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# The Forum

OF FARGO

LATE EDITION MONDAY, APRIL 15, 2019 INFORUM.COM

## FIGHTING THE FEDS



David Samson / The Forum  
Daniel Vivas Ceron talks about his case March 29 at the Cass County Jail. He's accused of leading a fentanyl ring linked to the fatal overdose of a Grand Forks man. He says federal agents threatened to hurt his family if he didn't confess.

### ACCUSED RINGLEADER TIED TO ND DRUG DEATH SAYS AGENTS FORCED HIS CONFESSION IN PANAMA AIRPORT

By April Baumgarten  
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**Fargo**  
After serving 12 years in a Canadian prison, Daniel Vivas Ceron thought he was going home to Colombia. He arranged for his mother to meet him in the country's capital of Bogota. He boarded

a commercial flight on July 17, 2015, from Montreal. As the plane started to move from the gate, he asked a Canadian federal agent who was escorting him when they would land in Bogota — he said he had been told multiple times before takeoff that he was on

a direct flight to Colombia. "We are not taking you to Bogota," one agent said, Vivas recalled. "You're going to Panama." Vivas didn't know it at the time, but that's where U.S. federal agents were

**VIVAS:** Page A5



David Samson / The Forum  
This Fargo street sign along Main Avenue advertises the upcoming construction project.

### Main Avenue's 2-year renovation to start Wednesday

By Raju Chaduvula  
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**FARGO** — The long-anticipated Main Avenue reconstruction project is set to begin, with construction crews preparing to close down the first section of the road on Wednesday, April 17. Work was first slated to begin Monday, April 15, but was pushed back by a snow storm, the North Dakota Department of Transportation said in a Friday afternoon news release. Main Avenue between Second Street and Fourth Street in Fargo will be closed to through traffic starting at 9 a.m. on Wednesday as the two-year renovation project begins. Crews will start by installing the first blocks of storm sewers, according to NDDOT. The Main Avenue and Fourth Street intersection will remain open for a period of time and access for local traffic will be in place east of Fourth Street South until the full road closure just west of Second Street. As the construction continues over the coming weeks, the Main Avenue and Fourth Street intersection will fully close

and local residents will have access to temporary roads across Main Avenue through the Gateway Center parking lot. The intersection is slated to reopen in late June. Construction of the Second Street South and Main Avenue roundabout is expected to last until October. Drivers going into Moorhead can take a detour route via Northern Pacific Avenue between Eighth Street South and Second Street South. Motorists are urged to be aware of any flood-related closures that may affect detour routes. In 2019, construction crews will work on Main Avenue between the Red River Bridge and Broadway Avenue. The second part of the reconstruction in 2020 will take place between Broadway and University Drive. A public information meeting will be held on Monday from 4 to 6 p.m. at the Depot, 701 Main Ave. in Fargo. Ongoing public information meetings will be held biweekly between 11:30 a.m. to noon starting

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Barry Amundson / The Forum  
City Council meetings in Tower City are held at the community center pictured here.

### Tower City petition aims to recall mayor

By Barry Amundson  
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**TOWER CITY, N.D.** — A petition calling for the recall of the mayor has been started in a small town on the far western border of Cass County along Interstate 94 with the mayor accused of a variety of allegations. Tower City Mayor Scott

Salberg could be on a special election recall ballot this year, although the town's city auditor, Jody Haseleu, didn't return numerous phone calls and an email to verify that enough valid signatures had been turned into her office. Salberg also didn't return numerous calls this past week.

However, according to a petition approved by North Dakota Secretary of State Al Jaeger's office, a sponsoring committee of five city residents said they were undertaking the recall vote for Salberg and listed the reasons as poor performance of duties, failure to enforce city ordinances, allow-

ing harassment of other city officials at meetings, removal of city records from the file and failure to conduct all city business in an open forum. Chairman of the recall committee, Maryln Halland, said he didn't want to comment more on the

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#### INSIDE TODAY'S FORUM



**SPORTS:**  
Fargo runner qualifies for Boston Marathon on her first try at 26.2 miles.  
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### No worries, UND, Mark Kennedy will get Colorado university job

It'd be kind of cool if college students could bring down a powerful college presidential candidate, because that'd be so 1960s. But, sorry to say, the smart money still has to be on the Republicans in Colorado. Mark Kennedy's ultra-conservative voting record as a Republican congressman

from Minnesota in the 2000s has some Colorado student groups in an uproar. The University of North Dakota president is the lone finalist for the presidency of the University of Colorado system, encompassing four schools with a total budget of \$4.5

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**Today's weather**

Partially cloudy Details, D4

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# Walz declares Minnesota’s commitment to pollinators

**By Michael Brun**  
Forum News Service

ST. PAUL – Minnesota state agencies are fighting for pollinators.

An executive order by Gov. Tim Walz affirmed the importance of pollinators for the state and directed agencies to support pollinator habitat and promote the careful use of pesticides.

“Some of our native bee and butterfly species are now in danger of extinction, and these declines suggest that other pollinators are also at risk,” according to the order signed April 5. “Because pollinators enable wild plants and many domestic

crops to reproduce, they are essential to the health of our environment, economy and way of life.”

Here are some of the actions to be taken:

- Minnesota Department of Natural Resources will oversee the state’s portion of the Mid-America Monarch Butterfly Conservation Strategy, a regional effort to sustain butterfly populations.
- Minnesota Department of Transportation will use land along state-owned roadways for pollinator habitat.
- Minnesota Department of Agriculture will provide resources to farmers to limit the use

of pesticides and promote pollinator-friendly pest management practices.

“It’s not hard to imagine the impact that the loss of pollinators would have on our food supply,” from fruits and vegetables to the clover eaten by cattle, said Chris Schad, owner of the Bee Shed in southeastern Minnesota. The beekeeping operation promotes pollinator habitat and provides education about the importance of bees.

Though Schad said outreach efforts seem to have heightened awareness of pollinator issues in Minnesota, he said it remains to be seen how serious the state is when it comes to

funding measures to support pollinators.

The executive order replaces a 2016 order by Gov. Mark Dayton that had a controversial “verification of need” requirement for farmers to use neonicotinoid pesticides, a type of pesticide that is less toxic to mammals but that studies have linked to declining pollinator populations.

State Sen. Torrey Westrom, R-Elbow Lake, chairman of a Minnesota Senate agriculture committee, commended Walz for acknowledging the concerns of farmers and rescinding the verification of need requirement.

“While we may not agree

on every issue, his new executive order pertaining to pollinators appears to be restrained to state government operations on publicly owned land and it largely mirrors the practices that state agencies already practice,” Westrom said in an email.

Minnesota Farm Bureau President Kevin Paap praised the executive order. He said the agriculture advocacy organization supports cooperative efforts among federal and state governments, beekeepers and farmers.

“Minnesota Farm Bureau will continue to work closely with this administration and the

**VIVAS**

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waiting for him, ready to accuse him of leading an international fentanyl operation that shipped the potent opioid from China into the U.S. Court documents link him to two overdose deaths, including Bailey Henke, an 18-year-old Grand Forks man who died after ingesting fentanyl in January 2015.

Four years later, 38-year-old Vivas is sitting in the Cass County Jail, waiting for a trial during which federal prosecutors will argue he operated the drug ring from inside Drummond Institution, a medium-security prison near Montreal.

More than 30 defendants have been charged in the case, and about a dozen have been ordered to spend time behind bars. The U.S. Attorney’s Office in Fargo has received honors for its prosecution of the international drug operation.

Prosecutors have laid out allegations of how undercover agents allegedly bought fentanyl multiple times from Vivas using electronic means, how he used the dark web to communicate with co-conspirators and how he ordered others to manufacture and ship tens of thousands of fentanyl pills across the country. Court documents also say he admitted to his alleged part in the dealings while talking to U.S. federal agents in Panama.

procedure.

“The argument is going to be this is not a voluntary, willing and knowing waiver of one’s rights, and therefore, the confession violates the Fifth Amendment,” Schultz said.

**‘My name is Daniel Vivas Ceron’**

Vivas’ sworn statement reads more like a journal of his life and how he came to be in Fargo. The document begins with the line, “My name is Daniel Vivas Ceron.”

His father, who grew up in poverty, got involved in cocaine trafficking, faced assassination attempts and was addicted to drugs. Vivas’ mother took him and his brother away to Canada in 1988 to keep the father from beating and verbally assaulting them.

“Mom took her courage in (her) hands and took us away to protect us,” Vivas wrote.

His father killed himself, and his brother, who was deported in 1997 to Colombia after getting involved with a gang, died in a drive-by shooting in 1999 at age 23.

Vivas said he tried to be a good kid. He practiced martial arts, worked a minimum-wage job and tried to join the Canadian Army. But after his brother died, he became depressed and eventually got involved in “violence, drug consumption and drug dealing, at a small scale.”

He eventually was sent to prison in Canada on drug-smuggling charges and in connection with a drive-by shooting.

“I understand I haven’t always been walking the right path,” he told The Forum. “I’ve done a lot of mistakes.”

than his mugshot, which made him look like a clean-cut, stout bodybuilder with short hair.

It takes a lot to scare Vivas, he said, noting that he’s stubborn and can handle a beating. But he said he cried when a U.S. agent allegedly told him they had people standing by his mother and then-girlfriend.

“I studied body language,” he said. “I’m looking at this guy’s body language. He doesn’t look like he is lying.”

Vivas showed The Forum photos of his mother doing mission work. He started to tear up when talking about how scared he was for his mother being threatened.

The alleged threat to hurt his family was enough for him to give up his rights and confess, he said.

“My mom has gone through hell in her life,” he said. “I’m not going to let them hurt her. So when he showed me the video, I said, ‘All right. I’m guilty of whatever you say. Just don’t hurt my family.’”



**David Samson / The Forum**

Daniel Vivas Ceron talks about his case March 29 at the Cass County Jail. He’s accused of leading a fentanyl ring linked to the fatal overdose of a Grand Forks man. He says federal agents threatened to hurt his family if he didn’t confess.

agents informed Vivas of his Miranda rights before he confessed, making it voluntary, according to court documents.

There is no recording of the conversation between the U.S. federal agents and Vivas since the Panama government did not allow it, according to an affidavit filed by Myers.

“Interrogation tactics using psychological pressure, implied false promises, playing on a subject’s emotions and using his respect for his family against him do not necessarily render a confession involuntary,” Myers said in court documents.

Vivas called what the agents allegedly did torture.

A spokesperson for the Drug Enforcement Administration, a lead agency in the case, said the agency would not discuss its tactics or methods for interviewing suspects.

**Facing a possible life sentence**

Vivas spent more than a year in a Panama prison awaiting extradition to the U.S., which he fought. He arrived Jan. 25, 2017, in North Dakota, and the next day he appeared for the first time in federal court in Fargo.

Vivas’ former attorney, Brian Toay, told him Myers would seek a life sentence for Vivas if he

spoke about Panama, according to the defendant’s statement. Again, the U.S. Attorney’s Office declined to comment, and a phone message left for Toay was not returned.

Myers filed notice Jan. 14, less than a month after Vivas submitted his narrative describing alleged threats in Panama, that the prosecution intended to seek a life sentence.

Vivas argued his rights under international treaties were violated in the way he was brought to the U.S. A judge ruled against his motion to dismiss his case after his current attorney, Charles Stock, argued he was brought to the U.S. without due process. A hearing regarding his motion to suppress his statements made in Panama is set for Tuesday, April 16, and he’s slated to go to trial Oct. 1.

“Generally, I will say that the government agent’s credibility prevails,” Schultz said, if there is no evidence to back up a defendant’s claims.

There are federal documents that indicate Vivas’ mother and then-

girlfriend were with agents the day of his interrogation, though he disputes the timeline indicating agents talked with his mother after his interview.

Stock declined to comment for this story.

Vivas said he’s innocent until proven guilty, and if the U.S. can prove a person committed a crime, they should face consequences. But he doesn’t want to go further until a judge rules on whether hostages were taken and whether the alleged threats render his confession inadmissible.

He said he can’t take a plea deal at this point, no matter what’s offered. He asked readers to put themselves in his position — how would they feel if their family was threatened.

Vivas said agents went too far to get him.

“Even if I was who they say I was and even if they wanted me that bad, the question is, are you willing to surrender your constitutional rights and the rights of your kids and your descendants just to get one guy in prison?” he asked.

Readers can reach Forum reporter April Baumgarten at 701-241-5417.


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