

United States Senate
WASHINGTON, DC 20510

May 31, 2023

VIA ELECTRONIC TRANSMISSION

The Honorable Merrick Garland
Attorney General
Department of Justice

The Honorable Alejandro Mayorkas
Secretary
Department of Homeland Security

The Honorable Anne Milgram
Administrator
U.S. Drug Enforcement Administration

The Honorable Christopher Wray
Director
Federal Bureau of Investigation

Dear Attorney General Garland, Secretary Mayorkas, Administrator Milgram, and
Director Wray:

On May 9, 2023, I wrote to you about allegations that interagency rivalry stopped enforcement actions against the Chapitos faction of the Sinaloa Cartel. My letter requested a reply by May 22, 2023. That date has passed and each of your agencies has failed to provide me with any response. This silence is surprising given that high-ranking officials from the DEA and Justice Department spoke to the *New York Times* (“*Times*”) about these allegations within just three days of receiving my letter.¹ Yet again, your agencies have ignored Congress—their funder and authorizer for Title 21 investigative authorities—but provided information to the media. In doing so, these officials confessed that interagency rivalry stopped arrest operations against four of the world’s most dangerous criminals. Apparently recognizing their actions shock the conscience, the DEA and the Justice Department felt the need to explain themselves to the press by arguing that all of the districts and agencies agreed to the operation stand down. Even if that were true, it would not justify halting arrest operations for the Chapitos.

¹ Alan Feuer, The New York Times, Behind the New Indictment of El Chapo’s Sons, Rivalry Seethed Between Agencies, <https://www.nytimes.com/2023/05/12/us/el-chapo-sons-fentanyl-charges.html> (May 12, 2023).

The Chapitos faction is allegedly responsible for most of the fentanyl distribution in the United States and much of the cartel violence in Mexico. The faction is led

by four sons of notorious drug lord “El Chapo” Guzman. According to Administrator Milgram, “[t]he Chapitos pioneered the manufacture and trafficking of fentanyl[,]. . . flooded it into the United States for the past eight years and killed hundreds of thousands of Americans.”²

By 2019, all four Chapitos had been indicted by the Justice Department.³ At that time, the Justice Department must have believed it had enough evidence to secure convictions of the Chapitos. Nevertheless, in 2021, the DEA “proactively infiltrated the Sinaloa Cartel and the Chapitos network.”⁴ This infiltration did not serve to increase the Chapitos’ likely jail time, since the earlier indictments already charged crimes with the potential for life imprisonment. The infiltration was also not the only way to map the drug network the Chapitos inherited from El Chapo. That network has been under continual investigation since the 1990s.⁵ Even if DEA’s infiltration identified new defendants, DEA cannot argue that arresting the Chapitos would have harmed its operations. If the DEA was concerned that arresting the Chapitos would blow its investigation then the agency would have alerted trusted Mexican officials but “the agency never sought to stop the Mexican authorities from taking down the Chapitos on their own.”⁶ If anything, the DEA infiltration may raise considerable issues to the successful prosecution of the SDNY case.

The DEA infiltration also reportedly halted arrest operations for the Chapitos on more than one occasion. Records obtained by the *Times* show that in May 2022 the Justice Department told federal agents to “stand down” on their arrest operation against one of the Chapitos, Jesus Alfredo Guzman Salazar (“Alfredo”), at the request of the DEA.⁷ Alfredo is on the DEA’s most-wanted list.⁸ It takes roughly six months of surveillance and planning to arrest a cartel leader.⁹ Federal agents had painstakingly tracked Alfredo to a location in the western Mexican state of

² DOJ Press Release, “Chapitos” Charged in Department’s Latest Actions to Disrupt Flow of Illegal Fentanyl and Other Dangerous Drugs, <https://www.justice.gov/usao-ndil/pr/chapitos-charged-departments-latest-actions-disrupt-flow-illegal-fentanyl-and-other> (Apr. 14, 2023).

³ United States v. Zambada-Garcia, 14CR0658 (Filed July 25, 2014), https://www.justice.gov/sites/default/files/usao-sdca/legacy/2015/04/30/ALB_TB_SSIIndict_658.pdf; Alan Feuer, The New York Times, Behind the New Indictment of El Chapo’s Sons, Rivalry Seethed Between Agencies, <https://www.nytimes.com/2023/05/12/us/el-chapo-sons-fentanyl-charges.html> (May 12, 2023).

⁴ DEA Press Release, DOJ and DEA Announce Charges against Chapitos, <https://www.dea.gov/documents/2023/2023-04/2023-04-14/doj-and-dea-announce-charges-against-chapitos> (Apr. 14, 2023).

⁵ Department of Justice, Joaquin “El Chapo” Guzman, Sinaloa Cartel Leader, Sentenced to Life in Prison Plus 30 years, <https://www.justice.gov/opa/pr/joaquin-el-chapo-guzman-sinaloa-cartel-leader-sentenced-life-prison-plus-30-years> (July 17, 2019).

⁶ The New York Times, Behind the New Indictment of El Chapo’s Sons, Rivalry Seethed Between Agencies, <https://www.nytimes.com/2023/05/12/us/el-chapo-sons-fentanyl-charges.html> (May 12, 2023).

⁷ *Id.*

⁸ DEA, Jesus Alfred Guzman-Salazar, <https://www.dea.gov/fugitives/jesus-alfredo-guzman-salazar>

⁹ See, BBC News, Ovidio Guzman Lopez: Twenty-nine killed during arrest of El Chapo’s son, <https://www.bbc.com/news/world-latin-america-64179356> (Jan. 6, 2023).

Sinaloa when the Justice Department reportedly halted arrest operations.¹⁰ Three sources confirmed this stand down order.¹¹ As a result of the order, Alfredo was not arrested and remains at-large to continue flooding the United States with fentanyl.

The Justice Department allegedly stopped arrest operations a second time at the request of the DEA last spring.¹² According to the *Times*, agents with the Federal Bureau of Investigation (FBI) and Homeland Security Investigations (HSI) had closed in on the Chapitos brothers.¹³ DEA alerted the Justice Department and the operations were called off.¹⁴

Justice Department officials defended their actions to the *Times* by claiming they merely “facilitated a conversation between the competing agencies.” A senior DEA official said the Justice Department went so far as to “secure[] an agreement” that the prosecutors would “not take any ‘proactive’ measures that might expose the sources working with the [SDNY] Group or otherwise harm the New York prosecution.”¹⁵ Unsurprisingly, individuals associated with the earlier indictments disputed the existence of an agreement.¹⁶ The agreement allegedly contained lopsided terms favoring the DEA with little consideration for the other agencies and districts. In fact, Justice Department policy did not allow the other agencies to refuse its stand down order.

As the dispute resolution process dragged on, the Center for Disease Control drug overdose estimates jumped from 94,788 deaths in January 2021 to 99,679 in May—an increase of nearly 5,000.¹⁷ The loss of life was so devastating that DEA Administrator Milgram created the “Faces of Fentanyl” exhibit with photos of fentanyl victims ranging 17-months to 70-years old.¹⁸ Administrator Milgram claims she walked past these photos every day even as she reportedly halted arrest operations against the biggest distributors of fentanyl.¹⁹

Tellingly, Justice Department officials and DEA leadership have failed to give Congress the same explanation they gave the *Times*. Justice Department and DEA leadership cannot invoke Department policy to avoid responding to Congress after explaining their conduct to the press. If Justice Department and DEA leadership believe they told the truth to the press, then they should have no hesitation in providing the same information to Congress.

¹⁰ Alan Feuer, *The New York Times*, Behind the New Indictment of El Chapo’s Sons, Rivalry Seethed Between Agencies, <https://www.nytimes.com/2023/05/12/us/el-chapo-sons-fentanyl-charges.html> (May 12, 2023).

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ National Center for Health Statistics, <https://www.cdc.gov/nchs/nvss/vsrr/drug-overdose-data.htm> (last accessed May 22, 2023).

¹⁸ DEA Press Release, DEA Recognizes National Fentanyl Awareness Day, <https://www.dea.gov/press-releases/2023/05/08/dea-recognizes-national-fentanyl-awareness-day> (May 8, 2023).

¹⁹ Foreign Relations Committee, Countering Illicit Fentanyl Trafficking, [COUNTERING ILLICIT FENTANYL TRAFFICKING | United States Senate Committee on Foreign Relations](#) (Feb. 15, 2023) (“every single day when I walk into DEA headquarters in Arlington, Virginia, I walk past the faces of fentanyl memorial wall that we have built.”)

Your continued refusal to engage with Congress obstructs meaningful oversight of fentanyl-related enforcement operations as Americans are dying from fentanyl in record numbers. Please provide the information requested in my letter dated May 9, 2023.

Sincerely,

A handwritten signature in blue ink that reads "Chuck Grassley". The signature is written in a cursive, flowing style.

Charles E. Grassley