echelon figures in the law enforcement and judicial systems in Mexico to street-level gangs in the United States. They operate primarily in the Mexican States of Sinaloa, Jalisco, Michoacan, Chiapas, and Baja, California. From Baja, the drugs enter the United States, the primary point into the organized crime systems in America.

Reports from the Mexican Government indicate that key family members of the Arellano-Felix brothers reportedly dispense an estimated \$1 million weekly in bribes to Mexican Federal, State, and local officials who assure that the movement of drugs continues to flow unimpeded to the gateway cities along the Southwest Border.

They are well armed, well trained security forces, and described by law enforcement officials as paramilitary in nature. The enforcers are often hired from violent street gangs in the cities and towns



in both Mexico and the United States. They are dispatched to assassinate targeted individuals in Mexico and the United States, and they send a clear message to those who would attempt to utilize the Tijuana corridor without paying the area transit tax. A joint task force, composed of the DEA and the FBI, has been established in San Diego to track and investigate their operations.

The Amezcua brothers are the individuals primarily responsible for the shipment of ephedrine from Europe and from Asia into Mexico, and then into the United States, and for the manufacture of methamphetamine.

The Guzman-Loera group also transports cocaine from Colombia through Mexico, and has been named in numerous indictments, was arrested in Talisman, Mexico, for narcotics, homicide, and cocaine trafficking, and he is presently incarcerated at the maximum security prison in Mexico.

One thing that I think is often missed, and I think if you listened to Chief Castaneda—and I was at Eagle Pass this summer myself—is that these organizations have a tremendous impact and make victims out of U.S. citizens.

To look at Eagle Pass and to talk to these ranchers, and to see the people who have lived on this property all of their lives, who are afraid to go down to the river and to use a boat that they have on a dock, I asked them why? Their fear was that they would witness a murder or they somehow would witness a crime. They then would be somebody who would have to be eliminated by the groups involved.

Many of them were interested in selling their property. Often the property appears to be being purchased by groups from the organized crime systems out of Mexico, so, in essence, the border completely disappears at that point in time.

There has been outstanding work, I'm sure, by the chief, especially by the Border Patrol, which is an unsung group of heroes in this whole battle. Not only have they lost the life of an agent, they are dedicated, and they are the individuals who are right in the middle of this. I have watched them, and I've been very impressed. Also, the Texas Department of Public Safety has made their life improve to a degree.

The DEA information on the Arellano-Felix gang, to give you a sense of the impact on the United States, we know that they have hired a group out of the city of San Diego, CA, called the Logan Heights Calle 30, to carry out executions and to conduct security for the distribution of their operations.

Our DEA violent task force has arrested six members of this group, along with the San Diego Police Department, for the murder of a man and his son in San Diego. Since that time, 49 members of this gang have been arrested by the narcotics task force in San Diego, ranging from drug trafficking to crimes of violence.

On December 11, 1996, in Coronado, CA, in San Diego County, Fernando Gutierrez was shot five times in the face during rush hour, in an exclusive neighborhood. This death was allegedly ordered by the Arellano-Felix brothers from Tijuana. There have been 26 homicides in 1993 over the control of the methamphetamine traffic.

Our role, as law enforcement officials—and that's how I look at it, as an organized crime investigation—we have joined together first with the FBI, now with the Justice Department, the Criminal Division, the Border Patrol, Customs, and virtually every State and local agency, and we have targeted these organized crime groups on the Southwest Border.

We have been able to identify them. We know how they operate. We know their transportation systems. But they are highly compartmentalized, use sophisticated technology and numerous workers to accomplish very specific tasks. We are attacking, trying to get the command-and-control system and the leadership.

Unfortunately, although we can get the leadership in the United States, and we can take their system down, and we've been very effective, we are very frustrated because we cannot use this same information to reach the organizations' bosses in Mexico or their current counterparts in Colombia.

Criminals such as Carrillo-Fuentes and the Arellano-Felix group personally direct their organizations, and until we can garner the complete cooperation of law enforcement officials in Mexico, we will never truly be effective in stopping the flow of drugs from that country.

The strategy is anchored in our belief that the only way of successfully attacking any organized crime syndicate is to build strong cases against the leadership. We have done that in the United States with a great deal of work, over a long period of time. After 30 years of doing that, we can see a steady degradation of their ability to conduct organized crime business in the United States.

We spoke to you, sometimes in testimony, often in personal briefings, about what we call the Zorro II investigation. This was one of those combined Southwest Border investigations where we were able to arrest 156 major principals in those organizations, seize \$17 million along with 5,600 kilograms of cocaine. However, and perhaps most importantly, neither the Colombian nor the Mexican leadership of these groups that are controlled have been arrested.

Mr. SOUDER. Mr. Constantine, if you can kind of summarize here. We will insert your whole statement in the record.

Mr. CONSTANTINE. Perhaps the most difficult part—and I will close with that—is two things: One is the corruption intimidation. You have seen the impact of the commissioner of the INCD being apparently arrested in the last 7 days. The papers filed by the Government of Mexico in San Diego indicate that the State attorney general and almost 90 percent of the law enforcement officials and judges in Tijuana and Baja have been compromised.

What this has meant for us, and this has built over a period of time, is that there is not one single civilian law enforcement institution in Mexico with whom DEA has a really trusting relationship. That relationship is absolutely essential.

We have talked with—and I agree with Ambassador Gelbard—President Zedillo has made this a priority in meetings that I have attended. As a career law enforcement official, I give credit to people who will do a corruption investigation inside their agency, even though it is embarrassing. However, all of the types of tools and processes we have in place, and all of the legislation, have, in many

ways, been placed in a situation where they have been dysfunctional at this period of time because of the corruption issue.

I think that is the No. 1 improvement that has to be made before we can get on to the drug enforcement. Unfortunately or fortunately, the role of conducting corruption investigations in Mexico is not the responsibility of the DEA or any other United States agency. That responsibility will have to fall to that government.

There is much more in detail in my statement. I thank you for the time.

[The prepared statement of Mr. Constantine follows:]

Statement of  
Thomas A. Constantine  
Administrator, Drug Enforcement Administration  
before The Subcommittee on National Security,  
International Affairs and Criminal Justice  
February 25, 1997

Mr. Chairman, Members of the Subcommittee: I appreciate the opportunity to appear before the Subcommittee today on the subject of Mexico and the Southwest Border Initiative. My comments today will be limited to an objective assessment of the law enforcement issues involving organized crime and drug trafficking problems with specific attention on Mexico and the Southwest border. This hearing is extremely timely, and during my testimony I will provide the subcommittee with a full picture of how organized crime groups from Mexico operate and affect so many aspects of life in America today. I am not exaggerating when I say that these sophisticated drug syndicate groups from Mexico have eclipsed organized crime groups from Colombia as the premier law enforcement threat facing the United States today.

Many phrases have been used to describe the complex and sophisticated international drug trafficking groups operating out of Colombia and Mexico, and frankly, the somewhat respectable titles of "cartel" or "federation" mask the true identity of these vicious, destructive entities. The Cali organization, and the four largest drug trafficking organizations in Mexico --- operating out of Juarez, Tijuana, Sonora and the Gulf region --- are simply organized crime groups whose leaders are not in Brooklyn or Queens, but are safely ensconced on foreign soil. They are not legitimate businessmen as the word "cartel" implies, nor are they "federated" into a legitimate conglomerate. These syndicate leaders --- the Rodriguez Orejuela brothers in Colombia to Amado Carrillo-Fuentes, Juan Garcia-Abrego, Miguel Caro-Quintero, and the Arellano-Felix Brothers --- are simply the 1990's versions of the mob leaders U.S. law enforcement has fought since shortly after the turn of this century.

But these organized crime leaders are far more dangerous, far more influential and have a great deal more impact on our day to day lives than their domestic predecessors. While organized crime in the United States during the 1950's

through the 1970's affected certain aspects of American life, their influence pales in comparison to the violence, corruption and power that today's drug syndicates wield. These individuals, from their headquarters locations, absolutely influence the choices that too many Americans make about where to live, when to venture out of their homes, or where they send their children to school. The drugs ---and the attendant violence which accompanies the drug trade ---have reached into every American community and have robbed many Americans of the dreams they once cherished.

Organized crime in the United States was addressed over time, but only after Americans recognized the dangers that organized crime posed to our way of life. But it did not happen overnight. American organized crime was exposed to the light of day systematically, stripping away the pretense that mob leaders were anonymous businessmen. The Appalachian raid of 1957 forced law enforcement to acknowledge that these organized syndicates did indeed exist, and strong measures were taken to go after the top leadership, a strategy used effectively throughout our national campaign against the mob. During the 1960's, Attorney General Bobby Kennedy was unequivocal in his approach to ending the reign of organized crime in America, and consistent law enforcement policies were enacted which resulted in real gains. Today, traditional organized crime, as we knew it in the United States, has been eviscerated, a fragment of what it once was.

At the height of its power, organized crime in this nation was consolidated in the hands of few major families whose key players live in this nation, and were within reach of our criminal justice system. All decisions made by organized crime were made within the United States. Orders were carried out on U.S. soil. While it was not easy to build cases against the mob leaders, law enforcement knew that once a good case was made against a boss, he could be located within the U.S., arrested and sent to jail.

That is not the case with today's organized criminal groups. They are strong, sophisticated and destructive organizations operating on a global scale. Their decisions are made in sanctuaries in Cali, Colombia, and Guadalupe, Mexico. even day-to-day operational decisions such as where to ship cocaine, which cars their workers in the United States should rent, which apartments should be leased, which markings should be on each cocaine package, which contract murders should be ordered, which official should be bribed, and how much. They are

shadowy figures whose armies of workers in Colombia, Mexico and the United States answer to them via daily faxes, cellular phone, or pagers. Their armies carry out killings within the United States---one day an outspoken journalist, one day a courier who had lost a load, the next, an innocent bystander caught in the line of fire---on orders of the top leadership. They operate from the safety of protected locations, and are free to come and go as they please within their home countries. These syndicate bosses have at their disposal airplanes, boats, vehicles, radar, communications equipment, and weapons in quantities which rival the capabilities of some legitimate governments. Whereas previous organized crime leaders were millionaires, the Cali drug traffickers and their counterparts from Mexico are billionaires.

It is difficult---sometimes nearly impossible---for U.S. law enforcement to locate and arrest these leaders without the assistance of law enforcement in other countries. Their communications are coded, they are protected by corrupt law enforcement officials, despite pledges from the Government of Mexico to apprehend the syndicate leaders, law enforcement authorities have been unable to locate them and even if they are located, the government is not obligated to extradite them to the U.S. to stand trial.

In Mexico, as is the case wherever organized crime flourishes, corruption and intimidation allow the leaders to maintain control. These sophisticated criminal groups cannot thrive unless law enforcement officials have been paid bribes, and witnesses fear for their lives. Later in my testimony I will discuss some of these problems in greater detail.

It is frustrating for all of us in law enforcement that the leaders of these criminal organizations, although well known and indicted repeatedly, have not been located, arrested or prosecuted.

#### **The Cali Group and Traffickers from Mexico**

We cannot discuss the situation in Mexico today without looking at the evolution of the groups from Colombia --- how they began, what their status is today, and how the groups from Mexico have learned important lessons from them, becoming major trafficking organizations in their own right.

During the late 1980's the Cali group assumed greater and greater power as their predecessors from the Medellin cartel self-destructed. Where the Medellin cartel was brash and publicly violent in their activities, the criminals, who ran their organization from Cali, labored behind the pretense of legitimacy, posing as businessmen, just carrying out their professional obligations. The Cali leaders --- the Rodriguez Orejuela brothers, Santa Cruz Londono, Pacho Herrera --- amassed fortunes and ran their multi-billion dollar cocaine businesses from high-rises and ranches in Colombia. Miguel Rodriguez Orejuela and his associates composed what was until then, the most powerful international organized crime group in history, employed 727 aircraft to ferry drugs to Mexico, from where they were smuggled into the United States, and then return to Colombia with the money from U.S. drug sales. Using landing areas in Mexico, they were able to evade U.S. law enforcement officials and make important alliances with transportation and distribution experts in Mexico.

With intense law enforcement pressure focused on the Cali leadership by brave men and women in the Colombian National Police during 1995 and 1996, all of the top leadership of the Cali syndicate are either in jail, or dead. The fine work done by General Serrano, who appeared before your subcommittee only two weeks ago, and other CNP officers is a testament to the commitment and dedication of Colombia's law enforcement officials in the face of great personal danger, and a government whose leadership is riddled with drug corruption.

Since the Cali leaders' imprisonment, on sentences which were ridiculously short and inadequate, traffickers from Mexico took on greater prominence. The alliance between the Colombian traffickers and the organizations from Mexico had benefits for both sides. Traditionally, the traffickers from Mexico have long been involved in smuggling marijuana, heroin, cocaine into the United States, and had established solid distribution routes throughout the nation. Because the Cali syndicate was concerned about the security of their loads, they brokered a commercial deal with the traffickers from Mexico, which reduced their potential losses.

This agreement entailed the Colombians moving cocaine from the Andean region to the Mexican organizations, who then assumed the responsibility of delivering the cocaine into the United States. In 1989, U.S. law enforcement officials seized 21 metric tons of cocaine in Sylmar, California; this record seizure demonstrated

the extent and magnitude of the Mexican groups' capabilities to transport Colombian-produced cocaine into the United States. This huge shipment was driven across the Mexican/U.S. border in small shipments and stored in the warehouse until all transportation fees had been paid by the Cali and Medellin cartels, to the transporters from Mexico. Now, trafficking groups from Mexico are routinely paid in multi-ton quantities of cocaine, making them formidable cocaine traffickers in their own right.

The majority of cocaine entering the United States continues to come from Colombia through Mexico and across U.S. border points of entry. Most of the cocaine enters the United States in privately owned vehicles and commercial trucks. There is new evidence that indicates traffickers in Mexico have gone directly to sources of cocaine in Bolivia and Peru in order to circumvent Colombian middlemen. In addition to the inexhaustible supply of cocaine entering the U.S., trafficking organizations from Mexico are responsible for producing and trafficking thousands of pounds of methamphetamine, and have been major distributors of heroin and marijuana in the U.S. since the 1970's.

#### **Major Traffickers from Mexico**

A number of major trafficking organizations represent the highest echelons of organized crime in Mexico. Their leaders are under indictment in the United States on numerous charges. The Department of Justice has submitted Provisional Warrants for many of their arrests to the Government of Mexico, and only one, Juan Garcia Abrego, because he was a U.S. citizen has been sent to the U.S. to face justice. The other leaders are living freely in Mexico, and have so far escaped apprehension by Mexican law enforcement, and have suffered little, if any inconvenience resulting from their notorious status. I believe that in order to fully expose these syndicate leaders, it is more beneficial to refer to them by their personal names than by the names of their organizations.

#### ***Amado Carrillo-Fuentes***

The most powerful drug trafficker in Mexico at the current time is Amado Carrillo-Fuentes, who, as recently reported, allegedly has ties to the former



Commissioner of the INCD, Gutierrez-Rebollo. His organized crime group, based in Juarez, is associated with the Rodriguez-Orejuela organization and the Ochoa brothers, from Medellin, as well. This organization, which is also involved in heroin and marijuana trafficking, handles large cocaine shipments from Colombia. Their regional bases in Guadalajara, Hermosillo and Torreon serve as storage locations where later, the drugs are moved closer to the border for eventual shipment into the United States.

The scope of the Carrillo-Fuentes' network is staggering; he reportedly forwards \$20-30 million to Colombia for each major operation, and his illegal activities generate ten's of millions per week. He was a pioneer in the use of large aircraft to transport cocaine from Colombia to Mexico and became known as "Lord of the Skies." Carrillo-Fuentes reportedly owns a fleet of aircraft and has major real estate holdings.

Like his Colombian counterparts, Carrillo-Fuentes is sophisticated in the use of technology and counter surveillance methods. His network employs state of the art communications devices to conduct business. His organization has become so powerful he is even seeking to expand his markets into traditional Colombian strongholds on the east coast of the United States.

Presently, Carrillo-Fuentes is attempting to consolidate control over drug trafficking along the entire Mexican northern border, and he plans to continue to bribe border officials to ensure that his attempts are successful. Carrillo-Fuentes, who is the subject of numerous separate U.S. law enforcement investigations has been indicted in Florida and Texas and remains a fugitive on heroin and cocaine charges.

#### ***Miguel Caro-Quintero***

Miguel Caro-Quintero's organization is based in Sonora, Mexico and focuses its attention on trafficking cocaine and marijuana. His brother, Rafael, is in prison in Mexico for his role in killing DEA Special Agent Kiki Camarena in 1985.

Miguel, along with two of his other brothers--Jorge and Genaro--run the organization. Miguel himself was arrested in 1992, and the USG and GOM cooperated in a bilateral prosecution. Unfortunately, that effort was thwarted when Miguel was able to use a combination of threats and bribes to have his charges dismissed by a federal judge in Hermosillo. He has operated freely since that time.

The Caro-Quintero organization specializes primarily in the cultivation, production and distribution of marijuana, a major cash-crop for drug groups from Mexico. The organization is believed to own many ranches in the northern border state of Sonora, where drugs are stored, and from which drug operations into the United States are staged. Despite its specialization in marijuana cultivation and distribution, like the other major drug organizations in Mexico, this group is polydrug in nature, also transporting and distributing cocaine and methamphetamine.

Miguel Caro-Quintero is the subject of several indictments in the United States and is currently the subject of provisional arrest warrants issued by the United States government, yet in an act of astonishing arrogance he called a radio station in Hermosillo, Mexico last May indicating that he was bothered by statements I had made that he was an innocent rancher and charges made against him by DEA were untrue. He then had the audacity to give his address and invite law enforcement officials from Mexico and the United States to visit him--yet he remains at large.

#### ***The Arellano-Felix Brothers***

The Arellano-Felix Organization (AFO), often referred to as the Tijuana Cartel, is one of the most powerful and aggressive drug trafficking organizations operating from Mexico; it is undeniably the most violent. More than any other major trafficking organization from Mexico, it extends its tentacles directly from high-echelon figures in the law enforcement and judicial systems in Mexico, to street-level individuals in the United States. The AFO is responsible for the transportation, importation and distribution of multi-ton quantities of cocaine, marijuana, as well as large quantities of heroin and methamphetamine, into the United States from Mexico. The AFO operates primarily in the Mexican states of Sinaloa (their birth place), Jalisco, Michoacan, Chiapas, and Baja California South

and North. From Baja, the drugs enter California, the primary point of embarkation into the United States distribution network.

The AFO does not operate without the complicity of Mexican law enforcement officials and their subordinates. According to extradition documents submitted by the Government of Mexico in San Diego, California, key family members reportedly dispense an estimated one million dollars weekly in bribes to Mexican federal, state and local officials, who assure that the movement of drugs continues to flow unimpeded to the gateway cities along the southwestern border of the United States.

The Arellano family, composed of seven brothers and four sisters, inherited the organization from Miguel Angel Felix-Gallardo upon his incarceration in Mexico in 1989 for his complicity in the murder of DEA Special Agent Enrique Camarena. Alberto Benjamin Arellano-Felix assumed leadership of the family structured criminal enterprise and provides a businessman's approach to the management of drug trafficking operations.

Ramon Eduardo Arellano-Felix, considered the most violent brother, organizes and coordinates protection details over which he exerts absolute control. The AFO maintains well-armed and well-trained security forces, described by Mexican enforcement officials as paramilitary in nature, which include international mercenaries as advisors, trainers and members. Ramon Arellano's responsibilities consist of the planning of murders of rival drug leaders and those Mexican law enforcement officials not on their payroll. Also targeted for assassination are those AFO members who fall out of favor with the AFO leadership or simply are suspected of collaborating with law enforcement officials. Enforcers are often hired from violent street gangs in cities and towns in both Mexico and the United States in the belief that these gang members are expendable. They are dispatched to assassinate targeted individuals and to send a clear message to those who attempt to utilize the Mexicali/Tijuana corridor without paying the area transit tax demanded by the AFO trafficking domain.

The AFO also maintains complex communications centers in several major cities in Mexico to conduct electronic espionage and counter-surveillance measures against law enforcement entities. The organization employs radio scanners and equipment capable of intercepting both hard line and cellular phones to ensure the

security of AFO operations. In addition to technical equipment, the AFO maintains caches of sophisticated automatic weaponry secured from a variety of international sources.

A Joint Task Force composed of the Drug Enforcement Administration and the Federal Bureau of Investigation has been established in San Diego, California, to target the AFO; the Task Force is investigating AFO operations in Southern California and related regional investigations which track drug transportation, distribution and money laundering activities of the AFO throughout the United States.

#### *Jesus Amezcua*

The Amezcua-Contreras brothers operating out of Guadalajara, Mexico head up a methamphetamine production and trafficking organization with global dimensions. Directed by Jesus Amezcua, and supported by his brothers, Adan and Luis, the Amezcua drug trafficking organization today is probably the world's largest smuggler of ephedrine and clandestine producer of methamphetamine. With a growing methamphetamine abuse problem in the United States, this organization's activities impact on a number of the major population centers in the U.S. The Amezcua organization obtains large quantities of the precursor ephedrine, utilizing contacts in Thailand and India, which they supply to methamphetamine labs in Mexico and the United States. This organization has placed trusted associates in the United States to move ephedrine to Mexican methamphetamine traffickers operating in the U.S. Jose Osorio-Cabrera, a fugitive from a Los Angeles investigation until his arrest in Bangkok, was a major ephedrine purchaser for the Amezcua organization.

#### *Joaquin Guzman-Loera*

Joaquin Guzman-Loera began to make a name for himself as a trafficker and air logistics expert for the powerful Miguel Felix-Gallardo organization. Guzman-Loera broke away from Felix-Gallardo and rose to patron level among the major Mexican trafficking organizations. Presently, he is incarcerated in Mexico; however, Mexican and United States authorities still consider him to be a major

international drug trafficker. The organization has not been dismantled or seriously affected by Guzman-Loera's imprisonment because his brother, Arturo Guzman-Loera, has assumed the leadership role. The Guzman-Loera organization transports cocaine from Colombia through Mexico to the United States for the Medellin and Cali organizations and is also involved in the movement, storage, and distribution of marijuana, and Mexican and Southeast Asian heroin. This organization controlled the drug smuggling tunnel between Agua Prieta, Sonora, Mexico and Douglas, Arizona through which tons of cocaine were smuggled.

Guzman-Loera, who has been named in several U.S. indictments, was arrested on June 9, 1993 in Talisman, Mexico for narcotics, homicide, and cocaine trafficking and is presently incarcerated at the Almoloya de Juarez Maximum Security Prison in Toluca, Mexico.

#### **Effect of Mexican Organized Crime on United States**

Unfortunately, the violence that is attendant to the drug trade in Mexico is spilling over the border into U.S. towns, like San Diego, California and Eagle Pass, Texas. Last summer, ranchers along the Texas/Mexico Border reported they were besieged by drug organizations smuggling cocaine and marijuana across their property--fences were torn down, livestock butchered and shots were fired at the ranchers' homes at night. Ranchers reported seeing armed patrols in Mexico with night vision equipment, hand-held radios and assault rifles that protected a steady stream of smugglers back packing marijuana and cocaine into the United States. The problem became so acute that the State of Texas and the Federal government sent support in the form of additional U.S. Border Patrol Agents, DEA Special Agents, Officers from the Texas Department of Public Safety and the Texas National Guard. Life has returned somewhat to normal in that area, as the drug gangs reacted to law enforcement pressure and have moved their operations elsewhere.

DEA information supports widely reported press accounts that the Arellano-Felix organization relies on a San Diego, California gang known as "Logan Heights Calle 30" to carry out executions and conduct security for their distribution operations. Six members of "Calle 30" were arrested by DEA's violent crime task force and the San Diego Police Department for the murder of a man and his son in

San Diego. Since that time 49 members of "Calle 30" have been arrested by the Narcotics Task Force in San Diego on a variety of charges from trafficking to violent crimes.

On December 11, 1996, Fernando Jesus-Gutierrez was shot five times in the face during rush hour in the then exclusive neighborhood, the Silver Strand, in Coronado, California, after his death was ordered by the Arellano-Felix organization. In 1993, a turf battle over the methamphetamine market between rival drug gangs from Mexico resulted in 26 individuals being murdered in one summer in the San Diego area.

#### **U.S. Law Enforcement Strategy vs Organized Crime in Mexico**

The Southwest Border Initiative (SWBI) is Federal law enforcement's joint response to the substantial threat posed by Mexican groups operating along the Southwest Border. The SWBI, now in its third year of operation, is an integrated, coordinated strategy that focuses the resources of DEA, FBI, the United States Attorney's Office, the Criminal Division, the U.S. Border Patrol, the U. S. Customs Service and state and local authorities on the sophisticated Mexican drug trafficking organizations operating on both sides of the U.S./Mexican border.

Through this initiative we have identified the sophisticated Mexican drug trafficking organizations operating along the entire U.S. border. These groups are transporting multi-ton shipments of cocaine for the Colombian groups, as well as heroin, methamphetamine and marijuana. Imitating the Colombian groups, the Mexican organizations are highly compartmentalized, using numerous workers to accomplish very specific tasks, such as driving load cars, renting houses for storage sites, distributing cocaine, and collecting profits. Through the compartmentalization process each worker performs a distinct task and has no knowledge of the other members of the organization.

We are attacking the organizations by targeting the communication systems of their command and control centers. Working in concert, DEA, FBI, U.S. Customs Service and the U.S. Attorneys offices around the country conduct wiretaps that ultimately identify their U.S. based organization from top to bottom. This strategy allows us to track the seamless continuum of cocaine traffic as it flows from

Colombia through Mexico, to its eventual street distribution in the United States. However, even though this strategy is extremely effective in dismantling the U.S. based portions of the organizations, we are frustrated by not being able to use this same information to reach the organization's bosses in Mexico and their current counterparts in Colombia. Criminals, such as Carillo-Fuentes and Arellano-Felix, personally direct their organizations from safe havens in Mexico and until we garner the complete cooperation of law enforcement officials in Mexico, we will never be truly effective in stopping the flow of drugs from their country.

The Southwest Border Strategy is anchored in our belief that the only way of successfully attacking any organized crime syndicate is to build strong cases on the leadership and their command and control functions. The long-term incarceration of key members of these organization's command and control will cause a steady degradation of their ability conduct business in the United States and with the assistance of foreign governments, the long-term incarceration of the leadership will leave the entire organizations in disarray. The Cali syndicate once controlled cocaine traffic in the world from a highly organized corporate structure, with the incarceration of the Cali leaders we see the cocaine trade in Colombia has become far less monolithic and several independent unrelated organizations are controlling the exportation of cocaine to the U.S. and Mexico. This change is a direct result of the incarceration of the Cali leaders and their inability to fully control their organizations from prison.

We spoke to you last year about the successes of Zorro II, conducted under the auspices of the SWBI, during which both a Colombian distribution organization and a Mexican smuggling organization were dismantled and the infrastructure of both organizations were destroyed. Ninety court authorized wire taps resulted in the arrest of 156 people and the seizure of \$17 million dollars and 5,600 kilograms of cocaine. Most importantly, neither the Colombian or Mexican organizations have been able to reconstitute these distribution organizations. Zorro II confirmed our belief that cocaine distribution in the United States is controlled by the foreign syndicates located in Colombia and Mexico.

Since Zorro II, we have continued to focus on the command and control function of other transportation and distribution cells operating along the Southwest Border and throughout the U.S. These investigations are time and resource intensive, but yield significant results. Additional investigations, of similar significance and

importance as Zorro II, have been developed since that time, however due to the sensitive nature of the investigations, I am precluded from discussing them at this time.

#### **Corruption and Intimidation: Tools of the Trade**

Traditionally, organized crime has depended on the corruption of officials, and the intimidation of potential or actual witnesses, as well as violence against anyone who stands in the way of business. The Medellin and Cali traffickers were masters of corruption, intimidation and violence, and used these tools effectively to silence and coerce.

Organized crime figures in Mexico routinely use these tools as well. The recent arrest of the Commissioner of the INCD in Mexico last week is the latest illustration of how deeply rooted corruption is in Mexican anti-narcotics organizations. A good illustration of the extent of corruption in Mexico was revealed when officials, seeking the extradition of two of Arellano-Felix's contract killers, who are currently incarcerated in the United States, submitted papers indicating that the State Attorney General and almost 90% of the law enforcement officers, prosecutors, and judges in Tijuana and the State of Baja California have been compromised and are on the payroll of the Arellano-Felix brothers. In addition, several high ranking police officers regularly provide the names of witnesses who give statements against the Arellano-Felixes and have even provided information that assisted in locating targets for assassination. Just recently, the Federal Police in Baja California Norte were replaced with military troops, a tacit admission of the level of corruption in that area. Yet, as we observed with the arrest of Gutierrez-Rebollo, the military is not immune from corruption either.

Historically, corruption has been a central problem in DEA's relationship with Mexican counterparts. In short, there is not one single law enforcement institution in Mexico with whom DEA has an entirely trusting relationship. Such a relationship is absolutely essential to the conduct of business in that, or any other nation where organized crime syndicates traffic in narcotics.



In the brief time we have allotted to us today, I would like to provide you with some recent examples of the corruption which we encounter all too frequently in Mexico.

- This January, the Mexican Army raided the wedding party of Amado Carillo-Fuentes' sister. When they arrived at the scene, Mexican Federal Judicial Police were guarding the party. The MFJP had alerted Carillo-Fuentes about the planned raid, and he was able to escape.
- The Arellano-Felix organization routinely bribes government officials to obtain information from prosecutors' offices including information on potential witnesses.
- Despite the firing of over 1200 government officials for corruption charges by President Zedillo, no successful prosecutions of these individuals has taken place.
- In March, 1996, DEA Task Force Agents arrested two individuals who identified themselves as police officers from Sonora, Mexico. Eleven hundred pounds of marijuana were found on the scene, and the police admitted they worked at the stash house.
- In July a Mexican Army Division arrested nine Mexican Federal Judicial Police Officers and seized 50 kilograms of cocaine and \$578,000 in U.S. currency. The defendants were acting under the direction of the Commandante for Culiacan, Sinaloa at the time.

While a great deal of the corruption plagues the law enforcement agencies in Mexico, the Mexican military and other institutions are also vulnerable to the corrupting influences of the narcotics trade. The Mexican Government has replaced police with military officials, who are not fully trained in all of the aspects of narcotics investigations. This situation is far from ideal. Political officials are also not immune to narcotics corruption; DEA has documented instances where public officials have allowed drug traffickers to freely operate in areas under their control. Corruption is the most serious, most pervasive obstacle to progress in addressing the drug trade in Mexico.

In addition to the serious corruption problems plaguing anti-narcotics enforcement efforts in Mexico, murders and violence are commonplace methods of silencing witnesses or rivals. Since 1993, twenty-three major drug-related assassinations have taken place in Mexico. Virtually all of these murders remain unsolved. Many of them have occurred in Tijuana or have involved victims from Tijuana. In the

last year, 12 law enforcement officials or former officials have been gunned down in Tijuana and the vast majority of the 200 murders in that city are believed to have been drug-related.

A number of these incidents involving law enforcement officials are a serious indication of the depth and breadth of the power of the traffickers in Mexico.

- The Arellano-Felix organization was responsible for setting off a bomb at the Camino Real Hotel in Guadalajara, where they intended to kill a rival trafficker, hosting a party for his daughter. Two men were killed and fifteen people wounded.
- In September, 1996, Jorge Garcia-Vargas, Sub-Director of the Tijuana office of the Institute for the Combat of Drugs (INCD) and former Commandante Miguel Angel Silva-Caballero were found shot to death in their car in Mexico City. The bodies showed signs of torture, similar to those on the bodies of Hector Gonzalez-Baencas, Garcia-Vargas' assistant in Tijuana, and three body guards who were tortured and killed five days earlier in Mexico City. Garcia-Vargas' death came only one year after he took the job in Tijuana.
- Ernest Ibarra-Santes, the Director of Federal Police Force in Tijuana, and two police officers were executed by machine-gun fire as they drove along a main street in Mexico City. Ibarra-Santes was executed just 29 days after he became Director and two days after he reprimanded his own force stating "The Police had become so corrupt they weren't just friends with the traffickers, they were their servants". A Mexican Army officer has been implicated in this murder.
- Baja State Prosecutor Godin Gutierrez-Rico was assassinated in front of his residence in Tijuana on January 3, 1997. Guterrez, a supervisory state attorney and former head of a special enforcement unit that investigated high profile homicides in Tijuana, had assisted DEA in identifying several assassins for the Arellano-Felix organization. Information strongly links the Arellano-Felix's to this murder which was particularly vicious; Guterrez-Rico was shot over 100 times, after which his body was repeatedly run over by an automobile.

It is hard to imagine that in our own nation, we would stand for such killings and for government inaction in solving the murders. The assassinations in Mexico are akin to three Assistant United States Attorneys, the Special Agent in Charge of the DEA office in San Diego, the Special Agent in Charge of the FBI office in Houston and the Chief of Police in San Diego being murdered callously by drug dealers. Americans would not accept these murders going unsolved, and no arrests being made. For any country's law enforcement agencies to be viable partners in

the international law enforcement arena, they must apprehend and incarcerate those criminals who murder with such impunity.

### **Cooperation with Mexico**

The primary program for cooperative law enforcement efforts with the Government of Mexico is a proposed series of Bilateral Task Forces (BTF's). The U.S. and Mexico signed a memorandum of understanding in 1996, outlining the framework for the United States Government and the government of Mexico to conduct joint investigations against targeted drug organizations. These Bilateral Task Forces (BTF's) were established in Juarez, Tijuana and Monterrey. The task forces in Tijuana and Juarez have been limited in their ability to collect intelligence and seize drugs and they have not met their most important objectives of arresting the leaders of the major syndicates and dismantling their organizations.

During bilateral plenary meetings, Mexican officials promised they would allocate \$2.4 million from seized assets the U.S. had shared with Mexico towards the financing of the BTF's; however, Francisco Molina Ruiz, the former head of the INCD, advised DEA that he had been unable to obtain the financial support necessary to make these Task Forces operational. The BTF's for the most part are staffed with enthusiastic young officers, however, they have neither received the training nor the equipment necessary to build cases on and arrest these sophisticated and wealthy drug traffickers.

The most significant shortcoming of the B.T.F.'s, however, lies in its leadership. On at least two occasions, after having been advised of pending enforcement actions by their subordinates, corrupt command officers in Mexico City compromised the investigations. One involved the attempted seizure of sixteen tons of cocaine belonging to the Arellano-Felix family. To be successful in Mexico, we must be able to share intelligence with the B.T.F.'s with the confidence that it will be promptly acted on and not be compromised by corrupt officials that is not the condition that we are currently faced with in our relationship with the bi-lateral groups.

Unfortunately, I was recently forced to limit DEA participation in these B.T.F.'s, because of a decision by the Government of Mexico that would no longer allow us to guarantee the safety of our Special Agents while they were working in Mexico. The atmosphere in Mexico is volatile and threats against DEA Special Agents, along the border, have increased substantially; therefore I have rescinded travel authority for all DEA Special Agents to Mexico, to participate in counter-drug investigations, until they are provided appropriate protection, that is commensurate with the risks inherent in these dangerous assignments.

### **Prospects for Progress**

Since coming to office, President Zedillo has promised that he would take action against organized criminal groups in Mexico. In that time period he has moved to make significant changes to the law enforcement process by sponsoring the Organized Crime Bill to provide the tools needed to successfully attack the criminal syndicates and formed the Organized Crime Task Force and the Bilateral Task Forces. However, even with the improved process, the infrastructure of the mechanism, itself, is so decimated by corruption that short term results are very doubtful.

The real test is in the mid- and long-term . Unless some meaningful reforms are made in the law enforcement systems responsible for targeting and apprehending major organized crime figures in Mexico, that nation, and unfortunately our own, will continue to fight an uphill battle as drugs will continue to flow into cities and towns across the United States. To date, our inability to successfully attack the major organized crime groups in Mexico, as we have in the United States and Colombia, is a direct result of our inability to arrest the leadership of these groups.

President Zedillo has acted against corrupt officials, and has stated that he is committed to professionalizing Mexican law enforcement. Yet the bottom line remains: until the major organized crime figures operating in Mexico are aggressively targeted, investigated, arrested, sentenced appropriately and jailed, both Mexico and the United States are in grave danger.

What law enforcement steps are necessary for long-lasting progress against organized crime leaders in Mexico? We faced the same questions in our mutual

struggle against the Colombian organized criminal groups during the past decade. What it took was an all-out effort by the Colombian National Police to target and incarcerate the top leaders in Cali. Until the Government of Colombia was put on notice that their lack of commitment to this goal was unacceptable, the CNP did not have the moral backing it needed to move out aggressively. In Mexico's case, it appears that the political will to rid the country of its narco-trafficking reputation is there; however, what is lacking are clean, committed law enforcement agencies willing to take on the most powerful and influential organized crime figures operating on a global scale.

We hope that efforts towards this end will bear fruit. In November, 1996, the Government of Mexico passed an Organized Crime Law which provides Law Enforcement officials with many of the tools needed to successfully attack the sophisticated drug syndicates in their country. Included as part of the Law were: authorization to conduct electronic surveillance; a witness protection program; plea bargaining; conspiracy laws; undercover operations; the use of informants by police.

For these new law enforcement tools to be utilized effectively, the new law mandated the Government of Mexico to form Organized Crime Units to conduct the investigations and further stipulated that the laws could not be enforced until the unit was formed and properly trained. The Organized Crime Units are now in place and consist of 60 officers to investigate crimes specified under the law. The Government of Mexico has agreed to insure the integrity of the Organized Crime Unit through the use of polygraphs and regular background investigations. However, like the Bilateral Task Forces, these units will not be successful and DEA might not be able to share sensitive information with them as long as their supervisors or managers are corrupt.

It is important to remember that law enforcement in the United States did not have wiretap authority and wide ranging organized crime laws such as RICO and Continuing Criminal Enterprise until the late 1960's. The Government of Mexico is effectively 35 years behind us in establishing laws that were critical in our successful dismantling of organized criminal syndicates. If they work properly, the Bilateral task forces and our Southwest Border Initiative can be favorably compared to the Strike Forces established by Bobby Kennedy in the 1960's. This 1990's version of the Strike Force is international in scope and pools the resources,

expertise and laws of several federal and state institutions in the United States with those in Mexico.

It is absolutely essential that the Organized Crime Units and the Bilateral Task Forces have integrity insurance programs as part of their charter. Unless these units are trustworthy, informants who cooperate will not be safe, undercover investigations will be compromised and the intelligence sharing process will not function at all. As we have seen recently, both the military and law enforcement have been grievously compromised by these criminal groups and this brings into question the ability of any program in Mexico to remain corruption free. However, last week we saw in the arrest of General Gutierrez-Rebollo, that some trustworthy units do exist and can work without compromise.

The problems of establishing a corruption-free law enforcement infrastructure are not insurmountable. However, to become credible in the law enforcement arena the Government of Mexico must ensure the integrity of the units that have the responsibility of tracking down and arresting the syndicate leaders, insuring these individuals are either prosecuted in Mexico and receive meaningful sentence commensurate with their crimes or agree to extradite them to the United States where they will receive punishment similar to that of Juan Garcia-Abrego.

Mr. SOUDER. I thank you, and it was helpful to lay out the history before you got into the final points. We will draw out some more in questions, too.

Ms. Warren.

Ms. WARREN. Thank you, Mr. Chairman and members of the subcommittee, for this opportunity to address you at what is both a difficult and critical time for the United States.

The events of last week, the arrest of the INCD commissioner, are sobering reminders of the power and the reach of these major trafficking organizations. In this case, it appears to be the Amado Carrillo-Fuentes organization. The last 6 months and the Administrator's testimony just echo the fact that we are overwhelmed in Mexico, and drugs flowing into the United States, with the violence of these groups and, as well, the corruption that they spawn.

Yet, at the Department of Justice, we also understand that we do not have the option of not working with our neighbor, Mexico. It will not serve the interests of either of our countries. Instead, we must proceed in a cautious way, with measured steps, and with an aim to achieve tangible results, borne of the cooperation against a shared threat.

I would like to touch on some of the initiatives that we are working on, advise you of some of the obstacles we have faced and how we are addressing them, and something of our United States-Mexico justice relationship.

The Administrator spoke of the Southwest Border Initiative involving the major Federal law enforcement agencies, drug law enforcement agencies, as well as the prosecutors. It is an extraordinary step for law enforcement to be working in such a cooperative and coordinated way, and, frankly, it is the only way we will be able to achieve results against such powerful groups.

We have had the success of the Operation Zorro II investigation that he spoke of. In addition to that, we were able to do the final cleanup in the Juan Garcia-Abrego investigation that has now led to his sentencing of 11 life terms.

In addition, another case that you might be interested in is one that we refer to as the Tunnel Case, in the southern district of California, where members of the Guzman-Loera organization not only traveled over land with their drugs into the United States, but tunneled underneath the border from Mexico, coming up in Otay Mesa, using a 1,400-foot tunnel under the ground to transport their drugs into the United States and then to return the drug proceeds to Mexico. The leading defendant found in the United States has now been convicted and faces a mandatory life term for that offense.

The key to the successes in these operations has been the coordination and the cooperation. It has also involved a lot of training in sophisticated investigative methods. These investigations rely on a great deal of court-authorized wire taps that take more training for our investigators and prosecutors. The Southwest Border Initiative has undertaken that training.

In operational terms, perhaps one of the best ways we have to make inroads against the Mexican-based criminal drug organizations has been through the United States-Mexico border task forces. The mission of the task forces, composed in the past of

INCD officers, DEA agents, FBI agents, and Customs agents, has been to target and dismantle those major organizations in the various geographic locations just South of our border.

They work through sharing law enforcement intelligence, in the hopes of developing compelling prosecutions of these major traffickers. It has also been sort of the laboratory or on-the-job training in what investigative techniques there are and how cases can be developed; training that in the past has clearly not been available to the Mexican officers.

A fair assessment of the performance of the task forces to date would be mixed, at best. There have been some successes. These task forces should serve as a model of what law enforcement can and should be in the counternarcotics effort.

However, there have been obstacles posed by Mexico's failing to adequately fund the task forces—DEA has covered most of the expenses of the task forces—Mexico's failing to provide appropriate status and security guarantees for the United States participants, as well as the lack of training and continuity of the Mexican staffing. These latest revelations of corruption only further hinder and set back the progress of this effort to date.

There are many ways that we work in a United States-Mexico relationship. Let me just review swiftly the hierarchy of that cooperative effort. At the Cabinet level, there is the binational commission. The Attorney General chairs a subcommittee of that group on legal issues and counternarcotics issues. A high level contact group you know of and has been spoken of. A third is a senior law enforcement plenary group led by the deputy attorney general from Mexico and myself, along with representatives from the law enforcement agencies on both sides.

Much of the substantive work of all these groups is done by working groups under them. The larger groups offer an opportunity for an exchange of ideas and criticism, at times. I would like to review with you just some of the efforts of the working groups.

For example, in the fugitive and mutual legal assistance area—this is, of course, a major concern to the Justice Department, and this is an area that has required our constant work and attention and prodding over the past few years—there is a good report.

In 1996, Mexico extradited 13 persons, including 6 for narcotics offenses, as compared to a total of 5 extradited in all of 1995. Also remarkable, for the first time, a Mexican national was extradited to the United States, and a dual national was extradited, as well. We are currently seeking extradition of numerous individuals from Mexico on a wide range of different crimes, including the major narcotics trafficking offenses.

We have had a major frustration eased a bit, in recent times, in our mutual legal assistance. We have sought such things as bank records and telephone records in support of our prosecutions, our investigations in the United States. We are beginning to get faster responses with those important documents.

In the past year, in counternarcotics, Mexico did pass important laws in their organized crime laws; frankly, in some areas that we urged upon them, in terms of evidence-gathering. It was clear to us that there was no way that they could build cases against the major traffickers without the availability of court-authorized elec-



tronic surveillance. We advised them of that repeatedly, offered the U.S. law as a model in the balance of right to privacy and the need for law enforcement to be able to do its investigations.

They have now enacted many new evidence-gathering authorities that should assist in developing cases. They have yet to implement those. We have to help in training, but they need a plan on how they will implement wire taps, plea bargains, immunities for witnesses. In money laundering, they passed a law making money laundering criminal, but have yet to publish or implement the necessary regulations, in our mind.

In the area of corruption, it has the potential to undermine the well-meaning efforts of both governments. We can only be dismayed by the latest revelations from Mexico. At the same time, we would do well to remember that corruption exists on both sides of the border, albeit in a more pervasive form to the South.

In the last 4 years, on our side of the border, U.S. law enforcement agents have been convicted of corruption-related crime along the border. They have received periods of incarceration upon those convictions, and we are committed to a course of vigorous anticorruption efforts on our side. The safety and protection of our citizens and law enforcement officers, and the public confidence, depend on this.

The solution to endemic corruption in Mexico is not to cordon ourselves off from them. They are an indispensable partner. President Zedillo has identified the principal threat to Mexico's national security as these international traffickers.

The best approach that we see, in simple words, is to work with the people we can trust, based on the information we have, seeking as much information and expanding that information as much as possible; design safeguards in our operations in case they should later be compromised by the corrupting influences of the traffickers.

An example of the safeguards would be the full vetting of the task force agents, vetting to include security questionnaires, checks of all of our law enforcement indices, urine testing for drugs, and polygraph examinations. This vetting process, combined with training, minimum time requirement, and perhaps added salary or bonuses to reflect that added training, might increase our confidence that the task forces could be substantially free of corruption and have the personnel capable of carrying out the task.

Ultimately, of course, we support the efforts of President Zedillo, as manifested by his many public statements to root out corruption in Mexican society. This is corruption that has grown there over a period of generations, and we see it as a very long-term process. Until that process is well along the way, the best approach we see of working with Mexico is to work forthrightly on agreed-upon action items, with adequate safeguards for our personnel and our information.

It will take a long time for Mexico to build fully professional, competent, corruption-free law enforcement and judicial institutions. We are committed to doing everything we can to support their efforts to achieve those goals. In the meantime, we must and will press the Mexican Government to extradite significant criminals, including the drug kingpins, who are wanted in the United

States, to bring to this country where our law enforcement and our judicial infrastructure is today better able fully and fairly to prosecute, convict, and incarcerate them.

Thank you.

[The prepared statement of Ms. Warren follows:]

MARY LEE WARREN  
DEPUTY ASSISTANT ATTORNEY GENERAL  
CRIMINAL DIVISION

Thank you, Mr. Chairman and members of the Subcommittee, for the opportunity to address you at this critical and difficult time. The events of last week -- the arrest and firing of Mexico's chief drug enforcement official amidst allegations of accepting bribes to assist and protect the notorious Amado Carrillo Fuentes trafficking organization -- remind us of the sobering realities of the power and reach of the major drug trafficking organizations. Anyone who has scanned the papers in the last six months realizes the extraordinary levels of violence and corruption wielded by these groups not only in Mexico but in the U.S. towns along the border. Yet, we at the Department of Justice also understand that the option of not working with our neighbor, Mexico, does not serve the interests of either of our countries. We must proceed in cautious, measured steps, with an aim at achieving tangible results born of cooperation against a shared threat.

Drug trafficking and its offspring of corruption and violence are among the greatest threats facing each of our countries. I would like to take the opportunity you have given me today to describe our initiatives in working with Mexico, the obstacles to progress and how we are addressing them, and the road ahead. In particular, I will discuss the Southwest Border Initiative, the Bilateral Task Forces, U.S./Mexico coordination mechanisms, and something of our response to the corrosive influence of corruption.

I. Southwest Border Initiative (SWBI)

The Southwest Border Initiative (SWBI) was launched in October 1994, to develop a regional strategy to investigate, prosecute and dismantle the most significant narcotics traffickers operating from Mexico -- the Mexican Federation. These traffickers -- including Amado Carrillo Fuentes -- are responsible for the importation of vast amounts of cocaine, methamphetamine and other drugs into the U.S.. They protect their illegal activities through related incidents of public corruption and violence not only in Mexico but in the U.S.

The implementation of the SWBI is overseen by the Southwest Border Council. The Council is made up of the United States Attorneys in the Central and Southern Districts of California, the Western and Southern Districts of Texas, and the Districts of Arizona and New Mexico. These United States Attorneys are joined on the Council by representatives from the Justice Department's Criminal Division, headquarters components of the DEA, FBI, and U.S. Customs, as well as the INS/Border Patrol. The Council serves to assure we are implementing a unified regional investigative strategy to disrupt, dismantle and destroy the major Mexican drug trafficking organizations.

In a process that is ongoing as the Initiative achieves successes against the traffickers, investigators and prosecutors identify and target the major Mexican criminal organizations for

investigation, share resources and information, and coordinate the methods and scope of our investigative efforts. Day-to-day coordination of the investigations, operations, and prosecutions is assisted by the Special Operations Division, a joint DEA, FBI, and USCS investigative unit, working in close coordination with the Criminal Division's Narcotic and Dangerous Drug Section -- in consultation with the Division's Public Integrity Section.

The SWBI can point to several accomplishments to date:

- ♦ On January 14, 1996, Juan Garcia-Abrego, the leader of the Gulf Coast Cartel and an FBI "Top Ten" fugitive, was arrested in Mexico and expelled to the United States the next day to face criminal prosecution in the Southern District of Texas at Houston. Abrego was charged under the drug kingpin (continuing criminal enterprise) statute, with conspiracy to distribute narcotics, money laundering, and related offenses. He was convicted and a forfeiture verdict of \$350 million entered. In January, Abrego was sentenced to 11 life terms and fined more than \$128 million.
- ♦ In February and May 1996, "Operation Zorro II," a SWBI investigation involving 14 judicial districts, concluded with the arrest of approximately 150 persons and the seizure of approximately 5,600 kilograms of

cocaine and more than \$17 million in currency and assets. Zorro II simultaneously dismantled the group from Colombia that owned the cocaine and the organization from Mexico that smuggled the drugs into the United States and distributed them to wholesale and retail buyers in major cities nationwide. This eight-month investigation combined ten federal agencies, over 100 state and local agencies, and ten U.S. Attorneys' offices, who were assisted by shared information from more than 90 court-authorized wiretaps. At least 21 of the Zorro II defendants have pleaded guilty, and prosecution of the remaining defendants continues.

- ♦ On October 10, 1996, the final defendant on trial in the "Tunnel case," Enrique Avalos-Barriga, was convicted under the drug kingpin statute, which carries a mandatory life sentence. Avalos-Barriga was the primary lieutenant for the Mexican trafficking organization headed by Joaquin Guzman-Loera, which specialized in transporting cocaine into the U.S. by various means -- including a 1,450 foot secret tunnel under the border from Mexico to Otay Mesa, California and other evil, but ingenious, methods -- and transporting currency from the U.S. to Mexico.

The key to success in these and other SWBI cases has been the increased interagency cooperation among the prosecutors offices, the DEA, FBI, USCS, and other federal, state, and local law enforcement agencies. This cooperation has become particularly evident in the sharing and analysis of evidence, investigative law enforcement intelligence and information, and the pooling of investigative expertise among the respective agencies.

The SWBI also has been instrumental in training federal, state, and local law enforcement officers and prosecutors in innovative tactics found to be particularly effective in investigating and prosecuting the various Mexican drug cartels. The training program, developed and staffed by the Special Operations Division and the Criminal Division's Narcotic and Dangerous Drug Section, has trained over 1,100 officers and prosecutors, and expects to train another 1,500 in 10 seminars by the end of FY-97. In addition the course material, including forms and reference materials on innovative investigative methods, has been shared with each United States Attorney's Office.

## II. US/Mexican Bilateral Task Forces (BTFs)

In operational terms, perhaps one of the best ways we have to make inroads against the Mexican-based criminal drug

organizations that distribute poison on our streets is through the US/Mexican Bilateral Task Forces. The concept of these coordinated bilateral border task forces was developed in a series of meetings in 1994 and 1995 between former Mexican Attorney General Lozano, Attorney General Reno, and their respective drug law enforcement components. The mission of the BTFs is to target and dismantle the most significant drug trafficking organizations operating within their respective assigned geographic areas, through the collection of law enforcement intelligence and development of focused investigations.

A fair assessment of the performance of the Bilateral Task Forces to date would be "mixed," at best. There are real success stories. The Monterrey task force was responsible for the arrest and capture of 14 upper echelon traffickers in the Gulf Cartel. The Tijuana BTF provided information helpful to the arrest of major traffickers Pedro and Gerardo Lupercio-Serratos.

With focused missions to investigate and dismantle specified target criminal organizations, the presence of U.S. enforcement agents working in collaboration with their Mexican counterparts, and the dedication of better equipment and training, these Task Forces should serve as a model for an effective counternarcotics effort in Mexico. However, obstacles posed by Mexico's failing adequately to fund the task forces and the failing to provide



appropriate immunities and weapons permission for the U.S. participants, as well as a lack of training and continuity of the Mexican staffing have stalled progress of the Bilateral Task Force effort to date.

### III. Hierarchy of U.S./Mexico Coordination Mechanisms

A multi-tiered structure for cooperation on law enforcement matters exists between the U.S. and Mexico. First, at the cabinet level, in May 1996, the XIII U.S.-Mexico Binational Commission met in Mexico City; the two nations' Attorneys General, along with ONDCP Director McCaffrey, co-chaired a working group on Legal Affairs and Anti-Narcotics Cooperation. Second, the High-Level Contact Group on Drug Control, created in 1996, and led by ONDCP Director McCaffrey and the Mexican Foreign Secretary and Attorney General, provides a policy framework for joint counter-narcotics efforts. Third, the Senior Law Enforcement Plenary Group, which I co-chair with the Mexican Deputy Attorney General, focuses in detail on the resolution of a range of law enforcement issues -- primarily drug-related -- between the two countries. Much of the substantive work and progress overseen by these groups is done by subject-specific working groups, which cover topics such as counternarcotics, chemical control, money laundering, demand reduction, and more.

These several levels of US/Mexican coordinating groups, which meet several times a year, have each served as a forum for discussion and, at times, criticism by each side. These groups allow the two countries to plan joint strategies, continue the dialogue, educate their counterparts, and, where necessary, remind each other of commitments made and deadlines agreed upon. Speaking from the U.S. side, our internal actions with respect to Mexico have moved forward more swiftly than they might otherwise have progressed because of the timetables imposed by the High-Level Contact Group, the Plenary Group, and subordinate working groups.

The Plenary Group -- on which I am best able to comment -- covers many crucial bilateral drug and law enforcement issues. For example:

- o Fugitives and Mutual Legal Assistance. This is an area where, with the constant work and urging of the Criminal Division's Office of International Affairs, we have made considerable progress. In 1996, Mexico extradited 13 persons, including six for narcotics offenses, as opposed to only five total in 1995. Of special note is that one of these fugitives was a Mexican national and another was a dual U.S.-Mexico national. The US/Mexican extradition relationship has improved enormously. We are currently seeking extradition of numerous individuals from Mexico on a

wide range of different crimes including major narcotics trafficking charges, murders of law enforcement officers and others, sexual abuse of children, and other violent criminal activity. Among the individuals we will press for the return of are, for example, the remaining defendants in the "Tunnel case" I mentioned moments ago.

A related area of past frustration, but one of some recent progress, is in the execution of requests for mutual legal assistance. There have been recent examples of swift handling of urgent matters; however, we are still experiencing difficulties in obtaining Mexican bank and business records necessary to our investigations and prosecutions.

- o Counternarcotics Cooperation. Counternarcotics cooperation takes several forms. First, we have stepped-up cooperation with Mexico on interdiction and are sharing real-time information on suspect shipments of chemicals needed to manufacture and process drugs. Second, the Plenary Group oversees the structure of and support for the Bilateral Task Forces, discussed earlier.

It should be noted that in the last year Mexico passed an organized crime law -- which we had urged them to do -- which gives Mexican prosecutors and investigators the

authority they will need to combat sophisticated criminal organizations. This includes the ability to perform court-ordered electronic surveillance (wiretaps), engage in undercover operations, grant witnesses immunity, enter into plea bargains, and other evidence gathering authorities. We have committed to work with the Mexicans to assist them in the training of both investigators and prosecutors in their ongoing efforts to implement these new tools.

- Chemical Control. The bilateral chemical control working group has been among the most active in the past year. The group developed a Practical Strategy and Action Plan and is working to implement its elements. Most recently, the DEA has presented two training sessions in Mexico: one covering chemical identification and investigation of chemical diversion; and another addressing how chemicals are used in clandestine methamphetamine labs and how to investigate, search, and secure those labs.
- Money Laundering. There is also a bilateral working group on money laundering issues, led on the U.S. side by the Treasury Department. Mexico has provided good cooperation, including testimony, in a number of money laundering investigations conducted by our government. Mexico reformed its penal code in May 1996, adding a new section making money laundering a crime. Disappointingly, the necessary,

promised implementing regulations have not yet been published and put into effect.

- Other Matters. The Plenary Group's mandate is broad and reaches beyond the issue of narcotics trafficking from an enforcement perspective. For example, under the Plenary Group's rubric are: arms trafficking, white collar crime and fraud; stolen cars; and prisoner transfers.

#### IV. Corruption

Insidious corruption has the potential to undermine the well-meaning efforts of both governments. We are dismayed by recent revelations of corruption at very high levels in Mexico. INCD chief Jesus Gutierrez Rebollo, the top drug enforcement official in Mexico, was arrested and fired after 10 weeks in his position amidst charges that he has received bribes for years to protect the organization led by Amado Carrillo Fuentes, the notorious leader of the Juarez Cartel.

At the same time, we would do well to remember that corruption exists on both sides of the border, albeit in a more pervasive form to the south. In the last four years a number of U.S. law enforcement agents have been convicted of corruption-related crime along the Southwest border. Five of these agents were convicted in Arizona, Southern California and South Texas in

cases stemming from drug trafficking for which they received substantial periods of incarceration. These officials either consciously allowed or actively assisted traffickers to smuggle illegal drugs across our southern border. We are committed to a course of vigorous anti-corruption efforts in the U.S.

The solution to endemic corruption in Mexico is not to cordon ourselves off from Mexico. Mexico is an indispensable partner in combatting drug trafficking, which President Zedillo has identified as the principal threat to Mexico's national security. The best approach is, in simple words: to work with people we feel we can trust, based on the best information we have at the time; and to design safeguards in our operations should they later be compromised by the corrupting influences of the traffickers.

A good example of operational safeguards is the U.S. model for the Bilateral Task Forces. We urge that members of the task forces be subject to "vetting." By our definition, this process includes, for example: (1) security questionnaires and background interviews; (2) medical and psychological screening (records review and aptitude/profile testing); (3) initial and random urinalysis; and (4) polygraph examination. This vetting process, combined with enhanced training, a minimum time commitment (we have suggested three years), and perhaps higher pay to reflect the additional training, would go a long way to

increase our confidence that the BTFs are substantially free of corruption and have the personnel to carry out their difficult task of tackling highly sophisticated and violent drug trafficking cartels.

Ultimately, of course, we support the efforts of President Zedillo, as manifest by his many public statements, to root out corruption from Mexican society. However, he and other observers concede that this will be a long-term process. The extent of corruption in Mexico is not fully known. Until that process is well along the way to uprooting the influence of the traffickers, the best approach is to work with Mexico forthrightly, on agreed upon action items, and with adequate safeguards.

We acknowledge that it will take time for Mexico to build fully professional, competent, corruption-free law enforcement and judicial institutions. We are committed to doing everything we can to support their work to achieve those goals. In the meantime, we will press the Mexican government to extradite significant criminals who are wanted in the U.S. to this country where our law enforcement and judicial infrastructure is today better able to prosecute, convict, and incarcerate them.

Thank you for the opportunity to address you and to present the Department's initiatives and their progress. I would be pleased to answer any questions from the panel at this time.

Mr. SOUDER. Thank you very much for your testimony, Ms. Warren.

Mr. Kruhm.

Mr. KRUHM. Mr. Chairman and members of the committee, I am very pleased to be here to address you concerning the U.S. Border Patrol's role in this Nation's anti-narcotic and dangerous drug initiatives.

The Border Patrol is the mobile uniformed enforcement division of the Immigration and Naturalization Service and is the primary Federal agency for drug interdiction between ports of entry. The U.S. Customs Service is responsible for interdiction at the ports, with support from INS inspectors. The Drug Enforcement Administration has the primary responsibility for drug investigations, as you have seen the briefing from the Administrator this afternoon.

The Border Patrol maintains a direct presence along the nearly 2,000-mile Southwest Border where the Patrol is staffed by 5,400 agents. Congress and the administration have made control of illegal immigration a top priority and have worked to provide INS with the resources necessary to support an enforcement strategy that is making a difference.

This strategy restores the rule of law to the Southwest Border. Our goals are clear: deter illegal immigration, drug trafficking, and alien smuggling between the ports of entry, and facilitate legal immigration through the ports of entry. We appreciate the resources and policy support which Congress has provided in the last 3 years.

The INS border control plan has several key objectives: to provide the Border Patrol and other INS enforcement divisions with the personnel, equipment, and technology to deter, detect, and apprehend unauthorized aliens, illicit drugs, and other contraband; to regain control of major entry corridors along the border that have been controlled by illegal migrants and smugglers; and to close off the routes most frequently used by smugglers and illegal aliens, and to shift traffic to areas that are more remote and difficult to cross, giving us the tactical advantage.

Intelligence reports and actual experience indicate that drug smuggling and alien smuggling are often linked. Illegal migrants seeking assistance from alien smugglers often become mules carrying narcotics as part of the price of passage to interior points in the United States. The Border Patrol employs a multifaceted strategy to deter and/or apprehend narcotics and alien smugglers along the border.

At the immediate border, we deploy agents and utilize fences, high-powered lights, sensor systems, and other technologies such as cameras, and in some locations we even use horse patrols. We also employ a system of traffic checkpoints situated along major roads leading away from the border. These checkpoints are highly effective in the interdiction of both aliens and drugs.

The Border Patrol has grown from around 3,900 agents in 1993 to an expected level of 6,878 agents by the end of fiscal year 1997. The administration's goal is to have almost 7,400 agents by the end of 1998.

Beginning in 1994, we concentrated new Border Patrol agents in those sectors which have historically apprehended the largest number of illegal aliens, plus sectors which have experienced the great-



est increase in illegal migrant flows. We also initiated strategies designed specifically for those geographical areas.

Operation Hold The Line, begun in El Paso, TX, was designed to maximize the visibility of Border Patrol agents along a 20-mile stretch of the border formed by the Rio Grande River. The goal was to preclude unauthorized entries into the city of El Paso.

Operation Gatekeeper applied a similar deterrent strategy, beginning in October 1994, south of San Diego. Given the different terrain and makeup of border crossers, this operation combines immediate border visibility with an expanded support infrastructure, including technology, prosecution, and detention. In February 1995, we began tactical operations in Arizona with Operation Safeguard, in Nogales and later Douglas.

In the fall of 1996, the McAllen Sector increased its anti-smuggling efforts by targeting staging areas, drop houses, and citizen complaints. At the same time, McAllen is increasing enforcement activities at the immediate border by conducting joint operations with the U.S. Customs Service, Department of Defense, the U.S. Coast Guard, and State and local law enforcement agencies.

We have seen dramatic success in each of these areas. Daily migration from Juarez to El Paso was cut by 75 percent in the first months of Operation Hold The Line. Since Operation Gatekeeper began, illegal entries into San Diego's Imperial Beach area and areas to the east of that have dropped by 60 percent.

Consistent with the beginning of a new tactical strategy, apprehensions in the McAllen Sector are now up 34 percent from January 1996 to January 1997. Local law enforcement officials attribute a decrease in crime in those communities, at least in part, to Border Patrol initiatives.

We have continued to expand the use of technology in support of our agents in all of our Southwest Border sectors. We are installing IDENT terminals to fingerprint, photograph, and collect data on the aliens we arrest. A large portion of Border Patrol's drug seizures and a tremendous amount of real-time intelligence are a direct result of electronic sensors placed along remote or inaccessible smuggling routes. The Border Patrol canine program and our horse patrol have also resulted in a significant number of arrests and drug seizures.

Although investigation of narcotics cases is not a function, per se, of the Immigration Service or the Border Patrol, interdiction of narcotics is a primary part of our mission. The volume of Border Patrol drug seizures has climbed steadily from 150 tons of marijuana in fiscal year 1991 to 330 tons in fiscal year 1996. Since 1991, we have seized 84 tons of cocaine.

These interdictions have provided critical leads to the investigative agencies, contributing to the destruction of drug trafficking organizations and independent smugglers. The combined value of our drug seizures is nearly \$2 billion. There is no dollar value that can be attached to the problems associated with these drugs if they had been allowed on our streets and in our schools.

To give a further indication of the magnitude of our workload, we made 1.5 million arrests of illegal aliens along the Southwest Border during fiscal year 1996. In performing all of these tasks, the Border Patrol has formed effective partnerships with DEA, the

FBI, Customs, the Department of Defense, the Department of State, and the Government of Mexico.

INS has received significant support from the U.S. military and National Guard units, and they are currently serving as listening posts, observation post monitors, intelligence analysts, electronic technicians, helicopter pilots, vehicle and aircraft mechanics, bus drivers, sensor board monitors, low light level television operators, and firing range officers.

Over the past several years, military and National Guard personnel have built over 41 miles of border fencing and barriers in California and Arizona. This year they will complete another 14.5 miles.

The Border Patrol works with Mexican law enforcement along the border to stem border robbers preying on migrants, drug smuggling, and other criminal activity. We have created procedures and structures for a more rapid and coordinated response to specific criminal activity.

In summary, let me say that the mission of the INS and its Border Patrol are committed and equipped to work in cooperation with other agencies to secure the external borders of the United States. Our approach emphasizes prevention through deterrence, flexibility to address vulnerable areas via comprehensive strategy, technology as a force multiplier, and redeployment of personnel and resources to key border areas.

The U.S. Government has also made clear progress in regaining control along the Southwest Border. In short, we are successfully raising the cost and difficulty of entering the United States illegally. These efforts have also disrupted former routes for bringing in illicit drugs. They have forced smugglers and port runners to use ports of entry and untraditional routes to further their illegal activities.

Regaining control of our borders is a commitment. We appreciate the attention of this committee to the problems we face and again thank the Congress for its support of our endeavor.

I would like to add a personal note for the record. Just 6 days ago, Border Patrol Agent Tony Betts was our latest officer to be shot in the line of duty. Fortunately, he is doing very well, and he's a very lucky young man. He was shot during an encounter with a horseback pack bringing in marijuana, and about 413 pounds were seized during that incident.

Thank you.

[The prepared statement of Mr. Kruhm follows:]

**DOUGLAS KRUHM  
ASSISTANT COMMISSIONER FOR BORDER PATROL  
IMMIGRATION AND NATURALIZATION SERVICE  
U.S. DEPARTMENT OF JUSTICE**

Mr. Chairman and members of the Committee, I am very pleased to be here to address you concerning the United States Border Patrol's role in the Administration's anti-narcotics initiative.

The United States Border Patrol, the mobile, uniformed law enforcement division of the Immigration and Naturalization Service (INS), is the primary federal agency for drug interdiction **between** ports of entry with support from U.S. Customs Service officers. Customs officers are responsible for interdiction at the ports themselves with support from INS inspectors.

The Border Patrol maintains a direct presence on the border along 8,000 miles of land and water boundary. Nearly 2,000 miles lie along the Southwest border where the Patrol is staffed by more than 5,400 agents.

Congress and the Clinton Administration have made control of illegal immigration a top priority and have worked to provide INS with the resources necessary to support an enforcement strategy that is making a difference now, and that will continue to make a difference in the future. The strategy restores the rule of law to the Southwest border. Our goals are clear: deter illegal immigration, drug trafficking, and alien smuggling between the ports of entry, and facilitate legal immigration through the ports of entry. We appreciate the resources and policy support which Congress and the Administration have provided in the last three years toward achieving this goal.

The INS border control plan has several key objectives:

- to provide the Border Patrol and other INS enforcement divisions with the personnel, equipment, and technology to deter, detect and apprehend unauthorized aliens, illicit drugs, and other contraband.
- to regain control of major entry corridors along the border that have been controlled by illegal migrants and smugglers; and
- to close off the routes most frequently used by smugglers and illegal aliens and to shift traffic to areas that are more remote and difficult to cross, giving us the tactical advantage.

Intelligence reports and actual experience indicate that drug smuggling and alien smuggling are often linked. Many smuggling rings are involved in both alien and drug smuggling. Illegal migrants seeking assistance from alien smugglers--sometimes called coyotes--often become mules carrying narcotics as part of the price of passage to interior points in the United States.

The Border Patrol employs a multi-faceted strategy in executing its enforcement activities to deter and/or apprehend narcotics and alien smugglers along the border. At the immediate border we deploy agents and utilize fences, high powered lights, sensor

systems, low-light TV cameras, night vision scopes, canine teams, and, in some locations, horse patrols.

We also employ a system of traffic checkpoints situated along major roads and highways leading away from the border. These checkpoints are highly effective in the interdiction of both aliens and drugs. Specially trained Border Patrol Agents have been delegated limited authority under Title 21 by the DEA. Border Patrol Agents have also been given limited Title 19 authority by the U.S. Customs Service. These grants of authority allow the agents to enforce federal criminal laws related to the illicit trafficking and importation of contraband, including illegal drugs.

In the past 3 years, the Border Patrol has undergone unprecedented growth nationwide. We increased the number of agents from 3,965 in 1993 to 6,878 by the end of Fiscal Year 1996, and our goal is to have almost 7,400 agents by the end of 1998. This will represent an 85 percent increase in Border Patrol Agents since the end of Fiscal Year 1993. Beginning in 1994, we concentrated new Border Patrol Agents in those sectors which have historically apprehended the largest numbers of illegal aliens plus sectors which have experienced the greatest increase in illegal migrant flows. (See attached chart of Border Patrol Staffing and Apprehensions by Sector.) We also initiated strategies in the El Paso, San Diego, Tucson, and McAllen (Texas) sectors that are designed specifically for those geographical areas.

Operation Hold the Line, begun in September 1993 in El Paso, was the first example of our deterrent strategy. It was designed to maximize the visibility of Border Patrol Agents along a 20 mile stretch of the border formed by the Rio Grande River. The goal

was to preclude unauthorized entries into the city and environs of El Paso. Once in the city, it was much easier for the aliens to obtain unauthorized employment or move further into the interior of Texas, New Mexico and the rest of the United States.

Operation Gatekeeper applied a similar deterrent strategy beginning in October 1994 in San Diego. Given the different terrain and makeup of the border-crossers, this operation combines immediate border visibility with an expanded support infrastructure including stadium-style lighting, portable lighting, fencing, night vision scopes, and sensors. It also involves applying pressure on smugglers at their drophouses, and at checkpoints on the major roads leading north to Los Angeles and the interior of California.

In February 1995, we began tactical operations in Arizona with Operation Safeguard in Nogales and, later, Douglas. Safeguard combines the presence and visibility of the agent patrols in the most populated areas with additional strategically located traffic checkpoints on roads leading away from the border.

In the fall of 1996, McAllen Sector increased its anti-smuggling efforts by targeting staging areas, drop houses, and citizen complaints. At the same time, McAllen is increasing enforcement activities at the immediate border by conducting joint operations with the U.S. Customs Service, Department of Defense, and State and local law enforcement agencies.

We've seen dramatic success in each of these areas. The daily migration from Juarez to El Paso was cut by approximately 75 percent in the first months of Operation Hold the Line. Even with

the effect of peso devaluation, apprehensions in El Paso have remained low. Since Operation Gatekeeper began, illegal entries into San Diego's Imperial Beach area, historically the most heavily trafficked illegal corridor, have dropped approximately 60 percent (186,894 in Fiscal Year 1994 to 74,979 in Fiscal Year 1996).

Operation Safeguard in Nogales has had similar results. Consistent with the beginning of a new tactical strategy, apprehensions in the McAllen Sector are up 34 percent from January 1996 to January 1997. Local law enforcement officials attribute a decrease in crime in those communities--at least in part --to Border Patrol initiatives.

We have continued to expand the use of technology in support of our agents in all of our southwest border sectors. We have installed 146 IDENT terminals in 78 locations. IDENT enables agents to fingerprint, photograph, and collect biographical data on the aliens we arrest. The system also provides agents with a real time look-out system for known criminals. The cumulative database tracks repeat offenders and will help us follow alien migration patterns, so we can anticipate necessary tactical and strategic changes.

We have found night vision equipment to be an extremely effective tool. Since 1993, the Border Patrol has procured 164 long-range, infra-red night vision scopes. During Fiscal Year 1996, the Border Patrol has deployed a total of 96 new night vision scopes. This does not include excess equipment obtained from military sources. Today, all sectors have long-range infrared night vision equipment.

A large proportion of Border Patrol drug seizures and a tremendous amount of real-time intelligence are a direct result of electronic sensors placed along remote or inaccessible smuggling routes. Since 1993, 4,321 sensors have been procured. That brings our current total quantity of sensors to 9,206.

The Border Patrol Canine Program is another example of our commitment to controlling the flow of narcotics and aliens across our borders. We have 139 dogs trained to locate people and drugs. Ten more dogs and dog handlers are in training. The dog teams operate throughout the Border Patrol with concentrations in those Sectors that operate traffic checkpoints. During Fiscal Year 1996, Border Patrol dog teams located 25,534 people, and made 3,036 drug seizures valued at \$425.8 million. As part of our interagency initiatives, our dogs have responded to 1,736 requests for canine assistance from other law enforcement agencies.

Although investigation of narcotics cases is not a function per se of the INS or the Border Patrol, we are well situated for border interdiction of narcotics and it is a primary part of our mission. The volume of Border Patrol drug seizures has climbed steadily: from 150 tons of marijuana in Fiscal Year 1991, to 330 tons of marijuana in 1996. Since 1991, we have seized 84 tons of cocaine. These interdictions have provided critical leads to the investigative agencies, contributing to the disruption of drug trafficking organizations and independent smugglers. The combined value of our drug seizures is nearly two billion dollars. There is no dollar value that can be attached to the problems associated with these drugs, if they had been allowed on our streets and in our schools.



These seizures were made as part of our primary mission of controlling the border through deterrence and interdiction. To give a further indication of the magnitude of our workload, we made 1,507,020 arrests of illegal immigrants along the Southwest border during 1996.

In performing all these tasks, the Border Patrol has formed effective, lasting partnerships with the DEA, the Federal Bureau of Investigations, Customs, the Department of Defense, the Department of State and a number of foreign governments, including the government of Mexico.

INS has received significant support from the United States military and National Guard units based on Presidential directives and Congressional legislative provisions that the Department of Defense should provide counter-drug intelligence, training, and direct tactical support to the combined efforts to curb drug trafficking. Military and National Guard personnel are currently serving as listening post/observation post monitors, intelligence analysts, electronic technicians, helicopter pilots, vehicle and aircraft mechanics, bus drivers, sensor board monitors, low-light television operators, and firing range officers.

Over the past several years, military and National Guard personnel have built over 41 miles of border fencing and barriers in California and Arizona. This year, various military and National Guard units will complete another 14.2 miles in California and Arizona. Military construction units have also built roads to access the border in areas where they have built border fences and barriers. These roads significantly enhance our

effectiveness by giving us access to areas that we could not easily patrol before they were built.

The Border Patrol works with Mexican law enforcement along the border to stem border robbers preying on migrants, drug smuggling, and other criminal activity. We have created procedures and structures for a more rapid and coordinated response to specific criminal activity.

The Mexican Government has designated formal organizations called Grupo Beta in the San Diego-Tijuana area and the Nogales, Arizona-Nogales, Mexico area that focus on combating crime and drug smuggling at the border. In addition to Grupo Beta, the other sectors also have cross-border quick response activities that are closely coordinated with Mexican law enforcement agencies.

Another positive stride we have made with Mexico concerns lane runners, large groups of aliens that ran through vehicle inspection lanes at the San Ysidro port of entry into oncoming traffic on Interstate Route 5. Some of these lane runners were smuggling packets of heroin attached to their bodies. Border Patrol and Grupo Beta, working cooperatively, share success in eliminating this type of drug smuggling and border running.

In summary, let me say that the mission of the INS and its Border Patrol are committed and equipped to work, in cooperation with other agencies, to secure the external borders of the United States.

Our approach emphasizes:

- Prevention through deterrence
- Flexibility to address vulnerable areas via a comprehensive strategy
- Technology as a force multiplier
- Redeployment of personnel and resources to key border areas.

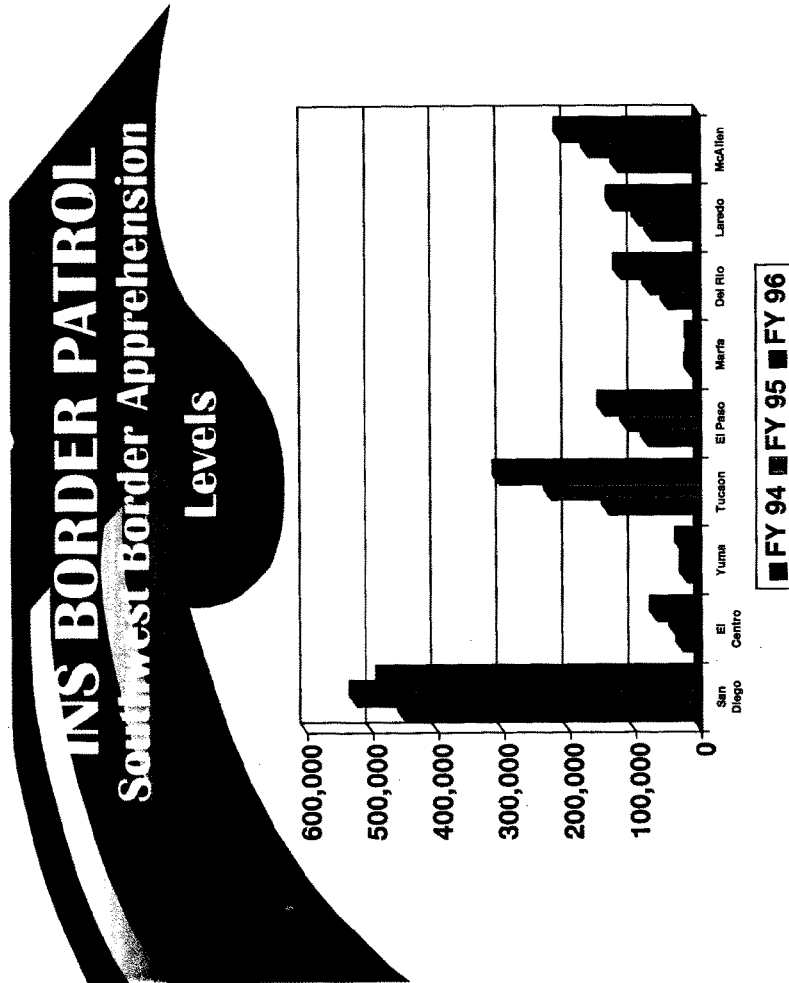
The U. S. Government has made clear progress in regaining control along the Southwest border. The INS is advancing each of the key objectives of the border control strategy. It has secured areas of the border where just two years ago aliens crossed with impunity. We have closed off traditional traffic routes, forcing illegal crossers to remote regions, thus using longer and more arduous routes while subjecting themselves to greater risk of apprehension. In short, INS is successfully raising the cost and difficulty of entering the United States illegally.

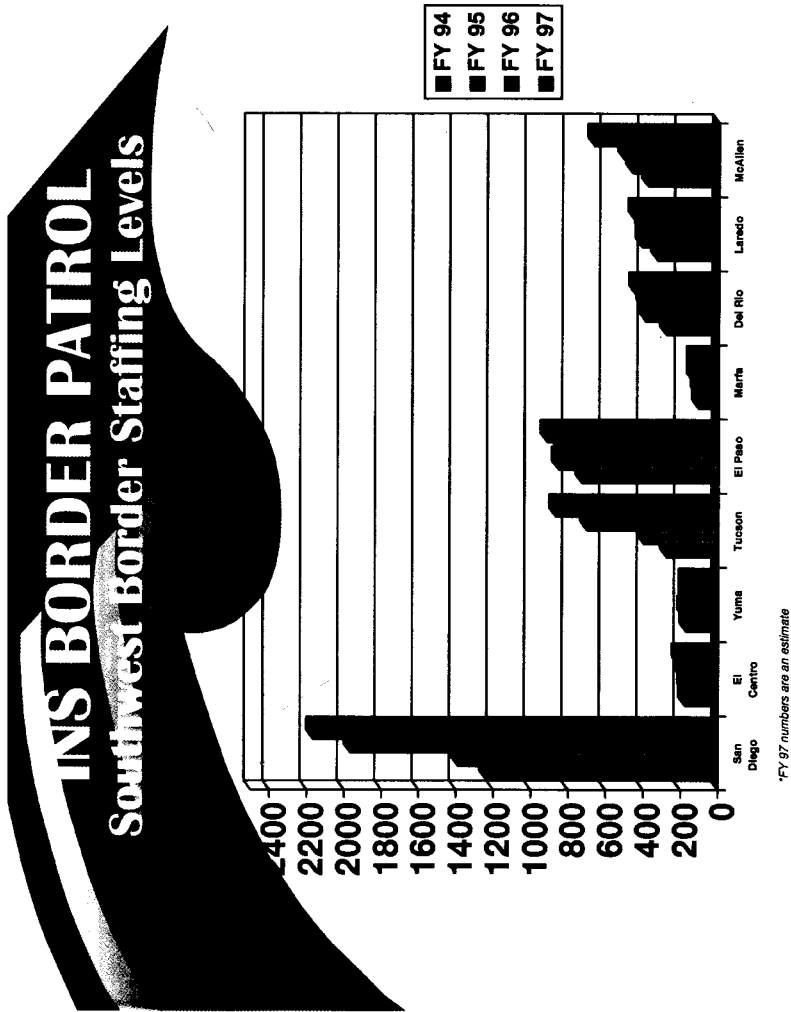
These efforts have also disrupted former routes for bringing in illicit drugs. They have forced smugglers and port-runners to use ports of entry and untraditional routes (e.g. tunnels) to further their illegal activities. Moreover, Operation Hard Line, a Customs program aimed at such activities, complements the Border Patrol tactical operations along the border, all of which support the Administration's anti-drug efforts on the Southwest border.

Regaining control of our borders is an on-going task. We appreciate the attention of this Committee to the problems we

face, and, again, thank the Congress for its support of our endeavor.

This concludes my written testimony and I will now answer any questions you may have.





Mr. SOUDER. Thank you very much. I hope you will express our sympathy and support for him, as well as the many other people on the front lines trying to protect our families and our kids.

I would like to start with Mr. Constantine and a couple of questions here, going directly to some of your concerns about security. There are some questions that I want to raise, if anybody else has any additional insight into this.

Do we currently know if undercover informants of law enforcement agents have been compromised, and when will we know if it is a severe security breach? What exactly happened in this relationship? I know it's publicity DEA didn't want. Every time they say this guy's name, they say, "The DEA-like agency in Mexico." Obviously, we have grave concerns that security was breached.

Mr. CONSTANTINE. Well, we operate on one basic assumption. When he took over that position in early December, he then had access to all of the information that was available in, in essence, their institute against drugs. I've seen some newspaper reports from his predecessor, Mr. Molinas Ruiz, who said he turned over to him all of the files.

So any investigation that was being done on a Federal level in Mexico by law enforcement in Mexico was available to him. All of these binational task forces, which, as Ms. Warren said, have had mixed results, if not limited results, all of that information was available to him.

Now, we are always very cautious about providing any information through law enforcement in Mexico, unless we can fully believe that it's somebody that's trustworthy and we will not get an informant hurt or an agent hurt. So, I mean, the General is not the first person in the hierarchy and in the structure of those antidrug agencies in Mexico who has either been arrested or removed, or sometimes assassinated.

So it is our policy always to be very cautious. Many times, as of today, we just have information that we feel we cannot share with them, for those very reasons. What information the people from Mexico and Mexican law enforcement have in the files in that building that he reviewed, or who he put into all of those task forces, my assumption is that anything that was available to him has been compromised completely.

Mr. SOUDER. Plus the DEA agents?

Mr. CONSTANTINE. Well, DEA agents, by name and location, obviously, that information was known to him. Whether or not he provided that also, we don't know. We just operate under a complete assumption this individual was totally corrupt.

His total purpose, obviously, in his own interest, it would look like he was taking that position to make himself richer and to provide information with one of the leading organized crime figures in the world. I must assume that there was nothing that he held back if he had it.

Mr. SOUDER. Do we know if it was him who tipped off Mexico's most powerful trafficker, Fuentes, about a sister's wedding was going to be raided?

Mr. CONSTANTINE. That, again, is our assumption, anytime that there were a series of arrests or raids planned. Early this winter,

there was information, apparently, that there was a wedding to take place of Carrillo-Fuentes' sister, at a ranch in Mexico.

The information that we later found out, long after the incident occurred, was that Carrillo-Fuentes was protected by Federal and local and State police acting as protectors of the organized crime figure, and the military was going to try to make an apprehension. We are now seeing reports that the information was then provided to Carrillo-Fuentes by either the military or law enforcement, so that he was able to escape and to avoid arrest.

Given what we now know about Gen. Gutierrez, it's very possible he could have been a link in that, but there could have been others.

Mr. SOUDER. I would like to ask this question of Ms. Warren, but others may have a comment on this, too.

It's fairly shocking that, since Gutierrez had a 7-year relationship, had been in one of the military commander zones for more than the 2 years that they supposedly were going to do, had shared apartments under the name of the drug dealers, and a lot of that type of thing, that Ambassador Gelbard did not know of these problems. Did other agencies, such as anything that you are working with, know of this? If not, why not; and doesn't that cause grave concerns about how we are supposed to deal with Mexico?

Mr. CONSTANTINE. Other than Ms. Warren, I'm probably the most appropriate one to answer that. First, the individuals dealing in the military, and that is an institution that DEA does not deal with, information about a military commander within the military would be very limited. Information that apparently was going on between he and other corrupt traffickers, I suspect, was kept, obviously, very confidential between them.

As I've told you, they have vast technology available to them. They have corrupted more than one individual. Where anybody was going to provide information to the Government about corruption, assassination seems to be the immediate response to that, including numbers of high-ranking officials in law enforcement.

So it's not unusual to me, in any way, that someone like that would not come to the attention of Government. I sense, somewhere along the line, that he owned all of this property or that he, in some ways, had some wealth. This is information, to this day, we don't have any of that information. We're reading the same thing you're reading in newspaper reports, and we have not yet been provided a report of the investigation that eventually led to his arrest.

It was my understanding, from reading those newspaper reports, that the apartment that he eventually was living in, which was subject to question, was the same apartment that Carrillo-Fuentes went to in a big shootout in the Bajia Mar restaurant in Mexico City, in which there was an assassination attempt on his life, and that this was the same apartment. But that was only since he had been head of INCD and since early December.

Mr. SOUDER. If the State Department and Justice Department and DEA don't know that somebody is on the payroll and corrupt for 7 years, how can we say they are fully cooperating with us?

Mr. CONSTANTINE. Well, I can't speak for the Government in Mexico or to how they approach the individuals of their own. I can only tell you that when I was asked if I would take the job as head



of DEA, even though I had 34 years with the New York State Police, lived in one house for 25 years, I was subjected to an intensive background and financial investigation.

In the confirmation process, it was so refined that it came down that I had to get the original charter from a Rotary Club that I belonged to in Schenectady, NY, because there might be a conflict of interest between that charter and a high-level Federal position, which turned out there wasn't, thank heavens. But there was a very, very detailed examination of me, my family, and my life before I received that position.

I suspect those are the types of procedures that are going to have to be put in place if you're going to develop—and you have to start someplace. I agree with Mary Lee. We can't disconnect from these agencies, and there has to be a beginning. Hopefully, this is the beginning, and there's a long road ahead of everybody to reach the type of stage that they need to be at to combat these organized crime systems.

Ms. WARREN. But there isn't that systemic review that we have in our system. There isn't, at least until very recently, even the existence of something like an Inspector General within the ranks of the various agencies, that we consider critical in law enforcement and in the military. There's a lot of learning that needs to be done. We were in the dark. I have every reason to believe that President Zedillo was in the dark.

Mr. SOUDER. At least we can be confident, tomorrow morning, with our breakfast with Gen. McCaffrey, that if he says nice things about our DEA director, we have more background.

Ms. WARREN. At least as to the Rotary connection.

Mr. CONSTANTINE. As long as he doesn't question my intelligence.

But what happens with individuals like this is, people are afraid to come forward. You might get an anonymous phone call or an anonymous note from a mail drop, but witnesses are scared stiff of providing any information to Government. Because of the assassinations and because the corruption is so endemic in many of the law enforcement institutions, you don't know who you're providing the information to.

Unlike the United States, where people, even with some hesitancy, are willing to step forward and be interviewed and provide information so you can conduct an actual investigation, that's not the case presently in Mexico.

Mr. SOUDER. Thank you.

Mr. Barrett from Wisconsin.

Mr. BARRETT. Thank you, Mr. Chairman.

Mr. Constantine, I'm just looking at Newsweek magazine from today or yesterday, and they say, "Newsweek has learned that, even as he was being briefed by U.S. officials, Gutierrez had been on a vast computerized DEA list called the 'Narcotics and Dangerous Drugs Data Base,' or NADDIS. His NADDIS file said he had questionable relationships with drug people and that he was involved with drug cover-ups in the past, but no one passed that information along to the drug czar's office. In fact, McCaffrey received two classified reports giving Gutierrez a clean bill of health."

Can you comment on that?

Mr. CONSTANTINE. I'm not familiar with the classified reports that the General would have been given. The announcement of Gen. Gutierrez came out of the blue to us and, I believe, also probably Gen. McCaffrey and other people in the American Government. We have no information. We looked again. There are two, I think, anonymous letters, dating back to 1988 or 1994, that talk about Gutierrez as being corrupt, but no information or nothing that we could investigate or corroborate.

We looked. There were no informants, no investigations, no wiretap information, no reports. So the sense that there were somehow established reports that linked him to organized crime, in that or anything that we would work with, just was nonexistent. I'm not sure why that's in the magazine, though.

Mr. BARRETT. So you're saying it's false, then?

Mr. CONSTANTINE. That magazine report?

Mr. BARRETT. Yes.

Mr. CONSTANTINE. Yes.

Mr. BARRETT. What type of interaction would you have with the State Department? I'm trying to figure out where this has fallen down.

Mr. CONSTANTINE. Well, if we had information that came from a reliable, confidential source about anybody in criminality in this country or some other country, or we had picked up that information over a wiretap, or we had a defendant who decided to turn to be a witness and provided us with information that we could somehow corroborate or be substantial, obviously, in this Government, we would take it to a prosecutor, usually, the U.S. attorney's office, and try to start a corruption investigation.

In other countries, we then provide that information to an Ambassador, so that the Ambassador can then approach the host Government executives to advise them that there is substantial information involving an individual, and that they then will have to take whatever action they take, either initiate a criminal investigation, do some type of an administrative action, or whatever political decisions they may have.

But that is done continually around the world. However, what I think is important for everybody to understand is that you're dealing with a military system in a country where there is endemic corruption involving the drug trafficking issue, so people don't come forward and provide you with information that you can corroborate, or somebody in that type of institution may not come to your attention.

Anytime—and we've done this again and again in many countries, including Mexico—where we have substantial information, we work through the Ambassador to make sure that information is provided to the host government.

Mr. BARRETT. Ms. Warren, I apologize, I was out of the room for part of your testimony, but you talked about the bilateral task forces. Who are the members of this again?

Ms. WARREN. In the past, they have been members from the INCD. The great bulk of them are the Mexican drug enforcement agents. But joining them have been DEA agents, and FBI agents, and Customs agents were to be assigned, working just South of the

border, in Tijuana and Juarez, and then another group that works from Monterrey.

Mr. BARRETT. Given the testimony we've heard today about the rampant corruption, how can you have any confidence in having this type of arrangement with people in another country?

Ms. WARREN. Well, I think we have to institute and insist on those safeguards that I mentioned, that our agents are working with. We have gone through rigorous integrity checks. Those same checks are applied to those counterpart agents with whom they work on a day-to-day basis. Without those assurances and without our confidence in that vetting procedure, I don't think we can continue. It has to be.

Mr. BARRETT. Reading from the same Newsweek article, it states, "In the mid-1980's, the Mexican Defense Ministry tried to put together an elite antidrug unit. Part of the requirement for the 45-man squad was passing a lie detector test that included the question, 'Did you ever receive payments from drug traffickers?' So many military officers failed the test that the whole idea was scrapped."

Ms. WARREN. Well, I won't comment on the reporting of that magazine. I do think it is possible. We have been able to, in other countries and at other times, put together such vetted units. I think it can be done, but we need to be rigorous and demanding of those safeguards here.

Mr. BARRETT. OK. Chief, from your perspective, are we winning or losing this fight?

Mr. KRUHM. I think we're winning it in some geographic areas. There are other areas where we may be holding our own or not doing as well. I was just down on the border at 1 o'clock this Saturday morning, working with the agents down on the line, in the brush. You can certainly see the evidence that there's a lot of activity occurring down there.

In other areas, I think we have very well and very ably demonstrated that we can put an appropriate mix of technology and resources down there. It includes having prosecutors. It includes having the investigators from DEA. You have to put the right number of people down there in order to be successful, in any geographic area, but you can't do it just with Border Patrol agents. You have to have that appropriate mix.

Mr. BARRETT. Do you think we have the appropriate resources devoted to border agents?

Mr. KRUHM. I beg your pardon?

Mr. BARRETT. Do you think we have sufficient resources devoted to border agents at this time?

Mr. KRUHM. Well, both the administration and Congress have a multiple year plan to get to X number of Border Patrol personnel. I think we have to reassess that every year and make sure that we're putting the right number of people out there, and that we're appropriately using that funding to buy the right technology and to put the right mix of personnel out there.

Mr. BARRETT. OK. Thank you.

Mr. SOUDER. I wanted to ask a brief followup to a question I had and also Mr. Barrett. Were you not aware that when Gutierrez came to Mexico City he brought, as his top aide, Montenegro Ortiz,

who had been already busted once for supposed drug trafficking ties, and he was in that office?

Mr. CONSTANTINE. Personally, I was not aware of that, no. I knew that he had brought a number of people from the military with him when he took over INCD. I had not met him or seen him, or we had not been in any background investigation involving him.

Now, I'd have to check with my country attache in Mexico City to see whether or not he was an individual that we were aware of.

Mr. SOUDER. Thank you.

Mr. Barr has to leave. If I can skip to Mr. Barr of Georgia.

Mr. BARR. Thank you, Mr. Chairman.

Is that OK, John?

Mr. MICA. Yes.

Mr. BARR. I had the opportunity, just last August, to go down to the border area, and it was the first time I had been there since a trip that I made as a U.S. attorney. I must say that there has been tremendous progress made in the border area, a lot of it very recently, and I was very pleased to see that. I think a lot of the moneys that have been made available through the Congress, through this administration and the prior administration, I think really are being used very, very effectively.

There, of course, are a lot of things we can still be doing, but Assistant Commissioner Kruhm, I commend you and your men and women down there, because I think they are doing a tremendous job, and we have seen some very important successes and strong movement in the direction of really starting to get a handle on our border area.

I do have some concerns about what it takes, from a policy standpoint, Ms. Warren, to get this administration interested in what's going on with Mexico. I go back, also, to one of the previous witnesses we had here. We have seen, and we heard today from the gentleman on your left there, who knows full well of whence he comes and what he speaks of, we have heard and seen irrefutable evidence that the Mexican Government is rife with corruption from the top to the bottom.

I think it is fair to say that the lives of the men and women that work under these two gentlemen are at risk because of what is going with the Mexican Government. Yet all the President can say about Mexico is how wonderful they are for paying back a bunch of money that we loaned them, that some of us think he had no legal right to loan them in the first place, nothing about drugs, nothing about the problems.

We have seen, just within the last few days, the top Mexican general, who apparently has been on the take, not for a week, a month, 2 months, but years, and we haven't heard anything about the administration being even concerned, really, except a little bit today, about decertification. We're hearing reports that the administration may be considering accelerating the certification process, making a decision even before the deadline of March 1.

We have seen, I think, a very serious national security breach here, in this case and heaven knows how many other cases that we don't know about. All the administration can tell us, from the Department of Justice, is, "We must proceed in cautious, measured steps, with an aim of achieving tangible results borne of coopera-

tion against a shared threat, to work with people we feel we can trust." We can't trust these people; that's the whole problem.

My question to you, please, is, from the administration's standpoint, what is it going to take to get the administration to say, look, you all have a corrupt government? You're putting the lives of our men and women who are trying to work with you at risk. You're handcuffing their ability. You either stop it—you're not going to get any more money from us—you either get your house in order, because we don't have a generation to wait until they develop their country.

We're not society-building here. We have an immediate threat on our border with Mexico and we can say all the nice things we want about what a great partnership we've had over the years with Mexico, but the fact of the matter is, we have an absolute crisis on our border with Mexico. We have a crisis with this Government of Mexico, because it's their watch.

We're not hearing anything from the administration except a bunch of theoretical stuff about how nice it is to work with them, and we're going to work with them for the next generation to try and buildup a system like ours. Why don't we hold their feet to the fire? I mean, can't we do that? What is it about Mexico that this administration is refusing to even acknowledge that we have to hold their feet to the fire, to give these men the security and the tools that they need in order to do their job?

We're doing a good job on our side of the border, although I was curious to see that, in your paper here, and you did mention this in your oral comments, you're comparing corruption on our side of the border with Mexican. I don't think they are even in the same ballpark. Sure, we have problems from time to time with an officer; any country does. But to draw any sort of comparison to the problems in Mexico with problems on our side of the border I think is just uncalled for.

What is it? What do we have to see happen in order for us to go to the Mexicans and take a hard stand? Because we are not doing it now, and you can't tell me with a straight face that we are.

Ms. WARREN. Let me try to respond to your question, if it is a question.

Mr. BARR. It is.

Ms. WARREN. I think the administration has shown the seriousness that they take the drug problem and the drug problem from Mexico. They have the Administrator of the Drug Enforcement Administration fully engaged on this and the strong support of the attorney general on this. The planned growth of the Border Patrol worked very carefully between the Commissioner of INS and the attorney general.

The administration's response, certainly from the Department of Justice, and I can really only speak for that, is not one of looking through rose-colored glasses. When I speak of—and I spoke of the corruption on both sides—I made very clear that it is a much deeper and more extensive and more threatening problem down below our border. I did that in my oral statement as well as in my written statement.

Mr. BARR. I apologize. I didn't hear that. I still think it's an inappropriate comparison, but I appreciate the fact that you mentioned it.

Ms. WARREN. Corruption and the pursuit of corruption, on both sides of the border, has to be a priority for us. Our people are threatened by it. Our law enforcement agents are threatened by corruption and certainly the confidence of the public deteriorates with that corruption. We need to be vigorous on that and treat it as a very high priority. Thank goodness we have all along our law enforcement history viewed it the same way. So we don't have generations of rottenness that our neighbor to the South has.

How do we go forward? I think we have to recognize that we have a shared problem. Our drugs are coming up from there, and we're not just going to build the highest fence. I told you about an instance where they went under the border, so the fence wouldn't work anyway.

Mr. BARR. I mean, I've seen that while we were down there in August. I'm not saying that we have to build a higher fence. We are doing some good things by building stronger fences, but what are we going to do to hold their feet to the fire?

Ms. WARREN. I think we have to be—and law enforcement is trying to do this; Department of Justice tries to do it—to recognize, factually, what the improvements are, to press for additional improvements. A lot of their organized crime bill, and this evidence-gathering authority that they now have, certainly came with the initiative of President Zedillo, but with the urging of the Department of Justice that they could not proceed in the 19th century, this was the 20th century, and they needed those kinds of authorities.

We have to be factual in relating what is working and what is not; what is improving, what can be further improved. Our extradition relationship has improved.

Mr. BARR. Well, it may be. I suppose it's all relative.

Ms. WARREN. It's not good enough, and we shouldn't rest where we are.

Mr. BARR. We have over 100 pending extraditions, 52 of which, according to information that I have, are drug-related. Yet only 13 of those have been formally filed by United States authorities in Mexico.

Mr. BARRETT. Regular order, Mr. Chairman.

Mr. SOUDER. Mr. Barr, we're going to go a second round, if you come back.

Mr. BARR. OK. Can I just finish this question? Thirty-nine of them apparently fall into the category of provisional requests, which means that we haven't even formally filed them. I mean, it seems to me that we're not—maybe it's even worse than I thought, now that I mention it—not only are we not holding their feet to the fire, we're not even pressing as hard as we can on extradition, since you mentioned that.

Ms. WARREN. Well, filing the provisional arrest request is the arrest warrant request.

Mr. BARR. So there's nothing further that has to be done on those?

Ms. WARREN. Until the person is apprehended, we wouldn't provide that sometimes 60- or 100-page document, the extradition package, until he was apprehended. Of those 100 requests, most of them have not been located or apprehended. We have cited them as priorities and keep giving them our top 10 or top 15 so that they can focus on those, as our most viable cases, our most vicious defendants, and ones that perhaps we have location information on, to proceed against those first.

The sheer number of requests is not the answer. Mexico has 350 requests to us. We do not know any priority of their cases, something that we must know from them. Those requests are of people they don't know are in the United States, or they don't even know that they are alive, to some extent. We've asked for a priority of, who do you want as the worst offenders, that you believe are in the United States, that you have a viable case against today? Those are what we use; that's what they should use.

Mr. BARR. I don't know what that has to do with anything.

Ms. WARREN. We'll push on that.

Mr. BARR. Well, maybe we'll push on something.

Mr. SOUDER. We are coming back for a second round, because a number of us had some additional questions.

I also want to put in one good word for higher fences. In Nogales, the rooftops were such that they could crawl over. I was told, in the visit there, that we didn't build it higher for fear somebody might break their leg, or something. I have a grave concern that it's illegal coming across, whether it's immigration or drugs, and in some places higher fences might work, even though, then, they might tunnel under.

Mr. Mica from Florida.

Mr. MICA. Thank you, Mr. Chairman.

To follow up some of the extradition questions, Chief Kruhm, the individual that was allegedly involved with the killing of Agent Barr was Jose Chavez, who told FBI investigators he was among the group that turned on Barr. I have a report here, April 1996, that we filed a request for Chavez' extradition. Where is Chavez these days, Mr. Kruhm?

Mr. KRUHM. He's incarcerated in Mexico.

Mr. MICA. How is that extradition coming?

Mr. KRUHM. It has not occurred.

Mr. MICA. This is from April 1996. He was killed over a year ago. How is that extradition coming, Ms. Warren?

Ms. WARREN. He is being proceeded.

Mr. MICA. It's not a priority?

Ms. WARREN. It is a priority, but at the moment he is being proceeded against by Mexico. He has been already convicted on a narcotics trafficking charge and I think received 25 years for that. He will soon be charged with homicide charges in Mexico.

Mr. MICA. Will we see him over here anytime?

Ms. WARREN. It depends on whether or not they can, in fact, file homicide charges. If they cannot, we need to press our extradition, if they cannot file the homicide charges.

Mr. MICA. Is he on the priority list?

Ms. WARREN. A priority of the U.S. Government is those who murder law enforcement agents. This one has already been proceeded against in Mexico.

Mr. MICA. Is it one of our priorities, though, in the 13 that you were talking about?

Ms. WARREN. He is not on that list because he is already being proceeded against.

Mr. MICA. So killing an agent of the U.S. Government, the Border Patrol, isn't among the 13 priorities?

Ms. WARREN. I told you, it's because they have already proceeded against him and he is supposed to be spending his time down there. I would like to continue that, yes, there are those murderers of law enforcement agents on our list, including the murderer of a DEA agent.

Mr. MICA. Yes. Is that Camarena?

Ms. WARREN. No.

Mr. KRUHM. That's Richard Faas, who was shot and killed just outside of Phoenix, AZ, in June 1994. The individual, Augustin Vasquez, is a fugitive. They have been unable to locate him in Mexico.

Mr. MICA. Mr. Constantine, I'll get off of extradition for a second. Did you meet with Gutierrez?

Mr. CONSTANTINE. Yes, I did.

Mr. MICA. When did you meet with him?

Mr. CONSTANTINE. On three occasions when he was in town with the attorney general from Mexico, once at a dinner that was hosted for him, in which the United States Government officials—it was for the attorney general of Mexico, Mr. Madrazo—at the embassy in Mexico, at a lunch at the Justice Department, and at a briefing at the DEA headquarters.

Mr. MICA. So he was briefed here in Washington?

Mr. CONSTANTINE. By the DEA and perhaps others, but definitely by the DEA.

Mr. MICA. Well, you have something to do with DEA, don't you?

Mr. CONSTANTINE. Yes. In fact, I was there the day of that briefing and introduced it.

Mr. MICA. Now, I don't know if it should be the subject of this hearing, Mr. Chairman, and maybe it should be the subject of a closed hearing, but I think we need to find out what information was relayed at these briefings, and how much intelligence was transmitted to this individual who now has turned out to be up to his eyeballs in drug trafficking. So I think we need to come back and address that. I don't want to pursue the questioning.

Mr. CONSTANTINE. I would be able to answer that in this format and be more than willing to.

Mr. MICA. Did he meet with our agents in Mexico City also?

Mr. CONSTANTINE. I'm sure he met with them from time to time, but I think you're talking about that briefing. I think it's important, in that there's misinformation out in the media, to get the actual information out.

Mr. MICA. I think that that's important, but I think we should pursue it in a closed hearing, both that information and any other information that your agents discussed in Mexico City with him.



Let me ask you a question about the military and moving the military. Last week, they were moving into the Southwest Border area, taking over some of the former drug enforcement civilian role, the Mexicans are; is that correct?

Mr. CONSTANTINE. That's correct. The Federal drug enforcement agents in the Baja-Tijuana area have been removed from the region, sent back to Mexico City, and replaced by military personnel, according to newspaper accounts.

Mr. MICA. I don't want to get into a lot of detail, but we've been working with some of the personnel in training and some other work with individuals who were going to be involved in the drug effort in Mexico. Are those individuals now involved with the military, or are there none of the U.S.-trained individuals?

Mr. CONSTANTINE. The individuals who have been dispatched to the Baja?

Mr. MICA. By the Mexicans.

Mr. CONSTANTINE. I would not know whether they have been selected, trained, or have any narcotics enforcement background.

Mr. MICA. Ms. Warren, you talked about vetted units around the world and some of these drug hot spots. We had worked with some folks—I don't want to get into a lot of detail—but are any of the folks that we've worked with, are they out in the field, in the border, or are they located in Mexico City?

Ms. WARREN. I have no knowledge.

Mr. MICA. You have no knowledge?

Ms. WARREN. No knowledge about who is in the Baja area now, of how they've been trained, by whom; I just don't know.

Mr. MICA. What do you think the effectiveness of these folks will be in that area, switching over now?

Mr. CONSTANTINE. Well, moving the military into a traditional civilian law enforcement, in any country, I think is very difficult. You have people who have been selected for one purpose in life, to serve in the military. They have been trained to perform military functions. Now to have the responsibility to conduct complex criminal investigations against some of the most sophisticated organized crime groups in the world, I think would be difficult, if not impossible.

Mr. MICA. So are they taking a step forward or a step backward?

Mr. CONSTANTINE. Well, it's tough for me to assess what's going into their decision, into their problems.

Mr. MICA. But you're saying that they are now moving military in who aren't capable of conducting an investigation and pursuing these folks in the manner that a different agency could. So it sounds like you're saying it could be less effective.

Mr. CONSTANTINE. That's a decision that would have to go from the Government of Mexico. My sense, in reading the newspapers, is that that decision is probably based on their lack of confidence in the civilian law enforcement institutions in narcotics investigations. If that's the reason they made the decision, they probably see it as a step forward.

Mr. MICA. Just one final question. You talked about the break-up of the Cali Cartel, and you gave credit—I guess we give some of the credit to the national police chief and his brave efforts. Is there anything similar that's taken place in Mexico, where there's

a break-up of a cartel? What percentage of drugs, marijuana, cocaine, heroin, are coming now through Mexico, and has there been any similar effort by the Mexican authorities, or do they have that capability?

Mr. CONSTANTINE. Well, first, by drug group, first with the methamphetamine, virtually 90 to 100 percent of all the ephedrine and methamphetamine is coming through from Mexico. Black tar heroin, which is a product from Mexico, 100 percent. Cocaine is a figure that we estimate somewhere in the area of two-thirds. That fluctuates, Congressman, depending upon what—they don't check with us, as you know, with their routes, but it is one of their priority routes.

There have been individual arrests from time to time, but in my experience, in almost 3 years in this position and reviewing all of the records previously, I see no indication of a disruption of an organized crime family in a manner that would be familiar to us in law enforcement in the United States.

Mr. MICA. There's no capability?

Mr. BARRETT. Regular order, Mr. Chairman.

Mr. SOUDER. We'll come back, Mr. Mica.

Mr. CONSTANTINE. My sense is, it's a mismatch between law enforcement agencies in a difficult situation and powerful organized crime syndicates.

If I could just answer one—I would not want to leave misinformation out there, because there is too much misinformation out there. There was no classified or confidential information ever provided to the attorney general of Mexico or Gen. Gutierrez, who accompanied him, either in a briefing in DEA—that briefing was very similar to what was in my testimony here today in an open forum—and I've checked with the country attache in charge of our Mexico operations, no such information was provided to Gen. Gutierrez by DEA in Mexico City also.

Mr. SOUDER. We will come back.

Mr. MICA. Mr. Chairman, I have a unanimous consent request that was pending.

Mr. SOUDER. Yes, from Mr. Barrett. That's who I was yielding to next.

Mr. Barrett would like to make a comment.

Mr. BARRETT. I would remove my objection, although I would note that the document doesn't say who prepared it or why it was prepared. I have no objection.

Mr. MICA. The document was provided by Mr. Gilman's committee to me.

Mr. BARRETT. Has it been prepared privately or by staff?

Mr. SOUDER. The document will be entered into the record with that reservation, and if Mr. Mica can provide some additional information with it, that will help.

Mr. MICA. By his staff.

Mr. BARRETT. I'm sorry, I didn't hear what you said. Did you say it was prepared by his staff?

Mr. MICA. Yes, I believe it—or given to me by his staff.

Mr. BARRETT. OK. So you don't know who prepared it?

Mr. MICA. I don't know who prepared it.

Mr. BARRETT. OK. Thank you.

Mr. MICA. I will try to make that part of the record.

Mr. SOUDER. Thank you.

I had a couple additional questions. I know you've been here a long time, but we're at a very critical point, depending on the administration's decision and what we're looking at here, and particularly looking at the questions related to Mexico, per se.

In response to an earlier question, and also to this question of pulling back the agents from the Tijuana area, my concern is—because what I understood you to say, Mr. Constantine, is that we assume that everything we shared with their government has been compromised, because we don't know any other way to measure what information got out, including potentially the names of DEA agents. Are we pulling agents out or replacing or in any way trying to protect the lives of our potentially comprised agents?

Mr. CONSTANTINE. First of all, the assumption was, any information that was in the files of the INCD, which is a Mexican institution, we're making an assumption immediately that all of that information was compromised. Now, that would not be all of the information that's available to the Drug Enforcement Administration. There may be things so sensitive that we've not shared.

As far as the identification of our agents in country, I assume that he was knowledgeable about that from his INCD headquarters. Now whether he sought that out purposely for any reason, I am not sure of that. We have not pulled any people out of there. The only adjustment we've made is for our people stationed in the United States, who formerly used to travel into Mexico on the binational task forces, about a month ago, I curtailed their activities into Mexico.

The agents, as part of our country team, 35 or 36 of them, they have operated in a high-risk environment certainly since the death of Agent Camarena, and we take numbers of precautions which I wouldn't discuss publicly, but we feel comfortable we will continue those, and their supervisors are on alert.

Mr. SOUDER. Do you also have concerns, given what media reports are starting to surface, about the areas of the two Governors, particularly Sonora, and the safety of our DEA agents there? I presume there they are not allowed to carry weapons, as well.

Mr. CONSTANTINE. No, people who are stationed as part of the country team have adequate protections. The issue for us was that, about a year ago, working with both our supervisors along the border and Mexican law enforcement, we recognized that these gangs were bouncing back and forth across that border so frequently. We really needed to have a co-located unit of people with knowledge of both sides of the border.

Those are the individuals who began on the task forces, first in Tijuana, then Juarez, and then in Monterrey. Those are the ones that Ms. Warren talked about. Now, what has happened, obviously, because of a protection issue, we have curtailed their activities and placed very strong security guidelines around their travel or activities.

The secondary problem of that now comes that those very task forces would have reported into INCD headquarters in Mexico City. INCD headquarters in Mexico City is now, until we're disabused of that theory, an entity that has been corrupted at the very top.

Mr. SOUDER. Do you have concerns about the Governors of Sonora or Morales?

Mr. CONSTANTINE. I wouldn't comment in a public environment, because those are numbers of issues and reports that I'd have to do in a closed session.

Mr. SOUDER. We may have to seek some additional information, because one of the core concerns here—because I remember when we met with President Zedillo, and he told me a personal story about his son being approached by drug dealers and couldn't believe that even his son had been approached, I know that he seems to have such a deep-hearted conviction on behalf of democracy and a desire to see that done as his accomplishment for Mexico.

But we still have to ask the question of, given the fact that at least sources in Mexico, numerous sources, say that the Governor of Sonora was the person who advanced him politically, that he has been involved in a lot of this, and given the fact that we were so clearly misinformed about the head of their drug enforcement agency and a lot of the others, even down to not knowing that his chief staff person had been busted once before for suspected narcotics trafficking, how do we honestly know? I know Ambassador Jones said, if he's wrong about Zedillo, he gives up.

On the other hand, how do we know? We're being asked to make a decision in Congress—I mean, I listened to the comments of, unless we work with a country, how can we influence them in the trade? That argument goes for Burma. That argument goes for Colombia. That argument goes, really, for any country, not just Mexico.

Part of the question here is that we're taking it, roughly, on blind faith, when, in fact, he removed his attorney general. He's got a drug czar that was crooked. He's got police that you say up to 90 percent, in Tijuana and Baja, California, are corrupt. Yet in Colombia we don't see that.

The President—even though I agree, and I don't want us to back off Colombia, but the double standard here is, how do you look at—he hasn't removed his attorney general; he hasn't removed Gen. Serrano. It's hard for us to understand almost a blind faith right now in the Government of Mexico. I understand, as Congressman Barr said, too, we understand the development of a country and the corruption of it. Five people along our border, compared to 90 percent in Tijuana being under question, is a substantial difference.

When we were debating the NAFTA treaty in America, what I heard all over the country was, this was much like the early Articles of Confederation in America, where the different States were evolving, and in our relationship we were coming into a national country, and we were evolving a little bit like that with Canada, Mexico, and the United States. We had similar democracy, we had similar procedures and ways we handle justice and trade and things, and therefore we were becoming more equal partners.

This type of thing really calls into question, in a lot of American citizens' minds, about whether, in fact, there is exactly parallel systems. If one system is evolving—and I have no doubt that everybody in Congress feels we are evolving—and we need to have strong relationships with Mexico on our border, and we have mil-

lions of Americans with both direct relatives and Hispanic descent commonalities.

At the same time, you are not today documenting a country that is like our country, in their justice system, in their police system, in their defense system. In fact, we're having to take this on faith right now, a fairly blind faith. I mean, I'm open to any comments with that, but it has been a frustrating process for us.

Then when we get down to, can we trust this person or not, I understand why it needs to be classified, but we're being asked to vote publicly on a very difficult matter. The American people, in effect, can't get some of this information, for reasons I understand, because we have classified briefings on a number of things, but it puts us in a very difficult position, too.

Do you care to comment? You don't have to. If any of you want to.

Mr. CONSTANTINE. Not really.

Mr. SOUDER. OK.

Mr. Mica.

Mr. MICA. Let me go back to Ms. Warren again. So, in reading your testimony, it says, "The Criminal Division's Narcotic and Dangerous Drug Section, has trained over 1,100 officers and prosecutors, and expects to train another 1,500 in 10 seminars by the end of fiscal year 1997." That's one of your projects?

Ms. WARREN. That's part of a Southwest Border Initiative. It is not just the prosecutors from the Criminal Division. The agents from DEA and Customs and FBI are part of that training. They train the prosecutors.

Mr. MICA. As I understand it, a lot of the folks that are involved here in enforcement now are being replaced with the military?

Ms. WARREN. No, no, this is training of U.S. prosecutors. That's what that refers to.

Mr. MICA. Do we have any program where we're training Mexicans, that you're involved in?

Ms. WARREN. We have plans for training of Mexican prosecutors. There has been training of investigators, for instance, in chemical controls and the identification of precursor chemicals, taking down of chemical labs. We have plans to train prosecutors in money laundering and asset forfeiture investigations.

Mr. MICA. The ones that are cited here are all United States?

Ms. WARREN. United States, yes.

Mr. MICA. But we're not able to extradite anyone for prosecution from the other side of the border?

Ms. WARREN. Well, no, we have extradited 13. If I could just take this moment to correct the record, I misspoke by saying that Chavez Laines, the killer of Jefferson Barr, was not on our list. He is on our list of extraditables, about 11 or 12 priority cases, that list handed over to the Mexican foreign secretary last week by the attorney general.

Mr. MICA. How much is this program costing, this dangerous drug training program, the domestic side?

Ms. WARREN. The domestic one, I would have to try and get an estimate of that cost. It is part of the ongoing in-service training for all of our prosecutors, and I think has had an enormous return,

based on the cases they have been able to develop with the investigators in the Southwest Border Initiative.

Mr. MICA. So that's one reason. So are you adding to the number of drug prosecutions in that area? If I looked at the statistics—now, I know, nationally, drug prosecutions the last 4 years have dropped; is that correct?

Ms. WARREN. I think that is correct, the numbers. I would say that the stats alone don't tell.

Mr. MICA. So if I look at these stats now, I'm going to see a dramatic increase in the number of prosecutions in the Southwest Border project?

Ms. WARREN. I don't think you will see such a dramatic increase in absolute numbers. What you will see an increase in is the level of the prosecution and the dismantlement of that part of the organization that worked in the United States. They are much better cases than we have brought before.

Mr. CONSTANTINE. If I could contribute a little bit.

Mr. MICA. Yes.

Mr. CONSTANTINE. What's happened is, rather than just taking numbers and defendants unconnected, we've decided on a strategy to go for the leadership in all of the organizational structure as it exists in the United States.

One of the cases that we refer to here is Zorro II, because it was the nickname of the major trafficker. We took down, on 1 day, all of the major participants who had been sent into the United States from Colombia or Mexico to run the cocaine distribution system, all the way from Bellflower, CA, all the way across the country, down to the leadership of a crack gang in Rocky Mount, NC. That was 156 defendants. That was 90 wiretaps and a huge investment in translation costs, prosecutors' time, affidavits. That 156 defendants may not look like a big number, but those are the people that you have to take out if you're going to go after an organized crime strategy.

Mr. MICA. The net amount of cocaine, heroin, methamphetamine coming into the United States has been on the increase every year, and the number of deaths have been on the increase, domestic; is that correct?

Mr. CONSTANTINE. The amount of cocaine coming into the United States, I can't tell you what the exact number of seizures is, because we go through the cultivation and then production. We figure there's about 800 to 850 tons of potential cocaine produced. We seize, somewhere in the world, either in Colombia, or in the interdiction area, or in seizures at the border, or seizures in the United States, or Highway Patrol officers in Florida, somewhere around one-third of that.

So what happens is, the market is overproduced. An economic model just doesn't fit cocaine production or heroin production.

Mr. MICA. But we're seeing more on the street, more trafficking.

Mr. CONSTANTINE. Well, cocaine—strangely enough, heroin is the big problem in many places on the East Coast. Cocaine, hard-core abuse, has remained the same. Casual abuse changed dramatically after the death of Len Bias in 1986 and the attention drawn to it. It's probably stayed fairly constant.

Mr. MICA. That's among adults.

Mr. CONSTANTINE. Methamphetamine is a huge problem on the West Coast, a growing problem. On the East Coast of the United States, heroin, which was once 7 percent 25 years ago, is now 95 percent pure. The Orlando area, many of my friends are chiefs of police, the sheriff of Orange County is a personal friend of mine, have been visited by numbers of young people. I think the overdose deaths are around 30 to 34 people over the last 12 or 15 months, people from middle class families using heroin at rave parties.

We just held a major heroin conference about 2 weeks ago. We will be issuing a report within a month. That is a significant problem along the East Coast of the United States.

Mr. MICA. Well, we have given you the assets and resources that you requested. The Border Patrol, we have given you some, put back some of the cuts you sustained, I guess, a couple of years ago, before we took charge of the Congress. Certainly, the Department of Justice has gotten the resources. I'm just not sure that they are being properly used or properly directed. Maybe what we've done hasn't worked. Maybe we need to be looking at some other things that will work.

It seems to me the statistic, between 1985 and 1992, we reduced drug use, with law enforcement and interdiction and prevention, by 78 percent, when we had a different emphasis. Now I'm even more disturbed to hear the President today, with his plans for the future which haven't worked in the past, to be more of a repeat of the mistake that was made the first 2 years, at least, almost 3 years of this administration. I guess that's a statement and not a question.

Thank you. I yield back the balance of my time.

Mr. SOUDER. Thank you, Mr. Mica.

Mr. Barr from Georgia.

Mr. BARR. Thank you, Mr. Chairman.

Administrator Constantine, I think that in Ms. Warren's testimony she used the term "fully engaged" to describe DEA's activities in Mexico, that DEA is fully engaged.

Ms. WARREN. I did.

Mr. BARR. I think it was just last year that, through this subcommittee and then through the Congress, there were funds appropriated to add 20 new DEA agents for Mexico. Has Mexico been asked to receive those additional agents?

Mr. CONSTANTINE. We've asked that—there is what you would call—or preceded me, it occurred in the late 1980's or early 1990's, I believe, a thing called the rules of the game that limited the number of DEA agents in Mexico to, I think, 38 or 39 agents.

We have asked to expand that ceiling for our country detail in Mexico by 6, to bring that up to 45. We then had asked that we could put three or four people in each of the binational task forces, each of the three, so we could come up to the figure of 20. We have not gotten an answer back on the six for the country team.

The individuals who would be working in country on these binational task forces, the three or four to each of those details, the people are available. At this point in time, the issue is two things: one, security; second, trying to determine how much damage has been done by Gen. Gutierrez' compromising information.

Mr. BARR. Is there a damage assessment team operating?

Mr. CONSTANTINE. That's correct.

Mr. BARR. Which agencies are part of that?

Mr. CONSTANTINE. For the purposes of DEA, it's an internal audit being done of all of our agents to see what types of information may have been provided, what would be an issue for us. We would be dealing, obviously, first, with the safety of our own agents; second, the protection of any witnesses or informants. So that started the morning after his arrest.

Mr. BARR. What about other agencies? Is Justice a part of that damage assessment team?

Ms. WARREN. We are not directly a part of that. The Administrator will provide a copy of the assessment to the Attorney General for her review.

Mr. BARR. Might I respectfully suggest that this seems to be important enough for the Department of Justice to be a part of that damage assessment team. That's not a question; that's just a respectful, unsolicited suggestion. Is the FBI a part of that damage assessment team?

Mr. CONSTANTINE. Not that I know of. There is only one FBI agent working in Mexico City, and on all drug issues, the DEA is the lead agency. So any investigations that would be involved and any information would be also involved in the DEA assessment.

Mr. BARR. How about CIA?

Mr. CONSTANTINE. I could not speak for them, Congressman.

Mr. BARR. OK. Can anybody? Does anybody know whether they are part of assessing the damage that's been occasioned by this latest bout of corruption?

Mr. CONSTANTINE. I couldn't answer that. I don't know.

Mr. BARR. Does the Department know whether they are part of the damage assessment team?

Ms. WARREN. All I know is that several of the agencies are undertaking assessments at this time.

Mr. BARR. Mr. Constantine, when you were talking a few moments ago about the numbers of agents, is that a question that has been posed to the Mexican Government, and they have not authorized or allowed the additional agents in place?

Mr. CONSTANTINE. That's correct. The allocations of agents and assignment to Mexico was controlled by this agreement which was reached between the Government of the United States and Mexico in, I think, 1989 or 1991, where it was limited to 38 or 39. Now, that has to be changed, obviously. The proposal has been made to change that and to increase that by six. We do not have an answer back yet.

Mr. BARR. Mexico has not consented to that yet, not agreed to it?

Mr. CONSTANTINE. We haven't got an answer back. They have not disagreed or agreed.

Mr. BARR. I mean, they haven't agreed to it. We have asked them.

Mr. CONSTANTINE. That's correct.

Mr. BARR. Can your agents carry firearms in Mexico?

Mr. CONSTANTINE. The agents who are assigned to the country team, as we call it, a country detail, country attache, those individ-



uals have full protection. I would not publicly get into what all of those protections are.

We do have an issue with agents who are stationed in the United States. They are stationed in the San Diego DEA office, the El Paso DEA office, and in Brownsville. Those agents were traveling across the border to be co-located with the INCD agents in these binational task forces.

We became concerned for two reasons: one, there was a wave of assassinations of substantial criminal justice officials from the INCD that had begun 9, 10 months ago, and was almost at a fury pace early this fall. We also started to receive substantial threats against the lives of our agents who were traveling into those details.

We didn't believe, in looking at the law and any of the existing policy, that there were adequate protections for them. They were in kind of a newly developed status. We laid out a proposal that they be provided the same protections as our agents working in country. Again, we have not gotten an answer back, formally, on that.

I've seen things in the paper where it has been denied. Although, at a luncheon 2 weeks ago, the attorney general, Mr. Madrazo, said that they were looking at that and thought they could reach a solution on that issue. Last night I received a call at home from the attorney general of Mexico, and he indicated that he thought that they could find a solution to that, but presently we don't have any type of an agreement.

Mr. BARR. Would these be things that we're talking about, providing adequate protection for our law enforcement personnel, be the sorts—and there are other ones—but would these be the sorts of concerns that you believe should be taken into account in determining whether or not Mexico meets the criteria for certification?

Mr. CONSTANTINE. I have tried and been successful to this point in time, for 3 years, to indicate that I really don't comment on certification. I provide kind of a fairly narrow parameter, law enforcement, how I see it, to people who are policymakers in this town, and then I let them make their decisions on it. I give them candid, confidential advice.

So the issues on certification, Congressman, I would have to request that I wouldn't speak on what I think should be included in certification, who should be certified, who shouldn't be certified, and what the status would be.

Mr. BARR. Thank you. I appreciate your background on the specific protection items, as well as the increase in the number of agents down there. Can I presume or would you state that those are important concerns, from DEA's standpoint?

Mr. CONSTANTINE. I think they are very important, Congressman.

Mr. BARR. Thank you.

Mr. SOUDER. I thank the gentleman from Georgia.

I have a few closing questions I want to ask. Chief Kruhm, we heard earlier, in the second panel, about ranchers who were concerned about their safety and selling off land or being intimidated. Are you aware of that, and is it just in that area of Texas, or have you heard that in other places, as well?

Mr. KRUHM. That allegation has been made at various points along the border, and we are working that issue jointly with the Department of Justice and DEA. All of the Justice components are working that issue, all along the border.

Mr. SOUDER. Ms. Warren, I see you nodding your head.

Ms. WARREN. Yes, and it's not just Justice. The Department of Treasury is helping us on that same issue.

Mr. SOUDER. Is some of it just fear because of what they are reading, or do you have some concrete cases you're actually pursuing, too, or are you not allowed to say that?

Ms. WARREN. We're looking into it with grave concern.

Mr. SOUDER. OK. Mr. Constantine, I have a question about the El Paso Intelligence Center. Should they not have known what was going on with Gen. Gutierrez?

Mr. CONSTANTINE. They are really a movement and detection facility. Their job is to find out information about the movement of narcotics into the United States and be able to, in some ways, provide information to either Customs people who are there, or the Border Patrol, or Immigration. It's a detection and monitoring program.

It would really be difficult to ask them to know information about corruption, about an individual inside the military system of the Government of Mexico. If they had the information or they came across it in a wiretap, or if they came across it in some type of an informant, they then could provide that information. But, eventually, that would go to the head of DEA in Mexico City, who would provide it to the Ambassador, and then there would be some decision made on the part of the State Department.

But it's not a designed role for the EPIC, the El Paso Intelligence Center.

Mr. SOUDER. Is there any counterintelligence center that—since you have to deal with different people, whether they be Governors of territories or police of the defense—I mean, we have a case of their person in charge of the drug issue who was on the payroll of the cartels, whose staff person had already been busted once, in a land where you've documented, and in your testimony you went through and said—you didn't get to read one of the written things you have.

It would be akin, the assassinations, to three assistant U.S. attorneys, a special agent in charge of the DEA office in San Diego, the special agent in charge of the FBI office in Houston, the chief of police in San Diego. You see all these murders occurring, you know your agents are at risk, you know that the country is at risk, don't we have any counterintelligence agency that's trying to track something like this? Where was the slip-up?

Mr. CONSTANTINE. Well, we do have information on the issues that you just talked about. We have units working, combined FBI and DEA, out of San Diego, who are working in that gang out of Logan Heights who access killers for the Arellano-Felix group. So we have informants. We have wiretap information. We select information from those sources that we get across—but, you know, I have to tell you that something doesn't always happen the way you'd like it to happen.

If an informant comes to us and said, "Look, the commandante in such-and-such Mexican Federal judicial police is corrupt, and I have this information," and the informant is reliable in the past and can be corroborated, we can do something with that information. Eventually, it will be put in an action group to try to make an arrest or try to lead to some type of punitive action, criminal or administrative.

Someone who is a General in the military, a sense that somehow you are going to get that information, when all of their conversations, all of their meetings are taking place in the Government of Mexico, not inside San Diego County or Los Angeles, where we have the availability of wiretaps or we have the availability of informants—that's where we get our intelligence information.

To get the information on an individual in Mexico, it would have to come, for the most part, from a duly designated Mexican law enforcement institution or internal affairs operation of the military of the Government of Mexico. DEA, just the nature of our role, would not be determining that information. We just talked of 38 agents in a country of 100-and-some million people. It's just an impossible task to ask them to find out that information. They don't have the tools available to them.

Mr. SOUDER. It's hard for the average person—I mean, maybe there are too many movies and TV, where the FBI and the DEA and everybody finds people all the time. At the same time, you have planes buzzing around, you're getting tips. You're getting tips on boats that are coming in and along huge borders. You're getting tips on this person may be compromised; this person may be compromised.

Here's a guy in charge of the whole thing. Are you saying there was nothing in the system that would have tipped—we have our drug czar praising him. It's embarrassing.

Mr. CONSTANTINE. We looked everywhere. There was no information that we could corroborate, from an informant, from an investigation. No investigation conducted. We had two anonymous notes, over 6 years old, on the individual, that the agents at that point in time couldn't find any information to corroborate.

Let me say this, if he was a General in the U.S. Army, I think we'd get him, and we'd be able to wrap him up pretty well. But we are, again, talking about the limitations that we have inside another country.

Mr. SOUDER. Which I understand. I had asked you what kind of information, and Congressman Mica and others asked you, do you know—and we will ask him directly—but have you heard whether Gen. McCaffrey gave any lists of DEA agents or anything else in his discussion?

Mr. CONSTANTINE. I've talked with him since then. He's indicated absolutely not. There was indication somewhere along the line that he had arranged the meetings and the briefings, that's totally untrue.

What happened was, the attorney general from Mexico came in. He was new; he asked for a briefing on what were the drug trafficking issues in the world. We gave him a briefing. It was very general. It was like the testimony today. It was nothing even close to the types of briefings I've given for members of this committee.

Mr. SOUDER. That's true of Gen. McCaffrey, too?

Mr. CONSTANTINE. He was not there. No, that was just the attorney general of Mexico.

Mr. SOUDER. But you don't know whether he's had any separate meetings?

Mr. CONSTANTINE. Well, I'm sure he's had separate meetings, but he is not involved in operational activities, and he's really dependent on DEA or the FBI to provide him with the information for a briefing.

Mr. SOUDER. Ms. Warren, you made the statement about the extradition of the one related to drugs, who was a Mexican and an American national, had dual citizenship. You said there was one other case of an extradition of somebody who was just a Mexican national. Was that drug-related or other issues?

Ms. WARREN. It was a child molestation case.

Mr. SOUDER. So, at this point, we don't have any cases of extradition of a Mexican national only in drug issues?

Ms. WARREN. That's correct.

Mr. SOUDER. In money laundering, how many arrests have been done in money laundering? You outlined some of the things where you hoped there was going to be progress. Have we seen any concrete evidence yet?

Ms. WARREN. They have a new law. They do not have their published regulations. Without current transaction reporting and suspicious activities reporting, it's very hard to build investigations. There are investigations being worked jointly with some U.S. agencies to try and build those cases down there. I know of no prosecutions to date, under their brand new law.

Mr. SOUDER. I don't believe the scale of police corruption is even in the same league, and I think that's important, and we've attempted to clarify that. We have some money laundering problems in this country, too, and obviously a lot of that money is going through, and we'll continue to follow that. So none of us are trying to excuse anything that's wrong here, because we're going after it as aggressively as we can.

Mr. Mica.

Mr. MICA. Well, we're coming to a closing of the hearing, and I do want to extend to our DEA Director a continued invitation to work with the subcommittee. Now, I sit up here as a frustrated Member of Congress, because we want to do something about the drug problem. To me, it's our most serious national problem.

I mean, when you have 80, 90 percent of the crimes in our communities are drug-related, we've packed our jails. We have 1.8 million individuals in jail, and probably 75 percent of them are in there because of some drug-related crime. It's now affecting our kids. Cocaine may be down, but it's up among the youth. The same thing with marijuana and methamphetamine and, most scary, heroin.

In the last 2 years, since we took control of the Congress, we made a commitment to give each of these agencies whatever resources they needed, whatever resource you need in DEA, Department of Justice, the Border Patrol folks. This is just the beginning of a new session of Congress. Whatever you need, we will get, but when we come back, I want to hear that the prosecutions have in-

creased, that the seizures, or whatever, the enforcement, you know, is working. Whatever it takes.

I don't know what it's going to take to get Mexico's cooperation. If the President certifies them, there are some of the members of the committee and Congress who may work for congressional decertification of that country. That's how serious we think it's gotten. With 70 percent of the drugs coming through this channel now, and what you told us here today, they are foot-dragging.

We've heard the comments about this rule is coming, this law is coming, this training is coming, this enforcement is coming, and the end of corruption is coming, and we don't see it. So we will do anything. We will meet with you night or day. We'll give you whatever resources, if it takes hundreds of millions or billions, it will be there. We want your advice and your counsel to make this work.

Finally, to our DEA Director, we met some real modern day heroes. Our subcommittee, when we traveled to South America, the first 2 years I served in Congress, when their funds were gutted and there was a different direction in policy—which isn't your fault, you just respond—some of those folks even took funds out of their own pockets to make those programs work, and kept things going, some of them back in the jungles, or wherever.

So they are real heroes, and we don't want to detract from what good work they have been doing. But we're here to work with you. We'll be critical, if what you're doing doesn't work, but we do want to hear from you.

Also, our friends with the Border Patrol, whatever resources you need. I know we gave you a net increase in this last year. This entire committee worked. Speaker Gingrich assigned Mr. Hastert initially as the liaison to the leadership, and now he chairs this subcommittee. So we, as a new majority, are committed to whatever resources it takes in working with you.

Mr. Chairman, I thank you for yielding to me and for allowing me to make that statement. Thank you for a good hearing.

Mr. SOUDER. I see Chairman Hastert has joined back with us. Do you have anything in closing?

Mr. HASTERT. Thank you.

I'm sorry, Tom and others, I make the apology for not being able to be here. I was in another meeting, part of those meetings with leadership and the Speaker, part of it was trying to get a commitment to make sure that we could move forward and make sure that you have those things that you need to carry on. Again, my apology. I'll read your testimony tonight, but I apologize for not hearing it in person.

This War on Drugs is something that just is not something for the TV cameras or the press. It's about our kids; it's about our communities, about our families. You're on that front line. We want to make sure that you have the wherewithal for the things that you have to do.

We want to let you know that we're in this fight, too, and we're in it to the end. That's a commitment that we have on the whole spectrum of drug enforcement, treatment, and working with Rob Portman in trying to make sure that we work on both sides of this issue and do the things that we have to do.

I would just second John Mica's statement. We know that the heroes are there, and we've seen the work that you do. We know the jeopardy of what your troops and what your folks are into day in and day out, and we just want to make sure that you have the wherewithal to do the jobs that you have to do.

That being said, this is just the second in a whole string of probably 20-some hearings that we're going to have in this area, and we will look forward to working with you, meeting with you personally, carrying on that dialog so that we know things. If you have a problem, we hope that you would give us a call so that we can follow through.

Again, I apologize for not being here for a great part of this hearing, but sometimes you get strung out in many different ways. So we appreciate it and yield back to our very able chairman.

Mr. CONSTANTINE. Congressman, on behalf of all the agents that you met who are heroes, and Doug's people, and Mary Lee's, your support means a great deal to us. It gets kind of tough sometimes. You feel like you're pushing a rock. If you're frustrated, you can imagine how some of these kids are night and day. But the fact that people in Congress take the time for these hearings and say the nice things that you have said, we relay that, and it means a great deal to us.

Mr. HASTERT. If I could, Mr. Chairman, one of the reasons I think we understood better, we were very fortunate last year to take a trip into the interior of South American countries where the real work was being done. We had one of your able assistants, Craig Chretien, with us a good part of that time. We saw and were able to hear the stories first-hand of what goes on. That was very helpful.

I make that invitation to all of you. When we can see what's happening and put people and faces with actions being done, that helps us do our job, as well. So we appreciate that effort.

Mr. SOUDER. We thank you for the many hours you spent here this afternoon. It's a testimony to your commitment that you're willing to come up here, on the more mundane side of this, but to help educate us so we can make good decisions here and help, through reaching out to others, through the media that's here today, and educate the American people.

It's not a war that's going to suddenly disappear; it's going to go on. It has to have every angle of it, and this is one of the important, critical angles, which is enforcement, and particularly as it relates to our decisions on certification and what blending of procedures we may do, and to call attention to the problems we're having in the drugs coming in.

We are all hearing from our county sheriffs. It's not an issue that has passed us by at the local level, because 70 to 80 percent of all the crime is drug and alcohol related. There isn't a one of us here who doesn't have—young people are particularly the most dramatic, when you see kids shooting each other over the money that they can make on drugs or in the car wrecks, and just stupid stuff that we see when somebody gets high.

A combination, particularly, of marijuana and alcohol is potent, but the heroin that we heard, in Florida, with the deaths, the crack that we have in Fort Wayne that's been a continuing problem. I

know that many of the schools are getting more aggressive, but it's a sad commentary that my son, in high school, in a suburban high school, that historically hadn't had as much of a problem, now has drug dogs going through.

Last week, he told me the story about he was not feeling well and was in the restroom, and the teacher hauled him out of the restroom into the room because the drug dogs were going through. But, you know, he earlier had told me he couldn't get into the restroom without smelling marijuana. Better to have drug dogs going through than to have that problem. This isn't just a low-income problem or a high-income problem; it is pervasive in school after school.

You are on the front lines, and we thank you. Because while we have to have a demand reduction side, the fact is, in Fort Wayne and other cities around this country, if the supply goes to huge levels and it's flooded, and the prices drop down, and the purity is there, and they mix it with different drugs, it is literally death to so many young people that we have to try to reduce the supply coming in, in addition to the demand reduction. Otherwise, it will just overwhelm the poor teachers and those who are trying to preach what's right, because of the profits that are made.

In our foreign policy, we have to make decisions not just based on money and what's financially in the best interest of the United States, but we have to realize we're in a battle with a substance that destroys our families and our kids.

I thank you, once again, for all your time.

Mr. CONSTANTINE. Thank you, Congressman.

Mr. SOUDER. With that, the hearing stands adjourned.

[Whereupon, at 5:20 p.m., the subcommittee was adjourned.]

