

In Guatemala, the DEA fights the CIA.

MY ENEMY'S FRIENDS

By Frank Smyth

Why did the Guatemalan military kill American innkeeper Michael DeVine? In April of this year, acting CIA Director William O. Studeman and other U.S. officials implicated Colonel Julio Roberto Alpiéz, who was on the CIA payroll at the time of the crime, in the June 1990 killing. But Studeman offered no explanation for the murder, and Alpiéz's motive for ordering it has remained a mystery. *The New York Times* reported that DeVine may have been killed because he knew about the Guatemalan military's illegal logging of mahogany trees near his ranch in the country's northern Peten jungle. DeVine's widow says it may have been because in his restaurant he served a civilian before serving a military officer. Assistant Secretary of State Alexander F. Watson told Congress DeVine might have been killed in a dispute over missing army rifles.

There is, however, a more probable motive for DeVine's murder. For the crucial backdrop to this story is not only the involvement of the CIA with the Guatemalan military, but the involvement of the Guatemalan military in drug trafficking. From the beginning, U.S. intelligence sources say, officials have had information to suggest that drugs were behind DeVine's murder. "DeVine could have found out that there were Guatemalans dealing with drugs up there because there were," says Thomas F. Stroock, who was the U.S. ambassador to Guatemala at the time of the DeVine killing. Now a former Drug Enforcement Administration special agent says that DeVine was killed because he knew Alpiéz was involved in drug trafficking.

The ex-DEA agent, Celerino Castillo III, says he worked with both G-2 (the former name for the Guatemalan military intelligence) and the CIA from 1985 to 1990. Castillo says that CIA agent Randy Capister (whose identity Stroock confirmed) served as the agency's covert liaison with G-2. Capister, Castillo alleges, learned that DeVine had found out that Alpiéz was involved in cocaine trafficking and marijuana cultivation near DeVine's ranch. (DeVine, though not a DEA informant, knew U.S. officials and others associated with the U.S. Embassy.) Once Capister learned of DeVine's discovery, he in turn informed Colonel Francisco "Paco" Ortega Menaldo, then head of G-2. Colonel Alpiéz was under Ortega's command within the G-2, while CIA agent Capister reported not to then-

Ambassador Stroock, but to Alfonso Sapia-Bosch, then the CIA station chief. Sapia-Bosch, reached for comment, declined to make one. Says Stroock of these agents: "I had no way of knowing what they did or did not know."

What the DEA knew or knows is also in doubt. Back in 1993 the DEA stated of DeVine's murder: "There is no indication that drugs were involved in this case." But since Alpiéz's role in the murder was revealed, the DEA's chief spokesman, James McGivney, has declined to answer any queries on Guatemala. Studeman, for his part, has denied that the CIA played any role in DeVine's killing. When the CIA obtained specific information about Alpiéz's alleged role in the crime in October 1991, the agency turned it over to the Justice Department but withheld it from Congress.

Castillo's new charge has now led Representative Robert Torricelli, a New Jersey Democrat, to re-examine what the CIA told the Justice Department. In March, Torricelli publicly revealed Alpiéz's role in both DeVine's murder and that of a Guatemalan guerrilla leader, Efraín Bámaca Velasquez, who was married to American lawyer Jennifer Harbury.

In a letter to the CIA Inspector General dated May 4, Torricelli wrote that if DeVine was slain to protect a drug operation, the crime would have been politically motivated and therefore potentially subject to prosecution here under U.S. anti-terrorism laws. "If CIA officials were fully aware of the circumstances surrounding Mr. DeVine's murder when they requested a Department of Justice ruling," wrote Torricelli, "they clearly did not provide that information to the Justice Department. If that is the case, then the CIA officials involved are guilty of obstruction of justice."

Whatever the motives for DeVine's murder, it's clear that the CIA and the DEA have often been working at cross-purposes in Guatemala. The same military that the CIA has trained and supported in its war on leftist insurgents has also provided cover for some of the major drug traffickers pursued by the DEA. Since 1989, the DEA has formally accused at least eleven Guatemalan military officers of drug trafficking, including six Army captains, two Army lieutenant colonels, two Air Force majors and even one Air Force general; the general, Carlos Pozuelos Villavicencio, was even denied an entry visa into this country because the DEA "knows, or has reason to believe" that he is involved "in the illicit trafficking of narcotics," according to the U.S. Information Service.

Yet, as a 1994 State Department report explains, "Guatemalan military officers strongly suspected of trafficking in narcotics rarely face criminal prosecution." In most cases, the Guatemalan military has merely discharged from active service those officers named by the DEA. Says the State Department report, "In most cases, the officers continue on with their suspicious activities."

Take the case of Lieutenant Colonel Carlos Ochoa Ruiz, "a/k/a Charlie," the first officer against whom the DEA initiated prosecution. Today he stands accused in Florida of collaborating with Colombia's Cali cartel to ship multi-ton level units of cocaine to the United States. In 1990, DEA agents infiltrated Ochoa's organization, which allegedly operated from a private farm in Escuintla, near Guatemala's Pacific Coast. In October, DEA agents allegedly watched as Ochoa and others loaded cargo onto a small plane; the agents then tracked the cargo to Tampa, where they later seized a half metric ton of cocaine, with a street value of over \$40 million. Ochoa was indicted in Florida's U.S. Middle District Court and the State Department requested his extradition.

In response, the Guatemalan military discharged Ochoa as well as two Army captains also implicated in the case. But that didn't stop a Guatemalan military tribunal from later reclaiming jurisdiction and ruling to dismiss all charges for "lack of evidence." The State Department then appealed the case all the way to Guatemala's Constitutional Court, whose presiding judge, Epaminondas Gonzalez Dubon, had a reputation for integrity. In March 1994 Gonzalez lived up to his reputation with an unprecedented ruling: he signed a decision declaring Ochoa's extradition to be constitutional.

It turned out, however, that there were forces more powerful than the high court. On April 1 in Guatemala City, Gonzalez was assassinated by four unidentified gunmen. Then, on April 12, the surviving judges reversed Gonzalez's decision. Ochoa, in Guatemala, is now free. The DEA's sting against Ochoa was the United States's best chance to prosecute a Guatemalan military officer. Instead, the case established a precedent: even officers under indictment are above the law.

In the increasingly isolationist post-cold-war world, it might be tempting to overlook cases such as this one. Yet there are U.S. interests at stake. Taking the war on drugs seriously means taking on Guatemala. Although in the early 1980s most U.S.-bound cocaine flowed through the Caribbean, in the 1990s the Mexican and Central American land isthmus has become the cocaine superhighway. Mexico forwards the bulk of the drug to the United States. And Guatemala serves as a warehouse for Mexico. "With hundreds of unmonitored airfields and a good network of roads leading to Mexico," reads the State Department's latest drug control report. "Guatemala became the Colombian cartels' choice in Central America for cocaine transshipment."

Now Studeman claims that the CIA must maintain contacts with Guatemalan military intelligence officers—such as Alpirez—to collect information about drug trafficking. The Clinton administration agrees; after cutting other CIA programs to Guatemala, it has allowed the CIA's anti-drug operations there to continue. The trouble is that the CIA has been relying for

information about drug trafficking on the very institution that has been producing drug trafficking suspects wanted by the DEA. At the very least, this casts doubt on the reliability of Guatemalan military intelligence. It also casts doubt on the CIA: whatever information the CIA has provided so far has yet to lead to the prosecution of a single officer.

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Why bounties for criminals don't work.

NOT WANTED

By Trevor Nelson

On Thursday, April 20, roughly thirty hours after the Oklahoma City bombing, Attorney General Janet Reno addressed a packed Washington news conference. She announced that the federal government would award \$2 million to anyone who could provide information leading to the arrest and conviction of the bombers. The news media made much of the offer. Despite the flurry of activity at the scene of the crime, editors at *USA Today*, for example, deemed Reno's offer the most important news of the day. Friday's paper trumpeted the front-page headline: "\$2 MILLION REWARD POSTED." Since then, House Judiciary Chairman Henry Hyde has proposed anti-terrorism legislation that would create a special fund to reward successful tips.

There's just one problem with this embrace of cash rewards: they rarely help investigators solve crimes. Rather, these monetary carrots are an old public relations tool aimed at convincing a jittery public that authorities are doing all they can to crack a case. As James Fox, a Northeastern University criminologist, says, "If you don't offer a reward, people will think that you're not taking it seriously."

Cash rewards are an anachronistic quid pro quo left over from the days when, in some places, there were no local police forces, and justice was bought and sold. In the early nineteenth century, newspapers published "Wanted" ads, offering bounties for the return of a runaway slave or the capture of a thief. Outlaws in the Wild West wound up on posters with handsome sums attached to their names—an image romanticized by Hollywood a century later.

Though the establishment of taxpayer-funded law enforcement should have made these rewards obsolete, the practice endured and is in fact growing rapidly. Usu-