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United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

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October 21, 2013

VIA U.S. MAIL & EMAIL (Faith.Burton@USDOJ.gov)

The Honorable Eric H. Holder, Jr.
The Attorney General
U. S. Department of Justice
Robert F. Kennedy Building
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Mr. Attorney General:

I write to express my deep concern regarding Mexico's release of drug lord and murderer, Rafael Caro Quintero. Quintero ordered and participated in the 1985 kidnapping, torture and murder of Drug Enforcement Administration (DEA) Agent Enrique "Kiki" Camarena. His premature release gives all the appearance of a grave injustice to the sacrifice Agent Camarena made in service to the United States.

Quintero's henchmen kidnapped Agent Camarena at gunpoint outside the U.S. Consulate in Guadalajara on February 7, 1985. They blindfolded him and brought him to Quintero's hacienda five miles away where they brutally tortured him for over thirty hours. The torture Quintero perpetrated shocks the conscience of all decent human beings. Quintero and his associates crushed Camarena's skull, jaw, nose, cheekbones and ribs with a tire iron. They used a power tool to drill a hole in Camarena's head and repeatedly stuck him with a cattle prod. As Camarena lay bloody and dying, Quintero summoned a cartel doctor to keep him alive so the cartel could torture him longer. The doctor injected the anesthetic lidocaine directly into Camarena's heart and the torture endured for several more hours. Camarena's battered and bloodied body was discovered in a shallow grave 70 miles north of Guadalajara several weeks later.

Quintero's cartel targeted Camarena because he inflicted significant damage to the cartel's drug trafficking operations. Quintero led a drug operation that stretched 2,000 miles and created a cocaine pipeline from Colombia to the United States that ran through Mexico. By tracking Quintero's finances, Camarena made a series of drug busts inside Mexico, including one that cost Quintero \$2.5 billion. Quintero determined that Camarena needed to be eliminated and accordingly arranged Camarena's torture and murder.

The assassination of a DEA agent was, to that point, unprecedented, but the Mexican government was reluctant to arrest Quintero. Outraged at the atrocity, President Reagan shut down the U.S.-Mexico border until Camarena's killer was brought to justice. The border

shutdown damaged the Mexican economy, prompting the Mexican government to arrest Quintero and put him on trial for Camarena's murder.

Despite repeated requests for extradition to the United States, Quintero was tried in Mexico, convicted, and sentenced to 40 years in prison. Mexican authorities released Quintero in August after just 28 years of the sentence because of a procedural error. According to a Mexican court official, Quintero should have been tried at the state level rather than the federal level and the error mandated his release.

A 28-year prison sentence is a mere slap on the wrist considering the brutal atrocities Quintero committed. And yet, Quintero walks free today while Agent Camarena's family and the DEA are left to question how and why this man can be released early in spite of the unconscionable acts he committed.

Bizarrely, within a week of Quintero's release, the Mexican government issued a warrant for his "provisional detention." That decision to re-arrest reportedly resulted from a request from the United States. Quintero has yet to be re-arrested, and now, two months later, is still on the DEA's international Most Wanted Fugitives list. With no recent developments in this manhunt, the American people need to know that the United States government remains committed to finding Quintero and bringing him to justice.

While the Mexican government refused to extradite Quintero in 1985, that decision does not eliminate all of the United States' options to assert extraterritorial jurisdiction in this case. First, the United States can request Quintero's extradition within sixty days of his recapture. Second, even if the Mexican government once again refuses extradition, the United States can pursue alternative measures. The Supreme Court held in 1992 that the United States could try Humberto Alvarez-Machain – allegedly the doctor who prolonged Agent Camarena's life so that others could further torture him—despite the fact that Alvarez-Machain had not been extradited to the United States. There is ample precedent, therefore, for the United States to hold Quintero responsible for his actions even if the Mexican government does not extradite him.

DEA agents like Kiki Camarena put their lives on the line to defend innocent men, women, and children from the brutal, indiscriminate acts of cartel thugs. The White House and Department of Justice have said they are "concerned" about Quintero's release, yet these statements have not resulted in any actions taken against Camarena's killer. The family of Agent Camarena deserves justice and the United States must ensure that violent actions against American citizens, including the heinous acts of Quintero, do not go unpunished.

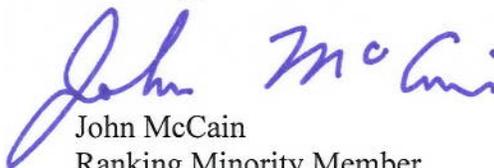
In order to address this concern, please provide responses to the following questions by no later than November 4, 2013:

1. What did the Justice Department do as Mexican officials were contemplating whether to free Quintero? If the Justice Department was not monitoring Quintero's situation, why not?

2. Have the Mexican authorities made any substantial progress in re-arresting Quintero and re-trying him in the proper court of law?
3. How is the United States assisting in the effort to capture Quintero?
4. If Mexico fails to re-arrest or re-try Mr. Quintero, does the Justice Department believe that the United States could assert extraterritorial jurisdiction over Quintero so that he will be appropriately punished for the torture and murder of Agent Camarena? If so, will the Justice Department exercise its discretion?
5. What legal framework exists to ensure that criminals like Quintero will ultimately be held accountable for actions against U.S. citizens?
6. Once Quintero is recaptured by the Mexican authorities, to what extent will the Justice Department request his extradition to the United States?
7. If Mexico refuses to extradite Quintero upon his recapture, what will the Justice Department do to ensure that justice is done for Agent Camarena?

Thank you for your attention to this important matter. If you have any questions or concerns, please have your staff contact Jack Thorlin, Counsel to the Minority, Permanent Subcommittee on Investigations, at 202/224-3721.

Sincerely,



John McCain
Ranking Minority Member
Permanent Subcommittee on Investigations