

# Mexico's new gov to review pot fight after US vote

By **MICHAEL WEISSENSTEIN and E. EDUARDO CASTILLO**

MEXICO CITY (AP). November 7, 2012— The legalization of recreational marijuana in the U.S. states of Washington and Colorado will force Mexico to rethink its efforts to halt marijuana smuggling across the border, the main adviser to Mexico's president-elect said Wednesday.

Luis Videgaray, head of incoming President Enrique Peña Nieto's transition team, told Radio Formula that the Mexican administration taking power in three weeks remains opposed to drug legalization.

But he said the votes in the two states complicate his country's commitment to quashing the growing and smuggling of a plant now seen by many as legal in part of the U.S.

"Obviously we can't handle a product that is illegal in Mexico, trying to stop its transfer to the United States, when in the United States, at least in part of the United States, it now has a different status," Videgaray said. "I believe this obliges us to think the relationship in regards to security ... This is an unforeseen element."

Videgaray stopped short of threatening to curtail Mexican enforcement of



The legalization of recreational marijuana in the U.S. states of Washington and Colorado will force Mexico to rethink its efforts to halt marijuana smuggling across the border, the main adviser to Mexico's president-elect said. (File photo)

marijuana laws, but his comments, less than three weeks before Peña Nieto travels to the White House days before taking office, appeared likely to increase pressure on the Obama administration to strictly enforce U.S. federal law, which still forbids recreational pot use.

"These important modifications change somewhat the rules of the game in the relationship with the United States," Videgaray said. "I think that we have to carry out a review of our joint policies in regards to drug trafficking and security in general."

Videgaray will almost certainly be one of the most important figures in Mexico's new administration and he has been central to the planning of the U.S. trip by Peña Nieto planned for Nov. 27. Videgaray said security would

obviously be discussed during that trip and he indicated that marijuana legalization would be an important topic.

The Obama administration has said little about how it will handle pot legalization in two states and U.S. officials offered no comment on Videgaray's remarks.

The current Mexican administration has been vehemently opposed to pro-marijuana measures in the U.S., and President Felipe Calderon spoke out against a similar legalization move in California two years ago. Calderon and members of his Cabinet remained silent Wednesday on the U.S. votes.

In other Latin American countries, where cocaine production is dominant, some officials, ordinary citizens and independent experts said they expected little immediate change in U.S. drug policy,

but expressed hope that the marijuana votes were the start of a softening in U.S. attitudes toward drug production.

Officials with governments in the region that back U.S. policy offered little comment on the Colorado and Washington ballots.

"The fact that two states in the United States have recognized the recreational use of marijuana makes us encouraged about possible changes," said Dionisio Nunez, vice minister of coca in Bolivia, where cultivation of the coca plant commonly used as a stimulant by local people is legal but production of cocaine is not.

Government officials in other countries who back U.S. policy offered little comment on the Colorado and Washington ballots.

A former high-ranking official in Mexico's internal intelligence service who has

studied the potential effects of legalization measures told The Associated Press that he was optimistic legalization in the two states would damage Mexican drug cartels.

However, the former official, Alejandro Hope, now an analyst at the Mexican Competitiveness Institute, added that a key factor would be the reaction by the U.S. federal government to the votes. A strong federal crackdown on legalized pot could negate all but the smallest effects on Mexico's cartels, he said.

Hope said a flourishing legal pot market in Colorado could reduce Mexican cartels' estimated annual income from roughly \$6 billion to about \$4.6 billion.

If U.S. states start developing a marijuana industry, "This will not be a super-lucrative business proposition for a criminal enterprise," Hope said. "This will not be a cash cow."

The loss of income to cartels might lead them to branch into other criminal activities at home like kidnapping, Hope said, but he said such crimes were much more difficult to carry out than marijuana smuggling, so he considered that relatively unlikely.

He said he believed it was more likely the loss of income would force cartels to shrink and even cut into their smuggling of other drugs, because they have been using income from marijuana smuggling to pay the costs of other illegal operations, such as bribes to officials.

"It might produce a reduction in cocaine and heroin smuggling if the effect was large enough," Hope said. "... How much, and in what directions, beats me at this point."

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# Mexico focus on police commanders in CIA shooting

By E. EDUARDO CASTILLO  
Associated Press

MEXICO CITY, November 19, 2012. (AP)— In a strange and aggressive attack by Mexican federal police on a U.S. Embassy vehicle that was pumped with 152 bullets, one major question remains: Why?

Mexican investigators are looking for the answer from five police commanders who are accused of ordering 14 officers to lie about what happened on Aug. 24 south of Mexico City, where two CIA officers and a Mexican Navy captain came under heavy fire while travelling in an armored SUV clearly marked by diplomatic plates.

The police officers, who wounded the Americans and face attempted murder charges, initially said they were in uniform and marked cars, and responded to fire from the SUV. But details of the attorney general's investigation released Sunday said they were in plain clothes, unmarked vehicles (including two of their personal cars) and under order at all times from their commanding officers.

“Commanders controlled by whom? Whose instructions were they following?” said one Mexican official with knowledge of the case.

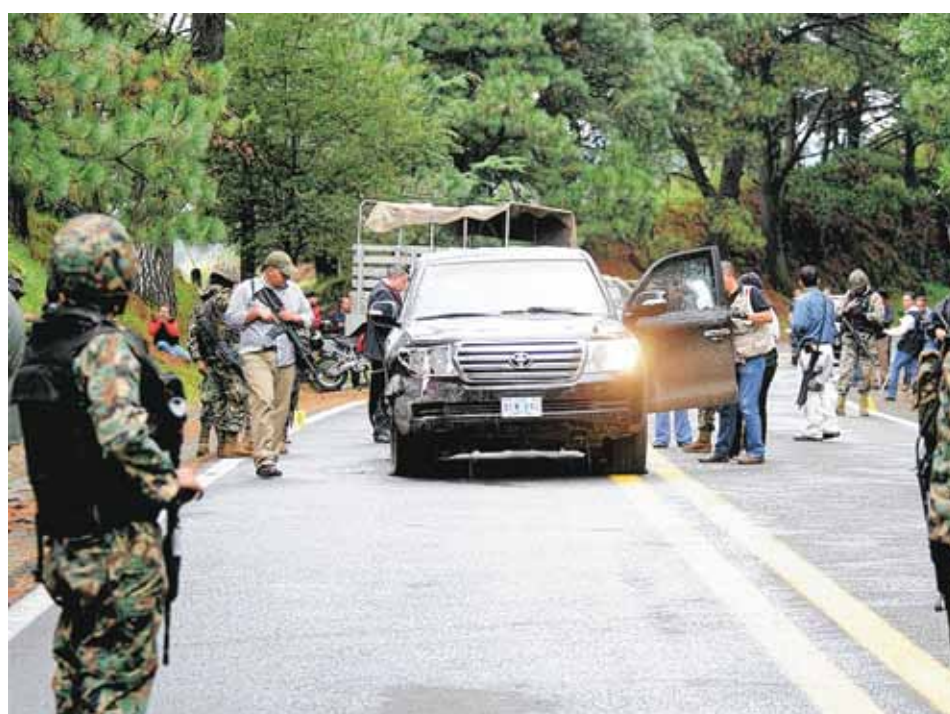
The attorney general's office continues to investigate possible connections between the attack and organized crime, according to the official, who spoke on condition of anonymity because of the sensitivity of the case.

Indeed the case is sensitive, not only between two giant and intricately linked nations sharing a 2,000-mile border, but also inside Mexico, where the federal police and attorney general's office have used competing media outlets to publicly accuse each other of lying.

Federal police fired on the SUV because “they didn't stop to think, and everyone just kept firing,” federal police chief Maribel Cervantes told Radio Formula on Monday. “They didn't follow protocol. But in no way have we found anything to indicate that this was anything planned.”

She said the officers reported to only one of the five commanders facing charges. The 14 officers have been held over for trial. One commander was charged last week with giving false information and released on bail. The other four are fighting their arrest warrants.

The U.S. Embassy is uncharacteristically quiet, given the normal U.S. outrage over attacks on Americans working



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on foreign soil, from the killing this year of U.S. Ambassador Christopher Stevens and three others in Benghazi to the torture and murder of DEA agent Enrique Camarena in Mexico nearly 28 years ago.

The CIA officers didn't receive life-threatening wounds and the navy officer

was unharmed.

“We don't comment on an ongoing investigation,” said Alex Featherstone, spokesman for the U.S. Embassy in Mexico. “This is a matter of great importance to both countries and we will continue to cooperate with Mexican authorities.”

The massive hunt for and prosecution of Camarena's killers in 1985 are still cited as the main deterrent for Mexican criminals who think of messing with U.S. agents, making the August attack even more inexplicable. U.S.-Mexican relations have become even tighter since then. And analysts say there is too much at stake for

both countries to let one incident stain the bilateral bigger picture.

In addition to unprecedented cooperation between the two countries in fighting drugs and organized crime, foreign direct investment between Mexico and the U.S. has grown exponentially in the last 20 years.

Mexico is the United States' second-largest export market, and one in 24 Americans depend on trade with Mexico for their jobs, according to a 2011 report by the Washington-based Mexico Institute.

“Both governments have invested time, resources and credibility in building a

security partnership that didn't exist five to six years ago. They don't want to see that undermined by the malfeasance or stupidity of individuals,” said Andrew Selee, Mexico Institute director. “It's a conscious attempt to compartmentalize and deal with specific incidents on merits rather than dynamiting the overall relationship.”

Federal police still insist they were investigating the kidnapping of a government official the morning of the shooting, even though assistant federal prosecutor Victoria Pacheco Jimenez said kidnapping is a state crime, not federal, and there is no evidence anywhere that federal police were asked to help in the case.

All the gunfire came from the federal police weapons, discounting police statements that the embassy vehicle fired first, Pacheco said in a Sunday press conference. The bullet-proofed embassy SUV was chased under fire and struck by 152 bullets, 40 percent of them pumped into the driver and passenger-side windows after the vehicle had come to a stop.

Federal police initially called the attack a case of mistaken identity, though Cervantes no longer mentioned that angle on Monday.

A senior U.S. official told The Associated Press in early October that there was strong circumstantial evidence that the officers were working for organized crime in a targeted assassination attempt. He spoke on condition of anonymity.

The rural road where the attack took place near Cuernavaca is known territory of the remnants of the Beltran Leyva cartel.

## US Border Patrol use-of-force policy scrutinized

By BRIAN SKOLOFF  
Associated Press

PHOENIX (AP). October 20, 2012— Government investigators are reviewing U.S. Border Patrol policies on use of lethal force amid a series of deadly shootings along the border with Mexico in recent years, including the killing last week of a teenager who agents said was throwing rocks at them from across a fence.

Since 2010, at least 18 people have been killed by Border Patrol agents, eight in instances where federal authorities said they were being attacked by rock throwers, a common occurrence along the Mexican border, said Vicki Gaubeca, director of the ACLU's Regional Center for Border Rights.

The investigation by the Department of Homeland Security's Office of Inspector General involves a review of accusations of brutality and excessive force. The review was launched after 16 members of Congress expressed concern over the 2010 death of an unarmed Mexican migrant in San Diego.

Arlen Morales, a spokeswoman for the Inspector General's Office, declined to comment on details of the investigation but noted it could take up to a year to complete. U.S. Customs and Border Protection would not comment.

In the 2010 shooting, Anastasio Hernandez, 42, died after being shot with a stun gun by a Border Patrol agent at the San Ysidro port of entry. An autopsy found he died of a heart attack, with a heart condition and methamphetamine listed as contributing factors.

The coroner's report, citing a San Diego police detective, said Hernandez was agitated and confrontational after he was detained by agents while crossing the border illegally and became violent when his handcuffs were removed.

Eugene Iredale, an attorney for the man's family, told The Associated Press in July the U.S. Justice Department's civil rights



**Government investigators are reviewing U.S. Border Patrol policies on use of lethal force amid a series of deadly shootings along the border with Mexico in recent years.** (File photo)

division was presenting evidence to a grand jury in the case amid signs that prosecutors were considering criminal charges.

The Justice Department has declined to comment, only noting the case remains under investigation.

In the most recent case last week, Mexican authorities said a 16-year-old boy was killed by an agent who shot through a border fence in Nogales, Arizona. The Border Patrol acknowledged the agent was responding to rock-throwing and said “it appeared someone had been hit.” Investigations are ongoing on both sides of the border.

A Mexican official with direct knowledge of the investigation told the AP the boy had been shot multiple times in the back. The person was not yet authorized to discuss details of the case and spoke on condition of anonymity.

Mexico's Foreign Relations Department issued a statement saying it “forcefully condemned” the shooting, calling such deaths “a serious bilateral problem.”

It is extremely rare for U.S. border authorities to face criminal charges for deaths or injuries to migrants.

In April, federal prosecutors said there was insufficient evidence to pursue charges against a Border Patrol agent in the 2010 shooting death of a 15-year-old Mexican in Texas.

In 2008, a case was dismissed against a Border Patrol agent facing murder charges after undecided juries

led to two mistrials. Witnesses testified the agent shot a man without provocation after he crossed the border illegally near Naco, Arizona, but defense attorneys contended it was self-defense after the Mexican man tried to hit the agent with a rock.

The Border Patrol considers the use of deadly force against rock throwers generally acceptable, noting the projectiles can be deadly, but critics of the practice claim it's an unfair fight.

“It just seems like it's over the top to use lethal force in response to rock throwers,” Gaubeca said.

Kent Lundgren, a former agent and now chairman of the National Association of Former Border Patrol Officers, countered that rocks can indeed be deadly.

“A rock thrown real slow will kill you just as dead as a bullet,” Lundgren said, recounting a time in the early 1970s when he was hit in the head while patrolling the border near El Paso, Texas.

“It put me on my knees,” he said. “Had that rock caught me in the temple, it would have been lethal, I have no doubt.”

Mexican officials have repeatedly decried the use of lethal force in such cases, but the denouncements have brought little change among increasing fatalities.

Multiple wrongful death lawsuits have been filed by Mexican families, and in at least one case, a Border Patrol agent was charged with murder in Mexico.

The agent has not been extradited.

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