

U.S. Government and Mexican Cartel, Partners in Drug Plot?

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The recent [capture](#) in Mexico of Sinaloa Cartel leader Joaquin “El Chapo” Guzman, the world’s richest, most dangerous and powerful drug lord labeled by U.S. Government as Public Enemy Number 1. Guzman’s high-profile arrest has triggered a worldwide news media frenzy as government authorities here in the U.S. and abroad work together to take down the remaining Mexico’s Cartel leaders and their henchmen. Responsible for thousands of drug-related murders and once considered the most elusive wanted outlaw behind Osama bin Laden, Joaquin Guzman is the biggest story in the drug world.


But there is another story with links to Guzman’s empire that is expected to take center stage in trial later this year in Chicago involving one of Guzman’s top operatives, a trial that will bear Guzman’s bloody hands in the dope trade, and expose him as one of the world’s worst turncoats to enter the narcotic game.

Recent [allegations circulating](#) in the global media allege that Drug Enforcement Administration (DEA) and other federal agents had forged a secret alliance with top level Sinaloa drug cartel members by permitting the narco gangsters to traffic drugs into the U.S., and in a reverse sting, the DEA is accused of allegedly allowing the dealers to ship U.S. made weapons into Mexico without facing prosecution. All this work was done on behalf of the U.S. government to achieve the government’s grand mission to play one cartel off another to destroy feuding narcotic organizations.



These allegations have triggered a firestorm of controversy and conspiracy theories in the Mexican nation and throughout the United States as well.

Informants from the Sinaloa Cartel who once worked for the federal government by snitching off on other cartel groups now feel betrayed by arguing the U.S. Government reneged on a promise to grant the Sinaloa immunity from prosecution as long as they provided secret information on their rivals.

 “I was an informant for U.S. Federal Agents, and the agents cut a deal with (me), and members of the Sinaloa Cartel that allowed us to traffic tons of narcotics into the U.S., and to traffic illegal guns across the Mexico-U.S. Border without fear of prosecution under an immunity agreement,” said [Vicente Zambada-Niebla](#) in a bombshell court filing in federal court in Chicago Illinois.

As the logistical coordinator for the Sinaloa, the sweeping indictment against Zambada-Niebla and 36 co-defendants, allege that the traffickers conspired to import tons of cocaine

and “multi-kilo” quantities of cocaine, heroin and marijuana into Chicago Illinois and throughout other U.S. cities between 2005 and 2008. Zambada (right) coordinated the drug loads by using trains, ships, Boeing 747 cargo jets and even submarines.

Extradited from Mexico to Illinois in February 2010 where he is confined in maximum security lockup under 24-hour security awaiting trial, Zambada-Niebla made quick attempts to get off the hook by filing multiple motions in late 2011 to present a “Public Authority” Defense.”

According to federal statute, to mount a Public Authority Defense, the court must find the defendant, “knowingly committed criminal acts but did so in reasonable reliance upon a grant of authority from a government official who had actual authority as opposed to merely authority.”

The major distinction between “actual authority” and “merely authority” boils down to this: If DEA or FBI agents told Zambada-Niebla that he could traffic drugs into the U.S. without facing arrest by snitching on other [cartel groups](#) this “merely authority”, as opposed to the higher echelon of “actual authority”, which such agreements are similar to immunity, must first be approved by Justice Department officials.

Federal prosecutors fired back. They suggested during court hearings on the matter that “even if Zambada-Niebla was an informant that he was not authorized to commit the drug crimes as alleged in the indictment.”

✘ The almighty Feds added that Zambada should not be allowed to use the Public Authority Defense unless he can provide the names of agents or officials who approved his illegal activities.

Here’s where things get sticky. Most of the Sinaloa Cartel communications with the DEA were through the Sinaloa’s lawyer identified as Humberto-Loya Castro, according to Zambada Niebla.

Zambada-Niebla is the son of Ismael Zambada-Garcia who is second in charge of the Sinaloa cartel behind top boss Jose “El Chapo” Guzman (right). Sinaloa lawyer Humberto Loya-Castro became a DEA informant in 1995, after being indicted on cocaine conspiracy charges along with top boss Joaquin Guzman. These ongoing controversial stories follow years of suspicion that Guzman who controls the Sinaloa has only succeeded in eluding capture because of his fellow members cooperating with U.S. federal agents, and Mexico authorities.

Guzman is well known for using government authorities against his enemies like he did against rivals within his own organizations identified as Alfredo Beltran and Ignacio “El Nacho” Villareal.

Newspaper Story Controversy and Past Government Corruption

According to a story in the January issue of El Universal, Mexico’s leading newspaper, the team writers reported in an investigative expose that after interviewing numerous sources and reading voluminous court records documented by Mexico and the U.S., that the American Feds worked closely with the Sinaloa Cartel from 2000 to 2012—as part of a “divide and conquer” strategy to eliminate dope rivals competing against the Sinaloa in exchange for the Sinaloa players to provide the government with damaging information on targeted rivals like the blood thirsty Zetas and the La Familia groups.

To prove the government engaged in previous similar practices, court filings by Zambada-Niebla's attorneys also pointed out: "The United States Government and its various agencies have a long history of providing benefits, permission and immunity to criminals and their organizations to commit crimes, including murder, in return for receiving information against other criminals," the court motion said.

Attorneys compared Zambada-Niebla's case with another high-profile case: "Perhaps no better example, is the celebrated case of [Whitey Bulger](#), the Boston Irish crime boss and murderer, who, along with other group members of criminal organizations were given "Carte Blanche" authority by the FBI to commit murders to help the FBI take down the [Italian Mafia](#) in the New England area."

Subsequently Whitey Bulger was [convicted](#) of several murders, drug trafficking, racketeering and obstruction of justice.

Government complicity in the drug trade is not new.

During the early 1990's, the American-based CIA and cabinet members of then-President Ronald Reagan participated in the Iran-Contra scandal by allowing cocaine to be sold throughout America's ghettos.

To fund the Contra Rebels war against Nicaragua's socialist government the CIA teamed with Colombian Cartels to traffic drugs into Los Angeles California and throughout the nation, with the profits shipped back to Central America.

Utilizing every trick in the bag to get off the hook, Zambada Niebla unloaded another bombshell by disclosing another secret the Sinaloa had with the government.

He insisted that himself and cartel allies were in cahoots with the Fast and Furious investigation orchestrated by the ATF (Alcohol, Tobacco, and Firearm), a gun-walk program responsible for agents allowing informants to traffic into Mexico a cache of American purchased weapons in efforts to build federal weapons charges against targeted cartel organizations.

Zambada's court depositions further stated that a second part of the immunity agreement," the ATF armed the Sinaloans with several high-caliber assault rifles to use the firepower to destroy rival drug dealers."

Led by Senator Darrell Issa (R-Calif), Fast and Furious later became the target of critical Senate hearings to determine which members of the Justice Department authorized the gun-walk operation that reeled in only 34 gun traffickers.

Referring to ATF's Fast and Furious investigation, Zambada's attorneys, George Panzer and George Santiangelo further argued in court that if the government will allow guns to be transported across the Mexico-U.S. Border and tried to cover-up the botched scheme then the government is capable of allowing the Sinaloa Cartel to ship illegal drugs into the United States. ATF lost track of approximately 1,700 guns as part of the ill-fated operation including the recovery of an AK-47 used by a Mexican National in December 2010, to murder Brian Terry, a Customs-Border Protection Agent.

Aside from his drug immunity claim, Zambada's version about his role in "Fast and Furious"

raise suspicion for a number of reasons, the most obvious being is that Zambada was arrested in March 2009—more than six months before ATF initiated Fast and Furious.

Despite this red flag, it didn't stop news blogs and conservative online media from reporting Zambada's claim about his part in the gun-walk program. Nor has it stopped El Universal stories from inferring that DEA was guilty of granting immunity to the Sinaloa cartel, but once the government used the members to achieve their goal they reneged on the immunity deal.

Even without a written immunity agreement, crack lawyers for Zambada-Niebla went a step further by invoking the Classified Information Procedure Act (CIPA). CIPA is a law focused on showing the government is hiding evidence to exonerate a defendant. No hearing has been set on this matter.

Following El Universal's big scoop story, many news agencies scrambled to write a titillating spin to vilify the government as conspirators with drug cartels. What sounded like a great story but either the reporting team honestly forgot or downplayed the significant decision of Illinois Federal Judge Ruben Castillo who has already ruled in 2012, that Zambada's evidence heard in court failed to prove the government granted him immunity from prosecution.

So why did the El Universal story slant its piece to infer that newly released U.S. Government documents suggested a conspiracy between the Sinaloa Cartel and DEA agents simply because DEA admitted meeting with Zambada-Niebla and Sinaloa lawyer Humberto Loya-Castro to discuss information that Zambada wanted to give up on other narco traffickers.

Here are excerpts of the release of U.S. Government documents which firmly refute Zambada's immunity claims:

- (1) DEA agents and Justice Department officials met with Sinaloa and Gulf Cartel top-level members to gather information on other rivals.
- (2) During a series of meetings U.S. Officials succeeded in establishing a network of cartel informants.
- (3) DEA passed the obtained information from the cooperating cartels to Mexican authorities who used the intelligence to execute narcotic raids.
- (4) Mexican authorities never revealed to Mexican media exactly where the information came from that took down high-level dealers and killer squads.

The Mexican government emphasized in their written court response that meeting with cartel members to get information only represents normal intelligence gathering procedure.

Was it Zambada-Niebla Idea to Seek Immunity?

Another major but missing point the El Universal story failed to explain clearly to its readers—the DEA and a Justice Department prosecutor documented evidence that it was Zambada-Niebla who first tried to score an immunity deal through the Sinaloa's lawyer Loya-Castro who himself was a DEA informant and wanted at the time on the same federal drug charges against Zambada.

The story went down this way:

In 2008, Loya-Castro proposed a meeting with his DEA contact and Zambada-Niebla. On March 17th 2009, both Sinaloa members met with DEA agents at a Sheraton Hotel in Mexico city. DEA agent Manuel Castanon recalled the meeting during an April 2012-court hearing.

“I met for approximately 30 minutes in a hotel room in Mexico City with Zambada-Niebla, DEA agent David Herrod and a cooperating source (Sinaloa lawyer Loya-Castro), with whom I’ve worked as an informant since 2005. I did all of the talking on behalf of the DEA,” the agent testified.

Castanon further said, “Zambada-Niebla communicated interest and willingness to cooperate with the government.”

The agent responded to Zambada’s offer by explaining, “We were not authorized to meet with him, much less have substantive discussions with him,” Castanon recalled, in his matter-of-fact tone.

Shortly after leaving the hotel Zambada was arrested by Mexico authorities on the U.S. drug trafficking warrants and placed in jail to await extradition to the United States.

Patrick Hearn, a Justice Department prosecutor told Federal Judge Ruben Castillo that according to Special Agent Steve Fraga that it was Sinaloa lawyer Loya-Castro who gave information which previously led to a 23 ton cocaine seizure including other big seizures down through the years.

Hearn also pointed out that Sinaloa underboss El Mayo Zambada anxiously requested his son Zambada-Niebla to cooperate with U.S. authorities. Zambada claimed he only met with DEA agents at the hotel under the assumption that the cartel’s lawyer Loya-Castro had already negotiated immunity for his protection but instead was arrested.

If this was true; why did DEA agents allowed Zambada to be arrested?

Informant Guidelines

What is highly noted, according to narcotic experts, is the fact the immunity allegations explicitly detailed in Zambada’s court filings indicating the Sinaloa had free rein for years to ship drugs into America—glaringly deviates from the Fed’s guidelines for informants. High-level confidential informants must sign detailed agreements delineating the crimes an informant may be allowed to involved themselves with—in strict accordance with the Attorney General’s guidelines.

For example, such authorization can run up to 90 days or longer, and the primary law enforcement agency is tasked with close supervision over the informant’s crime activities. The downside to the immunity allegations detailed in Zambada’s court filings skeptically deviates from the Fed’s normal informant practice.

Former experienced federal agents affirm the government’s view on working with informants (who did not have immunity) to gather information on other targets but the same informants were later indicted for crimes although they assisted in having other drug dealers taken off the streets.

Retired DEA agent Joe Toft who headed the U.S. Justice Department's "Capture or Kill" investigation of Colombian Medellin Cartel Drug Lord [Pablo Escobar](#) is familiar with the practice in big cases. Toft, in a phone interview dismissed Zambada's immunity claim.

"I cannot imagine the DEA and Justice Department agreeing to immunity for the Sinaloa Cartel who brought lots of drugs into this country. Only the Justice Department and Attorney General can sign off on these things," Toft explained.

Lewis "Big Lew" Rice, a retired DEA Special Agent in Charge of the New York and Detroit Michigan division agrees with Toft.

"My experience in the DEA is that they would never authorize large amounts of drugs to hit the streets." In very rare circumstances, Lewis said, "personal use amounts of drugs could be authorized on a case specific basis, and agents would have to make a strong case as to why this was necessary, and detail the other investigative steps that were tried, and why it failed."

Comparing the intelligence gleaned from the Sinaloa and other narcotic informants as typical business, Rice continued.

"Major drug dealers possess a wealth of intelligence but the goal is to collect that information without hurting the public," Rice concluded.

A drug trafficking book author offered a similar view but with a pessimistic twist.

"It would not surprise me if certain rogue agents would cut corners to bust the worse of two evils to achieve their goals, but I doubt the Justice Department or higher ups would officially sanction something like this," says Ron Chepesiuk, author of *Black Caesar; The Life and Disappearance of Kingpin Frank Matthews*.

Chepesiuk also wrote the *American Gangster* book based on the Life of Harlem Drug Kingpin Frank Lucas, a story later immortalized in a movie with the same name starring iconic actor Denzel Washington.

Since Zambada-Niebla confessed to snitching off rival narco players leads to a provocative question: why was he giving up people if no reward or benefits or some kind of immunity were promised to Zambada? Law enforcement officers say that the public must understand the dope world is a cutthroat business and that drug dealers often snitch off the competition to gain more profits, which, Zambada-Niebla himself provided information to his lawyer Humberto Loya-Castro who forwarded Zambada's information to DEA.

The following is a breakdown of information explaining how the law deals with informants:

(1) Recruiting Informants Not a Criminal Conspiracy:

Insight Crime Journalist Charles Parkinson wrote the following analysis; "The detailed revelations shows how the U.S. government continues to work with criminal elements as part of anti-narcotics efforts to focus on priority targets to build cases." Parkinson's analysis indicate just because DEA recruited informants from the Sinaloa Cartel; or if any informant voluntarily offered intelligence on drug trafficking to earn reward money from asset seizures, then the mere fact that Zambada-Niebla and his crew were informants does not imply the Feds granted immunity to the Cartels.

(2) Informant Status:

Unless authorized in writing, informant status is not rewarded with immunity to avoid prosecution, particularly if the informant go outside his scope of duty with his controlling agent and break the law. This proves true when Zambada-Niebla was arrested outside a Mexico hotel after meeting with DEA agents in 2009. As the Insight story points out, the U.S. Government can still work against a cartel while simultaneously juicing information from criminals within organizations.

Insight story further noted how U.S. Federal Officials worked diligently with Cali Colombian Cartel described as [“blood death” rivals](#) of Medellin Kingpin Pablo Escobar when the drug lord had a “kill or capture” warrant hanging over his head.

Retired DEA agent Joe Toft reaffirms the government’s scheme “to gain intelligence on drug organizations like the Cali and Medellin who were killing each other off.”

Toft now says when the Cali and Medellin group were ferociously battling each other the DEA capitalizes on the bloodshed similar like recent tactics used by DEA in dealing with Zambada’s Sinaloa Cartel against the Zetas and Juarez narco groups.

“The theory that drug rivals often provide information on each other is not new,” Toft says. “When we were [hunting Pablo Escobar](#) during my time as head of DEA operation in Colombia I would get information on Escobar’s organization from the Cali group, and then we would get information on the [Cali Cartel from Escobar’s guys.](#)”

“This is probably what happened with the Sinaloa Cartel,” Toft further explained. “I bet that Sinaloa lawyer (Loya-Castro) was playing both ends between the DEA and the Sinaloa by pumping the group for information on other dealers considering the fact that the lawyer himself was already working as a DEA informant.” Toft said most likely the lawyer would “tell the Sinaloa the DEA had given them immunity from prosecution in order to have those guys to keep feeding the lawyer with intel on other competition, and that the lawyer probably made the reward money for any drug busts.”

In Escobar’s case the DEA and Colombian officials used Diego Murillo aka Don Berman to help locate Escobar. When [Escobar died in a bloody gun battle](#) in 1993 with authorities, Murillo reigned as the new Medellin boss until U.S. government extradited Murillo to America where he is currently serving a long prison stretch on narcotic and money laundering charges.

As a federal informant, Murillo’s case is a classic example that shows; although Murillo helped the government to take down Escobar, the world’s notorious drug kingpin, his snitch work did not stop the Feds from arresting him.

So why would the Feds treat Zambada-Niebla any different?

Conclusion

Reasonable doubt in a court of law is a doubt based on “Reason” and common sense. Doubt will take center stage surrounding the government’s alleged immunity deal with the Sinaloa Cartel. What it will boil down to: Who has more credibility in this finger-pointing affair; the government or Zambada-Niebla?

To sway the jury to acquit Zambada-Niebla, lawyers for the narco gangster must convince them the government lied when they alleged (no) immunity agreement was given to Zambada for trafficking drugs and guns in exchange for the Sinaloa players to snitch on their rivals in the dope game.

Expect Zambada's attorneys to put the government's integrity on trial.

U.S. Government should prevail by showing none of their agents gave written or verbal immunity to the Sinaloa Cartel but the imminent danger for the government at trial provokes this question:

What if the jury inherently mistrusts the government? Or what if they are well aware of past government corruptions like the Benghazi cover-up by the Obama administration, the Iran-Contra drugs for cash crimes, Obama's questionable NSA Spy Surveillance and the Fast and Furious ATF cover-up?

Past scandals looming in the mix are an edge for the defense because all it takes for a guilty person to walk free is reasonable doubt.

To paraphrase the iconic actor Denzel Washington's well-spoken words in the blockbuster movie "[Training Day](#)", the Oscar-winning actor famously said; "It's not what you know, it's what you can prove!"

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