



Department of Justice

STATEMENT OF

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BEFORE THE

**COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE**

FOR A HEARING ENTITLED

**“THE MS-13 PROBLEM: INVESTIGATING GANG MEMBERSHIP AS WELL AS ITS
NEXUS TO ILLEGAL IMMIGRATION, AND ASSESSING FEDERAL EFFORTS TO
END THE THREAT”**

PRESENTED

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**Statement of Kenneth A. Blanco
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**Before the Senate Judiciary Committee
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Good morning Chairman Grassley, Ranking Member Feinstein, and Members of the Committee. Thank you for the opportunity to appear before the Committee today to discuss the Department of Justice's efforts to target and dismantle violent, transnational criminal street gangs, and particularly, La Mara Salvatrucha, also known as MS-13. I want to thank the Chair for holding this hearing, and for his leadership on this important issue.

Increasingly, transnational organized crime—and its attendant violence—touches U.S. communities, leaving destruction in its wake. Horrific acts of violence attributable to criminal street gangs such as MS-13 plague too many American communities. As Attorney General Sessions recently stated, gangs like MS-13 “represent one of the gravest threats to American safety.” The Department of Justice is, therefore, committed to continuing to combat, disrupt, and dismantle MS-13 through more coordinated and aggressive investigations and prosecutions, in coordination with our interagency and international partners.

As my colleagues from Immigration and Customs Enforcement (ICE), Customs and Border Protection, and the Departments of Health and Human Services and State have demonstrated, the Department of Justice is one of several federal agencies that work cooperatively to target and eradicate transnational gang violence. Therefore, in my testimony today, I will focus on three primary categories of law enforcement actions that the Department has undertaken to combat MS-13: (1) domestic investigation and prosecution of MS-13 gang members; (2) coordination with our foreign counterparts, both to advance cases against U.S.-based MS-13 gang members, and to target internationally based gang members before they ever reach U.S. ports of entry; and (3) the identification and targeting of cross-border criminal activity such as smuggling networks, which present national security threats because they are be used to bring these dangerous gang members into the United States.

I. Background Information about MS-13

MS-13 is an international criminal organization with an estimated 40,000 members worldwide, including an estimated 10,000 members in the United States. Many U.S.-based MS-13 members are immigrants or descendants of immigrants from El Salvador. The name “Mara Salvatrucha” derives from several slang terms. “Mara” is the term used in El Salvador for “gang.” “Salvatrucha” is a combination of the words “Salva,” an abbreviation for “Salvadoran,” and “trucha,” a slang term for “alert,” “look out,” or “cunning.” The number “13” refers to the

thirteenth letter of the alphabet, or “M,” which denotes the gang’s allegiance to the Mexican Mafia, a prison gang to which MS-13’s California-based cliques have sworn allegiance.

MS-13 originated in Los Angeles in the 1980s, and has since spread throughout many parts of the United States, establishing a large presence in Boston, New York, Virginia, and the Washington, D.C. metropolitan area. MS-13 now engages in gang activities in at least 40 states and the District of Columbia. Gang members actively recruit members, including juveniles from communities with a large number of immigrants from the Northern Triangle as well as unaccompanied minors that have recently arrived in the United States.

Much of the top leadership of MS-13 is based in Central America, where MS-13 afflicts communities in El Salvador, Honduras and Guatemala. In fact, in El Salvador, which has the most structured leadership and the most leadership connectivity with U.S.-based cliques, many MS-13 gang leaders are incarcerated. Here in the United States, the gang has evolved into a confederation of highly organized, affiliated cliques, each with a leader, or “first word,” and a secondary leader, or “second word.” These cliques often carry out criminal activity and acts of violence at the direction of senior leadership, many of whom are based in the El Salvadoran prison system.

For most of the 1980s and 1990s, MS-13 cliques in the United States were autonomous, violent, but basically aimless groups, committing horrific crimes of violence for no reason other than to intimidate rivals and brutalize communities. In this way, MS-13 is unlike traditional organized crime syndicates, such as the mafia, which exist primarily as money-making ventures designed to enrich the organization. These cliques, in contrast, existed solely to commit violence—or, in the words of MS-13’s motto: to murder, rape and control. However, through the combined efforts of the Federal Bureau of Investigation, ICE’s Homeland Security Investigations (HSI), the Bureau of Alcohol, Tobacco, Firearms and Explosives, the U.S. Attorney’s Offices, and the Criminal Division’s Organized Crime and Gang Section (OCGS), by 2010, U.S. law enforcement either eliminated, or severely disrupted, many of these cliques.

Unfortunately, since that time, U.S. law enforcement has learned that MS-13 leaders in El Salvador have undertaken substantial efforts to direct, unify, and intensify the gang’s criminal activities in the United States. MS-13 leaders in El Salvador have sent emissaries to the United States, or have contacted hardened gang members to be the leader’s representatives in the United States. These dangerous, more experienced gang members, then gain control of local MS-13 cliques, reconstitute them, and often connect them by cell phone to jailed gang leaders in El Salvador.

Today, these U.S.-based MS-13 cliques retain the violent characteristics typical of the gang in the early years of its existence. At the same time, however, gang leaders have attempted to expand the gang’s objectives. Thus, in an attempt to augment the gang’s ranks and fill its coffers, gang leaders in El Salvador have attempted to impose on American MS-13 cliques “The Program,” or “La Programma,” under which they direct the cliques to become more violent to control territory. To accomplish this goal, MS-13 eliminates rival gang members, extorts legitimate businesses run by legal Central American immigrants, and extorts those engaged in illegal businesses, such as prostitution and gambling; some cliques also engage in illicit drug distribution. The gang leaders then demand that the local, U.S.-based MS-13 cliques send a portion of the

resultant profits to the leadership in El Salvador to enrich the gang and expand its activities. These concerted efforts to reconstitute violent MS-13 cliques here in the United States pose a growing threat to our communities.

Recent, horrendous acts of violence at the hands of MS-13 members corroborate this threat. For example, in 2016, Brentwood, New York, MS-13 members viciously beat to death two teenaged girls. In Boston, Massachusetts, a 35-year-old mother of three was shot and killed by a stray bullet when MS-13 members engaged in a shootout with rival gang members. Just last month, a Maryland state court judge sentenced a local woman to 40 years in prison for the 2016 murder of an 18-year-old man, whom she lured into the woods so that MS-13 gang members could beat and stab him to death.

II. The Department's Law Enforcement Actions Targeting MS-13

Attorney General Sessions made clear in his March 8, 2017 memorandum to all federal prosecutors that addressing violent crime is the Department's special priority. To do so, and to fulfill the Department's mission to ensure public safety, we must end MS-13's brazen attempts to manipulate youth to join its ranks and to control communities with brutality. Accordingly, the Department continues to deploy all of the law enforcement tools at its disposal to decimate MS-13.

A. Domestic Investigations and Prosecutions

The Department of Justice has a long history of investigating and prosecuting MS-13 gang members to bring to justice the perpetrators of these violent crimes. The Criminal Division's OCGS leads a coordinated effort to prosecute MS-13 members, with a focus on eliminating the gang's leadership. OCGS, in partnership with the U.S. Attorney's Offices and in collaboration with Organized Crime Drug Enforcement Task Forces (OCDETF), has prosecuted numerous MS-13 cases across the country, including multi-defendant cases in California, Georgia, Maryland, New Jersey, New York, North Carolina, Tennessee, and Virginia.

OCGS also routinely helps coordinate MS-13 cases prosecuted by U.S. Attorney's Offices across the country, bringing these offices together to share information and best practices. U.S. Attorney's Offices have prosecuted numerous, multi-defendant MS-13 cases in multiple districts, including Maryland, Massachusetts, Nebraska, New York, Texas, and Virginia.

The combined efforts of OCGS and the U.S. Attorney's Offices have enabled the Department to use the criminal justice process effectively to disrupt the gang's Salvadoran leadership efforts to unify U.S.-based MS-13 cliques and to bring justice to those who commit acts of terrible violence in service of the gang.

The Federal Bureau of Investigation (FBI) is essential to the Department's domestic efforts to eliminate MS-13. Since the introduction of the program in 1992, the FBI's Safe Streets and Gang Task Forces have successfully dismantled criminal organizations across the United States. Currently the FBI has 169 Safe Streets Task Forces consisting of 800 Special Agents, 1,375 federally deputized state and local law enforcement personnel, and 58 other federal law

enforcement agents. The Task Forces currently leverage resources with state, local and federal partners to investigate the MS-13 threat.

I'd like to offer just a few examples of the Department's successes in combatting MS-13.

As a result of a joint FBI-HSI investigation, led by HSI, of multiple MS-13 cliques and their leadership operating in the metropolitan Atlanta area, in 2015, OCGS and the U.S. Attorney's Office for the Northern District of Georgia secured the convictions of 22 members of MS-13. Two defendants received three life sentences, plus 35 and 85 years; two defendants received two life sentences, plus five and 35 years; and the remaining defendants received sentences of between seven and 30 years in prison.

In Greenbelt, Maryland, OCGS and the U.S. Attorney's Office recently prosecuted a case involving 16 members of MS-13 from seven different MS-13 cliques who committed seven murders, as well as numerous attempted murders, robberies, beatings and other violent crimes. In one particularly egregious example of the gang's propensity for violence, members of MS-13—both in prison and on the street—plotted the murder of a young woman, who was lured to a local public park and executed with one point-blank shot to the head. Of the 16 defendants charged in the case, 10 defendants pleaded guilty, five were convicted after trial, and one defendant remains a fugitive. One defendant received a sentence of life plus 30 years, three defendants received sentences of life in prison, and the remaining defendants received sentences of between seven years and 30 years in prison. This case was investigated by HSI.

Similarly, OCGS and the U.S. Attorney's Office for New Jersey, in an OCDETF-funded investigation, indicted and convicted 14 leaders and members of the Plainfield Locos Salvatrucha clique of MS-13, who were in frequent, direct contact with two MS-13 leaders incarcerated in El Salvador regarding their efforts to join their fellow gang members in Maryland in unifying all of the East Coast cliques under the MS-13 "Program." The indictment in this case charged four murders as part of the Racketeer Influenced and Corrupt Organizations Act (RICO) conspiracy and standalone counts of murder in aid of racketeering, including the murders of a woman suspected of cooperating with law enforcement, and an innocent bystander struck by a bullet intended for a rival gang member. Of the 14 defendants charged in the case, five defendants pleaded guilty, eight were convicted after a two-month trial, and one defendant remains a fugitive. Four defendants received sentences of life plus 10 years in prison, one defendant received a sentence of life in prison, and the remaining defendants received sentences ranging from five to 20 years in prison. This case was investigated by the FBI.

Finally, just last month, OCGS and the U.S. Attorney's Office for the Eastern District of Virginia, in another OCDETF-funded investigation, secured the guilty plea of a Honduran man who admitted his participation in a murder committed as part of a gang initiation for two recruits of a Richmond, Virginia-based MS-13 clique. In connection with his plea agreement, the perpetrator of that horrific crime admitted that he and other gang members decided that the killing of a rival gang member would be the initiation for two MS-13 recruits, and that when the victim attempted to flee the attack, he chased the victim down and returned him to the recruits, who then shot the victim in the head and killed him. Prosecutors also previously secured the conviction of the clique's leader, who was sentenced to serve two consecutive life sentences plus 10 years in

prison for his role in the same murder and a separate maiming that he ordered while serving as the MS-13 clique leader. This case was investigated by the FBI.

These are a few examples of the hard work of OCGS, the U.S. Attorney's Offices, OCDEF-funded task forces and law enforcement agents are doing every day to protect Americans from MS-13 violence. OCGS and the U.S. Attorney's Offices across the country, including in California, Maryland, Massachusetts, Nevada, New York, and Virginia, continue to prosecute MS-13 gang members aggressively for charges including racketeering, murder, attempted murder, assault, obstruction of justice, and firearms and conspiracy.

B. Coordination with Foreign Partners

i. International Investigations and Prosecutions

The Department of Justice's efforts to eradicate MS-13 do not stop with domestic investigations and prosecutions. The Department's ultimate goal is to dismantle the entire leadership structure of MS-13, including those members who reside overseas.

The Criminal Division's OCGS and the United States Attorney's Offices vigorously prosecute immigration violations committed by MS-13 gang members who are in the United States illegally. For example, in 2016, the United States Attorney's Office in the District of Massachusetts secured the conviction and sentence of the founder of MS-13 in Massachusetts in connection with his illegal reentry into the United States after being deported to El Salvador.

Moreover, although some significant murders committed by MS-13 members in the United States are planned and orchestrated by the gang's leaders in El Salvador, local prosecutors are often only able to focus their investigations on the local perpetrators. The Department therefore serves a critical role in such cases: OCGS leads investigations into those foreign-based MS-13 leaders who have ordered murders in the United States. Working with its partners in the U.S. Attorney's Offices, OCGS has developed and charged cases against international MS-13 leaders in multiple jurisdictions, including Maryland, the District of Columbia, and New Jersey.

The FBI's role in the targeting of international MS-13 leaders is central to the Department's ultimate goal of eradicating the gang. With funding for certain aspects of the program from the U.S. Department of State Bureau of International Narcotics and Law Enforcement Affairs, the FBI-vetted foreign investigative units in El Salvador, Guatemala and Honduras, known as the Transnational Anti-Gang or TAG/Safe Street Units, are comprised of approximately two FBI agents and up to 50 fully vetted local law enforcement personnel, to include officers and analysts. TAG Units work on multiple transnational gang investigations involving MS-13 or other gang members responsible for criminal activity affecting the United States, as well as investigations involving Salvadoran, Guatemalan and Honduran nationals engaged in criminal activity within the United States.

TAG Units have access to local wiretap investigations and investigative information in those countries, which generates intelligence, leads and potentially admissible evidence for cases in the United States. OCGS is the clearinghouse for this information, and, thanks to its national

project targeting MS-13, the Section is uniquely positioned to identify the significance of the information generated by the TAG Units and to direct that information to the proper investigators or U.S. Attorney's Offices. As a direct result of the TAG Units' work, OCGS has provided internationally generated information to many of its own investigations and those conducted by U.S. Attorney's Offices.

Through the TAG Units, OCGS prosecutors have also developed and vetted Salvadoran police officers and federal agents to serve as expert witnesses in U.S.-based MS-13 trials, where those experts describe the structure, hierarchy, codes and criminal conduct of MS-13 in El Salvador. In addition, under appropriate circumstances, the Criminal Division's Office of International Affairs works expeditiously to secure the extradition of gang members responsible for violent acts committed in the United States. This important work helps to secure the convictions of MS-13 gang members on trial in the United States.

The work of the TAG Units was complemented by the recent addition of a full-time, OCGS prosecutor detailed to El Salvador, funded through HSI's Operation Citadel. Through this initiative, the Department coordinated the dissemination of evidence and leads to other U.S. prosecutors on the international leaders of MS-13 and other Central America-based transnational gangs, provided guidance to Salvadoran and Honduran authorities to strengthen their own criminal investigations, and identified evidence useful to prosecutions in the United States and in Central America, all of which furthers the Department of Justice's ultimate goal of dismantling the leadership of MS-13.

ii. Fighting Crime Before It Reaches Our Shores

The Department's unique ability to combat transnational organized crime that touches the United States extends into other areas, as well. Specifically, the Criminal Division's Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT), through State Department funding, supports U.S. national security interests by helping to build the capacity of foreign counterparts to enhance cooperation with the United States in transnational cases—in essence, to fight crime before it reaches our shores. OPDAT helps keep Americans safe from violent crime by supporting the President's Executive Order on transnational criminal organizations, which seeks to strengthen law enforcement to thwart criminal actors, disrupt and dismantle transnational criminal networks, and increase cooperation with foreign counterparts to prevent the spread of criminal organizations to the United States.

OPDAT, which deploys Department of Justice attorneys to serve as Resident Legal Advisors (RLAs) around the globe, supports host-nation prosecutors, investigators, judges and other law enforcement officials so they can investigate and prosecute transnational organized crime at the source. OPDAT, through State Department assistance, currently deploys five RLAs in Guatemala, El Salvador and Honduras, focusing on gangs, cartels, financial crimes, public corruption, and other transnational criminal activities. Recent examples of successes stemming from these programs demonstrate the impact of the Department's continued efforts to eradicate gang violence.

For example, in 2016, Department-mentored Salvadoran task forces launched El Salvador's first major seizure of MS-13 financial assets. The seizure was based on a proactive investigation of MS-13's leadership structure and money laundering activities, including the purchase of vehicles in the United States for shipment to El Salvador for the commission of additional crimes. This effort, known as "Operation Jaque," has resulted in 113 arrests so far, and investigations continue. Additionally, a Department-trained Salvadoran prosecutor involved in the operation brought wiretap information to the FBI regarding two planned MS-13 murders in the United States, bolstering ongoing U.S. investigations of U.S.-based MS-13 groups.

Also in 2016, the Department-supported Salvadoran anti-extortion task forces opened 3,055 extortion investigations and obtained convictions against a total of 1,365 defendants, most of whom were gang members or affiliates. The Department has supported El Salvador's development of task forces since 2014, when it helped establish the country's first anti-extortion task force.

In March 2017, the three Attorneys General from Guatemala, El Salvador and Honduras, along with U.S. Attorney General Sessions, signed a Joint Declaration to collaborate in the fight against transnational crime. This collaboration is in full force today and providing enormous dividends.

Finally, in a separate operation, in the last month alone, OPDAT-mentored units in El Salvador made over 90 arrests and prosecutions of MS-13 and other gang members.

As these investigations and prosecutions demonstrate, the Department of Justice is committed to devastating MS-13's networks, starving its revenue sources, depleting its ranks, and seizing its profits.

C. Targeting Cross-Border Criminal Activity

A third component of the Department's work to curb MS-13's attempted growth and expansion—and equally vital to the Department's goals—is the Department's long-standing collaborative work with other federal agency partners to facilitate investigations that target and attack smuggling networks that present particular national security threats, including because they seek to evade our immigration laws and security checks to bring terrorists; gang members, including MS-13 members; or other criminals into the United States.

The Criminal Division's Human Rights and Special Prosecutions Section (HRSP) is instrumental to this effort. HRSP contributes to an interagency targeting effort that includes the intelligence community, Department of Defense, Department of Homeland Security, and State Department, and seeks to identify smuggling networks believed to be particularly dangerous. Law enforcement or other agencies then work to dismantle or disrupt those networks, through both prosecution and diplomatic action.

HRSP also partners with HSI in the Extraterritorial Criminal Travel Strike Force, also known as the ECT initiative. The ECT initiative is an operational program that supplies dedicated resources in the form of HSI agents, Department prosecutors, and HSI intelligence analysts, with

the principal goal of systematically dismantling and disrupting the international and domestic operations of criminal travel networks, identifying and seizing their assets and illicit proceeds, and identifying systematic vulnerabilities that may be exploited by criminal elements to undermine immigration and border controls. The team is uniquely positioned to dismantle and disrupt criminal travel networks because of its specialized experience and its proactive approach to transnational investigations. The agents and prosecutors are well-versed in advancing foreign investigations, working with foreign law enforcement and governments, anticipating evidentiary issues for domestic prosecutions, acquiring foreign evidence and pursuing extraditions. ECT targets usually result in U.S. charges and prosecutions, but may also include U.S. support to foreign prosecutions.

III. Conclusion

The Department of Justice continues to lead a coordinated domestic and international effort to prosecute MS-13 members, and particularly its leadership, and to identify and shut down criminal travel networks. These three components underpin the Department's multi-faceted approach to this problem. At the same time, the Department remains committed to using the full range of investigative tools and laws available to it to enforce U.S. laws and to target and dismantle MS-13.

I very much appreciate the opportunity to discuss with you the ways in which the Department, in partnership with other federal agencies with whom the Department works cooperatively on these issues, is dedicated to thwarting MS-13. I look forward to answering any questions you might have.