

# GANGS AND CRIME IN LATIN AMERICA

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HEARING  
BEFORE THE  
SUBCOMMITTEE ON  
THE WESTERN HEMISPHERE  
OF THE  
COMMITTEE ON  
INTERNATIONAL RELATIONS  
HOUSE OF REPRESENTATIVES  
ONE HUNDRED NINTH CONGRESS

FIRST SESSION

APRIL 20, 2005

**Serial No. 109-96**

Printed for the use of the Committee on International Relations



Available via the World Wide Web: [http://www.house.gov/international\\_relations](http://www.house.gov/international_relations)

U.S. GOVERNMENT PRINTING OFFICE

20-786PDF

WASHINGTON : 2006

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## GANGS AND CRIME IN LATIN AMERICA

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WEDNESDAY, APRIL 20, 2005

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON THE WESTERN HEMISPHERE,  
COMMITTEE ON INTERNATIONAL RELATIONS,  
*Washington, DC.*

The Subcommittee met, pursuant to notice, at 1:58 p.m. in room 2172, Rayburn House Office Building, Hon. Dan Burton (Chairman of the Subcommittee) presiding.

Mr. BURTON. Can I have unanimous consent that in the discussions that will now take place, all Members and witnesses' written and opening statements be included in the record? Without objection, so ordered.

I ask you unanimous consent that all articles, exhibits and extraneous or tabular material referred to by Members or witnesses be included in the record? Without objection, so ordered.

I ask unanimous consent that any Member who may attend today's hearing be considered a Member of the Subcommittee for the purposes of receiving testimony and questioning the witnesses after Subcommittee Members have been given the opportunity to do so, and without objection, so ordered.

Today the Subcommittee will examine the growing threat of street gangs on security and stability in Latin America and the United States. Gangs of various kinds have existed in the United States and Latin America for years, traditionally in large metropolitan areas. In recent years, however, gang activities have grown increasingly violent and have spread to smaller cities, as well as rural areas.

According to the United States Department of Justice, some 30,000 gangs, with about 800,000 members, operate in the United States. They range from small local groups to large multi-state and multinational organizations, and their growth was fueled by the explosive use of illegal drugs in the United States during the 1980s.

A 2001 survey by the National Youth Gang Center showed that while all racial groups are represented in street gangs, nearly half of all members are Hispanic, many of them the children of illegal immigrants.

Today's high profile street gangs are a different, more dangerous breed than their predecessors. Although, just as violent as the gangs in the past, today's street gangs are more organized with members holding clandestine meetings to exchange guns, drugs, plot strategies, target enemies, and share intelligence information on law enforcement, all the hallmarks of a criminal syndicate or terrorist network.

Traditionally, the formation of street gangs has been linked to poverty, poor education, and crime. As we have discussed over the past several weeks, many countries in Latin America exhibit a great deal of the domestic factors that can foster the development of gangs.

Highly urbanized populations, growing youth populations facing stagnant job markets, rising domestic drug addiction, and an absence of the political will to fight crime have led to the development of gang movements and have conspired to give Latin America the dubious distinction of the most violent region in the world.

These high crime rates destabilize Latin American society by undermining support for democratic institutions charged with providing public security, by inhibiting economic development, by reducing tourism and investment, and by increasing insurance and security costs for firms wishing to do business in the region, and finally, they erode the strength of civil society by discouraging people's participation in community activities.

It has been said that, "weak states pose as great a threat to our national security as strong states." Central American gangs clearly pose a serious threat to our region's stability through their involvement in human and drug trafficking, auto and weapon smuggling, and kidnapping.

Within the last few days there have been newspaper reports in Mexico claiming that members of the Mexican drug cartels may have acquired sophisticated surface-to-air shoulder-fired missiles.

Gang involvement with the cartels has been confirmed and although no solid credible evidence has yet emerged of a connection between the Central American gangs and al-Qaeda, some law enforcement officials have speculated on the positive benefits to both groups of such a linkage.

States in the region that do not overcome their cultures of lawlessness pose a serious risk to our national security. We must fully understand this and recognize that the region's crime problems are our problems as well and that we have a responsibility to help in any way we can.

I am encouraged that the United States Government has become increasingly concerned and engaged on solving the problem of transnational gangs.

In 2002, USAID partnered with the Center for Disease Control and Prevention on the Inter-American Coalition for the Prevention of Violence to provide technical assistance to help Central American governments collect better crime statistics.

In December 2004, the FBI created a special task force, focused solely on combatting the Mara Salvatrucha, known as MS-13, considered one of the largest, best organized street gangs in the United States and one notorious for its violence.

On February 23, 2005, the task force announced the creation of a liaison office to be located in San Salvador and tasked with coordinating regional information sharing and anti-gang efforts.

Just this past Friday, on April 15, the FBI announced an agreement with Mexican authorities to share intelligence on MS-13, particularly as it relates to the gang's activities in the southern Mexican state of Chiapas. Chiapas has become a central point of focus

because the gang's de facto control of trains that carry stowaways from southern Mexico to the United States border.

The Department of Homeland Security's Immigration and Customs Enforcement Division has created its own national anti-gang initiative, code name Operation Community Shield, that has already conducted raids in several cities, notably Los Angeles, Baltimore, New York, Miami, Washington, DC, and Newark, New Jersey, rounding up hundreds of gang members for involvement in drugs, prostitution, gun running and human smuggling. Operation Community Shield will also work through overseas offices to coordinate activities with foreign governments that are experiencing gang problems.

Furthermore, I understand that the U.S. State Department is even developing a new anti-gang initiative that would include economic programs to address the socioeconomic roots of the gang problem.

The Bush Administration has also created the trilateral "Security and Prosperity Partnership (SPP) of North America" in conjunction with Mexican President Fox and Canadian Prime Minister Martin. Although not a specific anti-gang initiative, the SPP will strengthen and expand trilateral cooperation in the areas of immigration, border integrity and security policies.

Increased cooperation on immigration and border integrity is particularly important to winning our battle against the gangs. Our great Nation has always welcomed and embraced diversity and the 39 million people living in America of Hispanic heritage currently constitute the largest minority group living in the United States. However, between 2000 and 2004, the number of undocumented immigrants in the United States jumped 25 percent, with more than 50 percent of that growth attributable to Mexican nationals living illegally in the United States.

There is strong evidence that our porous borders are providing easy passage for gang members and illegal immigrants, and the children of illegal immigrants are prime targets for gang recruitment.

The inescapable conclusion is that we must tighten our borders. How we do that without stifling legal immigration is of course the challenge. Nevertheless, we must rethink our border patrol strategies and tactics and likewise, we must also rethink what we do with illegal immigrants, particularly those involved with the gangs, once we catch them. For example, we know that gang members who are arrested in the United States and deported are making their way back into the United States, and by the same token influencing and expanding their recruitment of new members in Mexico and Central America along the way.

Simply exporting our problems obviously is not the solution. In the end, we need to look for new and innovative ways to strengthen international cooperation to fight gangs and crime and we need to marshal the financial resources to do this in a robust manner.

With the limited time we have today, we cannot solve this problem, but we will attempt to address the roots of the proliferation of gangs in our hemisphere and examine the damage that they cause to communities.

Further, we will look at how new members are targeted, recruited into and retained by these gangs, and the role of gangs in narcotics trafficking, money laundering, illegal sex trade, and numerous other illicit activities.

Our distinguished witnesses will offer their perspective on these issues and hopefully make a few constructive recommendations on how we can strengthen our national anti-gang initiatives into a comprehensive coordinated hemisphere-wide response to these phenomena.

I look forward to their testimony and I look forward to listening to Mr. Menendez, my Ranking Member, for his comments.

[The prepared statement of Mr. Burton follows:]

PREPARED STATEMENT OF THE HONORABLE DAN BURTON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF INDIANA, AND CHAIRMAN, SUBCOMMITTEE ON THE WESTERN HEMISPHERE

Today the Subcommittee will examine the growing threat of street gangs on security and stability in Latin America and the United States. Gangs of various kinds have existed in the United States and Latin America for years, traditionally in large metropolitan areas. In recent years, however, gang activities have grown increasingly violent and have spread to smaller cities as well as rural areas.

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Today's high profile street gangs are a different, more dangerous breed than their predecessors. Although just as violent as the gangs of the past, today's street gangs are more organized with members holding clandestine meetings to exchange guns and drugs, plot strategies, target enemies and share intelligence information on law enforcement; all the hallmarks of a criminal syndicate or terrorist network.

Traditionally, the formation of street gangs has been linked to poverty, poor education and crime. As we have discussed over the past several weeks, many countries in Latin America exhibit a great deal of the domestic factors that can foster the development of gangs. Highly urbanized populations, growing youth populations facing stagnant job markets, rising domestic drug addiction, and an absence of the political will to fight crime have led to the development of gang movements and have conspired to give Latin America the dubious distinction of the most violent region in the world. These high crime rates destabilize Latin American society by undermining support for democratic institutions charged with providing public security, by inhibiting economic development, by reducing tourism and investment, and by increasing insurance and security costs for firms wishing to do business in the region; and finally they erode the strength of civil society by discouraging people's participation in community activities.

It has been said that, "weak states pose as great a threat to our national security as strong states." Central American gangs clearly pose a serious threat to our region's stability through their involvement in human and drug trafficking, auto and weapons smuggling; and kidnapping.

Within the last few days there have been newspaper reports in Mexico claiming that members of the Mexican Drug Cartels may have acquired sophisticated surface-to-air shoulder-fired missiles. Gang involvement with the cartels has been confirmed, and although no solid credible evidence has yet emerged of a connection between the Central American gangs and Al-Qaeda, some law enforcement officials have speculated on the positive benefits to both groups of such a linkage.

States in the region that do not overcome their "cultures of lawlessness" pose a serious risk to our national security. We must fully understand this and recognize that the region's crime problems are OUR problems as well; and that we have a responsibility to help.

I am encouraged that the United States government has become increasingly concerned and engaged on solving the problem of transnational gangs. In 2002, USAID partnered with the Centers for Disease Control and Prevention (CDC) on the Inter-



American Coalition for the Prevention of Violence to provide technical assistance to help Central American governments collect better crime statistics.

In December 2004, the FBI created a special task force focused solely on combating the Mara Salvatrucha; also known as MS-13, considered one of the largest, best organized street gangs in the United States, and one notorious for its violence. On February 23, 2005, the task force announced the creation of a liaison office to be located in San Salvador and tasked with coordinating regional information-sharing and anti-gang efforts. Just this past Friday, on April 15th, the FBI announced an agreement with Mexican authorities to share intelligence on MS-13, particularly as it relates to the gang's activities in the southern Mexican state of Chiapas. Chiapas has become a central point of focus because of the gang's de facto control of trains that carry stowaways from southern Mexico to the U.S. Border.

The Department of Homeland Security's Immigration and Customs Enforcement division has created its own national anti-gang initiative, code-named "Operation Community Shield," that has already conducted raids in several cities—notably Los Angeles, Baltimore, New York, Miami, Washington, DC, and Newark, New Jersey—rounding up hundreds of gang members for involvement in drugs, prostitution, gun-running, and human smuggling. Operation Community Shield will also work through overseas offices to coordinate activities with foreign governments that are experiencing gang problems.

Furthermore, I understand that the U.S. State Department is even developing a new anti-gang initiative that would include economic programs to address the socio-economic roots of the gang problem.

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Increased cooperation on immigration and border integrity is particularly important to winning our battle against the gangs. Our great nation has always welcomed and embraced diversity, and the 39 million people living in America of Hispanic heritage currently constitute the largest minority group living in the United States. However, between 2000 and 2004 the number of undocumented immigrants in the United States jumped 25%, with more than 50% of that growth attributable to Mexican nationals living illegally in the United States.

There is strong evidence that our porous borders are providing easy passage for gang members and illegal immigrants, and the children of illegal immigrants are prime targets for gang recruitment. The inescapable conclusion is that we must tighten our borders. How we do that without stifling legal immigration is of course the challenge. Nevertheless, we must rethink our border patrol strategies and tactics, and likewise, we must also rethink what we do with illegal immigrants, particularly those involved with the gangs, once we catch them. For example, we know that gang members who are arrested in the United States and deported are making their way back into the United States, and by the same token, influencing and expanding their recruitment of new members in Mexico and Central America along the way. Simply exporting our problems obviously isn't the solution.

In the end, we need to look for new and innovative ways to strengthen international cooperation to fight gangs and crime; and we need to marshal the financial resources to do this in a robust manner. With the limited time we have today, we cannot solve this problem. But we will attempt to address the roots of the proliferation of gangs in our hemisphere, and examine the damage they cause to communities. Further, we will look at how new members are targeted, recruited into, and retained by these gangs and the role of gangs in narcotics trafficking, money laundering, the illegal sex trade, and numerous other illicit activities.

Our distinguished witnesses will offer their perspective on these issues, and hopefully make a few constructive recommendations, on how we can strengthen our national anti-gang initiatives into a comprehensive, coordinated hemisphere-wide response to these phenomena. I look forward to their testimony.

Mr. MENENDEZ. Thank you, Mr. Chairman, for holding this important hearing at a critical time on the subject matter.

In the Subcommittee we often talk about our hemisphere, our neighborhood. We talk about how we are all interconnected. How a problem in one country impacts the rest of the hemisphere.

It is clear in the case of crime and gangs that a domestic problem is an international problem and vice versa. That globalization al-

lows goods, services, labor and criminals to flow across borders and that the countries of our hemisphere are inexorably connected for better or for worse.

The gangs that are killing people in our neighborhoods here in the United States, in Virginia, the District, New Jersey, and around the country are killing people in El Salvador and Guatemala and Honduras.

Today we must acknowledge that we have a shared problem, and that shared problems demand shared solutions.

Latin America is the most violent region in the world, suffering from crime rates that are more than twice the world average. The average homicide rate in Latin America and the Caribbean is three times the world average of 8.8 per hundred thousand people.

Extraordinary crime rates are crippling Latin America's political, economic and social development by discouraging foreign investment, decreasing worker productivity, and increasing operating costs for firms.

According to the Inter-American Development Bank, if the region's crime rate were on par with the rest of the world, the average GDP per capita in the region would be 25 percent higher.

With the explosion of gangs in Central America, we have a serious problem with no easy solution. Local gangs have morphed into multinational organizations, wreaking havoc in communities here and in Central America. Today there are nearly 740,000 gang members in the United States and approximately 70,000 gang members in Central America.

So how do we stop the gang problem and how do we stop the violence? Clearly we must punish the perpetrators, both here and abroad, and stop their supplies of weapons and money. But we also have to keep gangs from recruiting new members and finding ways to rehabilitate former gang members who have served their time.

While I support clear action against those who commit crimes, we cannot ignore civil liberties in the name of security. People shouldn't be thrown in jail simply for being a suspected member of a gang. They must be accused of and convicted of a crime.

Our hemisphere faces a crime crisis. In some ways it is a problem that seems easy to ignore, because it isn't a sudden economic crisis, where a currency crashes, or a political crisis, when a government falls.

But crime and violence is a cancer that is slowly eating away at democracy, economic growth and development for the people of the Americas.

As part of a transnational response, we must, one, improve the rule of law. People need to trust the police, the courts, and the government. Criminals need to know that if they commit the crime, they will pay the price. People need to know that their governments will respond so that they don't take the law into their own hands or waste millions on private security.

We have to address the root causes of the problem. This means working toward long-term solutions and investing in education, reducing poverty, and promoting economic growth.

Thirdly, we have to create a clear and strong response to those who do commit a crime and are convicted through a fair trial, both

here in the United States and in other countries. We have got to create a coordinated U.S. response to both crime and gangs.

I would hope that before our next hearing on this topic we get a clear picture from each relevant government agency on exactly what the United States is doing about this, which agencies are taking the lead, how much we are spending and a clear action plan for the future.

As I said before, shared problems demand shared solutions. It is in our national interests and national security interest to create a comprehensive, coordinated and hemispheric response to crime and violence, in partnership with our neighbors.

I look forward to hearing from the witnesses on this complex, multinational issue, as they give us insights as to how we might best do that. Thank you, Mr. Chairman.

[The prepared statement of Mr. Menendez follows:]

PREPARED STATEMENT OF THE HONORABLE ROBERT MENENDEZ, A REPRESENTATIVE  
IN CONGRESS FROM THE STATE OF NEW JERSEY

#### INTRODUCTION

Thank you, Mr. Chairman, for holding this very important hearing at such a critical time.

In this Subcommittee we often talk about our hemisphere, our neighborhood. We talk about how we are all interconnected, how a problem in one country impacts the rest of the hemisphere.

It is clear, with the case of crime and gangs:

- that a domestic problem is an international problem and vice versa;
- that globalization allows goods, services, labor, and criminals to flow across borders; and
- that the countries of our hemisphere are inexorably connected for better or for worse. The gangs that are killing people in our neighborhoods here in the United States—in Virginia, DC, New Jersey, and around the country—are killing people in El Salvador, in Guatemala, and Honduras.

So, today, we must acknowledge that we have a shared problem. And that shared problems demand shared solutions.

#### CRIME

Latin America is the most violent region in the world, suffering from crime rates that are more than twice the world average.<sup>1</sup> The average homicide rate in Latin America and the Caribbean is *three* times the world average of 8.8 per 100,000 people.<sup>2</sup>

And extraordinary crime rates are crippling Latin America's political, economic and social development by discouraging foreign investment, decreasing worker productivity, and increasing operating costs for firms. According to the Inter-American Development Bank, if the region's crime rate were on par with the rest of the world, the average GDP per capita in the region would be 25 percent higher<sup>3</sup>.

#### GANGS

With the explosion of gangs in Central America, we have a serious problem with no easy solution. Local gangs have morphed into multinational organizations wreaking havoc in communities here and in Central America. Today there are nearly 750,000 gang members in the United States and approximately 70,000 gang members in Central America.<sup>4</sup>

So how do we stop the gang problem? How do we stop the violence?

<sup>1</sup>“USAID's Franco Advocates Community Policing As a Growing Component of Development,” USAID, 2005

<sup>2</sup>Congressional Research Service. Ribando, Clare. Memo on Background for Hearing on Gangs and Crime in Latin America

<sup>3</sup>“Crime, Democracy, and Development in Latin America,” William C. Prillaman, June 2003

<sup>4</sup>“Gang World,” Andrew Papachristos, Foreign Policy and CRS report.

Clearly, we must punish the perpetrators both here and abroad and stop their supplies of weapons and money.

But, we also have to keep gangs from recruiting new members and find ways to rehabilitate former gang members who have served their time.

While I support clear action against those who commit crimes, we can't ignore civil liberties in the name of security. People shouldn't be thrown in jail simply for being a suspected member of a gang. They must be accused of and convicted of a crime.

#### RESPONSE

Our hemisphere faces a crime crisis. In some ways, it is a problem that seems easy to ignore because it isn't a sudden economic crisis when a currency crashes or a political crisis when a government falls. But crime and violence is a cancer that is slowly eating away at democracy, economic growth, and development for the people of the Americas.

As part of a transnational response, we must:

- improve the rule of law. People need to trust the police, the courts, and the government. Criminals need to know that if they commit the crime, they will pay the price. People need to know that their governments will respond so that they don't take the law into their own hands or waste millions on private security.
- address the root causes of the problem. This means working towards long-term solutions and investing in education, reducing poverty, and promoting economic growth.
- create a clear and strong response to those who do commit a crime and are convicted through a fair trial, both here in the United States and in other countries.
- create a coordinated US response to both crime and gangs. I would hope that before our next hearing on this topic, we get a clear picture from each relevant government agency on exactly what the United States is doing about this, which agencies are taking the lead, how much we are spending, and a clear action plan for the future.

As I said before, shared problems demand shared solutions.

It is in our national interest and our national security interest to create a comprehensive, coordinated, and hemispheric response to crime and violence in partnership with our neighbors.

I look forward to hearing from the witnesses on this complex, multinational issue.

Mr. BURTON. Thank you, Mr. Menendez.

Mr. Weller? He left. Mr. McCaul, do you have any comments? Mr. Weller, do you have any questions? No. Ms. Lee?

Very well. Then we will go to our witnesses. Would you please rise so you can be sworn?

[Witnesses sworn.]

Mr. BURTON. I didn't properly introduce you. Where is the introduction of these individuals? You have to forgive me.

Adolfo Franco was sworn in as the Assistant Administrator for Latin America and Caribbean of the U.S. Agency for International Development in January 2002. Before joining USAID, Mr. Franco served as counsel to the majority on the International Relations Committee. That is this group here. We appreciate your hard work in the past. He is a member of the District of Columbia and Missouri Bar Associations and the Inter-American Bar Association. Welcome. We appreciate your being here.

Chris Swecker was named Assistant Director for the Criminal Investigative Division of the FBI on July 7, 2004. He is responsible for coordinating, managing, and directing all criminal investigative programs nationwide. Your resume is so long I am not going to read it all, but it is very impressive.

John Torres assumed his current position as Deputy Assistant Director for Smuggling and Public Safety in the Immigration and Customs Enforcement (ICE) Office of Investigations in March 2004.

In June 2003 to March 2004 he served as a Special Agent in charge of the Newark ICE office. He oversaw ICE's participation in several major multi-agency investigations, including Operation Falcon, an international child pornography investigation and Operation Manpad, involving the undercover purchase of surface-to-air missiles from international arms brokers for the purposes of downing American airliners. He has also served with distinction with the INS and his current responsibilities include oversight of ICE operations in the areas of human smuggling and trafficking, contraband smuggling, gangs and criminal organizations.

Welcome all of you and with that, we will start with you, Mr. Franco, since you used to work with the Committee. We will show deference to you.

**TESTIMONY OF THE HONORABLE ADOLFO A. FRANCO, ASSISTANT ADMINISTRATOR, BUREAU OF LATIN AMERICA AND THE CARIBBEAN, UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT**

Mr. FRANCO. Thank you very much.

Mr. BURTON. If you could, gentlemen, since we want to ask questions, we would like for you to try to keep your remarks as close to 5 minutes as possible.

Mr. FRANCO. Thank you, sir. Thank you very much, Mr. Chairman, Members of the Committee. As always, it is a privilege to have the opportunity to appear before the Subcommittee on the Western Hemisphere.

At the outset, Mr. Chairman, I wish to, before I give my remarks, congratulate you and Mr. Menendez and the Committee for marking up H.R. 193 on the Cuba Resolution, regarding the planned events for May 20.

I want you to know that our Government, our Administration, USAID, is working to do everything possible to make this event a success. I fully agree with Mr. Menendez. Cuba's human rights record is the worst of the worst and I wish to congratulate you and the Committee.

I last testified before the Committee, Mr. Chairman, in March, when I discussed the state of democracy in the Western Hemisphere and shared with you a number of chronic and emerging challenges that threaten to unravel decades of development assistance and gains in Latin America.

Therefore, I am really pleased today to have the opportunity to discuss what the Members of the Committee have noted, two of the growing challenges to the region, and they are relatively new, crime and gang violence, in more depth with you today.

Mr. Chairman, as you noted in your opening statement, Latin America now has the dubious distinction of being the most violent region in the world, with crime rates that more than double the world average. This has taken a tremendous toll on development in the region, by both affecting economic growth and public faith in democracy.

As Mr. Menendez has stated, the Inter-American Development Bank estimates that Latin America's per capita gross domestic product would be 25 percent higher, if the region's crime rates were just simply equal to the world average.

Business associations in the region rank crime as the number one issue that negatively affects trade and investment in the region.

Accordingly, public faith in democracy itself is under threat throughout Latin America. A United Nations report last year revealed that only 43 percent of Latin Americans are now fully supportive of democracy, and crime has rapidly risen to the top of the list of concerns for citizens in the region as the reason for this.

As the *Economist* magazine described it, "In several Latin American countries 2004 will be remembered as a year in which the people rose up in revolt against crime."

Massive street demonstrations, such as those that took place in Argentina, Mexico, and Brazil have made it increasingly difficult for politicians to avoid dealing with the issue and in many countries, they have made tackling crime, thankfully, now a central theme in their political platforms.

However, the reactions to crime, as Mr. Menendez has noted, have not always been healthy. Where justice systems remain weak and crime is unrelenting and on the rise, both political figures and the public are more willing to sacrifice civil liberties and democratic values to address these ills.

Frustrated and frightened voters are turning to populists, who promise to use a heavy hand to deal with the issue, at the expense of democratic values.

It is far from surprising that in USAID-funded public opinion polls throughout the region, victims of crime have less confidence of course in democratic institutions and in many countries, high levels of crime provide the strongest justifications in people's minds for a military coup.

The roots of crime in Latin America run deep, but are certainly not unique to our region alone. This region, like many other regions in the world, is dealing with a melting pot of debilitating threats, including organized crime networks, narcotrafficking systems, youth gang violence, ineffective legal systems, and extremely high levels of corruption.

As noted by Members of the Committee, porous borders present an additional threat to regional democracy, investment, stability, and security and have resulted in a transnationalization of the problem.

The growing problem of gang violence, per se, in Latin America is particularly troubling because it affects the livelihood of many of the countries in the region.

A demographic youth bulge has created a cohort of youth without jobs or unrealistic expectations of employment. The situation has fueled the mounting problem of gang violence. This is particularly true in the highly-populated countries of Central America, but also in Mexico, Jamaica, Colombia, and Brazil.

The arrests in the United States some weeks ago of 100 members of the notorious Salvadoran gang, Mara Salvatrucha, also known as MS-13, underscored the transnational nature of the gang problem.

This, Mr. Chairman, is a threat to our national security. However, we cannot realistically, as Mr. Menendez has noted, expect to solve the problems of gangs and crimes in the short term.

Working together with host governments and other U.S. Government agencies, such as the witnesses we have here today, to implement effective multi-sectoral measures that strengthen institutions and build local capacity can and is having an impact.

Up to now, most of the approaches dealing with gangs in Latin America have focused on law enforcement. However, history has taught us that addressing law enforcement alone will not have the sustainable long-term impact on the problem of gang violence.

Crime and violence will continue to thrive where there is weak rule of law and where economic opportunity is scarce and education is non-existent or inadequate.

Effectively addressing crime requires a holistic, multi-sectoral approach that addresses law enforcement as well as crimes rooted in social, political and economic causes.

USAID's efforts to promote democratic governance, strengthen the rule of law, and promote economic growth are providing that foundation for more prosperous, rules-based societies, which help to disable the backbone of crime.

Crime, in essence, flourishes in environments where economic opportunity is limited. Regional trade agreements that the President has committed to implementing, such as the Central American Free Trade Agreement and the overall Free Trade Agreement for the Americas will, in my view, increase trade and investment in Latin America and thereby help to create jobs and expand economic opportunities for millions of Latin Americans. This is part of the holistic approach that we are taking at USAID.

I know my time is short, Mr. Chairman and I ask that the remainder of my statement be made available for the record.

[The prepared statement of Mr. Franco follows:]

PREPARED STATEMENT OF THE HONORABLE ADOLFO A. FRANCO, ASSISTANT ADMINISTRATOR, BUREAU OF LATIN AMERICA AND THE CARIBBEAN, UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

Mr. Chairman, Members of the Committee, as always it is a privilege to have the opportunity to appear before the Subcommittee on the Western Hemisphere of the House International Relations Committee. I was last here in March, when I discussed the state of democracy in the Western Hemisphere and shared with you a number of chronic and emerging challenges that threaten to unravel decades of developmental gains in Latin America. I am pleased to have the opportunity to discuss two of these challenges—crime and gang violence—in more depth with you today.

*Crime is Slowing Economic Growth and Undermining Democratic Consolidation in Latin America*

Today, Latin America has the dubious distinction of being one of the most violent regions in the world, with crime rates more than double the world average and comparable to rates in war-torn Africa. This is taking a tremendous toll on development in the region by both affecting economic growth and public faith in democracy. Despite significant strides toward democracy over the last two decades, economic growth is largely stagnant and democratic consolidation scarce. Since the mid-1990s, growth rates in the region have averaged around two to three percent, which is inadequate for reducing current levels of poverty.

The Inter-American Development Bank estimates that Latin America's per capita Gross Domestic Product would be twenty-five percent higher if the region's crime rates were equal to the world average. Similarly, the World Bank has identified a strong correlation between crime and income inequality. Business associations in the region rank crime as the number one issue negatively affecting trade and invest-

ment. Latin America has found itself caught in a vicious circle, where economic growth is thwarted by high crime rates, and insufficient economic opportunity contributes to high crime. Crime-related violence also represents the most important threat to public health, striking more victims than HIV/AIDS or other infectious diseases.

Public faith in democracy itself is under threat as governments are perceived as unable to deliver basic services such as public security. A United Nations report last year revealed that only 43 percent of Latin Americans are fully supportive of democracy. Crime has rapidly risen to the top of the list of citizen concerns in Latin America. As the *Economist* magazine described it, “in several Latin American countries, 2004 will be remembered as the year in which the people rose up in revolt against crime.” Massive street marches such as those that took place in Argentina, Mexico, and Brazil, and other expressions of protest against violence, have made it increasingly difficult for politicians to avoid dealing with the issue and, in many countries, have made tackling crime a central theme in political party platforms across the region. Several leaders in the region, including El Salvador’s Tony Saca, Ricardo Maduro in Honduras, Guatemala’s Oscar Berger, and Alvaro Uribe in Colombia, have all campaigned on a strong anti-crime message. The Presidents of Honduras and El Salvador have called gangs as big a threat to national security in their countries as terrorism is to the United States.

#### *Regional Responses Favor Law Enforcement Approaches*

Most regional responses have focused on strengthening law enforcement and toughening anti-gang laws, such as the *Mano Dura*, or “Firm Hand,” policies adopted by El Salvador and Honduras, which have resulted in a significant increase in numbers of arrests as well as an increase in the grounds for arrest. In these countries, merely having a tattoo is an arrestable offense. In Colombia, President Uribe introduced a number of reforms to reduce crime. The program has resulted in a reduction of crime and increased feelings of citizen security, which in turn has led to consistently high approval ratings. Boosted by high popularity, President Uribe successfully lobbied the Colombian Congress to pass a constitutional amendment, ratified by plebiscite, aimed at obtaining extraordinary executive powers to fight terrorism. In this process, the Uribe Administration has clashed with non-governmental human rights organizations, and has also been criticized by the United Nations Human Rights Commission. However, according to the Department of State Human Rights Report, the vast majority of allegations of human rights abuses, over 98 percent, are attributed to Colombia’s illegal armed groups, primarily the three narcoterrorist groups—not government forces. This report clearly demonstrates the institutionalization of respect for human rights by the Colombian government whose forces as recently as the mid-1990s were accused of 50–60 percent of the human rights abuses. As a reflection of this commitment to human rights, since 1996, more than 290,000 members of Colombia’s security forces have received specialized human rights training conducted by the International Committee of the Red Cross, the Colombian Red Cross, the Roman Catholic church, foreign governments and other government offices and agencies.

While most Latin American governments favor law enforcement approaches, much less attention has been given to the prevention component, with the notable exception of Panamanian President Torrijos’ *Mano Amiga* or “Friendly Hand” plan, which aims to provide at-risk youth with positive alternatives to gang membership.

Indeed, the reactions to the problem of crime have not all been healthy. Where justice systems remain weak and crime is unrelenting and on the rise, both politicians and the public are more willing to sacrifice civil liberties and democratic values to address these ills. Torture, which had been considered a relic of the past, has re-emerged in recent years in Brazil, Mexico, and Peru as a tool to force confessions out of suspects during interrogations. In 2003, Freedom House found that the majority of convictions in Mexico included so-called “voluntary” confessions, often as a result of torture. Certain areas, in Guatemala, Haiti, Peru, and Bolivia for example, have seen a rise in vigilante justice, such as mob lynching. Frustrated and frightened voters are turning to populists who promise to use a heavy hand to deal with the issue, even at the expense of democratic values. It is far from surprising that USAID-funded public opinion surveys in Latin America revealed that victims of crime have less confidence in democratic institutions and that, in many countries, high levels of crime provide the strongest justification in people’s minds for a military coup.

#### *The Borders of Crime in Latin America Are Dissolving*

The roots of crime in Latin America run deep but are certainly not unique to this region alone. In addition to slow economic growth rates and stubborn levels of in-



come inequality, this region, like other areas of the world, is dealing with a melting pot of debilitating threats including, among others, organized crime networks, narco-trafficking, youth gang violence, ineffective legal systems, and extremely high levels of corruption. Porous borders present an additional threat to regional democracy, investment, stability, and security, and have resulted in a transnationalization of the problem. Organized crime exploits established links for narcotics trafficking to traffic contraband, launder money, and move people. Trafficking in persons is thriving in a region where the problems of forced labor, corruption, and organized crime are exacerbated by weak public institutions and the lack of accountability and oversight by government officials.

In many countries, the divide between youth gang violence and organized narco-crime is becoming increasingly blurred. According to a World Health Organization study, in Brazil children as young as six years old are drawn into gangs to be look-outs and carriers and are often paid in-kind with crack cocaine or other drugs. Domestic drug addiction is a growing problem in Andean and Central American countries as well—the Central American Narcotics Affairs Sections of the U.S. Embassies have found an explosion of crack cocaine use and addiction among elementary school age children in that sub-region. Many of these threats to democracy, human rights, and citizen security are financed with massive resources from organized crime, money laundering, alien smuggling, and other illicit, interconnected transnational enterprises.

#### *Effectively Tackling Gang Violence Requires a Holistic Approach*

The growing problem of gang violence in Latin America is particularly troubling since it affects the lifeblood of many countries in the region—the youth. A demographic youth bulge, coupled with poor quality primary education, has created a cohort of youth without jobs or realistic expectations of employment. The situation has fueled the mounting problem of gang violence, primarily in Central America, but also in Mexico, Jamaica, Colombia, and Brazil. Jamaica, already one of the most violent countries in the region, experienced a 50 percent increase in its murder rate from 2003 to 2004, largely a result of expanded gang and drug-related violence. The arrests in the United States some weeks ago of over 100 members of the notorious Salvadoran gang, *Mara Salvatrucha*, also known as MS-13, underscored the transnational nature of the gang problem. Furthermore, the large numbers of gang members deported to Central America and Mexico are placing increasing strain on already weak criminal justice systems in the region. Although estimates vary, many experts believe that there are nearly 100,000 gang members spread across Central America and Mexico and upwards of 800,000 gang members here in the United States.

We cannot realistically expect to solve the problems of gangs and crime in the short term. However, by working together with other governments and other U.S. government agencies to implement effective cross-sectoral measures that strengthen institutions and build local capacity, we can—and must—have an impact.

Up to now, most approaches to dealing with gangs and crime in Latin America have focused on law enforcement. However, history has taught us that addressing only law enforcement will not have a sustainable, long-term impact on the problem of gang violence. Crime and violence will continue to thrive where rule of law is weak, economic opportunity is scarce, and education is poor. Therefore, effectively addressing crime requires a holistic, multi-sectoral approach that addresses its root social, political, and economic causes.

#### *Crime Flourishes Where Rule of Law is Weak and Economic Opportunity is Limited*

Crime is intricately linked to efforts to reform justice systems and combat corruption. A recent study by a Mexican think tank, the Center for Development Studies, found that 96 percent of crimes went unpunished between 1996 and 2003. Similarly, officials estimate that 75 percent of crimes go unreported in Mexico. In Brazil, only around eight percent of some 50,000 murders committed annually in Brazil are successfully prosecuted. With statistics like these, it is not surprising that many Latin American citizens do not even bother to report crimes.

Since the 1980s, USAID has promoted reforms of judicial systems in Latin America to make them more modern, independent, transparent, accessible, and efficient. USAID has helped promote changes to Criminal Procedure Codes in 12 Latin American countries, assisting countries in their transition from the much-abused, ineffective all-paper systems to modern accusatory, oral criminal proceedings. In some countries with new Criminal Procedure Codes, pre-trial detention has dramatically declined in several countries. For example, in El Salvador, the incidence of pre-trial detention declined from 90 to 36 percent and, in Colombia, from 74 to 41 percent. New oral criminal trials have also significantly reduced the length and cost of trials.

In Bolivia, trials that used to average four years now average four months. Furthermore, the cost of trials in Bolivia has decreased from an average of US\$2,400 dollars to US\$400 dollars.

In Guatemala, Colombia, and El Salvador, USAID has supported the creation of justice centers and justice houses, *casas de justicia*, and alternative dispute resolution mediation centers that offer a number of services to the poor, ranging from arbitration and witness protection to neighborhood dispute resolution and family violence response services. These justice centers are increasing access not only to legal services, but to other social services as well, and are making justice for the poor more swift and more effective.

Crime flourishes in environments where economic opportunity is limited. Regional trade agreements including the Central American Free Trade Agreement, CAFTA-DR, and President Bush's vision of a Free Trade Area of the Americas will increase trade and investment in Latin America, thereby creating jobs and expanding economic opportunities for millions of Latin Americans. In addition, USAID is supporting innovative efforts to increase the developmental impact of remittances. According to the Inter-American Development Bank, remittances to the region from the United States alone totaled US\$30 billion dollars in 2003. USAID's efforts to promote democratic governance and strengthen the rule of law, foster economic growth, and improve the quality of basic education are providing the foundation for more prosperous, rule-based societies, which will help to disable the backbone of crime.

Due to, among other factors, entrenched poverty and lack of economic opportunity, weak education systems, unstable family environments, and a general absence of positive alternatives to which youth can devote their time, gang membership unfortunately is the most alluring option for vulnerable youth. While gang activity is characterized by engagement in illicit activities, in many cases it is not the criminal element that is attracting youth, but rather the lack of better alternatives that is pushing youth towards involvement with gangs. The poverty, lack of opportunity, and feelings of hopelessness that characterize many lives in Latin America are often no match for the cash flow, livelihood, and social cohesion offered by many gangs. Efforts to tackle the problem will only be effective in the long term if they address the root causes of the problem and address both the social prevention and law enforcement sides of the equation.

Effective interventions must involve multiple sectors—justice, police, local governments, private sector, health officials, teachers, parents, religious organizations, and the media—coming together to develop a holistic approach that both deters criminal behavior and provides individuals with options to improve their own well-being. Stand alone traditional law enforcement interventions cannot be effective. What is needed are locally driven, multi-sectoral efforts that merge the many faces of development—governance, education, health, and economic growth. Addressing gang violence is not just a question of implementing punitive measures for criminal offenders, but rather an issue of thoughtful prevention that tackles its root causes.

At-risk youth that have access to employment opportunities are less likely to become involved in youth gang violence. Likewise, education expands opportunities and creates new options for vulnerable youth. Health professionals that know firsthand the violent effects of gang involvement can play a role in counseling youth who are at risk of harm to themselves, their families, and their communities. Police forces that work with communities enhance the credibility of the police and improve the overall quality of public security. Finally, local governments that understand the impacts of crime and violence in their communities—an understanding that can only come from effective communication within and between sectors—are more likely to support activities that expand economic and social opportunities for their constituents.

#### *USAID Programs*

USAID already has a number of programs in place that are working to create economic opportunities, expand democratic governance, strengthen education, and improve public health. By employing a holistic, multi-sectoral approach that addresses both law enforcement and prevention, USAID is helping reduce crime in Latin America and the Caribbean. Some examples:

In Guatemala, President Berger has made law enforcement and anti-corruption his top priority, and combating crime and improving citizen security tops the list of Guatemalan citizen demands and expectations. The USAID Mission is planning to launch a new community crime prevention program designed to assist communities and local police. This activity will include programs that provide at-risk youth with alternatives to involvement with gangs. This will build on USAID's ongoing work with a coalition of non-governmental organizations in Guatemala to improve

public security and mitigate crime and delinquency by increasing educational and employment opportunities for vulnerable youth, developing multi-sectoral crime prevention councils, implementing widespread public awareness campaigns, and creating a model “youth home,” or *Casa Joven*, dedicated to improving the lives of vulnerable youth and former gang members. At the national level, USAID is planning to assist the Guatemalan government to build capacity in local police forces and educate leadership on the principles of community policing, respect for human rights, and the management of scarce resources.

In Colombia, a new country-wide initiative called “Safe Departments and Municipalities,” or DMS, was launched by the Colombian National Police, and the Ministries of Defense and the Interior, supported by USAID through Georgetown University’s Colombia Program. The DMS program was developed in response to the Government of Colombia’s groundbreaking “Democratic Security Policy,” a 2003 initiative that seeks to address security issues at every level of society, in every part of the country. The DMS program has established municipal crime and violence information systems or “observatories” that are helping mayors and local officials monitor and maintain civil peace. The program views citizens as active participants and partners in governance and has local leaders working closely with public security forces and citizens to devise innovative approaches to citizen security. The DMS program has involved more than 5,000 governors, mayors, city council presidents, and departmental police commanders throughout Colombia. USAID also supports programs in Colombia to provide leadership and skills training for youth in at-risk populations to prevent their entry into gangs or armed groups. Ex-gang leaders in this program have undergone a dramatic change and now focus their energy on community development and civic strengthening programs.

USAID is supporting a municipal violence prevention program in Central America. Through our membership in the Inter-American Coalition for the Prevention of Violence, comprised of a number of regional organizations including the Inter-American Development Bank, the Organization of American States, the World Bank, the Centers for Disease Control, and the Pan-American Health Organization, we are supporting 12 municipalities in the six Central American countries to work with multiple sectors—including health care officials, police, and businesses—to develop municipal violence prevention plans, assist local governments to take leadership roles in violence and conflict prevention, and share information on best practices for prevention of violence and crime at the local, regional, and national levels.

*Community-Based Policing Can Improve Public Security and Enhance the Credibility of Police*

USAID-funded surveys about attitudes towards democracy have revealed that crime victims have less support for democracy and greater support for authoritarianism. In contrast, positive experiences with democratic institutions enhance support for democracy. This is particularly relevant for police, with whom citizens often have their first and most frequent contact. A daunting challenge for those seeking to strengthen democracy and improve criminal justice systems in Latin America is the poor reputation of the police in the region. They are among the least trusted of public institutions in the region. The region is struggling with a legacy that associates police with corruption more than competence and views them as perpetrators of crime rather than crime-solvers. Long-term sustainable development cannot occur in an insecure environment and a capable civilian police force is critical to ensuring citizen security and justice. Community-based policing programs, when implemented properly, have demonstrated that they are among the most innovative, successful efforts to address crime and build public support for the criminal justice system.

USAID favors the introduction of community-based policing wherever possible. Real development cannot occur in an insecure environment and civilian police can and should be both champions and drivers of democratic development in their countries.

In El Salvador, USAID worked with the International Criminal Investigative Training Assistance Program, ICITAP, to implement a community-based patrol program. The focus in El Salvador was on removing three major obstacles that faced the police—a lack of transportation for basic police patrolling, an inadequate system of communications, and poor access to crime-related information. The El Salvador program, among other things, developed a 911 emergency police response system, created central records and case management systems, and provided training for police and prosecutors in implementation of the new Criminal Procedure Code. The patrol program was ultimately expanded to 90 percent of the Salvadoran population and 200 municipalities. This innovation changed fundamental policing practices within El Salvador and should encourage the adoption of proactive, problem-solving

approaches to policing in that country. El Salvador is demonstrating that the police can be more than just a force that maintains political control—they can also be a key ally of citizens in protecting them from rising crime.

In Jamaica, USAID is working with a U.S. non-governmental organization, the Police Executive Research Forum, and the U.S. Chamber of Commerce to implement a community-based policing initiative. The initiative has pooled resources from the Jamaican government, civil society, the private sector and the donor community to develop a model precinct and community center in Grants Pen, an inner city neighborhood in Kingston, Jamaica, which had a very high murder rate and a significant gang problem. While the community center is not scheduled to open until July, the program has already resulted in a dramatic change in the community as residents became partners with the national police in articulating plans for the center. The perception within the community is that crime rates are down, which augurs well for growing collaboration between the community and police. These USAID activities are closely coordinated with the Narcotics Affairs Section of the Embassy, which is providing technical assistance to the police commissioner toward reorganization and modernization of the Jamaica Constabulary Force as a whole. Jamaica thus provides an example of how State and USAID can work together toward the shared objective of police modernization.

Congress recognized the important role of the civilian police to achieving democratic governance when it authorized, in the 2005 Foreign Appropriations Act, the use of development assistance funds to enhance the effectiveness and accountability of civilian police and to foster civilian police roles that support democratic governance. This new authority will improve USAID's capacity to develop and implement holistic approaches that include a broad range of actors, to achieve our overarching goals of poverty reduction, economic growth, and democratic development. USAID will apply this new authority with prudence and discretion, evaluating each case carefully and working closely with our colleagues at the State Department and other agencies to best determine how this new authority can help us achieve our objectives.

I would like to note that the struggle to preserve the developmental gains of the past decades in the face of rising crime in Latin America is well beyond USAID's capacity and resources alone. Our partners at the State Department, particularly the Bureaus for Western Hemispheric Affairs and International Narcotics and Law Enforcement, as well as the Department of Justice, have been leaders in this field for some time, and we look forward to working with them and learning from them.

#### *Conclusion*

In conclusion, rising crime and gang violence in Latin America pose a direct threat to security, economic growth, democratic consolidation, and public health in Latin America. USAID is prepared to continue working with other U.S. agencies to develop multi-sectoral responses that address both the law enforcement and social prevention aspects of crime mitigation.

Mr. Chairman, this concludes my statement. I welcome any questions that you and other Members of the Subcommittee might have.

Mr. BURTON. Without objection, we will put it in the record.

Mr. FRANCO. Thank you very much.

Mr. BURTON. Thank you, Mr. Franco.

Mr. Swecker.

#### **TESTIMONY OF MR. CHRIS SWECKER, ASSISTANT DIRECTOR, CRIMINAL INVESTIGATION DIVISION, FEDERAL BUREAU OF INVESTIGATION**

Mr. SWECKER. Good afternoon, Mr. Chairman and Members of the Committee. I appreciate the opportunity to appear today.

Gangs and other criminal enterprises operating in the U.S. and throughout the world pose increasing concerns for the international law enforcement and intelligence communities.

Today gangs are more violent, more organized, and more widespread than ever before. They pose one of the greatest threats to the safety and security of all Americans. DOJ estimates that—and I have to revise my figures, sir, the report just came in yesterday,

the annual report—approximately 21,500 gangs with 731,000 members, impacting 2,300 communities across the U.S.

The innocent people in these communities face daily exposure to violence from criminal gangs, trafficking in drugs and weapons, and gangs fighting amongst themselves to control or extend their turf and their various criminal enterprises.

Gangs from California, particularly in the L.A. area, have a major influence on Mexican-Americans and Central American gangs in this country and in Latin America. Hispanic gangs in California have separated into two rival factions, the Nortenos, which are primarily found in the northern California area, and Surenos, found to the south and predominantly in the urban areas surrounding L.A.

A rivalry exists between these factions, which has its genesis in the California Department of Corrections during the 1960s, when the Nuestra Familia prison gang formed to oppose the Mexican Mafia.

Today the Mexican Mafia and other Hispanic gangs, such as La EME in southern California and the Texas Syndicate and the Mexikanemi, remain powerful, both in prison and on the street, and most Hispanic gangs in California align themselves under the Nortenos or the Surenos.

Hispanic gangs aligned under the Nortenos will generally add the number 14 after their gang name. Those from the Surenos will generally add 13.

The migration of MS-13 members and other Hispanic street gang members, such as 18 Street from southern California, to other regions of this country has led to a rapid proliferation of these gangs in many smaller suburban and rural areas not accustomed to gang activity and related crimes.

Additionally, the deportation of MS-13 and 18 Street gang members from the United States to their countries of origin is partially responsible for the growth of these gangs in Central America, although the precise level of this responsibility is unknown.

To address the threat these and other gangs pose on a local, regional, national, and even international level, the FBI has established a national gang strategy to identify the gangs posing the greatest danger to American communities.

My testimony includes a list of those gangs, which include MS-13 and 18 Street. In response to the growing threat from gangs, the FBI has raised the priority of gang intelligence and investigative efforts by increasing the number of Safe Streets Violent Gang Task Forces from 108 to 128, we hope by the end of fiscal year 2005.

The Safe Streets Violent Gang Task Forces have realized some impressive accomplishments, including over 19,000 convictions. I might note that 533 of those involve RICO indictments or the use of the racketeering statutes, which addresses the gangs as criminal enterprises.

The National Gang Intelligence Center (NGIC) will enable the FBI and its local, State, and Federal partners to centralize and coordinate the national collection of intelligence on gangs in the United States and analyze, share and disseminate this intelligence with law enforcement authorities throughout the country.

The NGIC will give local, State, and Federal investigators and intelligence analysts the opportunity and mechanism to share their collective information and intelligence on gangs.

I might also note the significant contribution of the ATF in the effort to combat violent gangs. For example, during fiscal year 2001 through 2003, they have investigated over 2,200 cases and we coordinate very closely with our partners within ATF.

One of these gangs that we are addressing is the MS-13, Mara Salvatrucha. It is a violent gang comprised primarily of Central American immigrants, which originated in L.A. and has now spread throughout the country. MS-13 gang members are primarily from El Salvador, Honduras, and Guatemala, who initially established a presence in L.A. in the 1980s.

In 1993, three MS-13 gang members from L.A. moved to the northern Virginia and Washington, DC, metropolitan area to recruit additional MS-13 members. Current reporting estimates as many as 1,500 MS-13 members in the northern Virginia area.

Based on the national gang threat assessment, conducted by the National Alliance of Gang Investigators Association, MS-13 members and associates now have a presence in over 31 States and the District of Columbia.

They have significant presence in northern Virginia, New York, L.A. and other places, such as Oregon City, Oregon and Omaha, Nebraska.

MS-13 members are engaged in a whole array of criminal activity, including drug trafficking, primarily powdered cocaine and crack cocaine, to a lesser extent heroin and methamphetamine.

Given the extreme violence exhibited by MS-13 and its potential threat, based on the historical precedent of other similar gangs, we have established the MS-13 National Gang Task Force. The goals of this task force are to enable local, State, and Federal, as well as international law enforcement agencies, to easily exchange information and provide a national focus on our efforts versus MS-13, utilizing the RICO and other racketeering statutes.

I see that my time has expired. I would just ask that the rest of this statement go into the record and I would also add that we have several partners involved with us in the MS-13 task force.

With respect to any reporting that ties al-Qaeda or terrorist groups to MS-13 or any of the other gangs mentioned today, we don't have any concrete evidence to that effect, but I am sure that might be the subject of a question.

[The prepared statement of Mr. Swecker follows:]

PREPARED STATEMENT OF MR. CHRIS SWECKER, ASSISTANT DIRECTOR, CRIMINAL INVESTIGATION DIVISION, FEDERAL BUREAU OF INVESTIGATION

"FBI EFFORTS TO COMBAT GANGS WITH TIES TO CENTRAL AMERICA AND MEXICO"

Good afternoon, Mr. Chairman and members of the Committee. I appreciate the opportunity to testify before you today about the FBI's efforts to combat gangs in the United States, including Latin American or Hispanic gangs, such as MS-13.

Gangs and other criminal enterprises, operating in the U.S. and throughout the world pose increasing concerns for the international law enforcement and intelligence communities. Today, gangs are more violent, more organized and more widespread than ever before. They pose one of the greatest threats to the safety and security of all Americans. The Department of Justice estimates there are approximately 30,000 gangs, with 800,000 members, impacting 2,500 communities across the U.S. The innocent people in these communities face daily exposure to violence

from criminal gangs trafficking in drugs and weapons and gangs fighting amongst themselves to control or extend their turf and their various criminal enterprises.

Gangs from California, particularly in the Los Angeles area, have a major influence on Mexican-Americans and Central American gangs in this country and in Latin America. Hispanic gangs in California have separated into two rival factions, the Nortenos, which are primarily found in Northern California, and the Surenos, found to the south and predominantly in the urban areas surrounding Los Angeles. A rivalry exists between these factions, which had its genesis in the California Department of Corrections during the 1960's, when the Nuestra Familia (Nortenos) prison gang formed to oppose the Mexican Mafia (Surenos) prison gang. Today, the Mexican Mafia, and other Hispanic prison gangs, such as the La EME in southern California, the Texas Syndicate (T/S, Sindicato Tejano), and the Mexikanemi (EMI, Texas Mexican Mafia) remain powerful both in prison and on the street, and most Hispanic gangs in California align themselves under the Nortenos or the Surenos. Hispanic gangs aligned under the Nortenos will generally add the number 14 after their gang name, while gangs aligned under the Surenos will generally add the number 13 (i.e., MS-13).

The migration of MS-13 members and other Hispanic street gang members, such as 18th Street, from Southern California, to other regions of this country, has led to a rapid proliferation of these gangs in many smaller, suburban and rural areas not accustomed to gang activity and related crimes. Additionally, the deportation of MS-13 and 18th Street gang members from the United States to their countries of origin is partially responsible for the growth of those gangs in El Salvador, Honduras, Guatemala, and Mexico, although the precise of this responsibility is unknown.

Major urban areas such as Chicago and New York have also experienced major gang activity associated with Latino gangs for decades. In Chicago, the Almighty Latin King Nation (ALKN) was founded in the 1940's by a small group of Hispanics, many of Puerto Rican descent. At first, the organization aspired to meet the personal, social, and economic needs of the members and the preservation of cultural heritage. Today, the Latin Kings in Chicago have chapters consisting primarily of members of Mexican descent and chapters consisting of membership of Puerto Rican descent. Numerous chapters now exist in multiple states and are involved in an array of criminal activity.

To address the threat these and other gangs pose on a local, regional, national and even international level, the FBI established a National Gang Strategy to identify the gangs posing the greatest danger to American communities, to combine and coordinate the efforts of local, state and federal law enforcement in Safe Streets Violent Gang Task Forces throughout the U.S., and to utilize the same statutes and intelligence and investigative techniques, previously used against organized crime, against violent gangs.

The following Hispanic or Latino gangs have been identified by the FBI as National Gang Strategy Priority Groups.

Gang	Location of Origin
La Eme AKA California Mexican Mafia	Southern California
18th Street	Los Angeles, CA
MS-13	Los Angeles, CA
Nuestra Familia	Northern California
Latin Kings	Chicago, IL
Asociacion Neta 1.50 (AKA Neta)	Puerto Rico
Border Borders	Arizona

In response to the growing threat from gangs, the FBI has raised the priority of gang intelligence and investigative efforts by increasing the number of Safe Streets Violent Gang Task Forces (SSVGTF) from 78 to 108, with the ultimate goal of increasing this number to 128. From FY 1996 to 2004, the SSVGTF realized the following accomplishments:

- Arrest—41,747
- Information/Indictments—19,560
- Convictions—19,166
- Disruptions—846
- Dismantlements—253

- Title IIIs—1,460
- Undercover Operations—109
- RICO Informations/Indictments—533

Additionally, the FBI is in the process of establishing a National Gang Intelligence Center (NGIC) and has established the MS-13 National Gang Task Force (NGTF).

The NGIC will enable the FBI and its local, state, and federal partners to centralize and coordinate the national collection of intelligence on gangs in the U.S., and then analyze, share and disseminate this intelligence with law enforcement authorities throughout the country. The NGIC will give local, state and federal investigators and intelligence analysts the opportunity and mechanism to share their collective information and intelligence on gangs. This will enable gang investigators and analysts to identify links between gangs and gang investigations, to further identify gangs and gang members, to learn the full scope of their criminal activities and enterprises, to determine which gangs pose the greatest threat to the U.S., to identify trends in gang activity and migration, and to guide them in coordinating their investigations and prosecutions to disrupt and dismantle gangs. The NGIC will be an essential part of our efforts to combat and dismantle gangs and will enhance the existing liaison and coordination efforts of federal, state, and local agencies.

We also note the significant contribution of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) in the effort to combat violent gangs. For example, during FY's 2001, 2002 and 2003 ATF investigated over 2,200 cases involving violent gangs. Due to ATF's comprehensive efforts to identify and investigate illegal firearms traffickers, career criminals, armed narcotics traffickers and other violent offenders who use firearms to further their criminal endeavors, ATF has for years been at the forefront of the Federal government's efforts to combat violent crime involving gangs. ATF's expertise in this regard is grounded not only in investigations of traditional street gangs, but also in large-scale investigations of other organized groups (e.g. outlaw motorcycle gangs) that are involved in violent criminal activities. ATF also provides outreach and training programs designed to encourage youth to resist joining gangs.

One of the gangs being addressed by the FBI and its law enforcement partners under the National Gang Strategy is the Mara Salvatrucha (MS-13). MS-13 is a violent gang comprised primarily of Central American immigrants which originated in Los Angeles and has now spread across the country. MS-13 gang members are primarily from El Salvador, Honduras and Guatemala, who initially established a presence in Los Angeles, California, in the 1980s. In 1993, three MS-13 gang members from Los Angeles, California, moved to the Northern Virginia and Washington, DC, metropolitan area to recruit additional MS-13 members. Current reporting now estimates there are as many as 1500 members of MS-13 in the Northern Virginia/DC area.

Based upon the National Gang Threat Assessment conducted by the National Alliance of Gang Investigators Association, MS-13 members and associates now have a presence in more than 31 states and the District of Columbia. MS-13 has a significant presence in Northern Virginia, New York, California, Texas, as well as in places as disparate and widespread as Oregon City, Oregon, and Omaha, Nebraska. Due to the lack of a national database and standard reporting criteria for the identification of gang members, the frequent use of aliases by gang members, and the transient nature of gang members, the actual number of MS-13 members in the United States is difficult to determine. However, the National Drug Intelligence Center estimates there to be between 8,000 to 10,000 hardcore members in MS-13.

Based upon available intelligence obtained through our law enforcement partners, it appears that the MS-13 in the United States is still a loosely structured street gang, however, its threat is based on its violence and its potential to grow, not only geographically, but in its organization and sophistication. Gang members affiliate themselves into groups known as cliques. Each clique will have a local leader called the "shot caller." There is no evidence to support the existence of a single leader or governing authority which is directing the daily activity of all MS-13 cliques in the United States. However, there is some evidence of an increased level of sophistication and some indications of a hierarchy of leadership. This is based in part on reports of multi-clique meetings in which gang members pay a fee to attend, coordinate their activities, exchange information regarding law enforcement actions and efforts, and issue punishment and/or sanctions for infractions of the gang's code. Cliques throughout the country often follow the lead of the Los Angeles-based cliques, and there are reports of Los Angeles based members traveling throughout the United States for the purpose of recruiting new members, establishing new



cliques, and taking over existing Latino gangs, and instilling discipline through violence and intimidation.

Law enforcement in 28 states have reported MS-13 members are engaged in retail drug trafficking, primarily trafficking in powdered cocaine, crack cocaine and marijuana, and, to a lesser extent, in methamphetamine and heroin. The drug proceeds are then laundered through seemingly legitimate businesses in those communities. MS-13 members are also involved in a variety of other types of criminal activity, including rape, murder, extortion, auto theft, alien smuggling, and robbery.

Given the extreme violence exhibited by MS-13 and its potential threat, based on the historical precedent of other similar gangs and organized criminal organizations, the FBI established the MS-13 National Gang Task Force to disrupt and dismantle this gang, now, before it has the opportunity to become more organized and sophisticated and more difficult to attack. The goals of the MS-13 National Gang Task Force are to enable local, state, and federal, as well as international law enforcement agencies to easily exchange information on MS-13; to enable local and state law enforcement agencies to identify the presence of MS-13 in their territories; to identify related investigations; and to coordinate regional and/or nationwide, multi-jurisdictional law enforcement action, including federal Racketeering (RICO) and Violent Crimes in Aide of Racketeering (VICAR) prosecutions.

To date, the MS-13 National Gang Task Force has initiated extensive outreach efforts to inform local, state, and federal law enforcement agencies of the establishment of the task force, through the direction of Safe Streets Violent Gang Task Forces, the initiation of the National Gang Intelligence Center, and during a recent multi-agency MS-13 national strategy conference held in Dallas, Texas. At this time, the Drug Enforcement Administration (DEA), Customs and Border Protection, ATF, Bureau of Prisons (BOP), and the Department of State (DOS) have committed to support the Task Force with personnel, intelligence, expertise and jurisdiction. These federal agencies will comprise the core group of the national task force. We are already working with other agencies to coordinate investigative operations. In addition, non-resident members of the task force include the Department of Justice Organized Crime and Racketeering Section, the United States Attorney's Office for the Central District of California (Los Angeles), the Department of Defense and the Intelligence Community.

Extensive contact has also been made with the law enforcement community in Honduras, Guatemala, and El Salvador, by both the MS-13 task force leadership and our Office of International Operations, in order to share intelligence and begin a coordinated effort to address MS-13 street gangs both nationally and internationally. The FBI and other federal agencies recently attended the first International Gang Conference held in San Salvador, El Salvador, where the FBI succeeded in gaining the support of El Salvador's cooperation and participation in joint, international efforts against MS-13. At present, the FBI has one Legal Attaché in Panama that provides coverage to this region. Efforts are currently underway to establish a resident FBI presence in El Salvador.

As an example of the MS-13 National Gang Task Force coordination efforts, in early February, 2005, the FBI, Customs and Border Patrol, Texas Department of Public Safety, and the East Hidalgo Detention Center worked together to arrest a key MS-13 figure. This individual is alleged to have been involved in a bus massacre that took place in Honduras on December 23, 2004, wherein a total of 28 people were assassinated, including 6 children. Fourteen other individuals were seriously wounded. A note left at the scene indicated the massacre was in retaliation against laws targeting gang members in Honduras, and MS-13 members were identified as being responsible for the attack.

Although there have been recent media reports alleging that MS-13 gang members have met with an al-Qa'ida operative in Honduras and that al-Qa'ida financed a MS-13 gang summit, there is no credible, independent reporting to support or otherwise corroborate these reports. Current analysis also supports the assessment that it is unlikely that MS-13 and al-Qa'ida would form an overt partnership for both security and ideological reasons.

- According to reliable sources, the reason for the gang summit meeting in Honduras was to discuss international leadership issues within the group. There was no indication that this meeting was financed or attended by any outside organization.

Despite this initial assessment, the FBI continues to remain alert for any possible connections between MS-13, and any other gang or criminal enterprise, with Al Qa'ida. The FBI is well aware of at least one example of state-sponsored terrorists working with a U.S. street gang. In 1986, members of the El Rukin street gang in Chicago plotted with Libyan leader Mu' ammar al-Qadhafi to perpetrate terrorist

acts against the U.S. in exchange for money. Qadhafi, however, is a notably secular Muslim leader who forged alliances with many groups, and he is opposed by al-Qa'ida-affiliated groups.

Once again, I appreciate the opportunity to come before you today and share the work that the FBI is doing to address the problem posed by gangs in this country, including MS-13 and other Latin American or Hispanic gangs. The FBI will continue its efforts, and we will keep this Committee informed of our progress in protecting this Nation's citizens against gangs and other criminal enterprises, particularly those with national and international implications.

Mr. Chairman and Members of the Subcommittee—thank you for your time and for your continued support of the FBI's efforts to combat gangs. I am happy to answer any questions.

Mr. BURTON. Thank you very much and the rest of your statement will be in the record.

Mr. Torres.

**TESTIMONY OF MR. JOHN P. TORRES, DEPUTY ASSISTANT DIRECTOR, HUMAN SMUGGLING AND PUBLIC SAFETY DIVISION, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, U.S. DEPARTMENT OF HOMELAND SECURITY**

Mr. TORRES. Good afternoon, Mr. Chairman and Members of the Subcommittee. Thank you for the opportunity to speak with you today about U.S. Immigration and Customs Enforcement's (ICE) enforcement responses to alien gang activity in the United States.

ICE brings to bear all of its law enforcement and investigative powers to combat violent gangs, commonly known as street gangs. Ensuring public safety is amongst the most important Homeland Security missions of ICE. Gang enforcement is a crucial part of that mission.

In the last decade, the United States has experienced a dramatic increase in the number and size of transnational street gangs, such as Mara Salvatrucha, commonly known as MS-13.

These gangs have a significant, often a majority, foreign-born membership and are frequently involved in human and contraband smuggling, immigration violations and other crimes with a nexus to the border. Like any street gang, these gangs also have a propensity toward violence. Their members commit such crimes as robbery, extortion, assault, rape and murder.

In 2003, ICE conducted a comprehensive threat assessment on violent street gang activity in the United States. That threat assessment identified the street gang MS-13 as having a presence across the nation, a significant foreign-born membership, and a history of violence.

An example of this violence occurred just outside our Nation's capital. In May 2004, in Alexandria, Virginia, members of MS-13 viciously hacked at a rival gang member with machetes, severing the victim's hands.

The victims of gang crime are not limited to rival gang members. Entire neighborhoods and sometimes whole communities are held hostage by and subjected to the violence of street gangs.

Community members are targeted by gangs for extortion, robberies, car-jackings and home invasions. In the conduct of drive-by shootings, the bullets fired by street gangs do not discriminate between a rival gang member and a sleeping infant in the same house.

Based on this threat assessment, ICE initiated Operation Community Shield in February 2005, with the priority being given to target MS-13 gang members. The objective of Community Shield is to gather intelligence, develop sources of information and ultimately disrupt, dismantle and prosecute violent street gangs by applying the full range of authorities and investigative tools available to ICE.

In Community Shield, we have designated priorities for apprehension, based on whether a gang member is a threat to national security, in a position of leadership, or has a prior violent criminal history.

Since the beginning of Operation Community Shield, more than 150 MS-13 gang members have been arrested for immigration violations. Nine of those arrested have been identified as leaders of local cliques. More than half of those arrested have violent criminal histories with arrests and convictions for crimes, such as robbery, assault, rape and murder.

In one set of arrests, Miami ICE agents apprehended two MS-13 gang members wanted by California authorities on murder charges. These two gang members were also being sought by local authorities for their suspected involvement in home invasions. Twenty-two of those arrested have been criminally charged for illegal reentry after deportation and are subject to 20 years in Federal prison, depending on their criminal history.

Examples of illegal reentry arrests include an MS-13 member from Long Island, who has convictions for burglary, auto theft, harassment and sexual abuse of a minor.

Additionally, ICE agents in Los Angeles arrested four MS-13 gang members that illegally re-entered the U.S., all with convictions for violent crimes ranging from brandishing a firearm to witness-tampering.

ICE's investigative efforts under Operation Community Shield are not limited to immigration violations. We have the combined authorities for enforcing both customs and immigration laws, which makes our approach to fighting organized criminal activity and gang violence unique and more effective.

By combining immigration enforcement authorities with expertise in financial investigations, we have an additional tool to hit these criminal gangs where it hurts, by going after their money.

ICE's Law Enforcement Support Center (LESC) in Burlington, Vermont, has developed an innovative way to help identify MS-13 gang members to first responders. When a State or local police agency makes an inquiry to the LESL, the responses that meet a certain criteria are forwarded to ICE headquarters for further analysis and comparison with data ICE has on MS-13 gang members. When a match is found, ICE notifies the inquiring law enforcement agency of its findings and coordinates action to be taken.

ICE maintains a close working relationship with Mexico, Honduras, El Salvador, and Guatemala in the exchange of intelligence pertaining to MS-13 and other gang activity.

ICE established the working relationship with Honduran law enforcement intelligence units regarding the arrest of Lester Rivera-Paz in south Texas.

Rivera-Paz is the alleged national leader of the Honduras MS-13 organization, was an international fugitive wanted by Honduran authorities for his involvement in the massacre of 28 bus passengers in December 2004 in Honduras. Rivera-Paz was apprehended by Border Patrol agents and placed into ICE custody pending prosecution for illegal reentry after deportation. ICE secured copies of the Honduran arrest warrant, as well as photos and fingerprints of Rivera-Paz, to confirm his identity and fugitive status, working with local law enforcement and other agencies.

At ICE, we recognize that no single law enforcement agency can win the fight against transnational street gangs. ICE is closely working with a number of agencies and organizations under Operation Community Shield. Our partners include other agencies within the Department of Homeland Security, Department of Justice, Department of State, and the governments of El Salvador, Honduras, Mexico and Guatemala, as well as local and State law enforcement agencies.

This operation is just the beginning in a fight to defeat violent street gangs. Operation Community Shield is an important public safety initiative for the Department of Homeland Security that targets the proliferation of gang violence throughout the country.

I want to thank the distinguished Members of this Committee for the opportunity to speak before you today and I look forward to answering any questions you may have.

[The prepared statement of Mr. Torres follows:]

PREPARED STATEMENT OF MR. JOHN P. TORRES, DEPUTY ASSISTANT DIRECTOR, HUMAN SMUGGLING AND PUBLIC SAFETY DIVISION, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, U.S. DEPARTMENT OF HOMELAND SECURITY

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE, thank you for the opportunity to speak with you today about U.S. Immigration and Customs Enforcement's (ICE) responses to alien gang activity in the United States. ICE brings to bear all of its law enforcement and investigative powers to combat violent street gangs.

Ensuring public safety is among the most important homeland security missions of ICE. Gang enforcement is a crucial part of that mission. In the last decade, the United States has experienced a dramatic increase in the number and size of transnational street gangs such as Mara Salvatrucha (commonly known as MS-13). These gangs have a significant, often a majority, foreign-born membership and are frequently involved in human and contraband smuggling, immigration violations and other crimes with a nexus to the border. Like any street gang, these gangs also have a propensity toward violence. Their members commit such crimes as robbery, extortion, assault, rape and murder.

In 2003 ICE conducted a comprehensive threat assessment on violent street gang activity in the United States. The threat assessment identified the street gang MS-13 as having a presence across the nation, a significant foreign-born membership and a history of violence.

An example of this violence occurred just outside our nation's Capital. In May 2004 in Alexandria, Virginia, members of MS-13 viciously hacked at a rival gang member with machetes, severing the victim's hands. The victims of gang crime are not limited to rival gang members. Entire neighborhoods and sometimes whole communities are held hostage by and subjected to the violence of street gangs. Community members are targeted by gangs for extortion, robberies, car-jackings and home invasions. In the conduct of drive-by shootings, the bullets fired by street gangs do not discriminate between a rival gang member and a sleeping infant in the same house.

Based on this threat assessment, ICE initiated Operation Community Shield on February 23, 2005, with priority given to targeting MS-13 members. The objective of Community Shield is to gather intelligence, develop sources of information, and to ultimately disrupt, dismantle and prosecute violent street gangs by applying the full range of authorities and investigative tools available to ICE. In Community

Shield we have designated priorities for apprehension based on whether a gang member is a threat to national security; in a position of leadership; or has a prior violent criminal history.

Since the beginning of Operation Community Shield, more than 150 MS-13 gang members have been arrested for immigration violations. Nine of those arrested have been identified as leaders. More than half of those arrested have violent criminal histories with arrests and convictions for crimes such as robbery, assault, rape and murder. In one set of arrests, Miami ICE agents apprehended two MS-13 gang members wanted by California authorities on murder charges. These two gang members were also being sought by local authorities for their suspected involvement in home invasions.

Twenty-two of those arrested have been criminally charged for illegal reentry after deportation (8 USC 1326) and are subject to up to 20 years in Federal prison, depending on their criminal history. Examples of illegal reentry arrests include an MS-13 member from Long Island who has convictions for burglary, auto theft, harassment and sexual abuse of a minor. Additionally, ICE agents in Los Angeles arrested four MS-13 gang members that illegally reentered the U.S., all with convictions for violent crimes ranging from brandishing a firearm to witness tampering. Finally, Newark ICE agents apprehended an MS-13 gang member for illegal reentry who has prior convictions for armed robbery and grand theft.

ICE's investigative efforts under Operation Community Shield are not limited to immigration violations. We have the combined authorities for enforcing both customs and immigration laws, which makes our approach to fighting organized criminal activity and gang violence unique, and more effective. By combining immigration enforcement authorities with expertise in financial investigations, we have an additional tool to hit these criminal gangs where it hurts—by going after their money. One example of how these combined authorities can be so effective is in an investigation of a street gang known to transport large quantities of narcotics from Mexico into the United States. This investigation involves pursuing money laundering charges, drug smuggling charges, the use of electronic surveillance and identifying and targeting illicit proceeds for forfeiture.

Through Operation Community Shield, ICE is taking other innovative steps to identify MS-13 gang members and disrupt its organizations. The ICE Law Enforcement Support Center (LESC) has checked MS-13 gang member data provided by our state and local law enforcement partners against DHS and other databases to identify and locate gang members. In a cooperative effort, ICE and the U.S. Bureau of Prisons (BOP) have identified 102 records of MS-13 gang members in the federal prison system database. Through the cross-check, ICE and the BOP hope to identify MS-13 gang members who may be directing criminal activity from behind bars and prioritize jailed gang members for deportation upon completion of their sentence.

The LESL has also developed an innovative way to help identify MS-13 gang members to first responders. When a State or local police agency makes an inquiry to the LESL through the National Law Enforcement Telecommunications System (NLETS), the LESL forwards inquiry responses that meet a certain criteria to ICE Headquarters for further analysis and comparison with data ICE has on MS-13 gang members. When a match is found, ICE notifies the inquiring law enforcement agency of its findings and coordinates enforcement action to be taken. The goal is to prosecute if possible and ultimately deport these alien gang members from the United States.

On December 23, 2004, the Columbus, Ohio Police Department encountered Nelson Flores following a minor traffic accident and contacted the LESL for information. ICE Special Agents at the LESL and Columbus officers soon determined that Flores was a previously deported felon linked to a drive-by shooting in Nevada and was a local leader of MS-13. LESL agents immediately lodged a detainer and notified Ohio ICE agents who responded and arrested Flores for illegal reentry after deportation.

ICE maintains a close working relationship with Mexico, Honduras, El Salvador and Guatemala in the exchange of intelligence pertaining to MS-13 and other gang activity. ICE established a working relationship with Honduran Law Enforcement Intelligence Units regarding the arrest of Lester RIVERA-Paz in South Texas. RIVERA-Paz, the alleged national leader of the Honduran MS-13 organization, was an international fugitive, wanted by Honduran authorities for his involvement in the massacre of 28 bus passengers in December of 2004 in San Pedro Sula, Honduras. RIVERA-Paz was apprehended by Customs and Border Protection Border Patrol agents and placed into ICE custody pending prosecution for illegal reentry after deportation. ICE Intelligence secured copies of the Honduran arrest warrant, as well as photos and fingerprints of RIVERA-Paz to confirm his identity and fugitive status.

At ICE, we recognize that no single law enforcement agency can win the fight against transnational street gangs. ICE is working closely with a number of agencies and organizations under Operation Community Shield. Such cooperation is critical to the success of this initiative. ICE's Operation Community Shield partners include other agencies within the Department of Homeland Security; the Department of Justice; Department of State; the governments of El Salvador, Honduras, Mexico and Guatemala; and state and local law enforcement agencies throughout the United States. ICE has a long history of working with our partners in law enforcement to leverage our enforcement abilities. Operation Community Shield is no exception.

In the final analysis, Operation Community Shield is a homeland security initiative. Every criminal organization that can exploit the border is viewed as a potential national security threat. In recent months, there have been uncorroborated reports in the media and from foreign governments of possible links between Al-Qaeda and MS-13. Neither ICE nor any other U.S. Government agency has credible evidence to support these reports.

This operation is just the beginning in our fight to defeat violent street gangs. Operation Community Shield is an important public safety initiative for the Department of Homeland Security that targets the proliferation of gang violence throughout the country. By bringing the full range of ICE's immigration and customs authorities in the fight against violent street gangs, we can take hundreds of gang members off the streets and have a significant impact on community safety.

I want to thank the distinguished members of this Committee for the opportunity to speak before you today. I look forward to answering any questions you may have.

Mr. BURTON. Thank you, Mr. Torres.

You know it sounds to me like this MS-13 is the paramount or top gang in the country and it sounds like they are very well organized, if they are in what did you say, 38 States? They must have some kind of a pretty intelligent hierarchy. Have you found that to be the case?

Mr. TORRES. What we have been able to establish through the investigations across the country is that in some areas they are localized, in some areas they are more organized internationally and nationally.

Through some investigations we have seen where they talk, for example, with New Jersey to California to Texas. So as opposed to a local street gang in San Diego, what we see with the MS-13 is they do have a communication amongst themselves across the country.

Mr. BURTON. So they have, at the very least, a loose connection with one another?

Mr. TORRES. At the very least, yes, sir.

Mr. BURTON. Have you been able, any of you been able to find out who the kingpins are, the leaders in this organization?

You know they say once you nail a few of the head guys, that it can dissuade some of the others from continuing on the path they are on.

Mr. SWECKER. Mr. Chairman, we have made an intelligence call to all 56 field offices for information on MS-13 and it is still coming in.

Mr. BURTON. Yes.

Mr. SWECKER. They are showing evidence of a very strong network, but I would hesitate to say there is a defined hierarchy to this organization.

They do seem to have a focal point in L.A. and we see their L.A. leadership traveling all around the country and particularly showing up in northern Virginia, New York and those areas, but there is a lot of information still coming in on the group.

Mr. BURTON. Do you know who the leaders are?

Mr. SWECKER. We have a list of 10 that we think are some of their stronger leaders.

Mr. BURTON. What action is being taken against those 10?

Mr. SWECKER. Two of them are already in custody. A fellow in L.A. by the name of Kumendari operated in L.A. He is actually in custody in New York.

Another individual that was mentioned by Mr. Torres that was picked up in McAllen, Texas, by a State Trooper there that was in the company of 13 others. He appears to have a pretty strong leadership role, particularly in Central America. Each clique has leaders in their own right, but all roads seem to lead to L.A.

Mr. BURTON. I understand. It just seemed to me if they are that national, involved to the extent that they are nationally, that there would have to be some kind of a governing body, in a loosely knit fashion, that you might be able to nail, but you say you have got a couple of them, but there is maybe another 8 or 10 that you know of that you have not yet arrested.

Mr. SWECKER. Those 8 or 10 that we have identified thus far as being their top leadership, but we are targeting MS-13 in every jurisdiction where we find—

Mr. BURTON. The top leaders, do you know where they are?

Mr. SWECKER. Some we do. Some we don't. Some are floating back and forth between Central America and the United States.

Mr. BURTON. The ones that you know where they are, I mean are you in the process of trying to round them up?

Mr. SWECKER. We are addressing them through investigations. We think the best way to go is to put them away for 15, 20 years, using these RICO statutes. It takes a little bit of time to work with 10 years' worth of investigative material, but what we think is that RICO is the knockout punch, rather than short-term incarceration.

Mr. BURTON. There was a movie that came out not long ago about street gangs in Mexico. It was called *Man on Fire*. I don't know if you saw that movie or not.

It showed that there was some law enforcement involvement with some of these gangs. Have you found any involvement with law enforcement in MS-13 in particular?

Mr. SWECKER. We have not. On occasion, down on the southwest border, we will see involvement with drug traffickers. I hesitate to say this, but if there is involvement, it is going to be on the other side.

Mr. BURTON. You are talking about on the Mexican side of the border?

Mr. SWECKER. Yes.

Mr. BURTON. Is that being investigated and to what extent is it being investigated?

Mr. SWECKER. All aspects are being investigated. We have established a strong relationship with the Mexican Government, particularly in Chiapas.

Mr. BURTON. Are you having good cooperation?

Mr. SWECKER. We do. We met with them as recently as last week. We are establishing a legal attache in El Salvador who will report tomorrow to El Salvador. That is a new office.

We have relationships throughout Central America now, very strong. We have an exchange program with El Salvador and we hope to establish that with Mexico as well, where they actually work on the task force.

Mr. BURTON. I will let any one of you answer this question. What can we, as a Congress, do to assist you in slowing down or stopping the proliferation of street gangs and the things that they are doing, i.e. kidnapping and prostitution and drugs and all that?

What can the Congress of the United States do? Should we pass stronger immigration laws? What tools do you need that we have not yet given you?

Mr. TORRES. One of the things that you are doing right now as a whole of the Congress is by raising the awareness of the activities of MS-13 and other gangs like 18th Street, by holding these hearings and by publicizing the extent of the violence that they are involved with.

Historically these types of gangs have been ongoing since the 1980s in Los Angeles, and myself as a street agent in Los Angeles saw the violence firsthand and now we see it spreading across the country to smaller cities and smaller communities. It is becoming much more of an issue in those smaller cities than maybe in Los Angeles. It is a good start by holding a hearing today.

With respect to specific laws or immigration laws, one of the issues we have in enforcing immigration law is that for prosecuting someone as a gang member, we don't specifically prosecute someone who is a gang member. We prosecute someone who might be smuggling aliens or smuggling contraband or has reentered the United States after being deported.

What is good is that if they have a long criminal history, they can be sentenced to 20 years in prison and we have seen sentences anywhere from 7 to 10 years in Federal prison.

The downside to that is they have to have that long criminal history in the first place, before they are going to get 7 to 10 years in prison. If we prosecute them for reentry after deportation and they don't have a criminal history, they may be sentenced to something like 6 months, as Mr. Swecker has talked about. Sentencing them based on a conviction for only a few months in prison is not really the answer.

Mr. BURTON. Any other comments?

Mr. FRANCO. Mr. Chairman, if I could from the development standpoint, something that Congress did this year, which was extremely important, is to provide what we consider relief for the first time since the 1960s on something called Section 660 of the Appropriations Bill 2005, which has authorized or enables USAID now to work with community policing efforts and that is from a development standpoint, in addition to creating opportunities and addressing the other longer-term root causes of crime allows our agency, for the first time this year in almost 40 years, to work with law enforcement on the community basis and that is where most of these gangs come from, these marginal, poor neighborhoods.

We have very weak law enforcement, frankly, in my judgment, throughout the region and especially marginalized populations. So we are working with community police for the first time and I think this will go a long way to address the gang issue.



Mr. BURTON. Thank you.

Mr. Menendez.

Mr. MENENDEZ. Thank you, Mr. Chairman. I thank the panelists for their information.

Mr. Swecker, let me ask you: On page three of your testimony, where you refer to the safe streets violent gang task force, you say you have achieved 19,000 convictions. Of those 19,000 convictions, can you tell us how many people are undocumented aliens?

Mr. SWECKER. I am sorry, I—

Mr. MENENDEZ. Of the 19,000 convictions, can you tell us how many people were undocumented aliens?

Mr. SWECKER. I still didn't hear the last word.

Mr. MENENDEZ. How many people were not here on legal status?

Mr. SWECKER. I could not tell you. That includes all gang convictions and only a relatively small portion of these gangs are the immigrant gangs.

I couldn't give you a number on it, but a good percentage involves MS-13 and the immigrant gangs are illegals.

Mr. MENENDEZ. Could you get back to the Committee—

Mr. SWECKER. Yes.

Mr. MENENDEZ [continuing]. With that information? What I am concerned about is the perception that all of this gang activity is strictly brought from people who are not here legally. Obviously, they have a groundswell of individuals who are Americans who are joining these gangs and we need to do something about that.

Mr. SWECKER. Very fair statement. That is a fair statement.

[The information referred to follows:]

WRITTEN RESPONSE RECEIVED FROM MR. CHRIS SWECKER TO QUESTION ASKED DURING THE HEARING BY THE HONORABLE ROBERT MENENDEZ

You specifically requested information on the immigration status of the 19,000 persons convicted of gang-related crimes between 1996 and 2004. Unfortunately, a review of FBI records which were taken at the time of arrest do not present an accurate accounting of the immigration status of these persons. As a result, I am not able to provide the information that you are seeking.

Mr. MENENDEZ. I know your role is enforcement of the law, but do you do any work, does the agency do any work with reference to the underpinnings as to why people join a gang?

Mr. SWECKER. We do some work in that area. We participate in a lot of national committees and groups that do look at that. There is a host of reasons, everything from the gangster culture that is promoted on TV sometimes to, you know, just banding together originally for protection purposes. There is a whole range of reasons why they get involved.

We do get involved with these efforts to prevent gang activity to begin with and as recently as last week, both Mr. Torres and I were out in L.A. meeting with community leaders who were involved in anti-gang activities that centered around prevention.

Mr. MENENDEZ. What is the work that the FBI is doing with other law enforcement entities? In response to the Chairman's question about other governmental entities and whether they are interconnected or have some relationship with the gang, you said, hesitantly, well, if there is some, it is on the other side of the border, meaning Mexico. It is a broad statement.

What is the FBI's engagement with other law enforcement entities in Central America, particularly south of the border, in terms of working together to try to achieve a more systemic, hemispheric response to this issue?

Mr. SWECKER. We, as of tomorrow, we will have at least a one agent presence in El Salvador and that is going to grow. We hosted a meeting last week, of course, with the Mexican officials from Chiapas, which is generally the area where MS-13 is operating right on the border with Guatemala.

We are going to begin an exchange program with our partners in El Salvador, which we have already started. A conference was held down there about a month ago specifically to coordinate activity vis-a-vis MS-13 and 18th Street.

So we have established a very strong partnership with El Salvadorans and we are extending that throughout Central America.

Mr. MENENDEZ. Mr. Torres, when you deport someone who has committed a crime in the United States to their native country, I have heard from many Latin Americans who tell me these people end up on their doorsteps without them knowing they were coming and create enormous risks for them. What is the answer to that?

Mr. TORRES. The answer to that is not an accurate depiction of how the deportation process works. The way the deportation process works is that before we can remove someone to a host country, to their home country, we have to coordinate with that country to get travel documents, before they can be returned to that specific country.

Then there is a wire, a communication that goes back to that country, usually the Consulate or the Embassy, that notifies them of the number of people that are being returned to that country or specifically how many people are going to be returned on a specific given date, whether it is a Justice prisoner flight, known as J-PATS, or whether it is through commercial air with safeguards.

Mr. MENENDEZ. So the foreign government knows that the person returning is a person who has committed a crime here in the United States, is being deported as a result of the conviction of that crime and their status, and is notified that when that person shows up they are there to receive them?

Mr. TORRES. Several questions there. The—

Mr. MENENDEZ. If you can answer yes to all them, it would be easy. If it is no, tell me which one there is a no to.

Mr. TORRES. I would have to get back to you with specific regards to our detention and removal program, which I don't work with, but specifically whether or not they are advised of the exact crime that they have committed, I don't have the answer to that.

I know they are advised that the person has been convicted of a crime and they are returning criminals. I don't know how much in-depth that communication is, but that is something we can get back to you on.

Mr. MENENDEZ. I think that would be of interest to the Committee, because clearly, as I have listened to many Latin Americans come talk to me about this issue, they believe that these people are dumped on their doorsteps. They filter through and, at the end of the day, they are at work right away in their countries creating problems that ultimately emanate back on our doorsteps as

well as in their country. I would love to hear what the response to that question is.

Mr. TORRES. Sure. Congressman, I would like to elaborate on a couple of things we have ongoing addressing those—  
[The information referred to follows:]

WRITTEN RESPONSE RECEIVED FROM MR. JOHN P. TORRES TO QUESTION ASKED  
DURING THE HEARING BY THE HONORABLE ROBERT MENENDEZ

In 1997, the United States entered into an agreement with countries in Central America and the Caribbean that produced requirements for notification prior to the removal of criminal aliens to their native country. The countries include Antigua, Aruba, Bahamas, Barbados, Belize, Costa Rica, Colombia, Dominica, Dominican Republic, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Netherland Antilles, Nicaragua, Panama, St. Kitts & Nevis, St. Lucia, St. Vincent, Suriname, and Trinidad and Tobago. These requirements were eventually extended to all aliens, albeit not via official agreement.

Before a removal can be effected, U.S. Immigration and Customs Enforcement (ICE) must obtain a travel document from the receiving country and arrange for travel in a way that puts emphasis on the safety and security of the traveling public, the officers and the aliens. Many consulates require personal interviews with their nationals before issuing travel documents. ICE works with the respective consulate to ensure the alien is provided the opportunity to telephonically or personally be made available for such interviews.

ICE completes notification forms, as well as, criminal history forms to notify these countries that their nationals are being removed from the United States. The notification form provides the alien's biographic information. The criminal history form provides the alien's full criminal history in the United States, including the date and place of conviction, as provided by the National Criminal Information Center (NCIC). NCIC is a computerized index of criminal justice information (i.e.—criminal record history information, fugitives, stolen properties, missing persons) made available to Federal, state, and local law enforcement and other criminal justice agencies. For all criminal alien removals to these countries, the notification form and the criminal history form must be faxed at least three business days prior to the removal to the receiving country's designated point of contact in the United States.

Additionally, ICE sends a cable to notify the respective United States Embassy of the removal of these nationals to these countries. The United States Embassy or the ICE Attaché located at the embassy will provide this notification to the local authorities—depending on the local arrangement. In addition to the alien's biographic information, the cable reflects the ground of deportation. If the alien has been ordered removed based on a criminal ground, the cable will include the criminal violation. For those cases requiring an escorted removal, the cable also requests country clearance from the Department of State for the ICE officers who will be traveling with the alien to these countries.

Lastly, ICE routinely completes Green Notice applications as the situation dictates. An INTERPOL Green Notice is used to provide warnings and criminal intelligence about persons who have committed criminal offenses and are likely to repeat these crimes in other countries. Green Notice applications are completed on those cases where the subject being removed is a registered sex offender and/or a known gang member whose gang conducts operations outside of the United States. To date, ICE has completed over 800 such notices for distribution.

Mr. MENENDEZ. I would love to allow you to elaborate, but my time is up and I have one final question for Mr. Franco. If the Chairman at some point gives you extra time, I would be happy to listen. I don't want to cut you short.

Mr. Franco, final point. First of all, I appreciate your work and I respect what you do. There is nothing in your statement that I could disagree with. But I want to read you just very briefly what CRS said for the Committee's purposes when we asked them: What are some of the root causes of this?

We can keep arresting people forever, but if they keep getting replaced, it is a vicious cycle. We need to try to arrest now and, at the same time, try to stem the growth of this.

Their comment was, amongst others, but I will just synthesize this for you, that since Latin American countries exhibit many of the domestic factors that have been linked to high crime rates, the region's current crime problems and related consequences are likely to continue in the near future.

Scholars have identified income inequality as the strongest predictor of violent crime rates. Latin America has the highest income inequality in the world. Other regional trends that may worsen patterns of violent crime in many countries include the urbanized population's growing youth populations who face stagnant job markets, domestic drug addictions and an absence of political will to fight crime in a holistic manner.

If we were to, for argument sake, take what they told the Committee from their research, if that is true, then one of my problems is what we are doing in our development and other assistance. We are undercutting the very essence of how we begin to reach some of these root causes. The Millennium Challenge Account isn't doing it, because it is not going to get to these countries. It is primarily Africa driven.

You know we have the Administration cuts, which are unfortunate. Latin America is the only part in the world that gets cut in terms of development assistance, child survival, health development assistance, economic support funds, specifically in El Salvador, Guatemala, Nicaragua, Honduras, where some of the essence of this issue comes from. This is a problem. This is a problem and maybe it is above your grade level. It is policy driven, but it is a problem.

We can have all the conversation we want about gangs and about immigration and about all of these things and we can have all the trade agreements we want and the bottom line is for so long as we do nothing significantly to improve the disparity and improve social and economic development, we are going to continue to have hearings like this in the future and that is a problem. We need to change some of that reality for ourselves.

Mr. BURTON. Would you like to respond real quickly?

Mr. FRANCO. Just very briefly. I don't disagree with CRS' research. I don't disagree with Mr. Menendez' characterization of the income inequalities in our region, the youth bulge, in terms of the very large youth population, the large urbanization problem.

I think Mr. Menendez asked one of my other colleagues here what the chief problem was. Why people join gangs? If I could just answer the question: Poverty. Lack of opportunity, I think, is the chief motivator.

Resources issue is a concern. I think it is a very large concern. I do differ a bit on Millennium Challenge Account. I think there will be significant resources, possibly approximating \$750 million, over the life of the three compacts for the three countries, which is almost equal to the entire budget this year for the Latin America and Caribbean Bureau.

My last comment is, I don't disagree in great measure. We have agreement. It is above my pay grade. I don't make those decisions. I administer the program and implement it.

I would say though, Mr. Menendez and I noted in your opening comments, I jotted it down, shared problems, shared solutions,

shared responsibilities. I believe President Bush will carry that message in November.

Income inequalities and a number of things Latin Americans can also do for themselves. I don't believe that foreign assistance alone is a solution. I know you are not suggesting that, sir, but I think it is important that Latin American countries—and now that we have democratic governments throughout most of the region—also step up to the plate, in terms of the right policies and the right commitment. I think that is also something that we need to continue to stress.

Mr. BURTON. Thank you.

Mr. Weller.

Mr. WELLER. Thank you, Mr. Chairman, and I commend you for having what is an extremely important hearing as we consider not only the status of democracy, a priority of yours, Mr. Menendez, and all of us, but we also need to look at the security of our democracies, particularly those next door and looking at the gang problem, the crime problem in our neighbors, is an issue that affects us all. So there is a tremendous need for regional cooperation.

One of the concerns I have had over the last several years is the lack of an International Law Enforcement Academy (ILEA) in the Western Hemisphere. We have an ILEA in Africa, Asia, Europe, and eastern Europe, but not in Latin America.

When criminal activity, involving narcotrafficking and human trafficking, threatens the security of the United States, let alone our democratic neighbors, there is all the more reason why we should have an ILEA next door as part of this hemisphere.

I was wondering from the standpoint of the panelists, beginning with Mr. Franco, if you could talk about the status of the ILEA and what role you believe the ILEA can play, and what we need to be doing to get one in place?

Mr. FRANCO. Thank you very much, Congressman Weller. No one knows the region better than you do. I think we have had these discussions before when I worked on the Committee. This is a discussion we also had about placing the right resources for an ILEA in the region.

It is not a USAID decision to be made. I will say this though, I appreciate the comments and share from my prospective and my opinion the need to have such an ILEA in our region.

Because of our new approach, the administrator of the agency, Andrew Natsios, is committed to more community police work. We have talked to every President and I know you have talked to President Uribe, for example, in Colombia. I think it is absolutely necessary.

I think our vision for the agency is increasingly to focus in on gang and crime and violence and I believe part of our holistic approach, working with our colleagues in the Department of Justice and the State Department, I believe this is properly the route to go.

I think those commitments need to be made and that leadership needs to demonstrate it is wholly supported, but it is not a USAID decision to be made.

Mr. WELLER. Perhaps, Mr. Swecker, your role at the FBI can comment. I see the ILEA being so important not just for the

professionalization of law enforcement in the region, but also the fact they exchange business cards when they are participating in these activities, which I believe also encourages better cross-border cooperation, recognizing that gang and criminal activity we are seeing crosses the borders.

What is the view of the FBI and what role do you see as the ILEA, and what are the steps we should be taking? Perhaps part of this question is: If we don't have an ILEA, what do we have in place right now that is providing similar forms of professionalization, the training, the networking that needs to be put in place?

Mr. SWECKER. First, I would agree with you 100 percent. The ILEA in Budapest has brought tremendous benefits to us throughout eastern Europe and the Balkans, and it has established relationships that never existed before and it has networked law enforcement counterparts between the United States and those countries.

Tremendous benefits from the ILEA there. It could be duplicated in the Southern Hemisphere. I would agree with you right now that what we have is an informal network system. We are formalizing it. We have our legal attaches throughout the Southern Hemisphere. They engage in some training and I think Mr. Franco will probably address ISITAP, the Justice Department training program.

We are doing things like training, bringing Bureau of Prison officials down from the United States to El Salvador to train their counterparts on how to mine intelligence out of the prisons in El Salvador, where MS-13 and 18th Street are incarcerated, but it is ad hoc and I couldn't agree with you more.

Mr. WELLER. Mr. Torres, from the standpoint of Department of Homeland Security, can you share with me your views of the role the ILEA can play, but also the programs that Homeland Security has in place for developing further cooperation?

As part of that, has the Secretary of Homeland Security ever set foot in Latin America or the Caribbean?

Mr. TORRES. I, too, agree with you in your assessment that there should be an ILEA in Latin America. I have had the opportunity to teach classes in Budapest at the ILEA and, as a matter of fact, earlier this week, signed off on travel authorizations for several of our assistant special agents in charge to travel to Budapest, as well as to Bangkok, to teach classes on human trafficking and human smuggling.

What we have in place now is an informal network. We also conduct training through our attache offices in El Salvador, Honduras and Mexico. One of the programs that we have ongoing is our Government Trafficking in Persons Program to establish that units down in South America and Central America start up, basically, a law enforcement training mechanism to teach local law enforcement the differences in trafficking and smuggling, through an overall program here by the United States Government.

That money was allocated to the Department of Homeland Security to fund those specific programs. After 1 year, we would then basically leave that program in existence in place in those countries for local law enforcement to carry forward.

With respect to your question about the Secretary of Homeland's travel, Secretary Chertoff, I know, recently came on board. I couldn't answer for you specifically whether or not he has traveled to Latin America or Central America.

Mr. WELLER. Mr. Chairman, thank you for the opportunity. As we look at this regional issue, which is a Homeland Security issue for us here, as well as a regional security issue for this entire hemisphere, I would very much like to continue working with you.

The ILEA should have been in place years ago. It has been a priority for Chairman Hyde and unfortunately the INL at the Department of State doesn't seem to be moving very fast on this. And clearly, as the information that is being shared with all of us on the Committee through this hearing that you have initiated, I think it illustrates why it is so important we move quickly and get an ILEA put in place. So I very much want to work with you, Mr. Chairman, to accomplish that this year.

Mr. BURTON. Thank you, Mr. Weller. We appreciate that.

Ms. Lee.

Ms. LEE. Thank you, Mr. Chairman.

We all know that violence against women is very prevalent in many countries in our hemisphere, and in the past 10 years over 370 women have been murdered on the Texas border city of Juarez. My hometown is El Paso, Texas. I grew up in El Paso and I know the dynamics that take place there.

First, I know that these women have lived in fear of these horrible crimes for more than a decade now, but also in other countries. The violence against women in terms of intrafamilial violence, as well as domestic violence, as well as, again, criminal acts against women, it is getting to be outrageous.

I am wondering, Mr. Franco, just in terms of USAID and its strategies and funding of initiatives, has that been part of our focus, the empowerment of women in terms of putting money into organizations that help women free themselves from the shackles oftentimes of what they are dealing with?

Mr. FRANCO. It sure has, Congresswoman Lee. I didn't know you were from El Paso. I thought you were a native Californian.

Ms. LEE. No, El Paso.

Mr. FRANCO. Let me just start out, since you mentioned El Paso and Juarez, to respond and then the broader question. We recently announced, Ambassador Garza announced it on our behalf, our Ambassador to Mexico, a \$5 million development program along the United States/Mexico border, focused primarily in the Juarez area, because of the violence that women have encountered.

We have been working closely with all the border States and Mexico to address gender-based violence specifically, because the murder rate there is just absolutely outrageous.

I will say our Ambassador was courageous in taking on an issue that in Mexico is sensitive, as you might imagine, for the U.S. Ambassador to announce this initiative.

The initiative is to give battered women shelter, protection, and an opportunity for the justice system to work at its most basic level. We have done this in Colombia as well with the Casas de Justicia, where we provide not only protection, but an avenue for relief and mediation.

This region is a large focus of our program, because you are absolutely right, most of the violence is focused on marginalized populations and within those marginalized populations the most vulnerable are usually women.

Therefore, our programs are tailored to do two things: Protect them and make sure that they can address justice. Frankly, my interest in community policing, let me tell you and be forthright with the Committee, is often the police are the problem at the community level. Inadequate training, not the proper resources to have people that are really cognizant of their responsibilities as police officers. This is very much a focus of our work.

Ms. LEE. Thank you very much. I am glad to hear that. May I ask another part of this question? I would like to follow up with you and look at the details of how this 5 million is going to be used in terms of the programmatic strategies around this.

Mr. FRANCO. This 5 million is just for the border area alone in Mexico. There is a broader program that I can brief you on.

Ms. LEE. Good. I would like to sit down with you.

Mr. FRANCO. Sure.

Ms. LEE. Let me ask you about the Caribbean countries now, specifically for example, I guess, Antigua and Barbuda. We hear from our neighbors in the Caribbean that oftentimes, I guess, it is the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 that has a negative impact on these countries, due to the expanded and retroactive deportation standards.

Very recently, for example, Antigua and Barbuda are facing sanctions and they have to speed up this process of verifying Antiguan citizenship of United States-based former prisoners.

I just want to ask you about this whole deportation process. What do we do to help the Caribbean countries make sure that these individuals, first of all, know why they are being deported and that they are provided with whatever resources they need to ensure that they don't commit new crimes, either become reincarcerated or the economic and transitional assistance that they need for this?

Mr. FRANCO. I think you have hit the nail on the head. I know the question was asked of my other colleagues and I think they did a very good job of describing the procedures, which I know they are meticulous about and are fully in compliance with the law.

The problem though is not necessarily the procedures, how people are returned, it is once they are there—just as you have asked Congresswoman—what these host governments are to do with these people, because they have a lack of resources.

That is the biggest challenge we have in the Caribbean and throughout the region. In other words, we have returning individuals that are charged with crimes in the United States, and the system isn't always capable of addressing the numbers. That is the complaint that I received and that is Mr. Menendez' question as well, and that is we can't absorb these people or our judicial systems don't work or, ultimately, to be candid here, you are adding to our own social problems on these islands.

Our work in this area is primarily on the broader issue. We have not been working the police area per se, meaning with returning deportees, but we are trying to address the broader questions of



providing opportunities for people and particularly on economic activities for the poor.

I guess my response is, I share the concern. It is raised with me frequently and it is raised with me from the standpoint of it is a burden on us and it is something we are not working on right now.

I will look into it more fully, as we expand our community-related policing work, but it is put to us as a development issue.

Ms. LEE. But also the sanctions, though, that these countries are faced with, through really no fault of their own.

Mr. FRANCO. Right. Those are matters that I would have to consult with the State Department Office of Western Hemisphere Affairs.

Ms. LEE. You will get back to us?

Mr. FRANCO. I will get back to you on that.

[The information referred to follows:]

WRITTEN RESPONSE RECEIVED FROM THE HONORABLE ADOLFO A. FRANCO TO QUESTION ASKED DURING THE HEARING BY THE HONORABLE BARBARA LEE

USAID discussed Congresswoman Lee's concern about sanctions related to immigration and deportation faced by countries in the Caribbean with the Department of State's Office of Caribbean Affairs. The State Department is working very closely with the Department of Homeland Security and with governments in the Caribbean region on the issue of deportation. There are currently no sanctions in place on countries in the Caribbean, but the Department of State and Homeland Security are collaborating closely with governments in the region to address any outstanding issues related to deportation. For additional information, I refer Congresswoman Lee to the U.S. Immigration and Customs Enforcement Office (ICE) in the Department of Homeland Security. ICE works closely with U.S. Embassies overseas to address the deportation of aliens convicted of crimes in the United States.

Ms. LEE. Thank you very much.

Thank you, Mr. Chairman.

Mr. BURTON. Thank you, Ms. Lee.

Mr. Payne?

Mr. PAYNE. Thank you very much. I, too, want to amplify and associate myself with the remarks from the previous speaker, Ms. Lee, regarding the returnees.

Of course it is not a new program, but when it first started, these countries really didn't know what to do. I visited one country, Barbados or Jamaica or either a smaller country, and they said they just, first of all, put them back in jail. We just can't have these people on the street and did talk about the need for assistance.

As you know, many of these become hardened criminals. They come out of New York State's difficult, tough prisons and when they go back to these paradises, so to speak, they are really hardened criminals. Many of them have lived most of their time in the United States anyway. Many of them come up as children very young and all they know is the U.S.A., and so I would hope that we can take a look at it.

Of course I certainly didn't go to my district and my community advocating that we bring the prisoners back to my neighborhood. I mean that wouldn't have gone over too big. However, it is a real problem and we need to deal with it.

One of the other concerns that I have in general is the position of Afro-Latino people in general, regardless of whether it is Colombia, where a tremendous amount of damage is being done, whether it is in Ghana, if it is in some of the other, Honduras, we are find-

ing that there is an erosion of the rights of African-descended Latino people.

Property is being confiscated. Criminals are perpetrating crimes and in many instances, the government, the police are slow to respond.

In some of your discussions with some of the countries, even in Costa Rica on the coast, I would appreciate it, because I have had a number of, we even had a seminar with Central and South Americans of African descent, where they are crying out to have some, even in Brazil. And you know about a decade ago there was the problem of the police that would don their uniforms and on the weekend would almost be bounty hunters for these young nuisance kids, but 15 or 20 were killed once in a church backyard.

I would just hope that as you move through this issue—I have raised it with the President of Brazil, we have raised it with the military leaders from Colombia who came to talk about the drug eradication program—but if it could be woven through our policy, just to be sensitive to that problem, I would appreciate that.

Mr. FRANCO. If I could comment on that, Mr. Chairman. We have launched, in the last year and a half, a \$3 million program for Afro-Colombians, specifically assistance to neglected populations and populations beyond neglect that have been treated as second class citizens, which is wholly unacceptable.

I will be in Cali at the invitation of the Governor of Choco, which is a predominantly Afro-Colombian community at a conference for 2 days. We are committed to expanding this effort in Colombia, where 27 percent of the population, most people don't know this, is of African descent.

We are committed to this issue on the question of rights and opportunities, and the police issue is extremely critical in that country and in Central America. In Guyana, it is an extremely sensitive issue, as you know. It is at the forefront of my priorities for the region and I can assure you that we will continue to expand these opportunities.

I, in fact, today had a briefing scheduled with Congressman Meeks on the subject and I would be happy to schedule something with you, Congressman Payne and Congresswoman Lee, if you would like to hear about our growing efforts.

Mr. PAYNE. Thank you. I would really like that and will follow up. Thank you. Thank you, Mr. Chairman.

Mr. BURTON. Thank you, Mr. Payne. I think we will let this panel go, but I did have one final question to you, Mr. Swecker.

You said that there is no connection between al-Qaeda and any of these gangs, like MS-13. Can you tell us why you said that? You said it pretty categorically that you found no connection.

There are a lot of people in this country that are concerned about the gangs in Central and South America working with terrorist groups that might want to do us ill.

Mr. SWECKER. First, let me say our eyes are wide open on that topic, but Bob Clifford, who sits behind me and is a terrorism expert who actually is running the MS-13 task force, has run down a lot of those statements that have come out of Central America and once you get to the source of the statement, it becomes a very

equivocal statement about well, we think they would or it is possible, and it is not hard, factual information.

That is what I am referring to, we have run down every source or rumor or piece of information to that effect and we have not found good, hard, factual information to that effect.

I will tell you that our eyes are wide open and not just the MS-13 task force, but everyone is looking for that connection. We just don't have facts.

Mr. BURTON. Any information that you might garner in the future, I wish you would keep the Committee informed, i.e., this Committee or the whole Congress.

Mr. SWECKER. Yes.

Mr. BURTON. In any event, thank you very much. We appreciate your testimony. We will bring forth now the next panel.

The next panel consists of Kelly Smith, who is a Detective First Class for the Howard County Police Department and joined the police force in 1987. Detective Smith has extensive experience with gang investigation, narcotics trafficking and corrections training. He served 4 years with the U.S. Air Force and the Security Police Squadron from 1980 to 1984.

Stephen Johnson is another panelist, a former State Department Officer, who has worked at the Bureaus of Inter-American Affairs and Public Affairs and is a Senior Policy Analyst for Latin America at the Kathryn and Shelby Cullom Davis Institute for International Studies at The Heritage Foundation. In addition, he analyzes counter-narcotics and the counterterrorism policy in the Western Hemisphere.

Manuel Orozco is a Senior Associate at the Inter-American Dialogue, with special expertise in governance and immigration. He holds a Ph.D. and a Masters in Public Administration from the University of Texas-Austin and has taught at the Georgetown University of Akron, Ohio, and the Foreign Services Institute at the State Department.

Would you please rise so I can swear you in, please?

[Witnesses sworn.]

Mr. BURTON. We will start with you, Mr. Johnson and if you could keep your comments to 5 minutes, we would appreciate it.

**TESTIMONY OF MR. STEPHEN C. JOHNSON, SENIOR POLICY ANALYST FOR LATIN AMERICA, THE KATHRYN AND SHELBY CULLOM DAVIS INSTITUTE FOR INTERNATIONAL STUDIES, THE HERITAGE FOUNDATION**

Mr. JOHNSON. Thank you, Chairman Burton, distinguished Members of the Committee. Thank you for inviting me to testify on this important subject, gangs and crime in Latin America.

Criminal youth gangs are nothing new, but they are a growing phenomenon throughout this hemisphere. Expanding populations and poverty have combined with modern transportation and communications to make gangs mobile and lethal as opposed to nuisances they once were.

Countries at risk include Mexico, Guatemala, El Salvador, Honduras, Brazil, and Jamaica, as well as the United States. There criminal gangs assault, rob, extort, murder, as well as traffick in drugs, people and arms.

Politicians in both the United States and Latin America have called for tougher laws and penalties, but our research at The Heritage Foundation shows that most law enforcement only targets the violent symptom, not the system that breeds gangs in the first place.

To be effective, anti-gang measures must deny time and space for gangs at the local level, while fostering cooperation in prevention and policing internationally.

In the United States, the number of cities reporting gang problems has increased more than 800 percent since 1970. In Mexico, authorities say gangs are active in 21 of 31 States. Officials estimate between 150,000 and 300,000 gang members in Central America.

In Brazil, three major armed gangs used military-grade weapons to control half of Rio de Janeiro's 800 slum neighborhoods. Some 160 different gangs drive away tourists and depress local commerce in Jamaica.

Unstable neighborhoods, broken families, limited access to education and work, violent role models and the presence of drugs feed gang growth. Historically, the poor and migrants live in such circumstances.

A decade ago the United Nations Children's Fund estimated that there were some 40 million street children in Latin America. That statistic and the fact that half the people in Latin America live below the \$2 a day poverty line should warn of troubles to come.

While youth gangs in Brazil or Jamaica do not now impact the United States, gangs in Mexico and Central America do. The two most lethal are outgrowths of groups that began in southern California and developed into loosely affiliated U.S. and transnational organizations.

The Calle 18, or 18th Street gang, began with a large influx of Mexican migrants to the Los Angeles area in the 1970s. A decade later, Central America's civil conflict fostered a similar exodus that gave rise to the Mara Salvatrucha.

By and large, migrants from these countries came seeking jobs and safety. Most worked hard and became law abiding residents and citizens, but a few slipped through the cracks, while some ex-guerrillas and young soldiers actually came to make trouble. Those that did ended up in prison and were deported in a big effort that began in the mid 1990s.

Unfortunately, reorganized police forces in El Salvador and Guatemala were barely able to control rampant delinquency in the aftermath of their civil conflicts.

Honduras had no war, but job seekers who ran afoul of the law in America were returned to a country with rudimentary law enforcement.

In Mexico, deportees faced poorly trained and corrupt police. Throughout the region, Colombian drug traffickers were moving in and employing young gang collaborators.

Meanwhile, migrant children, who barely spoke Spanish and were being sent back to nations they never knew, mixed with hardened criminals. Hardened criminals themselves arrived with little advance notice to authorities and for a variety of reasons—from an inability to cope, to death squads, to building links with gang mem-

bers they once knew—many gangsters headed back to the United States, preying on other migrants along the way.

Sadly, U.S. policymakers cut support for regional justice reforms and police training, at the time believing peace and democracy had been achieved. In the vacuum, a system was born.

Increasing migrant flows over porous borders, deportations, as well as improved transportation and communication have helped transnational gangs grow in North America.

Down the road, lack of employment and manipulated economies, authoritarian rule in countries like Venezuela, the breakdown of government in places like Bolivia and Ecuador, could expand the problem throughout the hemisphere.

To deny time and space for gangs to thrive in the United States, U.S. policymakers should consider promoting stable neighborhoods through collaboration among Federal and local law enforcement, as well as community leaders to minimize characteristics that induce delinquency.

Reducing illegal immigration through stronger border controls to filter out undocumented migrants and simplify entry and exit for documented legal workers, promoting private public partnerships to expand youth activities that encourage integration, competition and self-fulfillment.

To curb transnational mayhem, U.S. policymakers should regard hemispheric neighbors as partners at the table, who need America's cooperation in expanding economic opportunity, improving governments and enhancing public safety.

United States foreign policy should support economic reforms that establish property rights, promote entrepreneurship and the growth of new industry, and strengthen the rule of law. Washington must renew support for police and prosecutorial reform in Central America and applaud Mexico's new efforts along that line, and some of that we heard today.

Promote family-friendly policies and finally cooperate with partner countries to share intelligence on gangs, collaborate on preparing deportees for life in nations of origin, and help strengthen borders through enhanced training of law enforcement and immigration personnel.

Youth gang activity can be reduced, but never eliminated. Through multiple strategies, we can shrink its potency by focusing efforts on the systems and factors that feed it and by helping our Latin American neighbors to do the same. Thank you, Mr. Chairman.

[The prepared statement of Mr. Johnson follows:]

PREPARED STATEMENT OF MR. STEPHEN C. JOHNSON, SENIOR POLICY ANALYST FOR LATIN AMERICA, THE KATHRYN AND SHELBY CULLOM DAVIS INSTITUTE FOR INTERNATIONAL STUDIES, THE HERITAGE FOUNDATION

Mr. Chairman and distinguished Members of the Committee, thank you for inviting me to testify on this important topic.

Throughout history, youth gangs have flourished wherever there have been population shifts and unstable neighborhoods. However, recent growth in numbers and global affiliation of gangs pose a public security threat. Gangs that flourished in Los Angeles during the 1960s now have fraternal links to some 130,000 to 300,000 members in Mexico and Central America and have expanded across the United States to both major cities and rural communities in the eastern seaboard.

Activities range from defending neighborhood turf to armed robbery, extortion, alien smuggling, arms and drug trafficking. Their transnational nature is facilitated by fluid migration across porous borders, incarceration with experienced criminals in U.S. prisons, and weak rule of law in Mexico and Central America. Although no hard evidence links them with terrorist networks, transnational gangs could provide a source of willing young collaborators.

To date, mostly piecemeal measures have targeted symptoms without attacking root causes. To reduce gang violence, policymakers at all levels need to identify factors that destabilize neighborhoods. Local officials should design programs to deny time and space for gang activities. The White House and Congress should consider migrant labor reforms to reduce the chaos associated with undocumented transient populations, while the Departments of Justice and Homeland Security can help improve coordination between various law enforcement agencies.

Overseas, U.S. assistance programs should promote the rule of law, economic reforms to boost employment, and pro-family policies, as well as cooperative security links between countries and enhanced security on borders. Overall, there must be a comprehensive, coordinated approach on border security and migration with Mexico and Central America.

#### *Growing Problem and Related Factors*

Gangs represent a tiny fraction of the general population. Authorities have estimated there are only 700,000 street gang members compared to some 280 million American residents. Yet the disproportionate growth and violence of gangs is now a major concern of law-abiding citizens. The number of cities reporting gangs went from 270 in 1970 to more than 2,500 in 1998, an increase of about 800 percent.<sup>1</sup> In 2002, the National Youth Gang Survey (NYGS) estimated that there were 21,500 gangs and 731,500 active gang members in the United States, 85 percent of whom reside in large cities.<sup>2</sup> However, gangs are present in rural areas as well—27 percent of municipalities between 2,500 and 49,999 people now have had trouble with gangs.<sup>3</sup>

Most of the trouble starts with unstable neighborhoods. Broken homes, violent role models, and access to drugs feed gang growth. A long-term study that tracked some 800 juveniles in Seattle, Washington from 1985 to the present, found that:

- Youths living where acquaintances were in trouble were 3.0 times more likely to join gangs.
- Children living in single-parent families with other adults were 3.0 times more likely to join gangs than youths in two-parent families.
- Youths with low academic achievement were 3.1 times more likely to join. Poor academic performance and low commitment to school correspond to gang membership.
- Juveniles who associated with delinquent friends were 2.0 times more likely to join.
- Children who used marijuana were 3.7 times more likely to join gangs. Youth who engaged in early violent behavior were 3.1 times more likely.

Moreover, all of these factors were cumulative.<sup>4</sup>

*Migrant communities.* People forced to move as a result of difficult circumstances—whether internally or from another country—seldom have much choice but to settle in disorganized, transient neighborhoods. Foreigners unprepared to compete in an adopted society find survival and integration especially tough. Children may be scattered. In 2004, U.S. authorities caught some 10,000 unaccompanied juveniles trying to cross the southwest border hoping to join relatives already in the

<sup>1</sup>History of Youth Gangs: Department of Justice, Office of Juvenile Justice and Delinquency Prevention, "Youth Gangs: An Overview," Juvenile Justice Bulletin, August 1998 at <http://ojjdp.ncjrs.org/ijbulletin/9808/history.html> (December 3, 2004).

<sup>2</sup>The NYGS is a nationally representative sample drawn from law enforcement agencies. See Arlen Egle, Jr., James C. Howell, and Aline K. Major, "Recent Patterns of Gang Problems in the United States: Results from the 1996–2002 National Youth Gang Survey," in *American Youth Gangs at the Millennium*, Finn-Aage Esbensen, Stephen G. Tibbetts, and Larry Gaines (Long Grove, Illinois: Long Grove Press, 2004), pp. 103–104.

<sup>3</sup>Arlen Egle, Jr., James C. Howell, and Aline K. Major, "Recent Patterns of Gang Problems in the United States: Results from the 1996–2002 National Youth Gang Survey," p. 97.

<sup>4</sup>Karl G. Hill, Christina Lui, and J. David Hawkins, "Early Precursors of Gang Membership," p. 196.

States.<sup>5</sup> Gangs offer stability, identity, status, and protection for youths who have no parents or who must spend most of their time on the streets.

Following a migrant influx that began in the 1970s and accelerated in the 1990s, the U.S. Census Bureau now believes there are between 10 to 12 million undocumented Hispanic aliens in the United States attracted to seasonal work in agriculture and construction in both urban and rural communities. Although the vast majority are hard working and law abiding, some of their numbers have fueled Hispanic gang growth. According to the 1999 National Youth Gang Survey, the racial and ethnic composition of U.S. gang members is 47 percent Hispanic, 31 percent African American, 13 percent white, 7 percent Asian, and 3 percent “other.”<sup>6</sup>

#### *Globalized Groups*

Although gangs of various ethnicities and national origins exist in America, two California-based groups have drawn on the ebb and flow of migrants to become an international phenomenon. They are the 18th Street and *Mara Salvatrucha* gangs. The 18th Street or *Calle 18* gang coalesced among Mexican migrants in Los Angeles during the 1960s. It was the first Hispanic gang known to recruit outside its home city and state, seeking middle school and elementary-aged youth to help steal, obtain protection money, and sell drugs. Mexican and Colombian traffickers now reportedly use Calle 18 members to distribute narcotics in the United States.<sup>7</sup>

The Mara Salvatrucha 13 or MS-13 formed in the 1980s in the same neighborhood as the Calle 18—but among Salvadoran migrants. At the time, conflict and high unemployment inspired an exodus of Central Americans to other countries.<sup>8</sup> In the case of El Salvador, a 12-year civil war between communist guerrillas and a fledgling democratic government displaced nearly a million people, about half of whom are believed to have entered the United States.<sup>9</sup> Some were former guerrilla recruits from Salvadoran slums that brought with them knowledge of weapons, explosives, and combat tactics.<sup>10</sup>

*Fueling the fire.* After free elections brought peace to Nicaragua in 1990 and a negotiated settlement ended El Salvador’s conflict in 1992, the United States started sending Central American refugees and migrants home. The U.S. Immigration and Naturalization Service (INS)<sup>11</sup> deported an average of 4,000 and 5,000 a year El Salvador, Guatemala, and Honduras. According to official figures, roughly a third had criminal records and spent time in American prisons.<sup>12</sup> In 2003, the United States forcibly removed 186,151 persons of whom 19,307 returned to those same countries—5,327 with criminal records.<sup>13</sup> Inadvertently, forced removals helped gangs graduate from a minor phenomenon in the 1980s, to groups now numbering 150,000 to 300,000 members in Central America—though no one knows for sure.

At first, the U.S. government sent deportees home without ensuring there were local programs to receive them. Many knew little Spanish and had no ties to Central America except that they were born there. In El Salvador, jails were already packed with ex-soldiers and demobilized guerrillas who had turned to crime in the absence of employment. As a consequence, many returnees sought out the urban slums and rural war zones their parents abandoned in the 1980s. There, they introduced local

<sup>5</sup> Catherine Bremer, “Thousands of Mexican Kids Try to Sneak Into US,” Reuters, December 9, 2004.

<sup>6</sup> Arlen Egly, Jr., “National Youth Gang Survey Trends From 1996 to 2000,” OJJDP Fact Sheet, February 2002 (Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention), p. 2, at <http://www.ncjrs.org/pdffiles1/ojjdp/fs200203.pdf>.

<sup>7</sup> See articles by Orange County District Attorney Investigator Al Valdez, “California’s Most Violent Export,” and “A South American Import,” National Alliance of Gang Investigators Associations at <http://www.nagia.org> (December 29, 2004).

<sup>8</sup> While internal conflict prompted Salvadorans, Guatemalans and Nicaraguans to emigrate, the mechanization of farms reduced employment for unskilled labor in Honduras prompting many young men to seek jobs abroad.

<sup>9</sup> From 1980 to 1990 Salvadorans reportedly living in the United States increased from 94,447 to 465,433. By 2000, estimates rose to 600,000–900,000. *Profile of the Foreign-Born Population in the United States: 2000*, U.S. Census Bureau, U.S. Department of Commerce, December 2001, p. 12.

<sup>10</sup> Scott Wallace, “You Must Go Home Again—Deported L.A. gangbangers take over El Salvador,” *Harpers Magazine*, August 2000, p. 52.

<sup>11</sup> Transferred to the Department of Homeland Security in 2002, it is now the Bureau of Immigration and Customs Enforcement (ICE).

<sup>12</sup> Source: *1997 Yearbook of Immigration Statistics, and 2003 Yearbook of Immigration Statistics*, Office of Immigration Statistics, Department of Homeland Security, September 2004.

<sup>13</sup> *Ibid.*

delinquents to the drug-based crime they had known in the United States. Deportees arriving in Guatemala and Honduras followed similar patterns.<sup>14</sup>

In helping to end communist insurgencies during the 1980s, the United States persuaded Central American dictatorships to cede power to civilian-elected leaders and separate police forces from the armed forces. In each case there was a hiatus between the demobilization of the military police and the training of a civilian force that corresponded to a rise in delinquency. Rampant crime outstripped civilian capacity to deal with it, to the point that soldiers have been recalled to assist the police—first to stop rural marauding in post-war El Salvador and more recently to fight crime in Guatemala and gangs in Honduras.

In the mid 1990s, Colombian drug traffickers arrived in Central America to expand smuggling routes, adding an additional challenge. But by this time, U.S. policymakers—believing that peace and democracy had supposedly been achieved—reduced support for regional justice reforms and police training.

#### *Struggling Economies, Weak Justice Systems*

South of the U.S. border, limited economic opportunities and weak law enforcement have fostered emigration and gang growth. Mexico's congress blocks competition in telecommunications and energy industries and has declined to reform an obsolete land tenure system. As a result, nearly a million young adults have joined the Mexican labor force each year to find only 200,000 jobs waiting for them.

Salvadoran, Guatemalan, and Honduran economies depend on remittances from the United States that total \$3 billion.<sup>15</sup> According to the International Labor Organization, underemployment averages about 65 per cent in these countries.<sup>16</sup> Until negotiations began with the United States over the U.S.-Central America Free Trade Agreement (CAFTA), local politicians were unwilling to permit competition in sectors dominated by family monopolies.

Historically weak justice systems have been challenged to keep up. In Mexico, migrants and human traffickers known as "coyotes" used to bribe corrupt border guards to allow them to pass. Now youth gangs are the ones extorting tolls as violence against both migrants and police escalates.

In Honduras, prisons hold twice their capacity. Its population of 6.9 million is protected by 6,200 police—one officer per 1,100 people if one counts administrative personnel. In 1998, Honduras had the highest murder rate in the hemisphere—154 per 100,000 inhabitants—twice the number in Colombia at about the same time. By contrast, El Salvador had a 2000 murder rate of 34 per 100,000 population, still considered high, with about 17,000 police protecting 6.5 million or one officer per 383 citizens—close to the U.S. average.<sup>17</sup>

*Underground highway.* Increasing flows of undocumented migrants over porous borders, mass deportations, as well as improved transportation and communication networks have produced a revolving door. According to Salvadoran police, 90 percent of deported gang members return to the States as fast as they can. Many return because their criminal livelihood is in America. Others do so because they do not fit in where they may have been born, but never grew up. On April 13, 2005, Rockingham County Attorney Marsha Garst testified before the House Immigration Subcommittee that of 10 gang member names passed to ICE recently, two had been previously deported. At the same hearing, Assistant Secretary of U.S. Immigration and Customs Enforcement Michael J. Garcia said that of 150 MS-13 gang members arrested since February, 22 have been charged with illegal re-entry.<sup>18</sup>

Further south, Salvatruchas and Calle 18 are present all along the highways and railroads that run from the U.S. southwest border through Mexico to Guatemala. In Mexico's Chiapas state, Salvatruchas ambush Central American migrants jumping off freight trains as they approach cities and police checkpoints, robbing and

<sup>14</sup>Wallace, "You Must Go Home Again," p. 53.

<sup>15</sup>In 2001, remittances from the United States to El Salvador totaled \$1.9 billion, to Guatemala \$584 million, and to Honduras \$460 million. Remittances to El Salvador accounted for 17 percent of GDP. Source: Manuel Orozco, "Remittances to Latin America and the Caribbean: Money, Market and Costs," PowerPoint Presentation, Inter-American Dialogue, Washington, DC, 2002, at <http://www.iadb.org/mif/v2/files/Orozco2002.ppt> (January 18, 2005).

<sup>16</sup>International Labor Organization, Subregional Office for Central America, Haiti, Panama and Dominican Republic, "Decent Work Indicators Database," at [www.oit.or.cr/estad/td/indexe.php](http://www.oit.or.cr/estad/td/indexe.php) (January 31, 2005).

<sup>17</sup>Basic Indicators; Table 2: Crime Rate Per 100 Thousand Inhabitants, *Report on Judicial Systems in the Americas 2002-2003*, Justice Studies Center of the Americas at <http://www.cejamericas.org> (January 3, 2005).

<sup>18</sup>Testimony before the Committee on the Judiciary, Subcommittee on Immigration, Border Security and Claims, U.S. House of Representatives, April 13, 2005.



killing them.<sup>19</sup> Documents found on arrested gang members show they come from the United States, Mexico, Central America, and as far away as Ecuador. Some older ones are even ex-police and soldiers.

Oscar Bonilla, President of El Salvador's National Council for Public Security which manages delinquent rehabilitation programs believes Salvatruchas showed up as deportees as early as 1992, while Calle 18 began arriving in 1996 settling in capital city slums and former guerrilla strongholds like the villages of Apopa and Quetzaltepeque. Today they number an estimated 34,000 and procure arms for U.S. affiliates, fence cars, sell drugs, and collaborate with local kidnapping and bank robbery rings.

While half of all homicides are attributable to gangs in El Salvador and Honduras, police reports indicate that gangs account for only 20 percent in Guatemala. Yet, in a raid on a Guatemala City barrio in 2003, police arrested 872 gang members, confiscating 70 guns, 55 knives, and various explosives. In January 2005, police found the head of a female victim on a bus shuttling between shantytowns where rival *maras* operate.

While these loosely organized delinquent groups exact a heavy social cost in Central America, they pose no immediate national threat to the United States. There is potential, however. Operating across borders, *maras* have become expert in crossing borders illegally. Last year, rumors circulated that al Qaeda cell leader Adnan G. El Shukrijumah had been sighted meeting with *maras* in Mexico and Honduras, supposedly seeking their help to smuggle terrorists into the United States. None of those stories could be confirmed.<sup>20</sup>

#### *Trial and Error*

Until the 1990s, street gangs were a problem mostly for local officials. Now, national authorities are more involved. But neither has confronted the larger social, demographic, and economic pressures that feed transnational gang growth in the United States and abroad.

*U.S. efforts.* Single "silver bullet" suppression and prevention strategies are still popular with politicians despite the success of more tailored, complex approaches. In 1934, the city of Chicago assigned caseworkers to convert gangs into positive social forces. But, treating them as a group increased cohesiveness and, in turn, crime.<sup>21</sup> Los Angeles launched massive gang roundups in 1988 believing they would curb activity. Sweeps pulled in plenty of juveniles, but few actual gang members.<sup>22</sup>

More recently, states have passed anti-gang laws that sound tough to voters, but are no more effective than enforcing ones already on the books.<sup>23</sup> Often new legislation includes enhanced penalties for crimes committed by gang members. A New York district attorney is even using anti-terrorism statutes to pursue gangs.<sup>24</sup>

Some states like California, Minnesota, and Virginia have established gang task forces, with the collaboration of Drug Enforcement Administration agents and other federal authorities. In 2004, Fairfax County, Virginia budgeted \$1.4 million for an 11-member anti-gang unit. But localities that succeeded in rolling back gang violence did so through political will, sustained efforts, and multiple strategies.

In 1995, authorities in Boston, Massachusetts believed gangs were responsible for at least 60 percent of all youth homicides.<sup>25</sup> They adopted problem-oriented policing, encouraging officers to analyze and solve problems contributing to specific crimes—as opposed to the traditional methods that emphasize response to calls, arrests, and

<sup>19</sup> George W. Grayson, "Mexico's Southern Flank: A Crime-Ridden 'Third U.S. Border,'" *Hemisphere Focus*, Volume XI, Issue 32, December 22, 2003, p. 2.

<sup>20</sup> Jerry Seper, "Al Qaeda leader identified in 'dirty bomb' plot," *The Washington Times*, October 5, 2004, at <http://washingtontimes.com/national/20041005-013052-7047r.htm> (October 29, 2005).

<sup>21</sup> Finn-Aage Esbensen, "Preventing Adolescent Gang Involvement," *Juvenile Justice Bulletin*, Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, September 2000.

<sup>22</sup> Youth Gang Programs and Strategies.

<sup>23</sup> For more information on the increasing federal role in prosecuting gang activity, see Paul Rosenzweig, "The Gang Act Needs Modification," Heritage Foundation Web Memo, at <http://www.heritage.org/Research/Crime/wm494.cfm>.

<sup>24</sup> A controversial use of such laws, since youth gangs usually have no political motive in their crimes. See Michelle Garcia, "N.Y. Using Terrorism Law to Prosecute Street Gang," *The Washington Post*, February 1, 2005, p. A-3.

<sup>25</sup> David M. Kennedy, Anne M. Piehl, and Anthony Braga, "Youth Violence in Boston: Gun Markets, Serious Youth Offenders, and a Use-Reduction Strategy," *Law and Contemporary Problems*, Vol. 59, No. 1 (1996), pp. 147-196.

after-the-fact investigation.<sup>26</sup> Eschewing new laws, the city used existing statutes and resources to impose costs on offenders—shutting down drug markets, serving warrants, enforcing probation restrictions, and making disorder arrests.<sup>27</sup> Police and probation officers conducted joint patrols and shared information on specific gang members. Community leaders, social service providers, and local clergy walked the streets to demonstrate support for law enforcement.<sup>28</sup> As a result, Boston's Operation Ceasefire coincided with a 63 percent decrease in monthly youth homicides and a 25 percent drop in gun assaults.<sup>29</sup>

In his 2005 State of the Union Address, President George Bush pledged \$150 million over three years to community and faith-based groups to help troubled youth avoid "apathy, gangs, or jail." Given the spotty history of gang prevention and rehabilitation programs, care should be taken to ensure that such money leverages coordinated, multi-strategy programs targeted at local conditions.

*Foreign approaches.* Surprised by the alarming growth of delinquency and gangs over the last decade, Central American governments have responded by strengthened law enforcement. In 2003, El Salvador and Honduras adopted broad anti-gang statutes known as *Mano Dura* (Firm Hand) laws.

In El Salvador, prosecutors can send juveniles to prison for two to five years simply for joining a *mara*. Wearing tattoos or using gang hand signals can result in a similar sentence. Carrying arms or explosives carries a penalty of up to six years. From July 2003 to 2004, Salvadoran police registered some 19,275 arrests on gang-related charges.<sup>30</sup> All in all, El Salvador's prisoner population has doubled in the past five years to 12,000 inmates, 40 percent of whom belong to street gangs.<sup>31</sup>

In Honduras, some 1,500 tattooed juveniles have reportedly been incarcerated under *Mano Dura*. Honduran authorities say that kidnappings have dropped from 18 in 2001 to one in the last year. Moreover, bank robberies have dropped from 70 to single digits, car thefts, and gang-related killings have declined. *Mano Dura* reforms have also enabled authorities to keep suspects in jail pending trial. Formerly, gang victims had to press charges within 24 hours—which they seldom did—or suspects would be released.

Guatemala also approved tougher anti-gang laws. In 2004, President Oscar Berger even appointed a new interior minister and deployed 4,000 army troops and police to troubled neighborhoods throughout Guatemala City.

Panamanian President Mireya Moscoso pushed for similar laws, but her successor Martin Torrijos has proposed a social rehabilitation initiative instead. His *Mano Amiga* (Friendly Hand) campaign would provide at-risk youth with extra educational, cultural, and social opportunities and would use existing laws to prosecute gang violence. It would also draw on international organizations such as the United Nations Children's Fund (UNICEF) for funding and expertise.<sup>32</sup>

Besides aggressive enforcement, a mix of government and private programs now facilitate rehabilitation. The Salvadoran government has developed rescue centers in several prisons. Its National Council for Public Security has collaborated with private foundations to establish a rehabilitation camp west of San Salvador for some 120 youths a year who voluntarily leave gangs. It asked the Catholic Church and the International Organization for Migration to create the "*Bienvenidos a Casa*" ("Welcome Home") program to supply clothing, counseling, and employment advice to deportees arriving from the United States.

Meanwhile, a former Peace Corps volunteer and an Amnesty International official formed *Homies Unidos* (Brothers and Sisters United) to guide active maras toward social integration, self-respect, and stable employment. Partly supported by the opposition Farabundo Martí Liberation Front Party, it lobbies for rehabilitation in place of tougher laws—countering law enforcement advocates in El Salvador's ARENA Party government, and challenging skeptics who believe treating entire gang cliques will only strengthen cohesion.

<sup>26</sup>"Operation Ceasefire." See Anthony A. Braga, David M. Kennedy, Elin J. Warring, and Anne Morrison Piehl, "Problem-Oriented Policing, Deterrence, and Youth Violence."

<sup>27</sup>David M. Kennedy, "Pulling Levers: Chronic Offenders, High-Crime Settings, and a Theory of Prevention," *Valparaiso University Law Review*, Vol. 31, No. 2 (1997), p. 462.

<sup>28</sup>Jack McDevitt, Anthony A. Braga, Dana Nurge, and Michael Buerger, "Boston's Youth Violence Prevention Program."

<sup>29</sup>Anthony A. Braga, David M. Kennedy, Elin J. Warring, and Anne Morrison Piehl, "Problem-Oriented Policing, Deterrence, and Youth Violence," p. 207.

<sup>30</sup>"Dura lucha contra los maras en El Salvador," EFE newswire, *el Nuevo Herald*, September 14, 2004, at <http://www.miami.com/mld/elnuevo/news/world/americas/9655243.htm> (September 14, 2004).

<sup>31</sup>Mary Jordan, "Central America's Gang Crisis: Prison Riots Reflect Widening Violence in Poor Nations," *The Washington Post*, September 17, 2004, p. A-1.

<sup>32</sup>"Torrijos takes soft approach to mara problem," *Latinnews Daily*, September 29, 2004.

Elsewhere, private organizations barely match meager governmental reeducation efforts. On his own, Honduran sociologist Ernesto Bardales created *Jovenes Hondureños Adelante—Juntos Avancemos* (Forward Honduran Youth—Together We Advance) to reform former gang members. Emilio Gouboud, director of Guatemala's *Asociación para la Prevención del Delito* (Association for the Prevention of Petty Crime or APREDE) developed a program to train former *mareros* as carpenters and barbers. *Fundación Remar* supports 32 homes for reforming gangsters in Guatemala, while former member Antonio Quiñonez runs *Poderoso Gigante* (Powerful Giant), a private rehabilitation center that treats about 25 troubled youths at a time.

Although they represent progress, these efforts hardly scratch the surface where gang populations in the tens of thousands outnumber program slots available to accommodate them.

*Burgeoning cooperation.* To *mareros* who communicate by cell phone and travel in stolen cars, international boundaries mean little more than changes in jurisdiction. Waking up to this fact, authorities in Central America, Mexico, and the United States are beginning to cooperate. In January 2004, Salvadoran, Honduran, Guatemalan, Nicaraguan, and the Dominican Republic leaders signed an agreement to create a database on crimes and gang members, share information, and keep better track of gang member movements.

In October 2004, the Director General of El Salvador's National Civilian Police (PNC) Ricardo Menesses met with county law enforcement officials in Southern California and offered to share his database on Salvadoran gang members in return for information from American police on criminals and leaders returning to his jurisdiction.<sup>33</sup> Last month, defense and security ministers from seven Central American countries agreed to create a regional rapid response force to combat drug trafficking, terrorism, and transnational threats.

At the same time, the U.S. Department for Homeland Security, through its bureau of Immigration and Customs Enforcement (ICE), has launched Operation Community Shield to share databases with local law enforcement to deport alien criminal gang members. According to Assistant Secretary Michael J. Garcia, ICE has established a fledgling relationship with Central American and Mexican governments on deportations and the return of international fugitives.<sup>34</sup>

#### *Heart of the Matter*

Even with harsh limits on civil liberties, larger prisons, or detention programs that rival concentration camps—alien youth gang activity will never be completely eliminated. *Mano dura* laws that imprison youths for simply wearing tattoos have already been cited as violating civil liberties. Labeling members terrorists may close doors to rehabilitation and give gangs a political cause, advancing a self-fulfilling prophecy.

On the other hand, piecemeal prevention and suppression merely nibbles around the edges. Transnational gangs will continue to flourish as a by-product of larger social and economic processes such as the growth of transient, unstable neighborhoods and the expanding numbers of undocumented migrants who live on the margins of society. Though unintended, past uncoordinated deportations and subsequent frequent returns to the United States appear to have facilitated the spread of criminal networks.

Future anti-gang strategies need to target root social processes as well as sanction criminal behavior. Domestically, they should:

- *Foster stable neighborhoods.* Federal and local officials should study the geographic and demographic factors that impact marginal neighborhoods as well as elements that draw people to them. Resulting anti-gang strategies should target characteristics that promote delinquency.
- *Reduce illegal immigration.* America ignores an underground guest worker problem whereby hundreds of thousands of aliens arrive annually to take jobs without permits or visas. The White House and Congress should simplify U.S. immigration and labor requirements to encourage prospective workers and U.S. employers to abide by the law. Greater compliance would provide a more complete database of documented workers and help maintain a tax base for local services to promote integration into local communities. Effective foreign

<sup>33</sup> Ben Fox, "El Salvador police chief seeks closer U.S. ties in gang fight," Associated Press, *San Jose Mercury News*, October 12, 2004 at <http://www.mercurynews.com/mld/mercurynews/news/local/states/california/the-valley/9901716.htm?ic> (October 29, 2004).

<sup>34</sup> Testimony before the Committee on the Judiciary, Subcommittee on Immigration, Border Security and Claims, U.S. House of Representatives, April 13, 2005.

worker controls would enable the U.S. Border Patrol to focus efforts on those who enter for destructive purposes, like gang members, criminals, and terrorists.<sup>35</sup>

- *Deny time for gang activities.* It is no accident that many of today's parents "over-program" their children with tutoring and after-school activities to steer them away from risky behaviors that lead to crime. But not all families can afford such programs. President Bush's promise to involve "parents and pastors, coaches and community leaders" should help social, tutorial, and mentoring opportunities reach all youth. However, state and local community leaders must assume the primary responsibility for developing and funding prevention strategies because they are closest to the problem.
- *Suppress violence through multi-agency efforts.* Enforcing existing laws through collaborative efforts of various criminal justice agencies is more effective than passing new ones that threaten civil liberties. Expedient pursuit, arrest, and conviction of violent gang members, in combination with the systematic campaign to explain to gang members the consequences of their behavior, contributed to substantial reductions in gang-related violence. The federal government should help local jurisdictions handle tasks they cannot do by themselves such as coordinate the flow of information among national and local law enforcement agencies.

U.S. foreign policy toward Mexico and Central America should:

- *Help open market economies.* U.S. diplomacy and development assistance must support economic reforms and better governance to provide a foundation for more prosperous societies. Mexican and Central American economies should not have to rely to the extent that they do on remittances from workers in the United States. Ample employment opportunities should exist in home countries. The U.S. Congress should ratify the Dominican Republic-Central America Free Trade Agreement to help create more job opportunities at home and abroad.
- *Strengthen rule of law.* Visible policing, transparent justice, and adequate court facilities help reduce backlogs of criminal cases helping law enforcement to become an effective deterrent. While the United States gave ample military assistance to Central America during the 1980s, support for justice systems has lagged. Congress should restore funding for administration of justice projects diverted to other uses in the last five years. It should amend Section 660 of the Foreign Assistance Act of 1961 to allow more targeted and flexible support for police. Development money could be shifted from expensive environmental and health programs to support gang rehabilitation efforts.
- *Promote family-friendly policies.* U.S.-supported consultancy and assistance projects should encourage better schooling for Mexican and Central American youth through more local control over public education and public-private sector partnerships to provide textbooks and supplies. They should advocate tax codes that do not penalize entrepreneurship and marriage. And they should discourage serial cohabitation that generally condemns children to growing up with one or no parent at all.
- *Support intelligence sharing* between U.S., Mexican, and Central American law enforcement agencies. The FBI's National Gang Intelligence Center and the Department of Homeland Security's ICE bureau should work together with foreign governments to track gang members at home and abroad, as well as ensure that deportees receive appropriate treatment and processing when they arrive in countries of citizenship.
- *Enhance border security,* not just between the United States, Canada, and Mexico, but also throughout the North American continent. At home, over-taxed detention facilities promote a "catch and release" policy that enables returning gang members and fugitives to escape justice. Abroad, neighboring countries lack technology and training to control national boundaries. Just as national and local police chiefs have begun to seek each other out, U.S. ICE must strengthen cooperative links with foreign counterparts.

#### Conclusion

Like crime, youth gang activity can be reduced but never eliminated. For all, its transnational character is worrisome. It threatens nearby countries struggling to

<sup>35</sup>For more on immigration policy see Edwin Meese III and Matthew Spalding, "The Principles of immigration," *Heritage Backgrounder*, No. 1807, October 19, 2004.

consolidate their democracies and markets. Disaffected youth that join gangs were once a source of guerrilla recruitment in past conflicts that the United States felt compelled to help quell. We can help reduce this threat by focusing domestic efforts on the social systems and factors that feed it and by working with our North American neighbors to do the same.

Mr. WELLER [presiding]. Thank you, Mr. Johnson.  
Mr. Smith.

**TESTIMONY OF MR. KELLY L. SMITH, DETECTIVE FIRST CLASS, HOWARD COUNTY POLICE DEPARTMENT, ELICOTT CITY, MD**

Mr. SMITH. Mr. Chairman and Members of the Committee, on behalf of our County Executive, James Robey, Chief of Police, G. Wayne Livesay, and the members of the Howard County Police Department, thank you for this opportunity to discuss gangs and crime and their effect on local law enforcement and the quality of life of the citizens we are charged to protect.

Our county is located on the I-95 corridor between Washington, DC, and Baltimore. Our county has been Maryland's fastest growing region, increasing its population by 34 percent over the past decade. Currently, the county's citizens are among the wealthiest in Maryland, with the highest per capita income in the State.

During the past decade, we have seen a corresponding increase in our Spanish population. According to the United States Census figures, the Spanish population in Howard County increased 102 percent from 1990 to 2000.

The 2000 Census indicated that about 3 percent or 7,490 of our total population was Spanish. The majority of our Spanish community are originally from countries of Central America.

As we have seen with many other immigrant communities, a small element of the population turns to criminal activity. Often they start out by preying on members of their own community. Much of this crime goes unreported. In the case of the Spanish community, we have seen an increased presence of a gang known as Mara Salvatrucha or MS-13.

We first began hearing about MS-13 around 1999 at area gang information sharing meetings. By 2000, we knew that MS-13 was prevalent in northern Virginia and also in our bordering counties of Montgomery and Prince George's.

In 2001, our first known MS-13 member was arrested in Howard County. The following year, 2002, we began arresting multiple MS-13 members that were committing crimes within Howard County.

In 2003, we handled our first graffiti case involving Mara Salvatrucha and the numbers of reports and arrests continued to increase. By 2004, we were investigating MS-13 members for major crimes, including rape, robbery and assault.

During the past 4 years—

Mr. PAYNE. Excuse me, Detective Smith, would you pull that mike up a little closer to you, please?

Mr. SMITH. During the past 4 years, we have documented 57 incidents and identified 55 MS-13 members that have either been arrested or involved in criminal activity in Howard County, Maryland. We have also seen an increase in the number of MS-13 members living within our community. During this period of time, MS-13 members have been found to commit homicide, rape, assault,

robbery, theft, vehicle theft, prostitution, extortion and destruction of properties.

Presently no cliques or sub-groups have claimed Howard County as their turf. As stated before, we have identified members from several local cliques, especially from the areas of northern Virginia, Prince George's County, Maryland, and Montgomery County, Maryland.

Our investigations have also led us to El Salvador, Honduras, Long Island, New York, North Carolina, and Los Angeles, California.

In addition to the emergence of MS-13 in our region, we have also noted an increase in activity and contact with several other street gangs known to be rivals of MS-13. Our efforts to control and eradicate gang violence are a work in progress. In order to explain the increasing complexity of the issue and to show how extensive, pervasive, and sophisticated the MS-13 members that we have encountered are, I offer the following two case studies.

Case one involves Rodriguez. During 2004, Howard County Police initiated an investigation to the rape of an 11-year-old girl. During the investigation, the suspect, who was known to the victim, was identified as an MS-13 member. Information from several sources indicated that the rape suspect was also a suspect in a homicide of a local police officer in his native country of Honduras.

Original information indicated that the suspect had fled the United States back to Honduras. During the summer of 2004, the suspect was located and arrested in Prince George's County, Maryland, by members of the Regional Area Gang Enforcement task force, which I am a member of in Prince George's County, Maryland.

The suspect admitted to killing a police officer in Honduras during a taped interview of the rape. The suspect was already awaiting a hearing in California regarding prior immigration violations, as he had entered the United States illegally.

Howard County notified ICE, as well as Interpol, to resolve the extradition process in this case. This required the following: Obtaining a copy of the homicide warrant from the Supreme Court of Honduras, conducting information sharing with ICE, ensuring that a detainer was filed to hold the suspect, ensuring that each subsequent jurisdiction to have custody of the suspect, due to his charges in multiple jurisdictions, were aware of his immigration status.

The suspect was to have been deported in late April or early May 2005.

Ramos-Cruz. During 2003, Maryland State Forest and Park Service Police contacted Howard County Police regarding the MS-13 graffiti on a bridge at the Howard-Baltimore County line. During 2004, we learned that a high ranking member of the SLSW clique of MS-13 was working in Howard County at a job site near that graffiti location.

In addition, it was learned that the members of MS-13 were utilizing the area to socialize and to conduct target practice with their firearms. Investigators at a residence in Long Island, New York, located a photograph during the investigation, which depicted several suspects painting graffiti on a bridge overpass.

Through information sharing among the agencies, one of the suspects was identified as Ramos-Cruz. As RAGE team members were preparing their case against Ramos-Cruz, they received information that members of SLSW were planning to order a green light or an assassination order on an investigator with the Regional Area Gang Enforcement task force.

The RAGE team members conducted a search and seizure warrant at Ramos-Cruz' residence in Montgomery County, Maryland, and recovered a handgun, stolen from North Carolina, as well as other gang indicia and photographs of the suspect in his native country of El Salvador, wearing his military uniform and weapons. The suspect was subsequently scheduled for deportation, because he was in the country illegally.

In closing, from a local perspective, the emergence of organized street gangs, like MS-13, is one of the most important issues that we have faced in the last decade. Their prevalence, fluidity and sophistication have forced us to change how we organize and train our members to safeguard the community.

Because MS-13 is so expansive and so many of its members are illegal immigrants, we have been required to work with allied law enforcement agencies on a local, State, Federal and even international level.

We have found that as the local jurisdiction has organized to displace MS-13, they frequently migrate to new communities that are not familiar with the threat that they pose.

Fortunately members of the law enforcement community are coming together to battle this issue on a national level. It also appears that people are beginning to give MS-13 the kind of serious attention that a gang of their history of violence and savagery deserves.

Mr. Chairman, I thank you again for the opportunity to appear here today. I would be happy to answer any questions you may have.

[The prepared statement of Mr. Smith follows:]

PREPARED STATEMENT OF MR. KELLY L. SMITH, DETECTIVE FIRST CLASS, HOWARD COUNTY POLICE DEPARTMENT, ELICOTT CITY, MD

#### OPENING REMARKS

Mr. Chairman and Members of the Committee:

On behalf of our County Executive James Robey, Chief of Police G. Wayne Livesay, and the members of the Howard County Police Department; Thank you for this opportunity to discuss gangs and crime and their effect on local law enforcement and to the quality of life of the citizens we are charged to protect.

#### HOWARD COUNTY OVERVIEW

Howard County is located on the I-95 Corridor between Washington D.C. and Baltimore. Howard County has been one of Maryland's fastest-growing regions, increasing its population by 34% over the past decade. Currently, the county's citizens are among the wealthiest in Maryland, with the highest per capita income in the state.

During the past decade, we have seen a corresponding increase in our hispanic population. According to U.S. Census figures, the Hispanic population in Howard County increased by 102% from 1990 to 2000. The 2000 Census indicated that about 3% (7,490) of our total population was Hispanic. A majority of our Hispanic Community are originally from the countries of Central America (El Salvador, Honduras, Costa Rica, Guatemala and Panama).

Population (2003 est.): 268,563

Size: 251 square miles

Howard County is situated in the heart of the dynamic corridor between Washington, D.C. and Baltimore, which, combined, comprise the fourth largest consolidated market in the United States. Howard County's ideal geographic location has resulted in the substantial growth of a wide variety of industries, including high-tech and life science businesses. Conveniently accessible to I-95 and I-70, the county is located within a 20-minute drive of Baltimore/Washington International Airport and the Port of Baltimore.

Residents enjoy quality living in settings that range from historic old towns to progressive planned communities. The Howard County Government, Educational, Recreational and cultural programs have all been nationally recognized for their excellence.

Howard County has been one of Maryland's fastest-growing regions, increasing its population by 34% over the past decade. Howard County's population is projected to grow to 321,050 by 2030, according to the Howard County Department of Planning and Zoning. Currently, the county's citizens are among the wealthiest in Maryland: with a median household income of \$82,900, Howard County tops the state.

A diverse business base thrives in the county, taking advantage of a friendly business climate, a highly educated workforce and superb quality of life. Howard County's corporate citizens range from high technology, telecommunications and biotechnology companies to multinational corporations, research and development firms and wholesale distributors.

Howard County's 7,610 businesses employ 119,600 workers; over 250 of these businesses have 100 or more workers. Major private sector employers include The Johns Hopkins University Applied Physics Laboratory, W.R. Grace, Giant Food, Verizon, MICROS Systems and Arbitron.

#### HISPANIC OR LATINO POPULATION IN HOWARD COUNTY\*

	Total	Percentage of Population
Total population	247,842	100.0
Hispanic or Latino (of any race)	7,490	3.0
Mexican	1,981	0.8
Puerto Rican	1,388	0.6
Cuban	399	0.2
Other Hispanic or Latino	3,722	1.5
Not Hispanic or Latino	240,352	97.0
White alone	180,010	72.6

\* Figures from US Census Bureau

The Hispanic population, which can be of any race, more than doubled from 3,699 residents in 1990 to 7,490 residents in 2000. Total Hispanic Population increased by 102%

#### TIMELINE MARA SALVATRUCHA (MS-13) GANG IN HOWARD COUNTY

As we have seen with many other immigrant communities, a small element of the population turns to criminal activity. Often they start out by preying on members of their own community. Much of this crime goes unreported. In the case of the Hispanic Community we have seen an increased presence of a gang known as Mara Salvatrucha or MS-13. We first began hearing about MS-13 around 1999 at area gang information sharing meetings. By 2000, we knew that MS-13 were prevalent in Northern Virginia and also in our bordering counties of Montgomery and Prince George's. In 2001, our first known MS-13 member was arrested in Howard County.

The following year (2002) we began arresting multiple MS-13 members that we committing crimes within Howard County. In 2003, we handled our first graffiti case involving Mara Salvatrucha and the number of reports and arrests continued to increase. By 2004, we were investigating MS-13 members for major crimes including rape, robbery and assault.

During the past four years we have documented 57 incidents and identified 55 MS-13 members that have either been arrested or involved in criminal activity within Howard County. We have also seen an increase in the number of MS-13 members living within our community.

*Timeline of MS-13 in Howard County:*

1999



- 2000 First regional reports involving MS-13 members and activity  
Continued regional tracking of MS-13 at Mid Atlantic Regional Gang Information Network (MARGIN) information sharing meetings
- 2001 First Howard County arrest of MS-13 member (Historical Documentation)
- 2002 Multiple Howard County arrest of MS-13 members (Historical Documentation)  
First investigation of MS-13 crimes being committed in Howard County  
Reassignment of Intelligence Section to the Operations Bureau
- 2003 Graffiti at Savage Rapids, Savage, Howard County  
Increase in reported MS-13 cases in Howard County  
Multiple arrests of MS-13 members in Howard County (Real Time Documentation)
- 2004 Continued increase in MS-13 related cases in Howard County  
Multiple arrest of MS-13 members in Howard County (Real Time Documentation)  
Entry Level and In Service Training Provided to HCPD members  
RODRIGUEZ/ TAYLOR investigations (see Spotlight)  
Assigned Investigator to Regional Area Gang Enforcement (RAGE) Task Force  
US 1 Center stabbing
- 2005 MS-13 activity and graffiti has been documented in Savage, Elkridge, West Columbia, East Columbia, and Ellicott City

## DOCUMENTED ACTIVITIES IN HOWARD COUNTY

1. 2001 November: MS-13 member from Washington D.C. arrested on Howard County Failure to appear—theft warrant
2. 2002 March: MS-13 member from Montgomery County, MD charged in Howard County robbery investigation
3. 2002 April: MS-13 member with Howard County address identified by Fairfax PD Gang Unit at MS-13 gang meeting in Loudin County, VA on Easter Sunday
4. 2002 August: MS-13 Sailors Locos Salvatrucha Westside (SLSW) member from Prince George's County MD arrested at Savage Rapids, Savage, Howard County on Controlled dangerous substance violation.
5. 2002 September: MS-13 members from Arlington, VA suspected in armed robbery investigation North Laurel, Howard County, Maryland.
6. 2003 May: MS-13 Langley Park Salvatruchas (LPS) gang members commit destruction of property at the Savage Rapids, Savage, Howard County.
7. 2003 May: Possible MS-13 involvement in homicide in the Columbia, Howard County area.
8. 2003 July: MS-13 Langley Park Salvatruchas (LPS) member suspected in rape investigation
9. 2003 August: MS-13 member who resides in Howard County is incarcerated in Montgomery County, MD Detention Center
10. 2003 August: Hispanic gang activity in the Oakland Mills, Columbia, Howard County area.
11. 2003 August: Hispanic gang activity and paraphernalia at U.S. Route 1 Flea Market, Elkridge, Howard County.
12. 2003 August: MS-13 member incarcerated in Montgomery County (MD) Detention Center receives visitors from Howard County relatives and associates.
13. 2003 August: MS-13 Centrales Locos Salvatrucha (CLS) members residing in Long Reach, Columbia, Howard County identified and found to be associating with gang members in Northern Virginia
14. 2003 September: MS-13 Langley Park Salvatruchas (LPS) member from Prince George's County, MD arrested for multiple automobile thefts in the Elkridge, Howard County area.
15. 2003 September: Suspects in a homicide investigation that occurred in Columbia, Howard County are arrested at known MS-13 safehouse in Long Island NY
16. 2003 September: MS-13 Teclas Salvatrucha (TLS) member is residing in Ellicott City, Howard County. The subject is known to also have frequent associations with Langley Park Salvatruchas (LPS) and Sailors Locos Salvatrucha Westside (SLSW) members.
17. 2003 September: Reports of Prostitution and bordellas operating in the Stevens Forest and Long Reach areas of Columbia, Howard County. MS-13 members alleged to be providing security and protection at these locations.
18. 2003 September: Subject claiming MS-13 affiliation in Oakland Mills, Columbia, Howard County.

19. 2003 October: MS-13 Sailors Locos Salvatrucha Westside (SLSW) graffiti located at a State Park near the Baltimore/Howard County Line—Woodbine, Howard County
20. 2003 October: Suspected MS-13 activity at Soccer Games in Oakland Mills, Columbia, Howard County
21. 2003 November: Field Interview Report of suspected MS-13 members in Elkridge, Howard County.
22. 2003 December: Increased reporting of MS-13 in Long Reach, Columbia, Howard County. Multiple subjects identified in the area having ties to Charlotte-Mecklenburgh NC ( The Charlotte-Mecklenburgh area was in the midst of a major gang crackdown at the time)
23. 2004 January: MS-13 member identified living in Elkridge, Howard County
24. 2004 March: Field Interview Report regarding possible MS-13 members at Columbia Mall, Columbia, Howard County. Several of the subjects identified also had ties to Miami FL.
25. 2004 March: Carjacking, Robbery, Auto Theft with MS-13 connections from Savage, Howard County.
26. 2004 March: Field Interview Report of suspected MS-13 member in Oakland Mills, Columbia, Howard County.
27. 2004 March: Assault/ stabbing at restaurant in Ellicott City, Howard County in which MS-13 members are suspects.
28. 2004 March: Theft from Vehicle arrest of several MS-13 Teclas Salvatrucha (TLS) and Langley Park Salvatruchas (LPS) members from Prince George's and Montgomery Counties in Elkridge, Howard County.
29. 2004 May: MS-13 Sailors Locos Salvatrucha Westside (SLSW) Clique leader identified working in Howard County
30. 2004 May: MS-13 member of Langley Park Salvatruchas (LPS) suspect in attempted breaking and entering investigation. Columbia, Howard County
31. 2004 June: Arrest of Hispanic Gang member on Motor Vehicle Violation. Jessup, Howard County
32. 2004 July: MS-13 members observed in vehicle on U.S. 40, Ellicott City, Howard County.
33. 2004 July: MS-13 gang members residing in Howard County involved in motor vehicle pursuit and arrested on auto theft charges. Ellicott City, Howard County
34. 2004 July: MS-13 member arrested in area of Prince George's County Maryland for Concealed Deadly Weapon Violation Howard County resident
35. 2004 July: MS-13 member Teclas Salvatrucha (TLS) arrested by RAGE Task Force in Langley Park, MD on Howard County failure to appear warrant—theft warrant
36. 2004 July: Domestic Assault arrest of suspected MS-13 member on Basket Ring Rd Columbia, Howard County.
37. 2004 July: MS-13 members documented at disorderly conduct call. West Springs Drive, Ellicott City, Howard County
38. 2004 August: MS-13 member from Prince George's County arrested on driving while intoxicated charges. Laurel, Howard County.
39. 2004 August: Two MS-13 members arrested on concealed deadly weapon charges. Town and Country, Ellicott City, Howard County.
40. 2004 August: MS-13 related gang activity reported at Restaurant in Harpers Choice Columbia, Howard County
41. 2004 August: Known MS-13 members observed at MEGA FEST 2004 at Merriweather Post Pavilion.
42. 2004 August: Field Interview Report from traffic stop on suspected MS-13 member. Jessup, Howard County
43. 2003 September: Several MS-13 Teclas Salvatrucha (TLS) members from Prince George's and Montgomery Counties, arrested on theft charges from Columbia Mall, Columbia, Howard County.
44. 2004 September: Field Interview Report regarding traffic contact of MS-13 member with ties to Baltimore County and Fairfax Virginia. Ellicott City, Howard County.
45. 2004 September: MS-13 and rival gang graffiti in the Town and Country area of Ellicott City, Howard County.
46. 2004 October: MS-13 member arrested on failure to appear/ theft warrant from Anne Arundel County. Ellicott City, Maryland.
47. 2004 October: Field Interview Report of MS-13 member Town & Country Ln, Ellicott City, Howard County.
48. 2004 October: Investigation into MS-13 activity at restaurant/nightclub in Ellicott City, Howard County.

49. 2004 October: Investigation of MS-13 regarding theft from vehicle, destruction of property in Elkridge, Howard County.
50. 2004 October: MS-13 associate with ties to North Carolina and New York identified in Columbia, Howard County
51. 2004 November: Assault/ stabbing investigation at U.S. 1 Center. Gang fight involving MS-13 and Brown Pride Locos. Elkridge, Howard County.
52. 2004 November: MS-13 member in Oakland Mills, Columbia, Howard County.
53. 2004 December: MS-13 member identified in Long Reach, Columbia, Howard County.
54. 2004 December: Disorderly conduct at U.S. 1 Center involving MS-13 member from Baltimore County
55. 2004 December: MS-13 member identified in Oakland Mills, Columbia, Howard County.
56. 2005 January: MS-13 Members arrested in Oakland Mills, Columbia, Howard County.
57. 2005 February: MS-13 and rival SUR13 gang graffiti in Wilde Lake, Columbia, Howard County.

#### IDENTIFIED MEMBERS IN HOWARD COUNTY

The Howard County Police Department maintains several databases pertaining to gang activity within the region. A check of available records revealed the following information pertaining to Mara Salvatrucha:

- 1200 individuals entered in our database, comprised of information from several jurisdictions.
- 128 Arrest Reports with suspects indicating Central American birth locations.
- 55 confirmed MS members arrested or engaged in criminal activity within Howard County
- 21 Subjects with Howard County addresses and ties to MS-13
- 8 Confirmed MS Members with Howard County addresses

#### CRIMINAL ACTIVITIES

During this time period, MS-13 members have been found to commit Homicide, Rape, Assault, Robbery, Theft, Vehicle Theft, Prostitution, Extortion, and Destruction of Property.

One area that is sufficiently active, and provides sufficient data to analyze, is the area of auto theft.

#### *Honda Civic/Acura Integra Theft Analysis*

The chart below illustrates a significant increase in thefts of both Honda Civics and Acura Integras. It appears the shift in the thefts began in October of 2001. This trend was preceded by the release of *The Fast and The Furious* movie released on June 22, 2001. The movie prominently features small import cars with aftermarket parts being street raced and used in criminal activity. A second movie, *2 Fast and 2 Furious*, was released on June 6 of 2003.

Most of the thefts locally have involved popping ignitions and removing aftermarket tires, rims, stereos, taillights, body parts and other parts. Model years range between early 90's through 2000. Only five vehicles with model years 2001 and later have been taken and two of those were from dealerships where keys were available. This may be due to the anti-theft key/ignition systems and the fact that many of the cars being stolen belong to juveniles who can't afford newer models.

In the few instances of Lo-Jack equipped vehicles being stolen it appears that they were discarded quickly. This may be due to the nature of the activity or that the thieves may possibly have some way of detecting the Lo-Jack signal.

The time of day of the thefts principally depends on the type of location. Vehicles taken from the Park & Rides and the Community College tend to be taken during daytime hours. Vehicles taken from residential neighborhoods generally tend to disappear overnight.

	Civics	Integras	Total	All Auto Thefts	% of Total Auto Thefts	Recovered Stripped	PG Recoveries
1999	16	5	21	702	3.0%	1	2
2000	14	6	20	477	4.2%	6	5
2001	17	7	24	582	4.1%	6	5
2002	38	15	53	611	8.7%	17	21
2003	63	31	94	680	13.8%	49	35
2004	52	17	69	613	11.2%	27	16

The totals in the chart above include attempted thefts. Attempted theft is counted as a vehicle theft for UCR statistical data purposes.

As noted above, the majority of the actual stolen vehicles have been recovered in Prince Georges County, although a smaller number were recovered in Montgomery County, the District of Columbia and Virginia.

A few Civics and Integras stolen from other jurisdictions were recovered in Howard County and resulted in the shut down of a chop shop and arrest of four subjects.

#### KNOWN CLIQUES IN HOWARD COUNTY

Presently, no cliques (subgroups) have claimed Howard County as their turf. As stated before, we have identified members from several local cliques, especially from the areas of Northern Virginia, Prince George's County (Maryland) and Montgomery County (Maryland). Our investigations have also led us to El Salvador, Honduras, Long Island (New York), Charlotte (North Carolina), and Los Angeles (California).

*Known MS-13 cliques identified in Howard County:*

SLSW—Sailors Locos Salvatrucha Westside  
LPS—Langley Park Salvatrucha  
TLS—Teclas Salvatrucha  
CEN—Centrales Locos Salvatrucha  
LLS—Leeward Lokotes Salvatrucha

#### RIVAL GANG ACTIVITY DOCUMENTED IN HOWARD COUNTY

In addition to the emergence of MS-13 in our region, we have also noted an increase in activity and contact with several other street gangs known to be rivals of MS-13.

*MS-13 rival gangs identified in Howard County:*

SUR-13/ Sureno  
18th Street  
Vatos Locos  
Brown Pride Locos  
Bloods  
El Palo

#### OPERATIONAL ACTIONS TAKEN

In response to the increased threat, we have taken several steps to improve our ability to meet this challenge. We are an active member and participant in the Mid Atlantic Regional Gang Information Network (MARGIN). MARGIN is a network of gang investigators, primarily from Maryland, Virginia, Washington D.C. and Delaware. Its members meet on a regular basis to share information and intelligence concerning gangs.

We have assigned an investigator to the ATF sponsored RAGE Task Force. Our participation in the RAGE Task Force allows us to assist our fellow agencies in the fight to control gang activity and also allows us to gain improved intelligence and experience in the interdiction and investigation of gang matters. We have also increased the amount of training given to our sworn officers at both the entry level and thru inservice training. We disseminate a weekly intelligence bulletin that contains the most current gang information on a weekly basis. We have extended our training to other county government employees, school personnel, and citizen and community groups.

## SPOTLIGHT INVESTIGATIONS

Our efforts to control and eradicate gang violence are a work in progress. In order to explain the increasing complexity of this issue and to show just how extensive, pervasive, and sophisticated the MS-13 members that we have encountered are; I offer the following two case studies:

*Jorge Arturo RODRIGUEZ*

- During 2004, Howard County Police continued an investigation into a rape of a 11 year-old girl.
- During the investigation, the suspect, who was known to the victim, was identified as a member of MS 13, who has lived in Prince George's County
- Information from several sources indicated that the rape suspect was also a suspect in a homicide of a local police officer in his native Country of Honduras.
- Original information indicated that the suspect had fled the United States back to Honduras.
- During the summer of 2004, the suspect was located and arrested in Prince George's County Maryland, by members of the RAGE Task Force
- The suspect admitted to killing the police officer in Honduras.
- The suspect was already awaiting a hearing in California regarding a prior immigration violation, as he had entered the United States illegally.
- Howard County notified I.C.E, as well as Interpol to resolve the extradition process in this case. This required:
  - Obtaining a copy of the homicide warrant from the Supreme Court of Honduras
  - Coordinating information sharing with I.C.E.
  - Ensuring that a detainer was filed to hold the suspect
  - Ensuring that each subsequent jurisdiction to have custody of the suspect because of his charges in multiple jurisdictions, were aware of his immigration status.
- The suspect was to have been deported in Late April or Early May of 2005.

*Israel RAMOS-CRUZ*

- During 2003, Maryland State Forest and Park Service Police contacted Howard County Police regarding MS-13 Graffiti on the bridge at the Howard-Baltimore County border.
- During 2004, we learned that a high-ranking member of the SLSW Clique (Israel Ramos-Cruz) was working in Howard County, at a job site near the graffiti location.
- In addition, it was learned that members of MS-13 were utilizing the area to socialize, and to conduct target practice with their firearms.
- Investigators at a residence in Long Island New York located a photograph during an investigation, which depicted several suspects painting graffiti on a bridge overpass.
- Through information sharing among the agencies, one of the suspects was identified as Ramos-Cruz.
- As RAGE Team members were preparing their case against Ramos-Cruz, the received information that members of SLSW were planning to order a "green light" (order to assassinate) on an investigator with the RAGE Task Force
- RAGE Team members conducted a search and seizure warrant at the suspect's residence in Montgomery County, MD., and recovered a handgun stolen from North Carolina, as well as other gang indicators, and photographs of the suspect in his native country of El Salvador, wearing his military uniform.
- The suspect was subsequently scheduled for deportation because he was in the country illegally.

## CLOSING REMARKS

From a local perspective, the emergence of organized street gangs like MS-13 is one of the most important issues that we have faced in the last decade. Their prevalence, fluidity, and sophistication have forced us to change how we organize and train our members to safeguard the community. Because MS-13 is so expansive and so many of its members are illegal immigrants, we have been required to work with allied law enforcement agencies on local, state, federal, and even international level. We have found that as local jurisdictions have organized to displace MS-13,

they frequently migrate to new communities that are not familiar with the threat that they pose. Fortunately, members of the Law Enforcement Community are coming together to battle this issue. On a national level, it also appears that people are beginning to give MS-13 the kind of serious attention that a gang of their history of violence and savagery deserve.

Mr. Chairman, I thank you again for the opportunity to appear here today and I would be happy to address your questions.

Mr. WELLER. Thank you, Detective Smith.

Mr. Orozco.

**TESTIMONY OF MR. MANUEL OROZCO, SENIOR ASSOCIATE,  
INTER-AMERICAN DIALOGUE**

Mr. OROZCO. Thank you, Mr. Chairman and Members of the Committee for having this discussion on this topic. I think what I am going to do is elaborate on some of the issues, especially some of the recommendations that I think there is some consensus and missing points.

One of the issues that I think is important to think about too is that while there is a serious problem in Latin America and the Caribbean with regards to youth gang violence, not all violence is connected to youth gang activity.

We have the problem of sexual violence against women, for example, that has grown over time in the past 15 years, and there is also the effect that transnational organized crime is having in most of these countries, especially Central America and the Caribbean, because they have very weak ability to protect their borders, especially in the Caribbean Sea.

The problem of youth gang is particularly serious for many of the Caribbean Basin countries because it is affecting the younger population. If we think about the fact that 40 percent of Central American people and people from the Spanish Caribbean are under 15 years old, and 20 percent are between 15 and 25, that means that 60 percent of people in these countries are under 25 years of age and that many of the people who get involved in these activities as a result of many factors end up in jail, this becomes a serious problem for the future of the countries that we are talking about.

Eventually we are going to have the similar problem that we have with African-Americans in this country, that there are more African-Americans in jail than are in university. It is a problem that has to do not only with criminal justice, but also with education and development.

Five areas that I think could be addressed specifically with regard to this issue have to do first with continuous strengthening law enforcement. There is no question that criminal justice here is critical.

These groups have come more vicious than they traditionally were and the exercise of the rule of law needs to be put in motion.

There are several areas where strengthening law enforcement needs to be stressed. One of them, for example, is to continue the coordination that exists between the FBI and Homeland Security, and Central American governments.

Another area has to do with technical assistance and in that part, I think two important areas have to do with conflict prevention on the one hand and on the other hand with understanding

about the causes of gang violence and gang organization. Why do Central American youth decide to organize into a youth gang?

With regard to the rule of law, this is an area that is partly in the realm of USAID, and here USAID has done a very important role in strengthening the justice area.

I think they could pay attention also to the issue of prisons and rehabilitation of former prisoners, particularly former youth gang members. There are very few rehabilitation programs in most of these countries dealing with youth gang membership, and we know that prisons are places of formation and almost universities for other criminal activities. We need to address the issue of rehabilitation.

Another important area that I think is important to pay attention is we need to create a transnational task force on crime, violence, and development. That includes not only government institutions but also civil society organizations. That includes diaspora groups.

Immigrants in the United States are particularly concerned about the problem of violence because they are the main victims of youth gang violence and they want to find responses to this problem.

Another area that I think merits a lot of attention is finding ways to reduce the spread of light weapons in Central America. There are about 4 million light weapons in this region. That is one gun per 10 people.

That always leaves an invitation to violence and we need to pay attention to that area, and I think the U.S. Government can play an important role in that part.

Finally, we also need a coordinated social policy approach to the problem of violence and youth gang activity. There are a number of community-driven development projects that can be done in partnership with USAID, the Inter-American Foundation, and diaspora organizations paying attention to at least three areas.

For example, education. Reducing the dropout rates of kids that are in high school in particular, increasing job creation programs for younger generations, and promoting partnerships with the diaspora.

There are a number of hometown associations in the United States that want to work on issues relating to education and the youth in these countries.

Thank you very much.

[The prepared statement of Mr. Orozco follows:]

PREPARED STATEMENT OF MR. MANUEL OROZCO, SENIOR ASSOCIATE, INTER-AMERICAN DIALOGUE

CRIME, GANGS AND POLICY OPTIONS FOR THE UNITED STATES

#### *Introduction*

Latin America and the Caribbean exhibit two unfortunate characteristics: the highest homicide rates in the world and the largest income gap between the rich and the poor. Since the democratic transitions, these countries have experienced significant and growing crime waves, affecting personal security in particular. High homicide rates have affected rich and poor countries, but the criminal justice systems and social safety networks have yet to cope with these realities.

Table 1. Latin America and the Caribbean: Homicides, justice, development

Country	GDP per capita	Homicides per 100,000 inhabitants	Judges per 100,000 inhabitants	Primary School Enrollment	Income ratio
Honduras	712	154.0	8.2	88	49.1
Colombia	2,289	70.0	7.4	89	57.8
El Salvador	1,779	34.3	9.2	89	47.4
Guatemala	1,563	33.3	6.0	74	63.3
Venezuela	3,301	33.2	6.1	83	28.2
Bolivia	941	32.0	9.1	97	143.5
Ecuador	1,705	25.9	5.6	100	63.6
Nicaragua	503	24.1	6.0	79	56.2
Brazil	4,626	23.0	3.6	97	54.4
Dominican Republic	2,170	15.8	7.0	91	28.4
Paraguay	1,773	15.6	10.5	96	70.4
Mexico	3,803	14.0	0.7	100	45
Argentina	8,174	8.2	11.1		39.1
Costa Rica	3,911	6.2	16.0	89	25.1
Peru	2,334	5.0	6.0	94	46.2
Uruguay	6,449	4.6	15.5	94	18.9
Chile	5,305	4.5	5.0	90	40.6
Panama	3,484	2.0	8.0	90	62.3

The impact of these trends is dramatic. Homicides have affected poor countries like Guatemala, El Salvador, and Jamaica, but also larger countries like Argentina, Brazil and Colombia. Even lesser noticed countries like Guyana have recently experienced crime waves connected to emerging mafias associated with transnational criminal organizations operating on their shores.

The adverse impact of globalization on economic growth, the presence of transnational organized crime networks, and a legacy of war and culture of violence associated with weakly law-abiding societies have been main drivers of increasing crime.

The effects of violence on young people, women and the poor, are among the most troubling results of this phenomenon.

#### *1. Youth gang and homicides*

Violence among young Latin Americans has grown in Central America, Mexico and the Caribbean, particularly as a result of the formation of transnational youth gangs that operate in large numbers and in direct contact with gangs in the United States. These organizations have become increasingly involved in criminal activities as a result of the intensity of violence prevailing among their turfs and on occasion through their association with criminal networks (particularly drug networks). Youth gangs of Dominican, Salvadoran, Mexican, Guatemalan, and Jamaican origin, among others, operate in connection with young people in U.S. inner cities. Some of the most well-known of these groups include the Mara Salvatrucha, LA Kings, and 18th Street gang.

The end result has been on one hand the presence of intimidating pseudo-paramilitary forces that over time have escape the control of the police and the criminal justice system. On the other hand, there has been a growing criminalization of



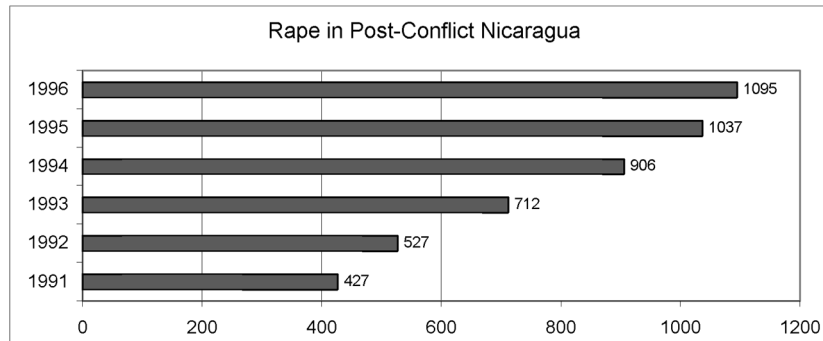
youth organizations, and the militarization of policing has produced greater instability and insecurity among citizens.

One critical issue with regards to youth gangs is that while they are a manifestation of belonging in a context of inner city poverty, these organizations have gradually become more violent and have grown in membership. This situation is more dramatic because 80 percent of homicide victims in many countries of Central America and the Caribbean are males ages 19–29. Moreover, over 40 percent of people are under 14 years of age (an age in which many youngsters choose to initiate into a gang), and another 20 percent are between the ages of 15 and 25.

### 2. Gender, violence and interpersonal violence

The effects of violence on women are also noticeable across the region. Although only ten percent homicide victims are women, violence against women is reflected through sexual assault and interpersonal violence. Sexual assault has resulted in many cases from increased unemployment and women's independence, particularly in post-war societies but also in places like Brazil and Costa Rica.

More importantly is that most violence against women takes place at home. In Costa Rica and El Salvador, over 80 percent of women experiencing interfamilial violence were injured, and in many cases, they were murdered. Some analysts have estimated that half of all Latin American women have suffered abuse at home. For example, a nationwide survey in Peru showed that 40 percent of women reported to have been battered. In Nicaragua, during the post-conflict period violence against women increased dramatically.



### 3. Robberies and organized crime

Problems with crime are also associated with prevailing inequalities and legacies of the wars. In many of these countries, like Guatemala and Colombia, what was believed as a wave of kidnappings increased insecurity among the wealthy and average citizens alike.

Such activities are associated with demobilized and unemployed former plain clothes police and irregular forces that resort to extortion and crime. In countries where economic growth is weak and unemployment high, crime has also increased significantly. One example is Venezuela: as the country hit the lowest point of its economic crisis in the early years of this decade, state and private security forces were involved in more than 200 extrajudicial killings that targeted alleged “undesirables,” such as homosexuals, gang members, street children and the homeless. In El Salvador, where the economy has struggled to grow above 2 percent rates, people have resorted to robberies of various sorts.

Table 3. Robberies and Assaults in El Salvador

Crime	1997	1998	1999	2000	2001	2002
Banks		35	11	19	12	4
Kidnappings	63	97	101	114	49	19
Robbery	641	1,258	1,101	795	656	290
Car theft	1,442	2,481	1,870	1,701	1,600	1,872
Total	2,146	3,871	3,083	2,629	2,317	2,185

Source: Policía Nacional Civil, El Salvador.

Organized crime is also a major contributing factor to violent crime in Latin America. Three major criminal organizations in Latin America are drug traffickers, arms traffickers, and sex trade mafias. In many cases these operate jointly to strengthen their activities. Drug trafficking has often contracted youth gangs, but they have also created their own private armies in South American countries and more recently in smaller countries like Guyana, Honduras, Nicaragua and Haiti.

Arms traffickers have taken advantage of a marketplace for light weapons, supplying to drug cartels, youth gangs and other criminal organizations. The end result has been increasingly vulnerable borders in countries where territorial control is difficult.

In Brazil, criminal organizations extend into state institutions: a congressional commission found evidence that elected officials, members of the judiciary, and police forces, participated in drug-trafficking and extrajudicial executions. Police brutality is a significant problem—while the police force has been subjugated to civilian authority since the end of the dictatorship, the democratic transition did not lead automatically to a change in the institutional culture of the police force. Similarly, in Honduras legislators were found to be involved in drug trafficking as ring leaders and couriers.

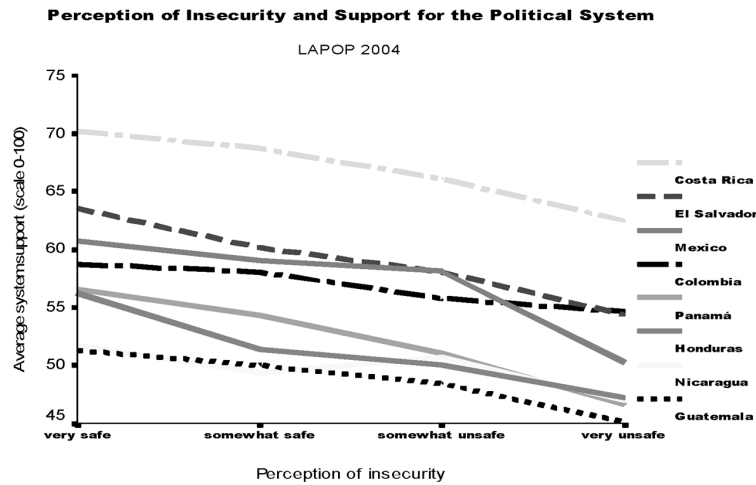
In urban Peru, crime rates are lower than in other countries, including El Salvador and Guatemala, which experienced high levels of political violence. But citizens' perception that Peruvian cities are unsafe has risen out of proportion to the actual magnitude of violent crime. Still, crime has increased since the end of the armed conflict, especially property crimes. The majority of victims of robbery and other crimes are the poorest sectors of Peruvian society.

#### 4. *Political effects of crime and violence*

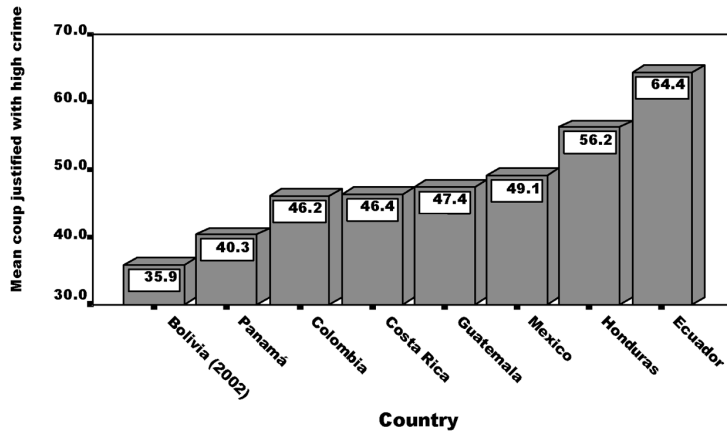
Public opinion sees crime as the number one problem in Latin America and the Caribbean, and tends to prefer solutions that provide quick fixes, such as the use of "firm hand" policies. Such attitudes reflect that confidence in democracy has declined as crime control has been ineffective. They also reflect the legacy of a culture of violence that prevailed in many of these societies throughout history. The support for firm hand policies is associated with a deeply embedded belief about the use of force as a social control mechanism. Societies do not adopt the more far-sighted approach of working through the prevailing system to reform the police forces, courts and prison systems.

Within the context of a legacy of political violence, the choice of "firm hand" policies may lead to the legitimization of the use of force to repress a wider section of groups in society and a return more authoritarian practices.

In response to citizens' fear of crime, the Peruvian government has adopted measures aimed at reducing crime through the same methods that were used to fight the Shining Path guerrilla movement. Its rationale—considered by many to be both misguided and harmful to democratic institutions in Peru—is that the repressive force that ended the insurgency can similarly halt the rising levels of crime in the country. The policies and laws adopted in El Salvador and Honduras, Strong Hand, and Super Strong Hand, sought to respond in part to public opinion perceptions of fear and insecurity.



**Justification for a coup: high crime**



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5. *Striking a Balance between Challenges and Solutions: The Realism of the Possible*

There are several options to help reduce crime in Latin America and the Caribbean. These are found at the intersection between law enforcement, democratization, and development.

a) *Law enforcement*

There is no question that a crime reduction measure lies in enforcement by the criminal justice systems. The problem of youth gang violence is overwhelming to many Central American and Caribbean countries, and law enforcement in Central America has responded by applying very strict measures. However, there is significant debate about the effectiveness of this approach in reducing crime.

For example, homicide rates were on the decline before the law enforcement measures became stricter in 2003 and resulted in the incarceration of more than 6,000 young people in El Salvador and Honduras (a strong increase over previous years). Furthermore, gangs have responded to the stricter laws with greater violence, as was illustrated in the December 24, 2004 bus massacre in Honduras. While enforc-

ing the law, governments need still better advice in devising more comprehensive strategies that do not focus exclusively on criminalization.

*b) Democratization and the rule of law*

U.S. foreign assistance can help reduce crime and violence in Latin America. Operationally, the United States needs to continue its support of strategies that strengthen the rule of law. Police forces, effective judiciaries, and decent prisons should be objects of attention and program implementation. Historically, official development assistance has provided little allocation to strengthen the rule of law and criminal justice systems. Less than five percent of official development assistance has been allocated to support the criminal justice system.

Even with these limited resources, assistance has paid off in many countries. USAID assistance in the rule of law has concentrated on criminal justice and legal reform. USAID has supported changes in judicial procedure shifting away from historical Latin American practices and towards the oral and adversarial style. This has decreased the length of criminal cases in some countries from four years to four months. Modern criminal codes, accompanied by training of judges, have been implemented in several countries to strengthen justice sectors. Alternative justice assistance has also been very important. The creation of community justice centers in Colombia, Guatemala and Peru has been a welcome approach to increase access to justice.

Greater focus needs to be made on the prison systems in these societies. Foreign assistance should pay attention to rehabilitation programs for those in jail as well as on revised sentencing guidelines. In countries where incarceration rates are increasing by the thousands, the number of people in jail will exceed the number of people with university education.

*c) A taskforce on crime, violence and development*

It is also important to form a transnational commission on gangs and crime looks at solutions to youth gang violence aside from purely criminal justice approaches, and looking instead at problems in inner cities where inequality prevails, both in the United States and Latin America. Youth gang activity is connected to Latino youngsters who in many cases came to the United States as infants with their parents.

Immigrant organizations in the United States, such as grassroots groups and hometown associations, are as concerned about the problem of youth gang violence as governments and societies in their home country. Yet there is very little dialogue between governments and their diaspora groups concerning the kind of responses needed to confront the problem of youth gang violence.

This transnational commission should be supported by an expert taskforce that provides input about the range of solutions available and should be composed of concerned and involved civil society organizations, human rights groups, academics, government officials (criminal justice and from other fields), the diaspora and U.S. representation.

*d) Light weapons reduction*

Military rule, civil war and intraregional tensions in Latin America and the Caribbean have resulted in the widespread availability of weapons in most of these countries. The smaller and poorer countries of Central America and the Caribbean are facing the greatest problems. In Central America it is believed that there are more than 4 million weapons, 2 million of which are light weapons such as machine guns. This means that 1 in 10 people have or own a gun.

Governments, through their police forces, need to increase methods to reduce the use of weapons, destroy already existing ones, and prevent from further trafficking. Very few weapons—perhaps just one fifth of the existing totals—are registered. Controlling the availability of weapons is an important strategy, as is reducing the market for weapons supplies, such as munitions.

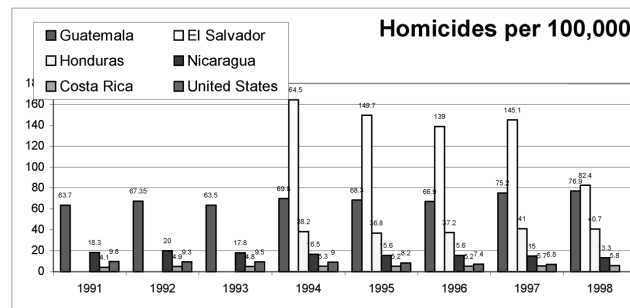
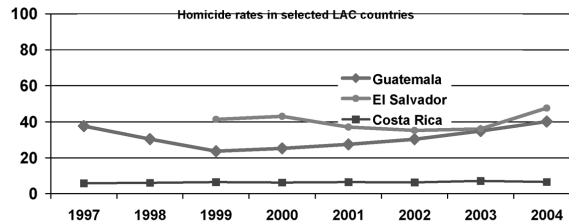
*e) Social policy: rehabilitation, education and employment*

The policy responses to crime and violence are not in the exclusive realm of criminal justice. Preventing crime and rehabilitating law breaking individuals are important mechanisms. From a development perspective when a population is relatively young, the challenges to train such labor force are daunting. But such challenges are even more insurmountable when faced with crime and imprisonment and has costs on economic growth. Estimates of the cost of crime in various Latin American countries ranges from 25 percent in El Salvador and Guatemala to 10 percent in Mexico and Colombia.

Community-driven development approaches need to be accompanied with government social policies that address problems of lack of access to basic resources such

as education and health. Low school enrollment ratios coincide with levels of violence in many countries, and the same is true with employment rates for a graduating labor force.

It is important to consider a transnational development approach that includes greater access to education for children of immigrants and relatives back home. Hometown associations in many of the countries where gang violence prevails have demonstrated an increasing interest to work on educational development projects. Designing a joint partnership on development and crime prevention would be a critical strategy to reduce violence in many countries of the Americas.



Mr. WELLER. Thank you, Mr. Orozco. I want to thank the panel for your testimony and of course now we have the opportunity for Members of our Subcommittee to ask questions.

I would like to revisit the issue I raised with the previous panel and from your expertise and particularly perhaps Mr. Johnson, Mr. Orozco could address this.

It is the issue of the lack of an International Law Enforcement Academy here in the Western Hemisphere. Mr. Johnson, I will ask you to address this first. What do you view as the role of an International Law Enforcement Academy and the fact that we do not have one in our own hemisphere?

As we discuss the problem of gangs and crime in Latin America, what role do you see the ILEA playing, and how do you see the lack of one affecting our ability to address the problem we are looking at today?

Mr. JOHNSON. Mr. Chairman, in years past our military forces throughout the Americas have looked at inter-operability as one of their greatest challenges and have tried to synchronize their techniques, their protocols, use of equipment, and also the kinds of the ways that they train.

We are finding that this is necessary also for law enforcement as we encounter a hemisphere that has shrunken, a hemisphere that is very much more together, and one in which people both migrate

and travel fluidly back and forth between countries and have relatives in all of these countries.

It makes a great deal of sense. The question for the United States, I think, would be how to do it? We have the issue of *posse comitatus* following the Civil War, where we prohibited our police forces, basically, from taking on military roles and our military from taking on police force roles.

The thing is that our military does have an international capability. It does have an ability to get supplies and equipment to other countries and also to interface with foreign governments.

Unfortunately, our local police forces are locally controlled and don't have an international mission. To the extent that the FBI can do this, it does so through the legal attaches in our Embassies, but we need to have a better mechanism for this kind of interface.

We have also got the Foreign Assistance Act, section 660. There are ways to get around this certainly to try to work with a multi-lateral agency or a forum such as the OAS to set something like this up, which could ease some of those concerns.

The other thing would be to encourage the development of something like this in individual countries as something the United States could help support.

But always there will be an element of concern within this body that money being spent on something like that would be done in a way that would not violate human rights, that would indeed support the rule of law and go toward the ends that it was supposed to achieve.

That would be sort of the broad brush take that I would have on it.

Mr. WELLER. Thank you, Mr. Johnson.

Mr. Orozco, you were here for the previous panel and I raised the issue of a lack of an International Law Enforcement Academy in our own hemisphere, while we have created them and established them in Asia and eastern Europe and Africa.

From your point of view, how do you feel the lack of an ILEA in our own hemisphere is impacting our ability to better coordinate and work with law enforcement agencies in Central America and elsewhere in Latin America?

Mr. OROZCO. Yes. I think the reasons why not are very few. I think we do need to have an ILEA. It will create a lot of trust and confidence-building among the different law enforcement agencies.

I mean the academy is not an Interpol-type of institution, so there will be a little difference, but the generations and the graduates, et cetera, create a sense of common trust and also the issue of creating standards of behavior about not only policing, but also about rights, et cetera. So in that sense it is very important.

I agree with Steve Johnson that the critical issue is not whether to have it or not, but how are we going to do it?

But it is a topic that should be brought more into consideration, given the fact that there are at least five chaired transnational issues between the United States and Latin America that not only have to do with drug trafficking or arms trafficking, but also with emerging number of social problems.

Mr. WELLER. Thank you. One observation that I have had shared with me about the benefits of an International Law Enforcement

Academy, and of course a previous witness referred to the progress that resulted from the location of an ILEA in the former eastern European Soviet nations, was the benefit of the exchange in the business cards and just like our local enforcement here, they are willing to call across the county line for information or give a heads up that someone may be heading their way. It is that networking that goes on.

Clearly, as we look at transnational gangs that are involved in human trafficking and narcotrafficking and other types of trafficking, it is clearly a national security issue, as well as a security official affecting all the democracies of our hemisphere.

Of course I look forward to working with Chairman Burton and Chairman Hyde and my colleagues on this Committee toward the establishment of an ILEA in our own neighborhood here in this hemisphere.

Mr. Menendez.

Mr. MENENDEZ. Thank you, Mr. Chairman, and let me thank all the panelists for their testimony.

Mr. Orozco, and Mr. Johnson as well, the Salvadorian President Saca has implemented a super mano dura, or a very strong-hand law enforcement anti-gang policy, which includes longer prison sentences for belonging to a gang.

Honduran President Maduro has taken a zero tolerance stance on gangs. Under his rule, the penal code has been reformed allowing judges to administer longer sentences for gang members and to allow people to be arrested for being a member of a gang. Not for having committed a crime, but being a member of a gang.

My question is, we now have two different countries with two forms of tough law enforcement provisions. Have they been effective?

Mr. OROZCO. That is fiercely under debate. I think it hasn't been that effective for different reasons. One of them is that actually it has created a sense of fear, because a number of gangs have tried to reorganize themselves, regroup into more violent organizations, and there is an argument that what happened on December 24 in Honduras was precisely sort of the mano dura plan of President Maduro.

Another argument that has been made that it hasn't been very effective is the statement that says that homicide rates have been declining since 2001 in El Salvador and Honduras.

The plan mano dura started in 2003 and they have incarcerated about 7,000 people since mid-2003 and yet the violence has continued, has been increasing since the mano dura plan was established.

I don't know the extent to which it has been very effective. Obviously if we give it some time, it will be effective. We will put a lot of people in jail. We know very well, with the U.S. experience, what happens when you get very tough, but if we don't have a rehabilitation program, there will be other problems that we will be facing for longer periods of time.

Mr. JOHNSON. Representative Menendez, I think that is an excellent question. If, say, former Secretary of State George Schultz were to go to El Salvador today and somehow reveal the fact that he got a tattoo in the Navy during World War II, he might be subject to arrest.

I think condemning trivial offenses makes law enforcement agencies subject to ridicule, which weakens their effectiveness.

We have noticed that in the past, when heavy sanctions were imposed such as Los Angeles' sweeps of gangs and people who looked like they might be gang members, actually netted very few real criminals and provoked a lot of outrage against local officials and the police.

The other problem with doing something like that, where you target the minor side of the offense range, is that you increase the jail population, at least in temporary detention facilities and you also clog the court system.

With the courts backlogged as they are in Central American countries, particularly in El Salvador and Honduras, you have justice systems that are just beginning to adjust to the caseloads that they have and are just going through major reforms right now, I am not sure that this is the right kind of policy to pursue.

Mr. MENENDEZ. In a previous panel, Mr. Lopez picked up on my shared responsibility. I do believe in shared responsibility, and that means getting the governments of Central and Latin America to meet their obligations as well and to step up to the plate, to the extent they have the wherewithal to do it. Some obviously have greater wherewithal than others.

I think that one of the things we should be doing is incentivizing them to do so. Leveraging our abilities to get them to do so, not just in simply being a good hemispheric neighbor, but in our own interests.

All this testimony is about the correlations between these gangs that start in Central American and emanate here and then grow here domestically. So it is not just about being a good hemispheric neighbor, it is about our own interests.

It just seems to me that unless we do some of the things that get to some of the root causes, and I think both of you had statements to that effect, we will spend an inordinate amount of money incarcerating people. I am for incarcerating people who commit crimes. I take a backseat to no one on that.

By the same token, in my mind we have got to do something to stop the flow, because if we don't do anything to stop the flow, we are just going to run out of real estate to build prisons.

The question is: How do you see us? Yes, the law enforcement side. I am all for that. I am all for what Detective Smith has to do everyday on the streets of his community. By the same token, I would like him not to have that issue or a lot less of that issue. How do we achieve that?

Mr. OROZCO. I think we have a responsibility to help Detective Smith. We need to reduce the level of crime by addressing the social problems, both in the United States and in Central America.

Youth gangs emerge in the United States predominantly. I grew up in Nicaragua and I was exposed to many of these gangs when there was no need to use a machine gun. I mean you have fistfights and stuff like that.

But the social problems were there and they had to do with education, for example. There is very little retention of students in schools. Enrollment rates are very low, especially in those neighborhoods where these gangs have been created.



There has to be more coordination between the law enforcement side, the criminal justice, and the social policy component, and that is where I think USAID plays an important role. And there is no question that within the context of the free trade issues of ratification, the agreement, this is going to be even more critical, because if the violence continues, it is going to reduce confidence of investment in places like El Salvador.

There are places in El Salvador where you just don't go. Guatemala is the only country I do not drive by myself, in Guatemala City. It is just very bad, not to mention some para suta.

These are the places also where there is significant potential for foreign investment from the United States. So we need to create an enabling environment that promotes investment, by creating a social infrastructure for change in these societies.

Mr. WELLER. Thank you.

Mr. Payne.

Mr. PAYNE. Thank you very much. I was amazed at the number of guns that someone mentioned, 4 million guns in Latin America. I have a problem with this proliferation of conventional weapons and guns. We have last year spent about \$40 billion around the world on conventional weapons and there is no end to it. As a matter of fact, the United States sells over half of the weapons, conventional weapons, and the United Nations attempted to have a convention on the proliferation of conventional weapons, which we have refused to participate in.

We have to start looking at, I mean even in this country, that buy-back program sometimes. You have a weapon for every man, woman and child in the United States of America. There are over 380 million weapons in the United States.

Just listening to one of our national leaders on Friday in Houston saying it is not enough. We need to have more. NRA has got to make sure we get more guns out. That is another issue.

Let me ask you this question about the judges and the police departments. There is allegation that there is a lot of corruption in the police departments in Latin America and South America and Central America in general.

What is the image of the police? Secondly, how strong is the judicial system where, in your opinion, the people have faith in the justice system in their countries, therefore feeling that a person that goes through the system is going to be fairly treated? Or is it a system that there is a lack of respect for? Would any of you like to answer?

Mr. JOHNSON. Representative Payne, may I make just a brief comment? In both El Salvador and the country of Colombia, where administration of justice programs have been carried out, sponsored by the United States and in cooperation with the host country government, there has been remarkable progress.

The police in both countries are seen in much higher regard than they were in years past, and there has been a lot of attention, locally, paid to the development of prosecutors, particularly in the country of Colombia, where they just recently switched over to oral accusatorial trial systems, established courtrooms where there were none before.

Judges simply met with clients or people that were presented before them in their offices and rendered decisions that were written and never saw the light of day.

That is beginning to change in a lot of countries in Latin America, but unfortunately it costs quite a bit of money. It takes a lot of time and people have to adjust to a custom that they are not used to of doing this kind of business in public.

Honduras is behind El Salvador in doing this. Guatemala is behind El Salvador in doing this. One thing more I think we need to recognize in El Salvador's favor is that a lot of these conferences that FBI and Immigration and customs enforcement people are attending today were largely at the initiative of the Salvadoran Police Chief, Ricardo Menesses, who came up to the United States last year to talk to local sheriffs to try to get them to share databases with him.

So in some ways, we do have partners that are willing to work with us. The problem is that there is a lot of catch-up involved in it.

Mr. PAYNE. The judicial system, do you know of any programs we have in Latin America where we are attempting to train judges sponsored by USAID? Any of you?

Mr. OROZCO. Yes. I think USAID is doing a pretty good job with the limited resources that they have. About 5 percent of U.S. aid to Latin America goes into criminal justice, but the assistance has gone into training judges, creating these justice centers, which have been very successful in El Salvador, in Guatemala, Colombia and Peru.

That has been quite an important impact with regard to justice reform.

Mr. PAYNE. Just finally, I note kidnapping was a big issue in Brazil and Colombia and now Venezuela, where some of our baseball players had to sort of bring their relatives into the United States because of the threat of kidnapping.

Has there been any decrease in that in general, or is it difficult to talk about in general? You almost have to go country specific where kidnapping is a big issue.

Mr. JOHNSON. Often where there is a squeaky wheel, it gets the grease, and in Colombia and in El Salvador kidnapping has decreased. Even in Honduras it has decreased over the last 2 years.

Where we don't have much of a presence and where local law enforcement is not involved or is corrupt, then you have kidnapping that is on the increase, such as Venezuela.

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

Mr. BURTON [presiding]. Thank you, Mr. Payne.

I am sorry I had to run out for a few minutes, so I missed some of your testimony. If I am redundant in my questioning, please forgive me.

One of the things that has concerned me for a long, long time is—and I have been in government and politics now for a long time, since 1966, almost 40 years in the State legislature and now in the Congress, I know I look a lot younger, Don. But one of the things that has concerned me is I have been in probably 50 hearings on the drug issue and I have listened to people talking about how we combat drugs and how we tighten up our borders and how

we eradicate the drug production at its source and how we impose more severe penalties on the drug pushers and the drug dealers and the cartels and it never ends.

Every time we have a hearing, it is the same thing. Do this, this, this and this, but the same problems exist today that existed 30 years ago, except maybe they are a little bit worse.

I would just like to ask you a question. Is the profit in it the main reason why we continue to have these drug problems, because there is so much money to be made?

It seems like you knock off one drug dealer, one drug cartel leader and there is somebody standing in line, 15 or 20 of them standing in line to take his place.

I have seen young men in Indianapolis driving around Monument Circle and they can't be over 17 or 18 years old, and they come from a tough area of town, the ghetto, and they are driving a brand new Corvette and it looks like they have gold dashboards on the things and they have a wad of money when they get out of the car and you say: "How in the world do they get that kind of money?"

If they are arrested, there is somebody waiting to take their place and it just goes on and on and on and on. Can any of you comment on what might happen if we figured out a way to take the profit out of drugs?

Mr. OROZCO. I think that there are lots of formulas, but none of them have worked so far. I think it is a problem of the market. There is a supply-and-demand factor and people have been trying at it all the time.

I used to be a firm believer that the problem was just with the demand side, but if we look at the research that we spend in the United States on drug intervention, most of the money goes into tackling the demand side rather than the supply.

I think one aspect is culture. Another one is changing cultural habits about the problem of the drugs, but to be honest, I think it is part of the human nature.

Mr. BURTON. Let me put the question a little bit differently. If the drug dealers and the drug cartels couldn't make those huge profits, if they couldn't make the money they are making, if the profit was taken out of the drugs, what would happen?

Mr. OROZCO. You will find another drug probably.

Mr. BURTON. Yes. But I am saying if heroin, if cocaine, if marijuana, if the profit was not there, what would happen?

Mr. JOHNSON. Mr. Chairman, I have a brother who is a judge and I have heard him remark that it wouldn't make any difference what the drug of choice would be.

That there are always some people who want to feel good and there are always people who feel bad and want to feel better and they will do anything they can to try and feel better.

So the market is always there. There are things that you could do in Colombia, for instance. We could apply mycoherbicides, which is kind of a fungus that can be genetically-engineered to attack specifically coca plants and it would wipe it out for a good 10 years, but the political cost of doing that and going up against environmental organizations that would fight it is probably too great, and it is one that, I guess, you probably well know the Colombian Gov-

ernment would not permit. You are kind of stuck with a lot of compromises.

Mr. BURTON. I hate drugs. Like many parents and people in this country, I have seen firsthand what drugs can do, but like I said, for 40 years now I have seen this issue come up again and again and again.

We are spending 30, 40, \$50,000 a year to keep people incarcerated. Over 70 percent of the people in our prisons today are there on drug-related crimes and we are spending billions and billions and billions of dollars keeping them incarcerated.

We have got problems in South America and Central America where there is huge poverty. I am sure Mr. Payne was talking about that, and we are talking about trying to find the resources necessary to change the poverty level down there and we are spending these billions and billions of dollars keeping people incarcerated for drug-related crimes here in the U.S. and it just never ends.

We just keep building more prisons, putting more people in jail and the drug problem doesn't go away. My question is once again: If there was no profit in it, what would happen?

If the guy on the street in Indianapolis or in Chicago or in New York wasn't making a huge profit, if some kid that they recruited in the high school wasn't making a huge profit from the drugs, would they do it?

Mr. JOHNSON. Could be it is a question that you could ask of a number of crimes and obviously the economic motive influences it and sustains the industry.

Mr. BURTON. I am not for legalization of drugs, but this is a question that I think our society needs to ask on a regular basis, because as long as there are these huge profits—and I have been told out in Latin America, in Colombia and elsewhere, they had so much money that the rats were eating it and they had to figure out a way to launder the money, because when they stored it in the rooms, huge rooms full of money, hundred dollar bills, that thousands and thousands of dollars were eaten up by rats. And if they can make that kind of money, so much that they can't even launder it, you say, "My gosh, what are you going to do?"

How are you going to stop this? That is one of the questions I think that you as leaders from various agencies and from various think tanks ought to think about.

William F. Buckley, who is one of the great thinkers of our time and one of the great writers, has talked about the decriminalization of drugs and I think there was a governor in New Mexico that brought up the same subject.

I am sure both of them were castigated and anybody that even remotely suggests that that might be a solution to the problem is going to be castigated, and so I am certainly not going to suggest it, but I think that is a question that we ought to ask.

As long as you can make the kind of money that they are making, I don't think we are ever going to stop this problem and we are never going to stop the proliferation of prisons that we have to build to take care of these people and we are never going to stop the people going into these jails, because they are all going to want to make this money.

The people in these poverty-driven countries who see that you can make so much money from dealing in drugs aren't going to try to look at alternative crops or alternative ways of making money if they know they can make it so easily by dealing and transmitting these items.

That is one of the things that I wanted to mention and I also—

Mr. PAYNE. Would you yield on that for a moment?

Mr. BURTON. Yes, I will yield. Go ahead.

Mr. PAYNE. Just that, you know, the fact that your line of questioning there is—I have spoken to some State legislatures who are asking the same question and they are certainly not for legalization either, but they wonder too what would happen if the enormous profit was taken out of the drug business and whether the turf killings and the incarceration of thousands of young kids, really in a lot of instances have nowhere else to go to work, what would happen if the profit was removed.

There are other people starting to ask that question.

Mr. BURTON. Let me just follow up by saying we had a panel, when I was Chairman of the Health and Human Rights Subcommittee on Government Reform, after I was Chairman of the Full Committee.

I asked a panel of policemen, law enforcement officers from all across the country, and the first one said, "Well you are not for legalizing drugs?" I said, "No. I want an answer to that question though." One of the other officers said, "Well they wouldn't sell it if they couldn't make any money." Now think about that.

Now I want to ask one more question and then I am going to let you folks go. There are reports that gang recruitment is on the rise in elementary schools, and I know they have been recruiting kids in elementary and secondary schools to sell drugs. They will get one kid hooked and make them a carrier or seller for other drugs. Is the same thing happening, as far as gangs are concerned, trying to get them into gangs?

Mr. SMITH. Yes, sir. It has been my experience, and recent information received in Prince George's County, where I am a member of the task force down there, that they are doing some recruiting on elementary school campuses.

All reports involving gang activity come to my office so we can review them to see whether or not we are going to get involved or if it is going to stay at the district level.

We received several reports at a couple of different elementary schools that elementary school kids were seen flashing gang hand signs, wearing gang colors, and making gang phrases by way of speech toward school officials, police officers that are working crossing areas for the elementary school, and the like.

So the only thing that we can assume from that is that they are being recruited or these children are actually the children of parents who are involved in gangs and are picking it up that way.

In our intelligence-gathering efforts involving gangs, we oftentimes, especially when we do search and seizure warrants at residences of gang members, we will find pictures. And I have pictures of groups of gang members holding up their children in these pictures and videos and the children will in fact be flashing gang signs that are taught to them by their parents.

So a lot of our younger gang members that are coming in nowadays, and as far as Mara Salvatrucha is concerned, they have been here for a number of years. So they have been here long enough to have offspring that are growing up in this lifestyle and this gang environment, and they are picking it up naturally as anybody's children would pick up something from their parents, whether it be sports, academics, whatever, their livelihood.

They are picking up the gang mentality from their parents by way of living with it every day and seeing Mom and Dad do it.

Mr. BURTON. Let me ask one more question and then we will let you go. What can be done about that? Is education a part of it?

Mr. SMITH. Absolutely. Again, my department is in the fledgling stages of doing gang enforcement and working with the gangs and we are right now researching all types of alternatives, but my own personal belief is that one, educating children at a very early age, the elementary school age, about the pitfalls of gang involvement.

We have got to institute social programs for kids who are growing up in gang member homes. It is very tough to get out of the gangs, because of their own restrictions. The laws and rules that the gang has.

Another problem, too, in dealing with gang members and their children and trying to combat recruitment, most of the gangs that I deal with, and I deal primarily with MS-13 and the Spanish community in central Maryland, there is a lot of distrust by the honest Spanish people in these communities of the police department, not so much because they are afraid of police corruption or anything like that, but so many of them are here already without status and they are afraid to be found out and sent back to their countries, even though they haven't committed a crime.

All my dealings are that we never send people like that back. The honest people that are here working, you know trying to make a better life for themselves, acquire homes and cars and send their kids to college, it is never a problem whether or not they have legal status as far as the police are concerned, but they really do not want to talk.

They are afraid of intimidation by the gangs themselves, because they live in the same community and they are afraid of being put out of the country by the police, because they don't have legal status.

Mr. PAYNE. Mr. Chairman, one other quick point, if you would—

Mr. BURTON. Sure.

Mr. PAYNE [continuing]. Indulge. I don't want to get political, but one of the programs slated for elimination is the drug-free school program in the new budget. The summer youth employment program, now they don't stop things totally, but we are going the wrong way.

I mean it doesn't make sense when we have a trillion dollar budget that they are cutting the programs specifically dealt to try to deal with the question of drugs and drugs in the schools and making drug-free programs.

It is really only pennies compared to what we spend, but they are all on a board for elimination. So we are really going in the wrong direction. I mean we will never win this war, believe me.

Mr. BURTON. Why don't you and I see where we stand on that? Because it seems to me that is probably a good use of our funds. Maybe we can find someplace else to cut to offset that.

Let me just say thank you very much for being here, gentlemen. We really appreciate it and if you have any ideas on how we can deal with some of these problems, we sure would love to hear from you.

Thank you. We stand adjourned.

[Whereupon, at 4:08 p.m., the Subcommittee meeting was adjourned.]

