COMMITTEES: APPROPRIATIONS

COMMERCE

HEALTH, EDUCATION, LABOR, AND PENSIONS

## United States Senate

October 20, 2017

The Honorable Rex W. Tillerson Secretary of State U.S. Department of State Washington, DC 20520

Dear Secretary Tillerson:

I am writing on behalf of my constituent, Mr. Bill Conner, father of Abbey and Austin Conner, to express my disappointment with the State Department's September 28 response to my September 5 inquiry and to once again request information regarding the circumstances of Abbey's death. I am very concerned about the threat to the health and safety of U.S. citizens posed by illicit alcohol in Mexico, the lack of transparency, accountability, and adherence to the rule of law exhibited by local Mexican authorities and businesses in relation to this issue, and the State Department's inadequate action to address the serious nature of the problem, including substandard assistance to victims.

The State Department's September 28 response indicated that Mexican authorities had an open criminal investigation into Abbey's death and that upon its completion the Conner family could acquire the final investigative report. However, Mr. Conner states that the investigation was already closed when that response was written and that the family has the report. Troublingly, the report reveals that the investigation was completely inadequate. Indeed, Mexican authorities failed to interview key witnesses such as guests and staff of the Iberostar Paraiso del Mar hotel in Cancun who were on site the day of Abbey's death and declined to test the alcohol that was served to Abbey and her brother Austin. Given the failure to accomplish these basic investigative tasks, questions can reasonably be raised whether the Mexican authorities and the hotel have something to hide. Accordingly, I am concerned that the Department is taking at face value the representations made by Mexican authorities and the hotel when the facts of the case do not warrant such credulity. I request that the State Department use every tool at its disposal to urge the Mexican Government to ensure that the circumstances of Abbey's death are investigated in a truly thorough and transparent manner.

Furthermore, I am extremely disappointed that the State Department's September 28 response included misleading information regarding the existence of illicit alcohol in Mexico. That letter referred to an August 2017 heath code inspection by the Mexican Federal Commission for the Protection against Sanitary Risk (COFEPRIS) into the hospitality industry, including the Iberostar Paraiso del Mar in Cancun, which "found no evidence of tainted or adulterated alcohol." However, Abbey's alcohol-related death occurred in January 2017, and, as noted above, the alcohol on site that day was not tested. It is therefore disingenuous at best to portray the August 2017 inspection results as evidence that Mexico does not have a problem with unregulated alcohol. To the contrary, the record clearly shows the opposite it true: in August 2017, Mexican authorities seized 10,000 gallons of illicit alcohol from an unnamed company; since 2010, the national health authority in

Mexico has confiscated more than 1.4 million gallons of adulterated alcohol; and a 2017 report by Euromonitor International found that as much as 36% of the alcohol consumed in Mexico is illegal.<sup>1</sup>

In light of this clear record—and reports of dozens of Americans who have experienced suspicious alcohol-related incidents in Mexico—I am gravely concerned that the State Department is not taking seriously the health and safety risks to U.S. citizens posed by illicit alcohol<sup>2</sup>. To date, the Department's actions have not matched its stated concern for the safety and security of U.S. citizens abroad. The brief note regarding tainted alcohol that was added in July 2017 to the Country Specific Information page for Mexico is insufficient. It is certainly too late considering tainted alcohol has been a known problem for years. At a minimum, the State Department should include stronger, more explicit, and more detailed language regarding the risks of adulterated alcohol on the Mexico Travel Warning page. To help appropriately capture the true nature of the risk posed to prospective travelers, I urge the State Department to investigate the circumstances of these dozens of alcohol-related incidents, to include speaking with the victims or their families.

In addition, I request that the State Department demand that the Mexican Government more frequently and thoroughly investigate suspected tainted alcohol, including the manufacturers, distributors, and purchasers, and improve its efforts to prevent, investigate, and transparently prosecute crimes related to illicit alcohol. As a start, I request that the State Department urge the Mexican Government to publicly reveal the name of the company from which 10,000 gallons of illicit alcohol were seized. Furthermore, I request that the State Department track the number and circumstances of alcohol-related incidents affecting U.S. citizens and improve its assistance to victims. The results of these actions should be made public on the Mexico Travel Warning page.

Finally, I am concerned that State Department officials met with the governor of Quintana Roo, Carlos Joaquin, earlier this month during his trip to the United States to promote his region as a safe tourist destination for Americans, and, according to media reports, did not raise Abbey's case or the general issue of illicit alcohol in Mexico<sup>3</sup>. This is another troubling sign that the State Department is not taking seriously the problem of adulterated alcohol. It is simply unacceptable that a Mexican official can come to the United States to promote Cancun as a safe travel destination at the same time Mexican authorities and members of the tourism industry in that very region are stonewalling the Conner family. I request that the State Department provide me the names of each U.S. official that met with Governor Joaquin and a full report of the items discussed during those meetings.

Thank you for your attention to this matter and consideration of my requests.

Tanany Baldwin United States Senator

<sup>&</sup>lt;sup>1</sup> Raquel Rutledge, *Mexican Authorities Seize Illicit Alcohol in Crackdown at Resorts*, Journal Sentinel (August 12, 2017), http://www.jsonline.com/story/news/investigations/2017/08/12/mexican-authorities-seize-illicit-alcohol-crackdown-resorts/562027001/.

<sup>&</sup>lt;sup>2</sup> Raquel Rutledge, *State Department Numbers Minimize Tourist Deaths Tied to Blackouts at Mexico Resorts*, Journal Sentinel (October 6, 2017), http://www.jsonline.com/story/news/2017/10/06/abbey-conners-death-mexico-goes-state-department-numbers-minimize-deaths-mexico-abbey-conner-not-lis/736139001/.

<sup>3</sup> Ibid.