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United States Senate

SPECIAL COMMITTEE ON AGING

WASHINGTON, DC 20510-6400

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March 4, 2016

The Honorable John Kerry
Secretary of State
U.S. Department of State
2201 C Street, NW
Washington, DC 20520

Dear Secretary Kerry:

The Senate Special Committee on Aging recently held a hearing exposing a troubling new scam involving global drug traffickers deceiving unwitting American seniors into courtering illegal narcotics across international borders. According to the Immigration and Customs Enforcement (ICE) official who testified at our hearing, ICE estimates that 145 unsuspecting “couriers” have been arrested by foreign governments after they became ensnared in this scam and unknowingly smuggled prohibited drugs.

One victim of this scam is 77-year old Joseph Bryon Martin, a retired pastor from Dresden, Maine. As Mr. Martin’s son Andy testified at our hearing, Mr. Martin became involved in an online confidence scam and last July agreed to carry a package of what were described to him as real estate “documents” from Lima, Peru, to a woman purportedly named “Joy” in the United Kingdom. After flying to Lima, Peru, to pick up the package from Joy’s friend, Mr. Martin was pulled aside in Madrid, Spain, where Spanish customs and border agents discovered that the still-wrapped package contained approximately 1.4 kilograms of cocaine. Mr. Martin was arrested, taken to jail, and, in January 2016, he was sentenced to six years and one day in prison, which was the mandatory minimum sentence for the offense associated with the amount of cocaine he was carrying. He is incarcerated in Centro Penitenciario Madrid III Prisión (Madrid III). Because of his age and poor health, this may be a life sentence for Mr. Martin.

While we recognize that under Spanish law individuals can be convicted without evidence of intent to violate the law, we find it terribly unfair that an older American who by all indications is a victim and did not understand that he was being used to transport illegal drugs remains incarcerated abroad while the criminals who masterminded this scheme remain free. Mr. Martin is not the only American senior to have suffered such a fate. At our hearing, we also heard from a senior from Green Valley, Arizona, who told us how he almost fell victim but was lucky enough to be intercepted by ICE before unknowingly becoming a “courier.” According to ICE, at least 30 Americans, including many senior citizens, also are being held overseas as a result of their involvement in this type of scam. ICE believes these

Americans are also likely victims—not perpetrators—of this reprehensible scam and have no known ties to drug trafficking or other serious crimes.

We urge you to reach out to the appropriate ICE officials regarding Mr. Martin and the other individuals still in prison overseas as a result of this scam, to fully understand why ICE has concluded that these Americans are likely victims. More specifically, we ask that you or the American Ambassador to Spain raise Mr. Martin's case directly with the Spanish government, and that similar steps be taken on behalf of the other American victims with the foreign governments where they are imprisoned. The United States has a partnership with many of these nations, and given the support and assistance we have provided these allies in the past, we think it is warranted to ask these nations to take a fuller look at the circumstances around these particular cases.

In addition, we ask you to urge foreign governments to fully cooperate with ICE in providing vital information about the legal status of the American citizens being held overseas as a result of this scam. While ICE informs us that some foreign governments have cooperated with their investigation, others have not been helpful when ICE has inquired about American citizens still being held, or who have criminal charges pending against them. We would like a full briefing on the status of your discussions with foreign governments in providing this vital information about the legal status of the American citizens being held overseas as a result of this scam.

We recognize that Americans traveling outside of the United States must respect and follow the laws of other countries, just as we expect citizens of other countries to obey our laws while on U.S. soil. But ICE's investigation has revealed that these senior Americans are likely victims of international criminal enterprises who are being further victimized by their imprisonment. While we appreciate the partnership forged between the Department of State and ICE officials who are working through attaches and embassies to assist the imprisoned seniors, we would like to see more action taken to expedite the process and return these seniors to their homes.

If you have any questions about this request, please contact Sharon Utz of the Majority staff at 202-224-5364 or Joel Eskovitz of the Minority staff at 202-224-0185. Thank you for your attention to this matter.

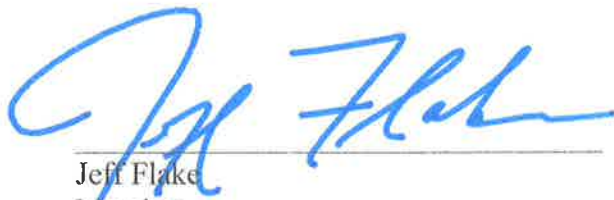
Sincerely,



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Jeff Flake
Member



Kirsten Gillibrand
Member



Tom Cotton
Member



Richard Blumenthal
Member



David Perdue
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