

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-5401**

March 13, 2013

The Honorable Eric H. Holder, Jr.  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Ave., NW  
Washington, DC 20530

Dear Mr. Attorney General:

I wrote to you on two prior occasions—July 27, 2010 and March 31, 2011—regarding the need for an improved response from the U.S. Department of Justice to the high level of drug-related violence in Puerto Rico. I also expressed my concern to you in a meeting we held in your office on September 28, 2010, and during hearings conducted by the House Committee on the Judiciary on May 3, 2011, December 9, 2011, and June 7, 2012. In addition, I have met or spoken on various occasions with the Justice Department's third-highest-ranking official—Acting Associate Attorney General Tony West and, before him, Associate Attorney General Tom Perrelli—who also serves as the co-chair of the President's Task Force on Puerto Rico. Finally, I met with the Acting Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives, B. Todd Jones, on February 8, 2012; with the Administrator of the Drug Enforcement Administration, Michele Leonhart, on February 15, 2012; with the then-Special Agent in Charge of the Federal Bureau of Investigation's San Juan Field Office, Joseph S. Campbell, on April 10, 2012, and with the U.S. Attorney for the District of Puerto Rico, Rosa Emilia Rodríguez, on multiple dates. In each letter, hearing and meeting, my message has been consistent: while Justice Department employees in Puerto Rico are doing excellent work, as exemplified by a DEA-led investigation that led to the recent indictment and arrest of 83 individuals in the San Juan area on drug trafficking charges, it is clear to any reasonable observer that the Department has yet to assign the appropriate level of staffing and funding to the territory in light of the severity of the public safety crisis it confronts. I again urge you to personally take the steps necessary to ensure that the Justice Department is acting with the sense of urgency that the situation demands.

I want to be clear at the outset about one point. I strongly support the agreement that the Justice Department reached with the government of Puerto Rico in December 2012 to resolve the Department's civil investigation of the Puerto Rico Police Department, and I share the Justice Department's view that successful implementation of the reforms required by this agreement will promote more effective and constitutional policing and—over time—help to reduce crime. But I just as strongly believe that the Justice Department's laudable work on this agreement does not render unnecessary, or serve as a substitute for,

direct and immediate action by the Department to address drug-related violence in Puerto Rico. In nearly every case, the threat posed to my constituents is from criminals, not cops.

I know you are familiar with the statistics, but they bear repetition. In the 10-year period between 2003 and 2012, there were over 8,600 homicide victims in Puerto Rico. The year 2011 was the most violent in the territory's history—with 1,164 murders, according to the Puerto Rico Institute of Statistics. That is the equivalent of over three homicides a day, every day. It is roughly the same number of annual homicide deaths in Texas, which has a population that is seven times that of Puerto Rico. Although the number of murders in Puerto Rico decreased in 2012 to 987, the Island's per capita murder rate—27 murders per 100,000 residents—is still about three times higher than any state and about six times higher than the U.S. national average. The per capita murder rate in the capital city, San Juan, was 61.3 homicides per 100,000 residents in 2011 and about 48 homicides per 100,000 residents in 2012. (To put this in context, Philadelphia—where the Department surged resources in 2012—had a per capita murder rate of 21 homicides per 100,000 residents in 2011.)

There is a broad consensus within the law enforcement community that most of the homicides in Puerto Rico and the U.S. Virgin Islands are linked to the drug trade. There is also widespread agreement that the recent spike in violence in these two U.S. territories owes at least in part to the fact that the federal government has appropriately assigned substantial resources to combat drug trafficking organizations operating in the Central American corridor and along the Southwest border, which has caused those organizations to return to once-popular smuggling routes through the Caribbean region.

This “balloon effect”—and its adverse impact on public safety in Puerto Rico and the U.S. Virgin Islands—was the subject of a June 2012 hearing by a subcommittee of the House Homeland Security Committee, entitled “U.S.-Caribbean Border: Open Road for Drug Traffickers and Terrorists.” In his opening statement, then-Subcommittee Chairman—and now full Committee Chairman—Michael T. McCaul aptly described the nearly four million U.S. citizens in Puerto Rico and the U.S. Virgin Islands as living “under siege.”

The drug-fueled public safety crisis in America's Caribbean territories has also been identified as a significant problem by Congress in multiple bills and letters to the Administration. For example, the House-approved *Fiscal Year 2013 Commerce, Justice, Science, and Related Agencies Appropriations Act* stated: “The Committee is aware that efforts by Federal law enforcement to reduce drug trafficking and associated violence in the Southwest border region have affected trafficking routes and crime rates in the Caribbean.” The Committee said that it “expects the Attorney General to address these trends by allocating necessary resources to areas substantially affected by drug-related violence, and reporting such actions to the Committee.” Substantially the same language has been included in the bipartisan Senate substitute amendment to H.R. 933, the *Consolidated and Further Continuing Appropriations Act of 2013*, which—as of this writing—is expected to become law before the current Continuing Resolution expires on March 27, 2013. Likewise, in a letter sent to President Obama on February 3, 2012, the chairs of the Congressional Hispanic Caucus, the Congressional Black Caucus, and the Congressional Asian Pacific American Caucus—which collectively represent nearly 100

Members of Congress—expressed their “deep concern” about “increased drug trafficking through Puerto Rico and the U.S. Virgin Islands, the high level of violence that these two American jurisdictions have been experiencing as a direct result of this trafficking, and what we believe to be an insufficient response by the federal government to these problems.”

The national press has also substantially increased its coverage of drug-related violence in Puerto Rico, raising questions about the adequacy of the federal government’s efforts.<sup>1</sup> For example, National Public Radio recently conducted a special week-long series on the Island. One installment in this series was entitled “‘Don’t Give Up On Us’: Puerto Ricans Wrestle With High Crime.” The report notes that Puerto Rico police superintendent Hector Pesquera—who formerly served as the Special Agent in Charge of the FBI’s Miami Field Office—“says he’s still not convinced that people on the mainland are paying enough attention to how dire the circumstances are in Puerto Rico.” The report continues:

“Out of sight, out of mind,” [Pesquera] says. “I was watching the national news and they were highlighting Oakland [California] and the major crime wave there—114 murders. We blow that in a month here. You see any uproar? Nothing.”

There is fresh evidence to confirm that Puerto Rico—an American territory within the U.S. customs zone—has become an increasingly attractive transshipment point for drug trafficking organizations seeking to supply the mainland U.S. market. Upon inquiry from my office, the U.S. Coast Guard reported that, in Fiscal Year 2012, it seized 12,889 pounds and disrupted 4,476 pounds of illegal drugs in the vicinity of Puerto Rico and the U.S. Virgin Islands, with an estimated street value of \$211 million. The Coast Guard noted that this amount constitutes an 800 percent increase over Fiscal Year 2011, a remarkable and revealing figure. In addition, the DEA has provided my office with statistics demonstrating that, between 2011 and 2012, there had been a 96 percent increase in the amount of cocaine, heroin and marijuana seized by the agency in Puerto Rico. Finally, U.S. Customs and Border Protection released a document earlier this month which reported that, in Fiscal Year 2012, CBP agents seized over 43,303 pounds of narcotics in Puerto Rico and the U.S. Virgin Islands, with an estimated street value of approximately \$400 million. According to a news analysis, the amount seized is a 37 percent increase over Fiscal Year 2011 and, notably, is more than the amount of drugs seized along the

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<sup>1</sup> See, e.g., Arian Camp-Flores, “New Push to Curb Puerto Rico’s Thriving Drug Trade,” *Wall Street Journal* (March 2, 2013); Frances Robles, “Puerto Rico Tackling Fearful Murder Rate,” *The Miami Herald* (Dec. 11, 2012); Gabe Gutierrez, “The ‘Third Border’: Puerto Rico a Backdoor Into US Mainland for Drug Cartels,” *NBC News* (Nov. 28, 2012); Jennifer Scholtes, “Lawmakers Want Better Strategy for Curbing U.S.-Caribbean Drug Trade,” *CQ Today* (June 22, 2012); Catherine E. Shoichet, “Puerto Rico: A Forgotten Front in America’s Drug War?,” *CNN.com* (June 10, 2012); Editorial, “Puerto Rico’s Drug Crime Problem Needs Federal Attention,” *Bloomberg* (Feb. 27, 2012); Gretchen Sierra-Zorita, “As Violent Puerto Rican Drug Trade Seeps Into Mainland US, Washington Must Act,” *Christian Science Monitor* (Feb. 16, 2012); Kelly Cobiella and Miles Doran, “Drugs, Weapons Trafficking on the Rise in Puerto Rico,” *CBS News* (September 25, 2011).

entire 180-mile border between Mexico and the U.S. state of New Mexico. Federal officials advised me that the price per kilogram of drugs in Puerto Rico has decreased over time—strongly suggesting that the increase in drug seizures is primarily attributable to increased drug flows through the region.

Despite all of the foregoing, the Department of Justice has resisted repeated calls to increase the law enforcement personnel and resources it assigns to Puerto Rico, and the level of Department staffing and funding on the Island continues to lag far behind other U.S. jurisdictions with smaller populations and lower rates of drug-related violence.

The Department's approach to the public safety crisis in Puerto Rico is regrettable but reversible. I would note that this approach is in considerable tension with testimony you delivered in response to questions I posed at the June 7, 2012 House Judiciary Committee hearing. My line of questioning was rooted in my awareness that the Department has implemented an initiative known as the "Violent Crime Reduction Partnership," which targets federal resources to areas in need of additional law enforcement support. Pursuant to this initiative, for example, more than 50 officials from the FBI, the DEA, the ATF, the U.S. Attorney's Office, and the DOJ's Criminal Division conducted a surge to combat violent crime in Philadelphia, which was announced by the Justice Department with great fanfare. I therefore asked you at the hearing why it would not be appropriate for the Department to similarly increase the resources it devotes to Puerto Rico, either on a temporary or enduring basis. You responded as follows:

The issue that you raised about surges is something that we are starting to embrace, because although we have seen historic drops in the crime rate, we have seen hot spots, for lack of a better term, around the country, and what we are now doing is developing a capacity to surge agents and resources and money at times to help local law enforcement into those hot spots. We have done it in a couple of cities in the United States mainland and we plan on looking at other places. *I think Puerto Rico, given the homicide rate, the violent crime rate far outstrips what is the national norm, would certainly be a candidate for such a surge.* (emphasis added).

In addition, the Department of Justice's failure to enhance its law enforcement presence in Puerto Rico notwithstanding the deteriorating public security situation on the Island stands in stark contrast to the Department of Homeland Security, which recently announced that it would surge additional personnel and assets to Puerto Rico over the coming months. The DHS actions arose directly out of a July 2012 visit to Puerto Rico by the Secretary of the U.S. Department of Homeland Security, Janet Napolitano. During that visit, Secretary Napolitano pledged that DHS would develop a federal law enforcement strategy with the aim of reducing the territory's homicide rate. Upon her return to Washington, Secretary Napolitano instructed one of her senior advisors to lead an intra-Department task force to conduct an intelligence assessment and establish a multifaceted plan, which was then presented to, and personally approved by, the Secretary. The lesson I draw from this experience is clear: for the Justice Department to fulfill its responsibility to the U.S. citizens living in Puerto Rico—and to supplement the actions taken by DHS—the

Department's top officer must resolve to act and then provide the direction and leadership to ensure that the Department takes concrete steps designed to produce meaningful results.

In closing, I must respond to the only rationale that I have been given by Justice Department officials as to why the Department has not surged additional resources to Puerto Rico, when it has done so in other U.S. jurisdictions where the level of violence is comparable to or less severe than in Puerto Rico. The argument, if I understand it correctly, is that a temporary surge would not be appropriate or useful because, once the surge ended, any gains would be lost because the Puerto Rico Police Department has structural problems that render it incapable of sustaining or building upon those gains.

I think this argument is profoundly flawed. First, and most fundamentally, it is entirely speculative. No evidence or relevant precedent in Puerto Rico or other jurisdictions is cited to support this claim. The Justice Department is essentially surrendering before it has even started to fight or taken the measure of its allies (the Puerto Rico Police Department) and its adversaries (drug trafficking organizations that exploit the U.S. territory).

Second, I believe there is evidence in the record to undermine the Department's theory. In 1994, there were nearly 1,000 homicides in Puerto Rico—the second-most violent year in the territory's history after 2011. The Clinton Administration, led by Attorney General Janet Reno, directed additional personnel and resources to Puerto Rico. In 1994, the federal government designated Puerto Rico and the U.S. Virgin Islands as a High-Intensity Drug Trafficking Area (HIDTA), which resulted in an influx of federal funding and led to improved inter-agency cooperation to combat drug trafficking and related violence. Thereafter, violent crime in Puerto Rico began to fall sharply. Between 1994 and 1999, the number of homicides on the Island was cut almost in half—to well under 600. Thousands of lives were saved. Between 1993 and 1996, I witnessed these advancements firsthand in my role as Puerto Rico's Attorney General. The lesson I drew from this experience is that, when the federal government takes a threat to its citizens seriously and decides to act, there is no limit to the progress that can be made. The corollary, however, is also true: there is no limit to the devastation that can ensue when the federal government takes its eye off the ball and neglects to sustain its efforts, as it has clearly done in Puerto Rico. I am confident that resolute action by the Justice Department can make a positive and sustained difference in the lives of the people of Puerto Rico. While success is probable if that effort is made, failure is virtually guaranteed if it is not.

Third, I regard the premise of the Justice Department's argument—that the Puerto Rico Police Department would not be able to maintain or consolidate any gains resulting from the surge—as speculative, untested and subject to vigorous dispute. To illustrate: in July 2012, I attended a meeting convened in San Juan by the Puerto Rico Interagency Public Safety Working Group, which was created under the auspices of the President's Task Force on Puerto Rico. During this meeting, senior officials from every DOJ and DHS component agency in Puerto Rico said they were doing the best they could with the limited resources at their disposal, but a number of them candidly advised visiting officials from Washington that additional resources were needed. Moreover, as I vividly recall, nearly every one of these senior officials said that the close collaboration between federal law enforcement agencies and the Puerto Rico Police Department could serve as a model for

the rest of the nation. It was clear that the sentiment expressed was genuine, not lip service. In the final analysis, I believe that Washington-based Justice Department officials do not give the Puerto Rico Police Department enough credit, that they tend to unfairly impute the improper actions of a few officers to the broader 17,000-member force, and that they should listen more closely to what their Justice Department colleagues in the field are saying about the level of cooperation and collaboration that exists between themselves and their counterparts in the Puerto Rico Police Department.

I have the highest esteem for you personally, for the office you hold, and for the men and women you lead. This letter is written in a spirit of partnership and respect, and I hope you will receive and read it in that same spirit. I urge you to exercise your leadership and to ensure that the level of staffing and funding that the Justice Department assigns to Puerto Rico is commensurate with the U.S. territory's needs in this area.

I look forward to your written response to this letter.

Sincerely,



Pedro R. Pierluisi  
Member of Congress

cc: The Hon. Donna M. Christensen, Member of Congress, U.S. Virgin Islands  
The Hon. Tony West, Co-Chair, The President's Task Force on Puerto Rico's Status  
The Hon. David Agnew, Co-Chair, The President's Task Force on Puerto Rico's Status  
The Hon. Robert S. Mueller, Director, Federal Bureau of Investigation  
The Hon. Michele M. Leonhart, Administrator, Drug Enforcement Administration  
The Hon. B. Todd Jones, Acting Director, Bureau of Alcohol, Tobacco, Firearms and Explosives  
The Hon. Rosa Emilia Rodríguez, U.S. Attorney, District of Puerto Rico  
The Hon. Robert W. Goodlatte, Chairman, House Committee on the Judiciary  
The Hon. John Conyers, Jr., Ranking Member, House Committee on the Judiciary  
The Hon. F. James Sensenbrenner, Jr., Chairman, House Committee on the Judiciary, Subcommittee on Crime, Terrorism, and Homeland Security  
The Hon. Robert C. Scott, Ranking Member, House Committee on the Judiciary, Subcommittee on Crime, Terrorism, and Homeland Security  
The Hon. Frank R. Wolf, Chairman, House Committee on Appropriations, Subcommittee on Commerce, Justice, Science, and Related Agencies  
The Hon. Chaka Fattah, Ranking Member, House Committee on Appropriations, Subcommittee on Commerce, Justice, Science, and Related Agencies