



GOVERNOR GREG ABBOTT

April 15, 2021

The Honorable Joseph R. Biden, Jr.
President of the United States
The White House
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

The Honorable Kamala D. Harris
Vice President of the United States
The White House
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

Dear President Biden and Vice President Harris:

As Governor of Texas, I urge you to take immediate action to combat the dangerous and deadly Mexican drug cartels. These cartels bring terror into our communities. They smuggle narcotics and weapons into the United States to fund their illegal enterprises. They force women and children into human and sex trafficking, enriching themselves on the misery and enslavement of immigrants. They murder innocent people, including women and children. These Mexican drug cartels are foreign terrorist organizations, and it is time for the federal government to designate them as such. Securing the border and defending our nation from foreign threats is the federal government's responsibility. Designating the Mexican drug cartels as foreign terrorist organizations under Section 219 of the Immigration and Nationality Act, 8 U.S.C. § 1189, will bolster much-needed tools to secure the border and protect innocent lives from these dangerous drug cartels.

Major Mexican drug cartels like Los Zetas and the Gulf Cartel easily qualify as foreign terrorist organizations, as they are foreign organizations that engage in textbook terrorist activity such as kidnapping, assassination, and endangering lives with explosives and firearms. To take a few examples from the past year: a U.S. citizen held hostage by the Sinaloa Cartel was recently rescued; heavily armed members of the Jalisco New Generation Cartel attempted to assassinate Mexico City's chief of police; and a journalist was beheaded for his coverage of the cartels. In addition, these terrorist activities threaten the security of our nation and American citizens. For example, in November 2019, cartel gunmen fatally ambushed nine U.S. citizens, all women and children.

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These drug cartels also traffic illegal narcotics and weapons into the United States. The State of Texas launched Operation Lone Star on March 6 of this year to combat the Mexican cartels from smuggling people and drugs into Texas. In a little over a month, this operation has arrested nearly 800 criminals, and seized more than 3,800 pounds of marijuana, nearly 19 pounds of cocaine, and nearly 50 firearms. These trafficking operations not only bring dangerous contraband into our communities, but they also fund these Mexican drug cartels, which enables them to continue terrorizing innocent lives.

Designating Mexican drug cartels as foreign terrorist organizations will give your administration new ways to fight back. Providing material support or resources to a foreign terrorist organization is a federal crime of extraterritorial jurisdiction, punishable in some cases by life imprisonment. Criminal sentences are significantly longer for drug traffickers who fund foreign terrorist organizations. Any alien who provides material support to a foreign terrorist organization, or who serves as a member of one, is statutorily inadmissible into the United States. Furthermore, a financial institution can be made to freeze all assets of a foreign terrorist organization. Although this last power may already be available against members of Mexican drug cartels under the Foreign Narcotics Kingpin Designation Act, this has not stopped the federal government from simultaneously listing the Revolutionary Armed Forces of Colombia (FARC) under both Section 219 and the Kingpin Act. The same can and should be done for the Mexican drug cartels.

The cartels fuel the ongoing crisis at the border. By exploiting America's border policies, the cartels have increased their power and wealth at the expense of innocent lives that get in their way. Prompt action is needed under Section 219. Secretary Blinken, in consultation with Attorney General Garland and Secretary Yellen, should designate the Mexican drug cartels as foreign terrorist organizations. The sooner they get it done, the sooner America can secure the border and protect Americans from these deadly cartels.

Sincerely,



Greg Abbott
Governor

GA:cwd

Attachment

cc: The Honorable Antony J. Blinken, U.S. Secretary of State
The Honorable Merrick B. Garland, U.S. Attorney General
The Honorable Janet L. Yellen, U.S. Secretary of the Treasury

Foreign Terrorist Organizations

Mexican drug cartels are “foreign terrorist organizations” under the three-part test in Section 219 of the Immigration and Nationality Act, 8 U.S.C. § 1189.

- As the name makes clear, *Mexican* drug cartels are “foreign organization[s].” 8 U.S.C. § 1189(a)(1)(A).
- The cartels regularly “engage[] in terrorist activity,” *id.* § 1189(a)(1)(B), which is defined to include kidnapping, assassination, and endangerment with explosives or firearms, among other unlawful acts, *id.* § 1182(a)(3)(B)(iii)(II), (IV), (V)(b).
- These terrorist activities “threaten[] the security of United States nationals or the national security of the United States.” *Id.* § 1189(a)(1)(C).
 - *See, e.g.,* Christopher J. Curran, *Spillover: Evolving Threats and Converging Legal Authorities in the Fight Against Mexican Drug Cartels*, 6 HARV. NAT’L SEC. J. 344, 372 (2015) (noting “instances of U.S. nationals being killed or injured as a result of cartel violence, both within the United States and in Mexico”).

New tools will be available to the federal government if Mexican drug cartels are designated as foreign terrorist organizations under Section 219.

- Providing material support or resources to a foreign terrorist organization is a federal crime of extraterritorial jurisdiction, punishable in some cases by life imprisonment. *See* 18 U.S.C. § 2339B.
- Criminal sentences are significantly longer for drug traffickers whose activities fund foreign terrorist organizations. *See* 21 U.S.C. § 960a.
- Any alien who provides material support to a foreign terrorist organization, or who serves as a member of one, is statutorily inadmissible. *See* 8 U.S.C. § 1182(a)(3)(B)(i), (iv)(VI)(cc), (vi)(I).
- A financial institution can be made to freeze all assets of a foreign terrorist organization. *See* 8 U.S.C. § 1189(a)(3)(C).
 - This tool may already be available against some members of the Mexican drug cartels under the Foreign Narcotics Kingpin Designation Act, 21 U.S.C. §§ 1901–1908.
 - That said, the federal government lists the Revolutionary Armed Forces of Colombia (FARC) under both Section 219 and the Kingpin Act.