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U.S. Senate Bill Would Exclude Mexico from Drug Certification Process

by LADB Staff

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A bipartisan group of senators, led by Phil Gramm (R-TX), Barbara Boxer (D-CA), and Christopher Dodd (D-CN), has introduced legislation to exclude Mexico and other countries from the annual review for certification as an ally of the US in the fight against drug trafficking. Under the proposed legislation, any country that has entered into a bilateral agreement with the US to fight drugs would not have to face the annual review process. On March 1, US President Bill Clinton's administration recommended that Mexico and more than two dozen other countries be certified (see NotiSur, 1999-03-05).

The annual certification has been required by Congress since 1986 as a means for the US government to pressure foreign governments to crack down on illegal drug trafficking. But Mexico and other countries have criticized the process as ineffective and an intrusion into their internal affairs. Congress has until April 1 to override Clinton's recommendation to certify Mexico and the other countries. However, Senate Majority Leader Trent Lott (R-MS) and House Speaker Dennis Hastert (R-IL) have said they do not intend to push for decertification, which practically ensures that Clinton's recommendation will stand. Sens. Gramm and Boxer, whose states have strong commercial and cultural ties to Mexico, proposed eliminating the certification process, which they said has been ineffective.

Rather than pushing Mexico to cooperate, Gramm and Boxer said, certification has only strained bilateral relations. "What we have now in some cases is the worst of both worlds," said Boxer. "Either we ignore serious drug problems and vote to certify, or we vote to decertify countries that are our close allies." The initiative could receive strong bipartisan support in the Senate, where prominent senators like Pete Domenici (R-NM) and Kay Bailey Hutchison (R-TX) have in the past proposed legislation similar to the Gramm-Boxer-Dodd bill.

Opponents of certification in the Senate, however, have proposed their alternative rating system. Rather than focus on government efforts, Sens. Dianne Feinstein (D-CA) and Paul Coverdell (R-GA) have drafted a bill to impose sanctions against suspected Mexican drug traffickers and their business associates. Feinstein and Coverdell led a fight in 1998 to override Clinton's recommendation to certify Mexico. "Any business involved in the drug trade will be cut off from our economy," said Coverdell, who chairs the Senate Foreign Relations Subcommittee. But critics suggest the Coverdell-Feinstein initiative, modeled after a similar plan targeting Colombia in 1995, would be extremely difficult to enforce. They say the drug trade and legitimate business are increasingly intertwined.

Also, it is almost impossible to determine whether a business is involved with the drug trade. A recent report by the US Drug Enforcement Administration (DEA) said an estimated US\$7 billion in

drug profits are invested annually in the Mexican economy, particularly in the hotel and restaurant industry and in other service sectors. "[The Coverdell-Feinstein proposal] is typical of the war on drugs," said Ron Chepesiuk, author of *Hard Target: The United States War Against International Drug Trafficking, 1982-1997*. "It's all about politics and not about policy. People only want to make it look like they're getting tough."

Some US House members move to decertify Mexico

In the House, a group of 15 lawmakers has introduced legislation to decertify Mexico even though they lack the numbers to succeed. Rep. Spencer Bachus (R-AL), who is leading the effort, said his bill reflects strong concerns about alleged links of Mexican officials to the drug trade and a decline in Mexican drug seizures last year. Government confiscations of cocaine, heroin, and marijuana declined in 1998, as did the number of drug-related arrests (see SourceMex, 1999-02-17). "We realize it's an uphill battle," Bachus said during a news conference with four other representatives who support decertifying Mexico. "We weren't elected to fight this problem once and then give up."

Bachus' resolution would allow Clinton to waive economic penalties associated with decertifying Mexico in the interest of US national security. But the Clinton administration has staunchly defended its decision to certify Mexico, saying President Ernesto Zedillo's administration is "doing all it can" to seize illegal drugs in transit from South America and arrest traffickers. In a document released several days after the certification was announced, the administration acknowledged that "institutional weakness" in Mexico, such as the lack of resources, inadequate training, and extensive corruption, were the "most serious obstacles" preventing an effective war against drugs.

The document also said drug cartels in Mexico are well financed and are extremely violent, which creates "serious risks" for Mexican military personnel. In an interview with the Los Angeles Times, US Customs Commissioner Raymond Kelly said Mexican drug-enforcement officials are doing a remarkable job under very adverse conditions. "They're trying to do the right thing, but it is a tremendous problem," Kelly said, in reference to obstacles created by corruption and flaws in the country's justice system.

Corruption in Mexico has come up every year in the debate on whether Mexico should be certified. A number of prominent politicians and appointed officials have been accused of protecting drug traffickers, including Raul Salinas de Gortari, brother of former president Carlos Salinas de Gortari. The Procuraduria General de la Republica (PGR) is also investigating reports linking Quintana Roo Gov. Mario Villanueva Madrid to the drug trade (see SourceMex, 1999-01-06). The allegations of corruption have also involved members of the military, including the former director of Mexico's drug enforcement agency, Gen. Jesus Gutierrez Rebollo. Gutierrez Rebollo was arrested in February 1997 on charges of protecting notorious drug trafficker Amado Carrillo Fuentes (see SourceMex, 1997-02-26).

Defense secretary implicated in money-laundering case

The latest military official to be implicated in drug trafficking is Defense Secretary Enrique Cervantes Aguirre, who is said to have laundered drug profits. A recent report published by The New York Times, which quoted US Customs investigator William Gately, said Cervantes' name surfaced in connection with the controversial Casablanca Operation. The three-year investigation

discovered that several Mexican banks and other financial institutions in Latin America were used by drug dealers to launder profits that could total US\$157 million (see SourceMex, 1997-05-27).

Gately said the US government ordered that the Casablanca investigation be concluded as scheduled rather than allow customs to expand the probe to determine whether Cervantes was involved in laundering drug profits. "Why are we sitting on this kind of information?" Gately asked in his interview with the Times. "It's either because we're lazy, we're stupid, or the political will doesn't exist to engage in the kind of investigation where our law-enforcement efforts might damage our foreign policy."

Responding to Gately's allegations, State Department spokesman James Rubin said there was no doubt that Cervantes' name may have surfaced during the course of the investigation, but there was also no compelling reason to continue the Casablanca case. "Concerning the highly speculative allegations against Gen. Cervantes, we note that it is common for drug traffickers to falsely claim high-level connections in the Mexican government," said Rubin. (Sources: El Economista, 02/26/99; Proceso, 02/28/99; The Dallas Morning News, 02/26/99, 03/03/99; Reuters, 03/03/99; San Antonio Express-News, 03/04/99, 03/11/99; Hearst news service, 03/11/99; The News, 02/26/99, 03/03/99, 03/05/99, 03/12/99; El Diario de Yucatan, 03/12/99; El Universal, 02/26/99, 03/03/99, 03/05/99, 03/10/99, 03/15/99; Associated Press, 02/26/99, 03/01/99, 03/16/99; Spanish news service EFE, 03/11/99, 03/16/99; The New York Times, 03/16/99; Excelsior, 02/26/99, 03/03/99, 03/17/99; Novedades, 02/26/99, 03/12/99, 03/17/99; Los Angeles Times, 02/26/99, 03/16/99, 03/17/99; La Jornada, 03/04/99, 03/17/99)

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