

**STATEMENT OF DAVID CUTHBERTSON
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TEXAS STATE SENATE TRANSPORTATION
AND HOMELAND SECURITY COMMITTEE HEARING
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Good morning ladies and gentlemen. I appreciate the invitation to update you on the current situation regarding the almost unprecedented drug violence in Juarez, Chihuahua, Mexico. I will also take this opportunity to share my experiences regarding successful strategies and initiatives to combat drug trafficking organizations and violent street gangs. My name is David Cuthbertson, and I am currently assigned as the Special Agent in Charge of the El Paso Division of the FBI. I have been in my current position since January 2nd of 2008, and I am in my 21st year of service to the FBI.

Throughout the majority of my career, I have been involved in either directly conducting or managing Federal investigations of drug trafficking organizations and violent street gangs. My field assignments have included Cincinnati, Ohio; Dallas, Texas; Denver, Colorado; Chicago, Illinois; and now, El Paso, Texas. Although my career has spanned in excess of 20 years and I have served in varied geographic regions of our wonderful country, several constants regarding drug trafficking have always remained.

Drug trafficking is all about the money, huge amounts of money. Drug trafficking organizations don't exist to make political statements or to provide for the social welfare of their communities; they exist to provide the maximum amount of profit to their leaders through the development and management of efficient production, transportation, and distribution systems for their products. The real threat to these organizations' profits come from the loss of their products or proceeds through law enforcement seizure or internal theft. Therefore, drug trafficking organizations have always tried to minimize these risks through compartmentalization, corruption, and brutality.

For illustration, the struggle for control of the Juarez "plaza" between two rival cartels, one controlled by Vincente Carrillo Fuentes and the other by Chapo Guzman, has played out rather graphically over the last year just south of the border from El Paso. Control of this valuable corridor is of immense value to the drug trafficking organizations, who have invested billions of dollars over the years

in developing an infrastructure of personnel, warehouses, and corrupt government officials. In 2008, approximately 1,600 murders occurred in Juarez, the vast majority of which are attributed to this ongoing "war." Each cartel has employed their own teams of assassins, systematically murdering each other, corrupt law enforcement officials, good law enforcement officials and the like. As the year drug on, the brutality of the murders sadly increased to include torture, beheadings, and the public display of the victims' bodies. Although the Mexican government sent over 2,000 military troops to Juarez, the cartels have operated with virtual impunity, effectively de-stabilizing all law enforcement in the area. If conditions remain the same in Juarez, the violence will only end when the cartels want it to, when agreements are reached as to who will control the "plaza" and how much they will be allowed to profit from its use.

Compare this situation to that of El Paso, which has enjoyed being one of the safest cities in America over recent years, where violent crime is down and murders in 2008 number only approximately 18. Our citizens are very sensitive to any crime which could be seen as "spill-over" violence, and I can sincerely say that we just haven't seen any. I can only attribute this to the fine work of all of the law enforcement officers in El Paso, to include the El Paso Police and Sheriff's Departments, the Border Patrol, CBP, DEA, ICE, and certainly the Texas Department of Public Safety.

Secondly, the problems of drug trafficking and violent gangs are remarkably inter-twined. In large urban areas, such as Chicago, street gangs control the vast majority of the retail distribution of narcotics to a large, stable user base. The street sales of narcotics provide the gangs and their members with the economic means to fund their activities and lifestyle. Drugs are supplied to these gangs at the wholesale level by traditional drug trafficking organizations, often through non-gang affiliated distributors. Cash generated from drug sales is collected by the gangs, consolidated at some point, and eventually makes its way across our borders to the organizations responsible for importing the drugs in the first place, Colombian and Mexican cartel members, who operate outside of the reach of U.S. law enforcement. Different variations of this scenario occur throughout the country, depending on the level of influence of various gangs in a particular locale. For example, in El Paso, we recently convicted a number of leaders and members of the Barrio Azteca street gang on Federal racketeering, drug, and weapons violations. Although they were not responsible for the majority of actual drug sales in El Paso, they controlled various areas in the city and collected a

"quota" or tax from anyone selling drugs on their turf. If the "quota" was not paid, violent acts would then occur to enforce the system, which was used to compensate the Barrio Azteca leadership structure both inside and outside of the penal system.

In my experience, areas that have enjoyed some measure of success in reducing drug trafficking and violent gang activities have employed multi-agency, multi-level, cooperative strategies to address the problem. Working together, Federal, state, and local agencies each bring something different to the "table," and by a cooperative, organized approach, positive gains can be made. In general, local agencies can significantly impact the activities of violent gangs through targeted uniformed gang enforcement in high crime activity areas. Teams of uniformed gang officers, sometimes known as TAC Teams also provide a wealth of intelligence to investigators through their day-to-day contact with gang members through proactive policing or response to calls for service. Additionally, many local police agencies have effective narcotics units which target low to mid-level drug distributors. They often provide Task Force Officers to work with the FBI or DEA on Organized Crime Drug Enforcement Task Forces or on HIDTA Groups, which target organizational leadership.

Federal agencies involved in combating drug trafficking and violent gangs bring their breadth of experience, authority, and investigative reach to the coordinated effort. The ability to conduct long-term, national and international investigations, using sophisticated investigative techniques, such as wiretaps and undercover operations, is crucial to the overall effort. Federal agencies involved in these type of investigations have the ability to gather incriminating records through the use of administrative and grand jury subpoenas. They are able to intercept the communications of drug traffickers and gang leaders through court-ordered wiretaps, and they are able to gain the prosecution and lengthy incarceration of these individuals through the use of RICO and Continuing Criminal Enterprise laws. The Federal government has law enforcement officers stationed around the world, who are dedicated to working with our foreign partners to attack the problem at its roots. I would also be remiss if I didn't mention the crucial role Customs and Border Protection plays along our border, capturing drug smugglers, seizing tons of narcotics and millions of dollars of drug related proceeds, and deterring countless other attempts to import narcotics into the United States.

I saw first-hand the success of a multi-layered, cooperative effort to combat violent street gangs during my tenure in Chicago, where we took on the leaders of the Vice Lords, Black Disciples, Latin Kings, and other notorious gangs, using long-term investigations and lengthy prison sentences to attack these organizations at their highest levels. I also saw success on the streets of Denver, Colorado, where the Metro Gang Task Force significantly reduced the violence perpetrated by Crips and Bloods gang members who had migrated to that great city from Los Angeles, California and elsewhere.

Here in El Paso, we enjoy a tremendously cooperative law enforcement community, which is already working together to stem the flow of narcotics across our border and to combat the effects of violent street gangs. Through our Safe Streets Task Forces, HIDTA Task Forces, and the joint FBI-DEA Strike Force, the El Paso law enforcement community is dedicated to the safety of our community and our nation. I would encourage the state to continue, or if possible, increase its participation in these ongoing initiatives that have shown their effectiveness in combating these significant problems.

I would be happy to address any questions of the Committee.