



Ted Cruz Introduces Bill to Use Assets Seized From Drug Lord to Pay for Wall

Joaquín Archivaldo Guzmán Loera, better known as “El Chapo,” the Mexican drug lord and former leader of the Sinaloa Cartel, was found guilty on all 10 counts against him following his trial in a federal court in Brooklyn on February 12. The infamous drug lord will spend the rest of his life in federal prison. As the former drug lord’s conviction was announced, Senator Ted Cruz (R-Texas) tweeted the following statement: “America’s justice system prevailed today in convicting Joaquín Guzmán Loera, aka El Chapo, on all 10 counts.”



Noting that U.S. prosecutors are seeking \$14 billion in “drug profits and other assets” from El Chapo, Cruz has proposed that these be used to pay for the wall along the U.S.-Mexican border that President Trump has so far been unable to get Congress to fund.

Cruz also tweeted a message to his fellow senators urging them to take action to pass the El Chapo Act that he introduced in the Senate on January 3. The full title of the legislation (S.25) is “Ensuring Lawful Collection of Hidden Assets to Provide Order Act.” A description of the legislation states:

This bill requires the forfeited profits of Joaquin Archivaldo Guzman Loera (El Chapo) from his illicit drug trafficking enterprise to be reserved for border security measures between the United States and Mexico, including the completion of a wall.

Additionally, it requires the forfeited funds from the felony conviction of a member of a drug cartel to be reserved for border security measures between the United States and Mexico, including the completion of a wall.

Representative Mo Brooks (R-Ala.) introduced companion legislation (H.R. 714) in the House on January 23.

The fact that El Chapo is a duly convicted criminal and also a Mexican citizen should alleviate the concerns of strict constitutionalists who believe that seizing such assets may set a bad precedent that might encourage the federal government to engage in asset forfeiture prior to conviction of a crime and even in civil cases. These concerns were discussed in an article posted by *The New American* last year, [“Civil and Criminal Asset Forfeiture Attacked on Grounds of ‘Excessive Fines.’”](#)

We made a distinction between civil asset forfeiture, “used by both federal government officials and local law-enforcement officers to seize property that they simply suspect has been used in wrongdoing — without even having to charge the person with any crime,” and criminal asset forfeiture, “where the accused is afforded all the constitutional and statutory procedural safeguards available under criminal law. With criminal forfeiture, the accused must actually be found guilty beyond a reasonable doubt before property is forfeited.”



Written by [Warren Mass](#) on February 13, 2019

The practice of any asset forfeiture is a slippery slope, however, which is why one solution may be to not give law-enforcement officials cart blanche to engage in it — but to limit it to individual cases (such as El Chapo’s) where the criminal is specifically named in legislation that the entire Congress has an opportunity to review.

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