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Hon. John Kerry, Chairman
United States Senate
Committee on Foreign Relations

Senator Kerry, members of the Senate Foreign Relations Committee, Congressman Reyes, it is a privilege and honor to be here and address this distinguished panel on a very important topic that is of concern not just to border cities throughout Texas but to our country as well.

My name is Jaime Esparza, I have been the District Attorney for the 34th Judicial District of Texas for sixteen years. My jurisdiction includes El Paso County, Hudspeth County and Culberson County.

Juarez, Chihuahua, Mexico has long been referred to as "our sister city." Five international bridges connect us to our neighbors in the south. The daily northbound crossings on these bridges are as follows: privately owned vehicles 44,481; trucks 2,293; and pedestrians 23,878. Drug violence is not new to the city of Juarez. Drug-related killings have occurred for years. But as violence increased in 2008 to levels never seen before and the streets became a war zone it alarmed not just the citizens of Juarez but the citizens of El Paso as well. The recent response by the Mexican government to send military troops to the state Chihuahua has had an enormous impact in decreasing the violence in the city. Although the homicide rate was over 1600 by the end of 2008, the current presence of over seven thousand troops in Juarez has virtually stopped the daily multiple killings that had occurred in 2008.

Of course, given the proximity of our two countries and the level of violence in Juarez, there was bound to be concern about the possibility that some of that violence would spill over into our streets. Fortunately, none of that has occurred. Yet, speculation about spillover violence persists and is at times exaggerated, in some instances, to benefit other agendas.

We should focus on the real issues that have resulted from this situation and not speculate on what might or might not occur. In spite of the disturbing events in Juarez, much like other U.S. cities along the Texas - Mexico border and elsewhere, El Paso has not experienced spillover violence. For example, the crime rate in our city and in other Texas cities did not fluctuate in accordance with what was happening in Mexico. The statistics below attest to this fact.

Murder

	<u>Population</u> <u>2008</u>	<u>2007</u>	<u>2008</u>
El Paso	755,157	17	18
Laredo	250,144	10	11
Brownville	401,862	5	3
McAllen	749,265	6	9
Austin	1,568,653	31	23
Washington DC	591,833	181	186

Robbery

	<u>2007</u>	<u>2008</u>
El Paso	472	473
Laredo	325	311
Brownville	207	173
McAllen	114	135
Austin	1543	1403
Washington DC	4261	4343

Aggravated Assault

	<u>2007</u>	<u>2008</u>
El Paso	1827	2666
Laredo	865	956
Brownville	647	431
McAllen	225	209
Austin	1795	1953
Washington DC	3686	2835

Our city is safe, and I attribute that to the excellent work of the combined efforts of our law enforcement agencies, including the El Paso Police Department, the El Paso Sheriff's Office, the work of ATP, DEA, ICE, the FBI, the U.S. Marshal Service, the West Texas Region of the Southwest Border High Intensity Drug Areas Program (HIDTA) and of course the work of EPIC.

I believe that the combined efforts of these law enforcement agencies send a strong signal to cartel members that their conduct will not be tolerated in this country. I also believe that these cartels dare not risk spilling their violence into our streets and thereby risk arrest and prosecution in our country.

In spite of these encouraging statistics, however, it is imperative that we remain alert and vigilant. The fact that we have thus far been unaffected by the events south of us does not mean that we should become complacent. We should respect Mexico's sovereignty and work with Mexico to solve this problem which is of mutual interest to both our countries. The reality is that the Juarez area is one of the fastest growing areas in Mexico both in population and economic growth. In 2008, trade between El Paso and Juarez

exceeded 51 billion dollars. The trade between Mexico and Texas reached the amount of 211 billion dollars, which accounts for 76% of the trade between Mexico and the United States. Nevertheless, preventive measures must continue in order to address the violence problems in Mexico. Our law enforcement agencies must continue to closely monitor events with Mexico and meet with their counterparts when possible. We should also assume our responsibility in the war on drugs and recognize that without a consumers market the profits of the cartels would suffer considerably. To this end we should increase our drug treatment programs. We should recognize that by treating addiction and discouraging the consumption and purchase of illegal drugs the illegal drug market will also suffer.

Contrary to news reports, I do not believe that Mexico is teetering on becoming a failed state. Mexico is a strong democratic country determined to defeat the drug cartels that plague its states. The escalation of violence in 2008 can also be attributed to the Mexican government's unwillingness to succumb to the threats of the cartels and to its intensified efforts in subduing these cartels. Even though the conflict continues, Mexican government offices and agencies continue to operate as usual, and this has been very important to my office.

As the District Attorney I am charged by my duty to work with all law enforcement agencies to prosecute state crimes. As the District Attorney of a border city I am faced with the additional problem of fugitives fleeing into Mexico to avoid prosecution for crimes they have committed in our country. I highlight this issue because it is a good example of the cooperation that has resulted between my office and Mexico. To address the problem of these fugitives, I created a Foreign Prosecution Unit with the assigned task of extraditing fugitives from Mexico. Because we have received nothing but cooperation from the Mexican Attorney Generals Office, which has an office here in El Paso, we not only pursue fugitives through a formal extradition with the assistance of the Department of Justice, Office of International Affairs, we also, in limited circumstances, request that Mexico arrest and prosecute U.S. fugitives found in their country pursuant to Article 4 of the Mexican Federal Penal Code.

As a result of this excellent relationship with Mexico, and in the mutual interests of our two countries in capturing and prosecuting fugitives, my office organized three International Extradition and Article 4 Conferences. These conferences included the participation of the Department of Justice in Washington D.C., the United States Marshal Service, the Office of the Secretary of Ministry of Mexico, the Mexican Attorney Generals Office (PGR) and Mexican Federal Judiciary. Another example of the excellent relationship that resulted with Mexico is the publication of *Extraditions from Mexico and Article 4 Prosecution: a Manual for Prosecutors and Law Enforcement* that was endorsed by Mexico. The book sets out procedures for filing extraditions and article 4 prosecutions that have been adopted by the Mexican government. This demonstrates how well our relationship with Mexico continues to develop.

The task of locating and arresting fugitives in Mexico could not occur without this type of cooperation from Mexico and, in spite of the problems in the country, Mexican officials have continued to support our efforts in extraditing fugitives. For example, on March 25th, 2009 a man who committed a 1992 homicide in El Paso was finally located

and arrested in the state of Guanajato, Mexico by the Mexican Federal authorities. We expect that he will be extradited in less than a year.

In conclusion, I would reiterate that while no violence has spilled into the streets of El Paso from Mexico, we should remain vigilant and alert but optimistic that Mexico, with our assistance, will defeat this problem. In the end, Mexico will continue to be our neighbor to the south with whom we share not just family and culture but also trade and business interests. We will continue to work with Mexico in resolving these issues and problems, and I am confident that we will continue to enjoy Mexico's full cooperation and support in the coming years.

Thank you,

Jaime Esparza,
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34th Judicial District of Texas