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Court Pleadings Point to CIA Role in Alleged "Cartel" Immunity Deal

Posted by [Bill Conroy](#)

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Mexican Narco-Trafficker's Revelations in Criminal Case Force US Government to Invoke National Security Claims

The fingerprints of the CIA have surfaced in a controversial federal criminal case pending in Chicago against Jesus Vicente Zambada Niebla, an alleged kingpin in the Sinaloa "drug cartel."

US government prosecutors filed pleadings in the case late last week seeking to invoke the Classified Information Procedures Act (CIPA), a measure designed to assure national security information does not surface in public court proceedings.

"The government hereby requests that the Court conduct a pretrial conference ... pursuant to CIPA ... at which time, the government will be prepared to report to the Court and defendant [Zambada Niebla] regarding the approximate size of the universe of classified material that may possibly be implicated in the discovery and trial of this case," states [a motion filed on Friday, Sept. 9](#) (<http://narcosphere.narconews.com/userfiles/70/110-main.pdf>), by US prosecutors in the Zambada Niebla case.



CIPA, enacted some 30 years ago, is designed to keep a lid on the public disclosure in criminal cases of classified materials, such as those associated with CIA operations. The rule requires that notice be given to the judge in advance of any move to introduce classified evidence in a case so that the judge can determine if it is admissible, or if another suitable substitution can be arranged that preserves the defendants right to a fair trial.

"That is a very reasonable conclusion [that the CIA is likely involved in this case in some way]," says a former federal agent familiar with national security procedures. "Seeking CIPA protection, yup, there is hot stuff to hide."

About Bill Conroy

Biography:

Narcosphere@aol.com
<mailto:Narcosphere@aol.com>

Personal Website:

(<http://narcosphere.narconews.com/>)

[View full user profile](#)

(<http://narcosphere.narconews.com/users/bill-conroy/>)

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Zambada Niebla, extradited to the US in February 2010 and now facing narco-trafficking charges in federal court in Chicago, claims in pleadings in his case that the US government entered into a pact with the leadership of the Mexican Sinaloa narco-trafficking organization that supposedly provide its chief narcos with immunity in exchange for them providing US authorities with information that could be used to target other narco-trafficking organizations.

- [ATF's Fast and Furious Seems Colored With Shades of Iran/Contra Scandal](http://narcosphere.narconews.com/notebook/bill-conroy/2011/07/atf-s-fast-and-furious-seems-colored-shades-irancontra-scandal) (<http://narcosphere.narconews.com/notebook/bill-conroy/2011/07/atf-s-fast-and-furious-seems-colored-shades-irancontra-scandal>)
- [House of Death Informant Files Lawsuit Against U.S. Government](http://narcosphere.narconews.com/notebook/bill-conroy/2011/07/house-death-informant-files-lawsuit-against-us-government) (<http://narcosphere.narconews.com/notebook/bill-conroy/2011/07/house-death-informant-files-lawsuit-against-us-government>)

The US government, in pleadings filed in the case this [past July](#)

(<http://narcosphere.narconews.com/userfiles/70/Gov.Response.Zambada.inform.pdf>)

and again this [past Friday](#)

(<http://narcosphere.narconews.com/userfiles/70/108.qovesponse.pdf>)

, denies that Zambada Niebla was granted immunity by any law enforcement agency for the narco-trafficking crimes spelled out in the indictment against him. Those same pleadings do not broach the topic of whether he, or his Sinaloa organization associates, might have had a cooperative relationship with US intelligence agencies, such as the CIA.

The US [mainstream media echoed](#)

([http://www.google.com/hostednews/ap/article/ALeqM5iGpUAL23VHAIr0K1-6tT6cnxqUw?](http://www.google.com/hostednews/ap/article/ALeqM5iGpUAL23VHAIr0K1-6tT6cnxqUw?docId=5562bcebb1124146ac7444b0ac21e883)

[docId=5562bcebb1124146ac7444b0ac21e883](http://www.google.com/hostednews/ap/article/ALeqM5iGpUAL23VHAIr0K1-6tT6cnxqUw?docId=5562bcebb1124146ac7444b0ac21e883))

loudly the US government's denial of any law-enforcement immunity deal existing with Zambada Niebla via a barrage of reports published in recent days, but those same reports are completely silent on the CIPA pleadings that were lodged with the court at the same time as the government's denials.

A key player central to the informant pact struck between the US government and the Sinaloa organization's leadership, according to Zambada Niebla's court filings, is a Mexican lawyer named Humberto Loya Castro, who is described in US legal documents as "a close confidante of Joaquin Guzman Loera (Chapo)," the supposed leader of the Sinaloa organization. Loya Castro acted as the intermediary representing the Sinaloa organization in its quid pro quo arrangement with the US government, Zambada Niebla's court pleadings allege.

US government pleadings filed late last week

confirm that Loya Castro was a [DEA cooperating source](#)

([http://narcosphere.narconews.com/userfiles/70/109-](http://narcosphere.narconews.com/userfiles/70/109-main.pdf)

[main.pdf](http://narcosphere.narconews.com/userfiles/70/109-main.pdf)) for some 10 years while also working for the Sinaloa organization. Narco News' law enforcement sources contend, however, that given his importance as a foreign intelligence source, Loya Castro likely was also employed in a dual role as a CIA asset.

Zambada Niebla is the son of Ismael "El Mayo" Zambada Garcia, one of the purported top leaders of the Sinaloa drug-trafficking organization — a major Mexican-based importer of weapons and exporter of drugs.

The top capo of the Sinaloa drug organization, named after the Pacific Coast Mexican state where it is based, is Guzman Loera — who escaped from a maximum security prison in Mexico in 2001, only days before he was slated to be extradited to the United States. Chapo has since gone on to build one

of the most powerful drug "cartels" in Mexico. With the death of Osama Bin Laden in May, Chapo (a Spanish nickname meaning "shorty") jumped to the top of the FBI's "Most Wanted" persons list. He also made Forbes Magazine's 2010 list of ["The World's Most Powerful People."](http://www.forbes.com/wealth/powerful-people/list)

Information contained in the latest US government pleadings filed in Zambada Niebla's case seems to support his claims that the leadership of the Sinaloa organization at least believed they had a cooperative relationship in place with the US government via Mexican attorney Loya Castro.

It is clear from the US government's court filings that Loya Castro's dealing with the US government are known to the leadership of the Sinaloa organization, including Chapo Guzman and Ismael Zambada, given that Loya Castro actually met with Zambada Niebla's attorneys in Mexico City, with the knowledge of Ismael Zambada, sometime in 2010. The purpose of that meeting, in part, was to discuss the nature of Loya Castro's cooperation with the US government as part of an effort to develop a legal strategy for Zambada Niebla's US criminal case.

From the [US government's pleadings](http://narcosphere.narconews.com/userfiles/70/109-main.pdf) (<http://narcosphere.narconews.com/userfiles/70/109-main.pdf>) in the case:

Loya-Castro stated that he had previously met with defendant's [Zambada Niebla's] attorneys in the Chicago case, together with Mexican lawyers and defendant's wife, in Mexico City. According to Loya Castro, at that meeting, he advised defense counsel that he would not assist them if they tried to say that defendant had a previous arrangement with the United States government. Loya Castro stated that the American lawyers became visibly upset with Loya Castro's statement.

... On August 24, 2011, Loya Castro called [DEA] Agent Castanon to inform him that Loya Castro had met with a Mexican attorney whom Loya Castro identified as an intermediary between Ismael Zambada-Garcia ("Mayo") and U.S. defense attorneys representing defendant [Zambada Niebla]. Loya Castro stated he had informed the Mexican attorney of his intention to meet with DEA agents and U.S. prosecutors. Loya Castro reported that the Mexican attorney advised Loya Castro to cancel the meeting. Loya Castro said that the Mexican attorney expressed fear that Loya Castro would say something to jeopardize defense counsel's strategy.

In addition, Loya Castro served as the intermediary for Zambada Niebla in March of 2009 as part of an unsuccessful effort to create a direct cooperating source relationship between Zambada Niebla and US federal agents, US government court pleadings confirm.

The fact that Loya Castro has not been tortured and

killed by the Sinaloa organization — the usual fate for snitches in the narco world — seems to support the contention that the leadership of the "cartel" condones, or at least sees value in, his ongoing cooperative relationship with the US government.

Former deep undercover DEA agent Mike Levine describes the scenario apparently playing out in the Zambada Niebla case this way:

This is very typical of DEA infighting with CIA involvement, especially the, well, clumsy stupidity of the whole thing. Of course [Loya Castro] would be meeting with the Sinaloa guys even though he was a known snitch, simply because it is now a respected sport among big bad guys to "play" the US government for their (the cartel's) own advantage. If you are killing the opposition, why not rat on them? [Boston organized crime leader] Whitey Bulger did it successfully for the FBI for decades...

Playing the informant game with our government is now a win-win gambit for every bad guy on the globe. ... Don't miss the trees for the forest. If it's weird, sounds like a grade Z movie and is handled in a clumsy, obvious way, it's CIA [behind the curtain pulling the levers]....

Some Things to Hide

The former federal agent who spoke with Narco News about the Zambada Niebla case, and who asked not to be named, says that in CIPA cases, individuals are often brought in by the government who have "particular specialties, like defending CIA interests."

"Find out what other similar cases they have handled," the source adds. "Sometimes these answer can be very telling."

In the CIPA filing made by the US government in the Zambada Niebla case, prosecutors ask that the judge appoint "Daniel Hartenstine, Security Specialist, to serve in the position of classified information security officer in this matter."

More from the government's [CIPA pleadings](http://narcosphere.narconews.com/userfiles/70/110-main.pdf) (<http://narcosphere.narconews.com/userfiles/70/110-main.pdf>):

Mr. Hartenstine will be primarily responsible for all matters related to the security of the classified information involved in this case.

At the requested pretrial conference, Mr. Hartenstine will be available to explain the procedures required to authorize the Court's staff, including law clerks and court reporter, to access and secure any classified material related to this case. Some of these logistical issues require specific paperwork be completed and extensive background checks. Because these issues can be time consuming, the

government asks for the opportunity to have Mr. Hartenstine address the Court and defense counsel regarding the applicable procedures.

Among the alternates proposed by US prosecutors for the security officer job in the Zambada case is Jennifer H. Campbell.

Both Hartenstine and Campbell have played similar roles for the US government

<http://ccrjustice.org/files/2009-01-09%20Khan%20Habeas%20PO%20-%20revised%20per%20CSO%20requests.pdf>) as **security officers**

<http://ccrjustice.org/files/2009-01-09%20Khan%20Habeas%20PO%20-%20revised%20per%20CSO%20requests.pdf>) in the highly charged Guantanamo Bay detainee **habeas litigation**

<http://www.fas.org/sqp/crs/natsec/RL33180.pdf>)

. Those cases challenged, via the writ of habeas corpus, the legitimacy of the US government's detention of individuals as "enemy combatants" at Guantanamo Bay.

Interestingly, there also is a Guantanamo Bay connection in the Zambada Niebla case that might lead to some classified information surfacing in his case.

Zambada Niebla, as the US government-described "logistics coordinator" for the Sinaloa organization, is linked to alleged Sinaloa organization money-lauderer Pedro Alfonso Alatorre Damy via a Gulfstream II jet (tail number N987SA) that crashed in Mexico in late 2007 with some four tons of cocaine onboard.

That



aircraft was allegedly purchased with Sinaloa organization drug money laundered through Alatorre Damy's casa de cambio business and a U.S. bank. And that same aircraft was reportedly suspected of being used previously as part of the CIA's "terrorist" rendition program and allegedly made a number of trips to Guantanamo Bay between 2003 and 2005, according to [media reports](#)

<http://www.mcclatchydc.com/homepage/story/20104.html>)

and an investigation spearheaded by the **Parliamentary Assembly of the Council of Europe**.

<http://webarchive.nationalarchives.gov.uk/+http://www.dft.gov.uk/foi/responses/2006/jun/additionaleurocontrol/>)

In addition, the Gulfstream II was purchased less than two weeks before it crashed in Mexico by a duo that included a U.S. government operative who allegedly had done past contract work for a variety of US law enforcement and intelligence agencies, according to a known CIA asset (Baruch Vega) who is **identified as such**

(http://narcosphere.narconews.com/userfiles/70/Judge_s.ruling.pdf)

in public court records. The four tons of cocaine onboard of the Gulfstream II at the time of its crash landing, according Vega, was purchased in Colombia via a syndicate that included a Colombian narco-trafficker named Nelson Urrego, who, [according to Panamanian press reports and Vega](http://www.narconews.com/Issue49/article2965.html) (<http://www.narconews.com/Issue49/article2965.html>), is a U.S. government (CIA) asset.

[For more details on the Gulfstream II story and connections, read Narco News's past coverage at this [link](#)

(<http://narcosphere.narconews.com/notebook/bill-conroy/2011/04/mexican-narco-trafficker-s-revelation-exposes-drug-war-s-duplicity>.)]

Zambada Niebla, who, according to the U.S. government, managed logistics for the Sinaloa organization — a job that entailed overseeing the purchase of aircraft for drug smuggling activities, as well as weapons for enforcement activities — claims in his court pleadings to have been actively cooperating with several U.S. law enforcement agencies since at least 2004.

And so it appears the CIA is in the background of Zambada Niebla's pending criminal case in Chicago (seemingly evidenced by the recent CIPA filing) as it allegedly was in the Gulfstream II cocaine jet case. And it is the CIA that trumps every other U.S. agency when it comes to operations in a foreign land.



A former CIA

counterintelligence officer, who asked not to be named, explains how it works (and how the Mexican lawyer Loya Castro might have wound up owing primary allegiance to the CIA) as follows:

It's ... true that sometimes agents who do narcotics work [like DEA agents] may also do things that are at the same time of interest to the CIA in terms of intelligence collection.

If CIA and DEA are working the same person, collecting information, the CIA will get the nod [ultimate control] that's normal. In the field [overseas] the CIA trumps everyone.

... The system is designed so that agencies do not walk over each other's assets [or informants], so you don't have two agencies going after the same people for different reasons [DEA to bust them for narco-trafficking and CIA to use them as intelligence assets, for example]. [In those cases, though] it is CIA that gets the preference; CIA is the mother god.

Another possible area of concern for the government in the arena of classified information with respect to

the Zambada Niebla case has to do with weapons trafficking.

His court pleadings reference the controversial U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) weapons-trafficking interdiction program **Fast and Furious** (<http://narcosphere.narconews.com/notebook/bill-conroy/2011/07/congress-told-strategy-behind-fast-and-furious-months-its-launch>) — an operation, now the subject of Congressional hearings, that allegedly allowed some 2,000 guns to be smuggled across the US/Mexican border under ATF's watch.



As a result of Operation Fast and Furious, Zambada Niebla's court pleadings assert, about "three

thousand people" in Mexico were killed, "including law enforcement officers in the state of Sinaloa, Mexico, headquarters of the Sinaloa Cartel."

More from his [court pleadings](http://narcosphere.narconews.com/userfiles/70/Pleadings.Sinaloa.Zambada.pdf) (<http://narcosphere.narconews.com/userfiles/70/Pleadings.Sinaloa.Zambada.pdf>):

Mr. Zambada Niebla believes that the documentation that he requests [from the US government as part of his court case] will confirm that the weapons received by Sinaloa Cartel members and its leaders in Operation 'Fast & Furious' were provided under the [immunity] agreement entered into between the United States government and [Chapo Guzman confidante, DEA cooperating source and possible CIA asset] Mr. Loya Castro on behalf of the Sinaloa Cartel...

US prosecutors, [in their court pleadings](http://narcosphere.narconews.com/userfiles/70/108.govesponse.pdf), (<http://narcosphere.narconews.com/userfiles/70/108.govesponse.pdf>) frame Zambada Niebla's allegations with respect to Fast and Furious as being baseless:

Defendant requests all information in the possession of the U.S. government related to an ATF investigation referred to as "Fast and Furious." ... Defendant's requests related to Fast and Furious ... as well as references to Whitey Bulger, and other unrelated matters are gratuitous and wholly unrelated to any legitimate discovery issues in this case.

And so the pretense of the drug war plays out once again in a courtroom somewhere in America, where justice appears as a mere shadow on a wall of deadly secrets and maniacal misdirection.

Stay tuned...

Narco News past coverage of the Zambada Niebla case can be found at these links:

* [Mexican Narco-Trafficker's Revelation](#)[Exposes Drug War's Duplicity](#)<http://narcosphere.narconews.com/notebook/bill-conroy/2011/04/mexican-narco-trafficker-s-revelation-exposes-drug-war-s-duplicity>* [ATF's Fast and Furious Seems Colored With](#)[Shades of Iran/Contra Scandal](#)<http://narcosphere.narconews.com/notebook/bill-conroy/2011/07/atf-s-fast-and-furious-seems-colored-shades-irancontra-scandal>• [US Court Documents Claim Sinaloa "Cartel" Is Protected by US Government](#)<http://narcosphere.narconews.com/notebook/bill-conroy/2011/07/us-court-documents-claim-sinaloa-cartel-protected-us-government>• [US Government Informant Helped Sinaloa Narcos Stay Out of Jail](#)<http://narcosphere.narconews.com/notebook/bill-conroy/2011/08/us-government-informant-helped-sinaloa-narco-s-stay-out-jail>Share 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About *Bill Conroy*

Biography

[Narcosphere@aol.com \(mailto:Narcosphere@aol.com\)](mailto:Narcosphere@aol.com)

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