

# THE MEXICAN CONNECTION

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HEARINGS  
BEFORE THE  
SUBCOMMITTEE TO INVESTIGATE  
JUVENILE DELINQUENCY  
OF THE  
COMMITTEE ON THE JUDICIARY  
UNITED STATES SENATE  
NINETY-FIFTH CONGRESS  
SECOND SESSION

ON  
UNITED STATES EFFORTS TO HALT HEROIN IMPORTATION:  
ERADICATION AND ENFORCEMENT IN MEXICO  
SOUTHWEST BORDER CONTROL

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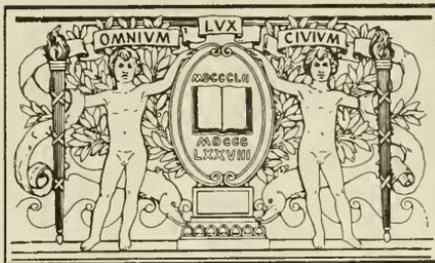
FEBRUARY 10 AND APRIL 19, 1978

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U.S. GOVERNMENT PRINTING OFFICE

25-024

WASHINGTON : 1978

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# THE MEXICAN CONNECTION

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FRIDAY, FEBRUARY 10, 1978

U.S. SENATE,  
SUBCOMMITTEE TO INVESTIGATE  
JUVENILE DELINQUENCY OF THE  
COMMITTEE ON THE JUDICIARY,  
*Washington, D.C.*

The subcommittee met, pursuant to notice, at 10:10 a.m., in room 2228, Dirksen Senate Office Building, Hon. John C. Culver (chairman of the subcommittee) presiding.

Staff present: Stephen Rapp, staff director; Josephine Gittler, chief counsel; and Cliff Vaupel, assistant counsel.

## STATEMENT OF HON. JOHN C. CULVER, A U.S. SENATOR FROM IOWA

Senator CULVER. Today, the Juvenile Delinquency Subcommittee begins its oversight hearings on U.S. drug enforcement operations.

For a number of years, the subcommittee has been involved in Federal drug enforcement legislation. It played a major role in the development of the Comprehensive Drug Abuse Prevention and Control Act of 1970—in particular its titles II and III—the Controlled Substances Act and the Controlled Substances Import Act. Since that time, the subcommittee has conducted numerous hearings on the regulation of controlled drugs and on the criminal penalty structure for illicit drug trafficking and dealing.

Hard drug abuse has leveled off somewhat in this country since it hit its peak a half dozen years ago, and the national anxiety over the problem has abated. But make no mistake about it, addiction is still a major problem in this Nation and smuggling of dangerous drugs remains an incredibly big business.

The General Accounting Office estimates that illegal drugs cost the Nation an estimated \$10 to \$17 billion each year in losses from drug-caused crime, enforcement expense, treatment and rehabilitation programs, and the loss of productive work by drug dependents.

But dollar figures don't begin to tell the story of the tragic toll of drug abuse in terms of human misery, broken homes, victims of drug-related crime, and wasted lives—including those of children and youth.

We are fully aware that enforcement is not and cannot be the only answer to drug abuse. Congress recognized in 1970 that efforts to cut drug supplies through enforcement must be accompanied by efforts to reduce demand through programs in drug prevention, treatment and rehabilitation, as well as overall policies to deal with the social

causes which lead individuals to escape into a life of chemical dependency.

While enforcement is by no means the total answer to the drug problem, it is an indispensable part of that answer. Sound, enforceable laws and efficient administration of those laws can make a significant difference in the supply as well as the availability of dangerous substances. And history has shown that when the supply is restricted to any significant degree, reduction in drug usage follows.

The hearing today and the second one that is scheduled for April 19 are being held to update Congress on the status of current enforcement programs and problems. A principal focus will be on the control of heroin, a leading priority of U.S. drug agencies for many years.

Since the early 1970s, when the so-called French connection was broken by enforcement actions and by the Turkish opium ban, world narcotic trafficking patterns have shifted dramatically.

Now a major share of the illegal traffic in hard drugs is coming into this country over our Southern border. Most of the heroin currently reaching American streets comes from Mexican sources. Other dangerous drugs are smuggled in from South America, and there is still some traffic in opiates from Southeast Asia.

The subcommittee is particularly interested in joint United States-Mexican efforts to eradicate poppy fields south of the border and to crack down on trafficking operations at their source.

President Carter is now considering a reorganization of border control agencies to improve the efficiency of drug interdiction, and this is another subject that is of interest to this subcommittee.

How effective are present enforcement programs in controlling the flow of hard drugs into this country? To what degree are the efforts of the various agencies sharing responsibility properly in drug enforcement and are their efforts being coordinated? What is the status of our joint efforts with other countries in narcotics control, and are present laws adequate or is new legislation needed?

For answers to these questions, we have invited today representatives of the White House, the Justice Department's Drug Enforcement Administration, and the Department of State.

Today's hearing will deal specifically with international efforts to halt the drug at or near the source—through opium eradication or through foreign enforcement activities with a particular emphasis on activities in the main source country, Mexico. At our next hearing, representatives of these and other agencies will answer questions about efforts to halt the drug flow at the border.

Our first witness this morning is Dr. Peter Bourne, Special Assistant to the President for Health Issues as well as Director of the Office of Drug Abuse Policy.

Dr. Bourne, we are very pleased to welcome you here this morning before the subcommittee. I understand you have a prepared statement.

In the interest of time if you care to summarize, we will put the whole statement in the record. If you would like to read the statement, that is permissible, of course, as well.

Then, we would like to have some time to pose some questions to you because we do have a heavy program of witnesses this morning. So you may begin.

**STATEMENT OF DR. PETER BOURNE, SPECIAL ASSISTANT TO THE PRESIDENT FOR HEALTH ISSUES, DIRECTOR, OFFICE OF DRUG ABUSE POLICY**

Dr. BOURNE. Thank you, Mr. Chairman, I would like to read my statement. It is brief.

It is a pleasure to appear before this subcommittee for the first time to discuss what we feel is the most important international project in the field of drug control, the joint Mexican-American effort to eradicate narcotic raw materials and halt drug trafficking.

Before I get into this topic, however, I would like to publicly thank you, Senator Culver, and the other members of this subcommittee as well as the members of the full Judiciary Committee, for their overwhelming support for enactment of legislation which would permit us to ratify the Convention on Psychotropic Substances.

As you know, the United States signed this treaty in 1971 but has not become a party to it for a variety of reasons. The convention will assist us in cooperating with other governments to monitor the worldwide manufacturing and the flow of such drugs as amphetamines, barbiturates, and hallucinogens.

We will be able to determine where diversions occur and spot areas of overproduction. In addition, it will strengthen our position vis-a-vis narcotics producing countries who, understandably, I believe, have asked why the U.S. Government is eager to have stricter controls placed over narcotics raw materials, such as opium and coca, but is apparently unwilling to take measures which would affect drugs manufactured within our borders. With your help we will be able to inform the international community that we are willing to assume this obligation for the common goal of more effective drug control.

As an aside, Mr. Chairman, I will be addressing the United Nations Commission on Narcotic Drugs in Geneva next week and I think it will enormously enhance the leverage that we have in getting cooperation from other countries to show that we are now doing our part in moving toward ratification of this convention.

The President and the Congress have given me the responsibility to make recommendations in the areas of policy guidance and coordination for those Federal departments and agencies performing activities in the drug field, both domestically and internationally. I therefore have the duty to work with my colleagues in the concerned agencies to set objectives and establish priorities for Federal programs and to insure that these programs are performed in a coordinated manner.

One of the most important efforts we have made in this area was through the six policy reviews we have undertaken during the past year. In cooperation with the concerned departments and agencies, we have looked at Federal demand reduction programs, narcotic intelligence, drug law enforcement, regulatory and compliance pol-

icies, and perhaps of greatest interest to this subcommittee, border management and international narcotics control.

Since you will be reviewing the whole question of border management at another hearing, I would like to address the international Narcotics Policy Review and indicate some of the directions we think the Federal activities will follow over the next few years.

Often in the past the U.S. Government has looked upon the drug problem as one affecting only this country—the American disease—as it was called. Slowly we have come to the realization that, in fact, drug abuse is of worldwide proportions, affecting both developing and developed countries throughout the globe. We recognize now that our actions alone cannot begin to successfully address the existing situation. Drug control is of necessity an international activity and responsibility.

We have begun, therefore, to work more closely through bilateral and multilateral means with producer, transiting, and consumer countries as well as with the concerned international organizations, to mount a concerted effort towards controlling this problem. Effective programs are being mounted in Burma, Thailand, Columbia, and other countries facing control problems. At the same time we have noted the increase in drug abuse, particularly heroin addiction, in Western Europe, and we are working with those governments to stem the flow of narcotics into that region, and develop prevention, treatment and rehabilitation programs.

At the same time we are asking these developed countries to provide assistance to producer nations, either directly or through multilateral channels, to destroy these substances at the source where the greatest impact can be made.

While the United States has worked with governments in all parts of the world to insure better drug control, we have given the greatest attention to the Mexican program since it so directly affects our country. The most dramatic gains registered in the Mexican-American drug program are in the area of crop eradication and law enforcement assistance—the so-called supply reduction. The efforts taken in Mexico to destroy narcotic raw materials, such as the opium poppy, before they enter illicit channels are the most effective and cost efficient means of decreasing the flow of drugs such as heroin into the United States.

A field of illegally grown poppies is stationary, relatively easy to detect, and vulnerable to eradication before opium, morphine, or heroin is produced. On the other hand, once the substance has been converted to heroin, it can be hidden and smuggled through our 12,000 mile border with little difficulty. This is not to denigrate the fine work which has been done by DEA, Customs, and State and local enforcement officials. Rather, it highlights the need to strengthen their efforts while at the same time cooperating with the producer countries to halt the growth of these plants before the narcotics they contain are in the illicit distribution system.

For this reason we are strongly supportive of crop and income substitution programs, in conjunction with enforcement initiatives, in countries such as Burma and Thailand where the cultivation of the

poppy has been traditional and alternative cash crops and activities must be developed.

Likewise, we encourage eradication projects in nations such as Mexico where this growth is fostered by organized criminals interested only in profit.

We believe that supply reduction programs serve several purposes. By limiting availability, the purity of heroin on our streets is reduced. This makes experimentation less dangerous and results in fewer overdose deaths. In addition, there is a constriction of the illicit distribution network, often limiting supplies to current users. This therefore results in fewer new heroin addicts. Finally, when the lack of heroin becomes acute, many consumers are encouraged to seek treatment.

It is clear that for the past few years Mexico has been the main source of most of the heroin entering the United States. Large quantities of cannabis are grown there, and there has been substantial transshipment of cocaine from South America to the United States.

One of President Carter's first initiatives upon taking office last year was to meet personally with President Lopez Portillo to discuss a wide variety of common concerns we have with our neighbor. High on the list was the drug control situation. At that time both Presidents pledged their unwavering support for joint efforts to stop this traffic. Likewise, Secretary Vance and Attorney General Bell have met with their counterparts in Mexico to develop strategies to deal with this problem.

Finally, Peter Bensinger, Mathea Falco, Robert DuPont, and I have made a number of visits to Mexico to insure a coordinated approach toward our combined efforts. Likewise, Mexican officials have come to Washington to discuss the same issue. The ongoing activities of the Mexican and American Governments in the field of drug control must rank among the most exemplary forms of international cooperation existing in the world today.

The Congress, in giving the Director of ODAP coordinative responsibilities, recognized that past U.S. drug control efforts had unfortunately been negatively affected by inter-agency disputes. Previous administrations attempted to deal with this problem through the establishment of a series of committees which seldom, if ever, met and which became so unwieldy as to be unproductive. We have determined that the most effective way of ensuring real coordination and cooperation is by having periodic meetings, usually every 2 weeks, of the principals most deeply involved in this area.

Therefore, Mr. Bensinger, Ms. Falco, Dr. DuPont and Mr. Chasen, and I meet often to discuss our activities. Inevitably, the Mexican situation is one of the main topics on our agenda. I will leave it to those individuals to provide you with details on the programmatic aspects of their work, but I would just like to underscore that while disagreements sometimes, although rarely, surface, we do have an effective mechanism for resolving them quickly and going forward.

No matter how close the cooperation exists among the Federal agencies concerned with the Mexican program, without the full and firm support of the Mexican Government, all our efforts would be

worth little. That Government must be warmly congratulated for its work and for the resources it has devoted to this problem. And while we supply support to their efforts, it must be noted that their contribution to this program exceeds our own.

What has been the result of our intense activities? There has been a decrease in heroin availability in our country; the heroin that is available is less pure; the price has gone up; and, most importantly, there has been a 40 percent decrease in heroin overdose deaths during the past year. I think this is truly remarkable progress.

As for the future, we look forward to continuing our cooperation with the Mexican Government in crop eradication programs, law enforcement advisory activities, and demand reduction projects. We hope to see greater emphasis placed on the identification and the breaking up of major trafficking networks which supply the growers the tools, both financial and physical, to undertake poppy and cannabis cultivation.

President Carter has emphasized his continuing interest in working with the Mexican Government to insure that our common effort toward reducing the supply of and the demand for drugs will be successful. I believe that with the continuing support of the Congress we will be able to do this.

Thank you, Mr. Chairman.

Senator CULVER. Thank you very much, Dr. Bourne.

As Director of the Office of Drug Abuse Policy you are responsible for the overall policy guidance and coordination in this area of our international narcotics control. Viewed from this perspective, how important is this current eradication program in Mexico?

Dr. BOURNE. From our perspective it is the highest priority and this is a view that I think is shared by the principals in each of the agencies who will be testifying after me. With the overwhelming bulk of the heroin coming to this country in the last several years being of Mexican origin, the ability to eradicate the opium poppy there is absolutely crucial.

I think our success over the last year or so not only reflects the crucial element that Mexico provides, but also the fact that if we can deal with that source we can really deal with the heroin problem in this country overall.

Senator CULVER. Could you give us some specific information as to how effective that eradication program has been in reducing the amount of heroin available to the United States?

Dr. BOURNE. I think in the administration we see two general goals for our drug program. Perhaps this is the most important. That is to reduce the deaths, the health hazards and the social cost of drug use.

The second is to reduce drug consumption overall on the principle that not using drugs is better than using drugs, whether or not they are directly harmful to you.

Taking the first criteria, I think that we have been exceptionally successful with the Mexican eradication program. We've had roughly a 40 percent drop in death rates in the United States from heroin in the last year and I think that although we still have a number of tragic deaths continuing, we have made substantial progress. If we can reduce still further the flow of heroin into this country, we will

have gone a very, very long way toward eradicating the continuing tragedy of those deaths that still do occur.

If you look at the second criteria, the continuing flow of heroin, there is still heroin coming to this country. It is probably at about the lowest level, judged by purity, that it has been in about 7 years. However, we are not going to rest where we are right now. We would like to get it down to zero. However, I think we have made dramatic progress and I think it is overwhelmingly a result of this eradication program in Mexico.

Senator CULVER. Dr. Bourne, you mention that both the quantity as well as the purity of heroin have gone down in this country.

What are the implications of this trend to the average heroin user?

Dr. BOURNE. When purity goes down, a number of things happen. First, you have an enforced detoxification on the street. When people are using less pure heroin, the extent to which they are addicted gradually goes down so that when they do not have immediate access to heroin, they do not get as sick as they did previously, and for some people that makes it much easier for them to just drop out of the heroin market. This is particularly true when the general availability of heroin declines and also because the pressures on an addict in terms of what he has to do as far as raising the money to get the heroin he needs, and the problems become that much greater, and so there is a tendency for him just to say "Well, the hassle is too great, I'll stop using heroin."

If the level to which he is addicted has gone down as the purity goes down, it is much easier for him then to stop using on his own. Reduction in purity and an increase in price concomitantly make it that much harder to get good heroin; it often tends to drive people into treatment programs with a higher degree of frequency.

Apart from the people who stop using heroin, a certain number will switch to other drugs. Some will turn to alcohol. Some will turn to barbiturates. Some will turn to cocaine.

Although we would rather that people would not do anything that would be self-destructive—we would rather they would not use any drugs—I think we perhaps can draw some comparison or an analogy with perhaps watching television all the time. We would rather that they were watching cartoons than pornography. I think it is a step in the right direction if people have, in fact, moved from using heroin to using drugs that are less physically dangerous to them and are less likely to kill them and that feed less into the financial profit of organized crime.

So, I think the progress that we have made to this date in reducing the purity of heroin on the street has a very dramatic effect in a number of different areas in improving the situation for addicts.

Senator CULVER. As you know, the United States and the Mexican Governments are currently involved in negotiations concerning the continuation of this important eradication program, its nature and scope in the future, and the level of U.S. participation.

What is your understanding of the current status of these negotiations?

Dr. BOURNE. I was in Mexico last month with Ms. Falco and Mr. Arellano who will be testifying later. We met with the Mexican At-

torney General, with the Mexican Minister of Defense and a number of other Mexican officials. The current status is that we have achieved with the resources we have committed and the resources they have committed, a certain level of success. There remains, however, a sort of irreducible minimum that we have approached and the question is: Are we to be satisfied with the current level of accomplishment or are we willing to commit greater resources to push the availability of heroin even lower?

I think there is a serious question in terms of the point beyond which it ceases to be cost effective. Obviously one can eliminate the most easily identified poppy fields as quickly as possible and as cheaply as possible. We now have opium being planted in more hidden locations and in smaller plots, and the cost of getting rid of residual heroin opium cultivation costs substantially more than it costs to get rid of those more readily accessible fields.

The Mexican Government has prepared a detailed proposal of a stepped-up program to go after the remaining opium cultivation. We are now reviewing that proposal and looking at which areas we feel we might legitimately be able to expand our support into.

The review is being conducted by our Embassy in Mexico and the State Department and by the DEA here in Washington. We hope that we will be able to work out some specific new agreements with them in the next few months.

I think that we are very committed, at the very least, to the continuation of our activities at the present level. The question is, how much more do we feel it is worth in investing resources to step up additionally what we are currently doing.

Senator CULVER. What is your sense of the political climate in Mexico as to their willingness to continue a strong U.S. involvement in this mutual effort?

Dr. BOURNE. I think it has been our experience with Thailand, with Burma, and with other countries, that unless the country itself feels that it is in its own interest to do something about the drug program, that you do not get any cooperation at all.

I feel that some time ago, 2 years or so ago, that the Mexican Government really decided that this, in fact, was not just an American problem and that it created a serious problem for Mexico also in a number of different ways.

It funneled large amounts of money into the hands of people who they did not want to have money any more than we did. It creates instability in the economy of the regions where opium is grown. It spills over out of the distribution system into their own communities and their own young people become addicted. I think that as that became apparent to the Mexican Government, as it has done to other governments around the world, their commitment to deal with the problem at least equals our own.

I think that this issue, to a large extent, is viewed somewhat separately from other aspects of our relationship with Mexico and they feel they have a vested interest in this issue in dealing with it, quite apart from considerations of other issues that we are discussing.

Senator CULVER. At the present time the United States and Mexico have an almost unprecedented set of bilateral problems and concerns.

They are very sensitive issues. There is the issue of illegal aliens and the question of arms traffic. There is the price of natural gas. And, of course, there is the most recent request for the sale of F-5E fighters.

Within the context of these overall negotiations, what priority, in your judgment, does the Carter administration place on the continuation of the eradication program?

Dr. BOURNE. I think it would be hard to rank these issues in terms of relative priorities. I think that it is safe to say that drugs ranks along with those other issues as a priority item. I base this on the fact that in the discussions that President Carter had with President Lopez Portillo back last February, that those issues together with narcotics were the primary topics of discussion. When Vice President Mondale was in Mexico last month, these issues, together with narcotics, were discussed.

It's hard to say where narcotics ranks relative to any one of those other specific issues. I do not think perhaps anybody could make that judgment.

But it is clearly in the same category in terms of being a priority issue both for us and for the Mexicans.

Senator CULVER. Certainly our concern about a vigorous eradication program in Mexico would have to be very high on our list of priorities, would it not?

Dr. BOURNE. Yes, it would.

I would like to add, Senator, that it really is a mutual situation. As I said in my testimony—and I think it is not always appreciated in this country—the Mexican Government is currently committing more resources to this program than the United States is. I think that is very good evidence of the concern that they have for this problem and their willingness to do something about it and not feel that they're doing it only at our request.

Senator CULVER. You know when we talk about security—about them wanting F-5E airplanes to further our mutual security—I think we should keep it in mind that a continuation of serious drug addiction in this country affects our ability to defend ourselves and maintain a credible deterrent in terms of the fundamental health of this Nation.

We could talk all we want about beefing up NATO and arming our allies but if we do not have generations of young people free of this insidious business, then we are not going to be much of a threat to anybody.

So, when we start swapping our respective security requirements, I hope our definition of national security is broad enough to encompass properly something more than just a numbers game about how much we spend on defense or military assistance, but that includes an evaluation of our drug problem, its implications to the real health and security of this country.

This goes to the very heart, in my judgment, of whether we can maintain a credible deterrent. So, I certainly hope that in the calculus of the consideration of our security that this factor will weigh heavily.

This should not discount for a moment the very sincere and commendable efforts of the Mexican Government taken on their own initiative in recognition of their own self-interest in ridding themselves of

the obvious evils and dangerous consequences of drug traffic emanating from their own society.

Of course Mexico is not the only country where opiates are produced. Dr. Bourne, I am interested in knowing whether you believe that the relative success of the Mexican eradication program will lead producers in other opium producing nations like Burma and Thailand to begin supplying the United States market?

Dr. BOURNE. That risk always exists. We are trying to head off that problem by dealing with these other countries that currently produce opium so that we can develop effective eradication programs there prior to Mexico ceasing to be a source and prior to these other countries becoming a potential alternative.

I think we now have a level of cooperation with the Thais and the Burmese that we never have had previously. The Burmese Government has worked extremely effectively to interdict the opium caravans coming down out of the other states and we are extremely optimistic about dealing with that problem. Somewhere perhaps close to 50 percent of the flow of opium out of the region has been reduced, although there is still a substantial amount coming from there. Most of it at the present time is going to Europe.

I think in the long run, our success in preventing alternative sources will have to do with our effective development of intelligence so that we can identify new sources before they become major cultivation areas. We are putting a great deal of effort into that.

We have a problem with the Golden Triangle in Asia and with the Afghanistan-Pakistan border in that they are also two areas of the world where opium has been grown traditionally for hundreds of years. Once we have an acceptable arrangement in terms of reducing cultivation in those two areas, then we will be looking only at totally new areas where cultivation is being started for the first time, such as occurred in Mexico.

I think on that basis, if our intelligence is good and if we can spot new areas of cultivation very early, then we can go in and say to the governments where the opium is being grown, "We want to deal with this before it becomes a major problem." Then we can bring to bear. I think, pressure from the other countries also that are now very involved in this problem. If we can do that, hopefully we can effectively stop other sources developing and substituting for the current Mexican source.

Senator CULVER. Returning to that situation in Mexico, in addition to our eradication program, of course, Dr. Bourne, we also provide law enforcement assistance to the Mexican Government.

Could you briefly describe this program for us?

Dr. BOURNE. Mr. Bensinger will be describing this in greater detail, but this largely relates to the training of and the gathering of intelligence and various types of assistance to Mexican law enforcement agencies.

We have provided fairly substantial manpower support particularly at the times when the cultivation periods were at their peak and when the eradication effort was most intense. We have sent DEA agents down there on TDY to provide support to the Mexican authorities in the areas where the eradication was going on.

We have also worked very closely with the Mexican Government to try to identify some of the major trafficking networks that have been shipping the really large amounts of heroin out of Mexico. I think there has been substantial success in identifying some of those trafficking networks in working with the Mexican Government to build the kind of evidence that is necessary to move effectively in the judicial system against those people.

Senator CULVER. Dr. Bourne, you mentioned in your statement the work of this subcommittee with regard to the Psychotropic Substances Act of 1978. This committee is interested in exploring what steps the United States can do in addition to what we have discussed to assist other countries in their efforts to bring about a greater control of drug traffic and its problems. Do you have any additional specific suggestions as to what measures this Government could take beyond what we are currently doing to assist foreign nations in the international efforts to control dangerous substances?

Dr. BOURNE. I would like to reiterate the importance of the Psychotropic Convention. It isn't just that it will help to control the international shipment of these drugs, but it is very clear to me that there is a very difficult credibility gap we have at the present time in that we were very prominent in promoting the development of this convention originally in 1971 and we pushed other countries into signing it and into ratifying it—now 7 years later, we are one of the few major countries in the world that has not ratified it. So other countries say to us "How come you are telling us not to grow opium when you are not even willing to sign or ratify the Psychotropic Convention?" So I think there is an extremely important symbolic message that we will be able to communicate to the rest of the world by ratifying this convention.

I think also that the United Nations Fund for Drug Abuse Control and the United Nations Narcotic Control Commission and the other U.N. bodies potentially can play an extraordinarily important role in helping to get countries that are now producer countries to really move against the trafficking sources.

In the past, some countries have been reluctant to respond when it was only the United States because it became entangled with other bilateral considerations that we have with those nations and we have worked very closely to help strengthen the effectiveness of the U.N. bodies. We feel that in many instances pressure coming from the U.N. organizations on these producer countries can be more persuasive and harder for them to refute than having only the United States putting pressure on them.

The new Director of the Fund for Drug Abuse Control has just been appointed. He is the former Swedish Minister of Social Services. He is a man who has been involved in the drug field for most of his life and he is somebody who I think will bring a great deal of dynamism and enthusiasm to that agency. I will be meeting with him next week and I look for a very enhanced role for the U.N. bodies in trying to come to grips with this problem. I am quite optimistic that if we can maintain our support for the U.N. activities, they can be an extremely important element in this overall fight.

Senator CULVER. I want to thank you very much for your appearance here, Dr. Bourne. I wish you well at your meetings next week in Geneva.

Dr. BOURNE. Thank you.

Senator CULVER. Our next witnesses will appear as a panel. They are Mr. Peter Bensinger, Administrator, Drug Enforcement Administration; Mr. Jacques Kiere, Regional Director, DEA, in Mexico; David Woods, coordinator, DEA activities in the current Mexican eradication campaign; and Mr. Jerry Kelly, special agent, DEA, and a veteran of several of these campaigns.

**STATEMENT OF PETER BENSINGER, ADMINISTRATOR, DRUG ENFORCEMENT ADMINISTRATION, ACCOMPANIED BY JACQUES KIERS, REGIONAL DIRECTOR; DAVID WOODS, TRIZO COORDINATOR; AND JERRY KELLY, SPECIAL AGENT, MEXICO CITY, MEXICO**

Mr. BENSINGER. Good morning, Mr. Chairman. The individual on my immediate right is Jacques Kiere, Regional Director of DEA in Mexico, and we have Mr. Kelly and Mr. Woods on my immediate left.

I would submit for the record, if I may, Chairman Culver, the testimony which has been prepared on this date and try to summarize the remarks that I would like to make to you and the committee.<sup>1</sup>

Senator CULVER. Without objection, your written statement will be made a part of the record.

Mr. BENSINGER. I would like to associate myself, first of all, with your remarks with respect to the concern you share for the national security interest of the people of this country and the impact that drugs have on our well-being. The number of individuals that died from an overdose of drugs is 5,000. The number of individuals affected who become unproductive and who watch the world go by and who lose their health and their sense of self-respect is in the hundreds of thousands.

I think your remarks not only were welcome to me and the agents of this agency, but they were needed.

The Mexican heroin, as far as DEA agents are concerned, is the single most important and most dangerous drug of abuse.

It represents about 2 out of every 3 kilos or grams or pounds of heroin available in the United States.

I would say that the proportion of Mexican-source heroin in the national retail market has declined for the last two quarters of last year and over the last 18 months, in a dramatic fashion, corroborating a general decline in heroin purity and availability from that source.

There has not been a corresponding upsurge in the source of Asian-supplied heroin and, as a result, there has been 1½ tons less heroin from Mexico in the United States in 1977 than was the case in 1976.

We attribute, more than any other factor, the efforts of the Mexican Government's eradication program to this impact and to this result.

Since November of 1975, that Government has developed an aggressive campaign to eradicate opium poppy cultivation through the use of herbicides. U.S. assistance in this program has been provided,

<sup>1</sup> See p. 107 for Mr. Bensinger's prepared statement.

not only in equipment and supplies and maintenance contracts, but through the presence of U.S. personnel and also training for Mexican law enforcement officers—over 500 have been trained by DEA in the last several years. U.S. Customs and other Federal agencies have participated in this training effort.

Most of the opium growth originates in the States of Sinaloa, Durango, and Chihuahua, and it extends southward into bordering states. I am summarizing now from page 11 of the testimony.

After arrival at collection centers, the opium gum is processed for conversion into heroin at clandestine laboratories, known as “cocinas” or kitchens, which are not the kind of chemical laboratory that you might have thought would be the case if you have seen some of the motion pictures—the “French Connection” variety with white smocks and expensive equipment. They are very small, rudimentary family operations.

After the gum is scraped off the poppy it is caked into a morphine base and, with acetic anhydride and other materials, is converted through a laboratory and heating process into heroin. It is subsequently staged and then smuggled through ports of entry and across the border into the United States.

The time to curb the narcotics traffic, we believe, is when it is hardest to hide. When it's in the ground and when it is at its highest and most important purity—that is at the source.

I would like to have another chart shown. This will reflect the impact of the eradication program of Mexico over the last 3 years. You will see reflected the numbers of acres and fields and yield of pure heroin which has been achieved as a result of this effort.

## TRIZO Eradication Statistics

	1975		
	Nov. 23-Dec. 14	1976	1977
<b>FIELDS</b>	<b>668</b>	<b>31,392</b>	<b>44,278</b>
<b>ACRES</b>	<b>723</b>	<b>17,964</b>	<b>21,769</b>
<b>YIELD*</b>	<b>293</b>	<b>7,270</b>	<b>8,567</b>
<b>Kilograms - Pure Heroin</b>			

\* Based on DEA's conversion formula that 2.471 acres yields 10 kilos opium gum — 1 kilo heroin (pure)

In the first brief year of the program—in 1977—some 668 fields, representing over 700 acres and slightly less than 300 kilos, were eradicated.

In 1976 a much greater effort on the part of the Mexican Government took place. More extensive geographical coverage with repeated spraying at two seasons during the year reached some 17,000 acres and some estimated 7,270 kilos.

Last year, 44,000 fields, in fact, and 21,000-plus acres and over 8 tons of pure heroin were eradicated.

During a phase of these programs—

Senator CULVER. Excuse me. Do you have any idea how much expansion of actual planting has occurred beginning in 1975. Was this the potential target area or greater? Has it been expanding each year or has there been a leveling off because of increased concern about protection, et cetera. Has the profit been a sufficient incentive to bring about a veritable explosion of planting activity?

Mr. BENSINGER. The planting areas can be reflected in this next chart which shows by color the areas where the principal opium growing regions exist. In Sinaloa, the zone I area, the light blue colored geographical configuration reflects where the poppies were actually seen and where the campaign was actually conducted in 1975.

Geographical/Seasonal Growing Changes

▨ 1975  
 ||||| 1976  
 ——— 1977

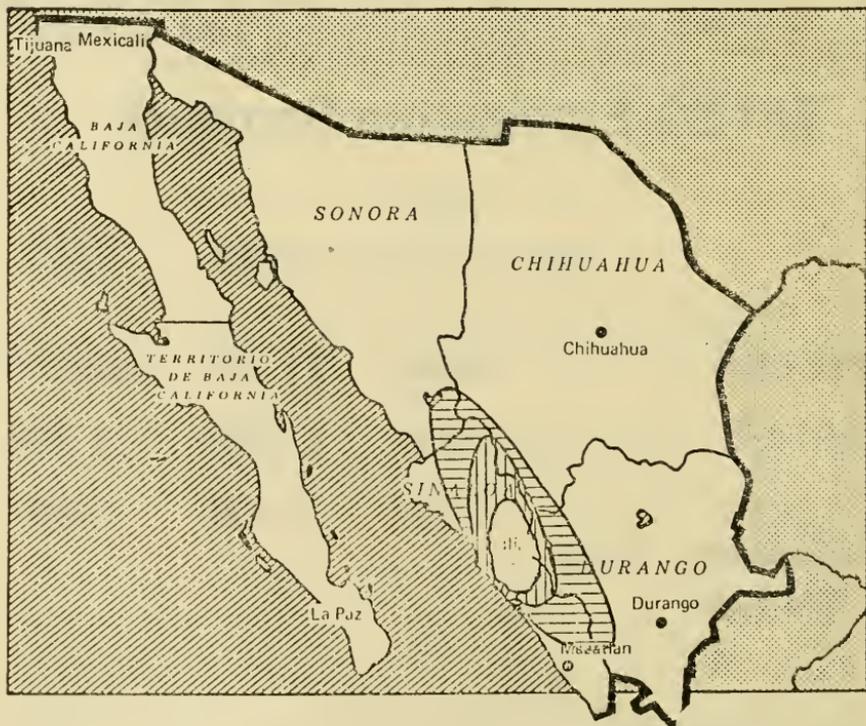


CHART B

In 1976 we saw opium poppy growth outside of the 1975 area and in some new areas.

In 1977, last year, the red area reflects again expanded growing into parts of Sinaloa, upper Chihuahua, and into the State of Chiapas and new growing areas in Hialisco and Guerrero.

This reflects, I think, two things. You are exactly right. There is still desire to make money from a cash crop, not so much by the farmers—though that is a consideration—but by the traffickers whose funds, of course, increase literally 10-fold as they begin to collect the raw opium gum from the farmers and then convert it at the laboratories on its way to the United States. So, they are looking for farmers either to relocate in different parts of Mexico or to recruit new growers in areas which have not previously seen the growth of opium poppies.

We can measure our success basically by two indicators which traditionally have been followed by this agency.

Senator CULVER. Excuse me. Have the traffickers gotten so big that they are going out and buying up farms and ranches and land, then planting or moving farmers in to plant it? How aggressive and bold and naked are their initiatives?

Mr. BENSINGER. They are very bold and aggressive. But let me make an important point. The farms are not as you and I would think of farms in your home State or my home State in which we have the back 40 or 4 acres of titled property.

These opium poppy fields have grown up in the mountains generally on Government land and not on private property and not close to a village. The growing of poppies is illegal everywhere in Mexico.

What the farmer would do rather than necessarily buy a farm would be to find a new place to grow without respect for any kind of purchase of territory.

The retail purity level of heroin has decreased and is at the lowest level in 7 years. That says that the amount of heroin available has shrunk and, traditionally, heroin purity has been related to injuries and fatalities.

We have seen a decrease in heroin purity and fatalities and injuries now, much like we saw in 1972 and 1973 when the Government of Turkey banned the growth of opium in all of Turkey. The French connection in Marseilles was broken up, and we saw a sharp falloff in injuries in New York and a sharp falloff in heroin supply nationwide.

Our purity level and our price in 1975 is reflected on that chart. Purity was at about 6 percent, or slightly below that, peaking in March of 1976 at 6.6 percent, and then showed a sharp decrease through the end of last year to 5-percent purity.

Heroin injuries and heroin deaths went this same way. Deaths were averaging very high. That is a statistic which relates to people dying as a result of heroin overdoses, and who have been reported by medical examiners and coroners. That was at a level of between 400 and 500 per quarter, compared to the more recent report of 273.

That compares with the previous quarter of 287 and 492 deaths one-quarter of 1 year ago. Quarters averaged 447 during 1975 and 460 during 1976.

## Heroin Availability Indicators

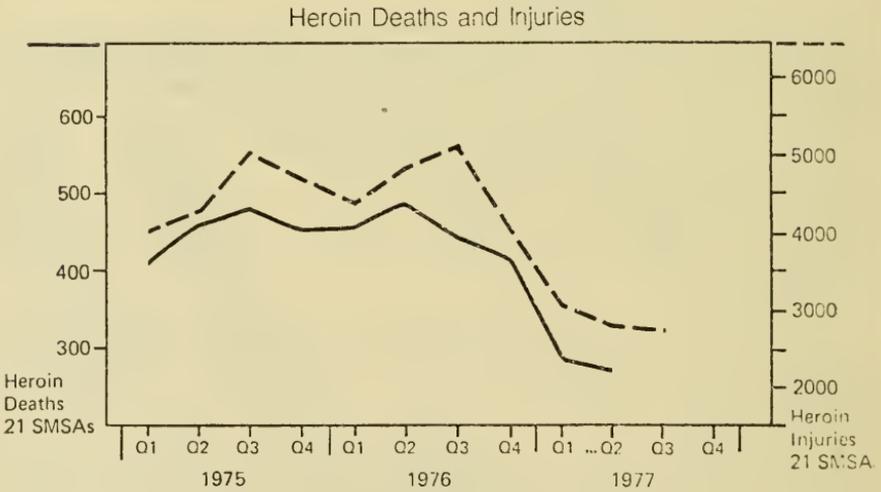
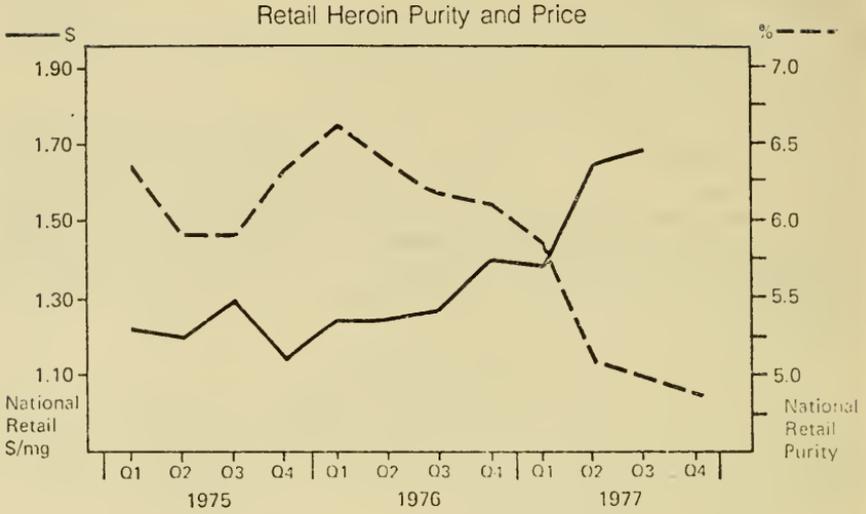


CHART C

As for injuries, they decreased to 2,790, compared to 2,885 during the previous quarter and to an average of 4,644 in 1976, slightly less than that in 1975.

We believe this significant decrease in heroin availability corresponds to a decrease in heroin abuse. It's particularly pronounced in the central part of the United States, where the impact on the reduction of Mexican source heroin is felt particularly.

The purity is related to the number of fields, we believe, that have been destroyed by the Mexican Government. If you can look at the purity chart starting at 9.6 percent and going down to 5 percent after the Turkish-French connection breakup, you will see it goes up again as the Mexican heroin became substituted for the Turkish, only to decline sharply after the initiation of the eradication campaign by the Mexican Government in November of 1975, with the increased acreage from some 723 acres to 22,000 acres last year.

Those facts, in my opinion, directly correlate. Without the Mexican eradication program, I am personally convinced, the injuries and deaths in the United States would be far greater today than they were, and the trend of increased use of heroin would be far greater than it has been.

Mr. Chairman, I will finish with a comment on another drug of concern and also action taken overseas. This is in Colombia, where recently in October some 1,100 pounds of cocaine base, which would have been convertible into 1,210 pounds of cocaine, were seized at a ranch called Hacienda El 90. An Aero Commander aircraft and a number of weapons were seized and the No. 2 cocaine violator in Colombia, Jaime Cardona, was arrested by the Attorney General of Colombia and the forces of the Colombian Bureau of Customs utilizing three United States-furnished helicopters. Shortly thereafter, elements of the Colombian Army arrested another defendant a few miles away from this ranch, and seized another 658 pounds of cocaine contained in 299 1-kilo bags. These bags undoubtedly were destined for the United States and would have been spread amongst a variety of couriers and different transportation methods.

The import is this. If we can continue to see the local governments seizing these quantities of drugs from the source, then that is a tremendous advantage for us. Had the seizures reached the U.S. retail market, this quantity, diluted, could have sold for as much as \$300 million. It could have broken down into more than 1,000 different major seizures, if not in the United States, in the major cocaine-using areas.

These two seizures in the aggregate represent 10 pounds more than the quantity seized at the border by all the U.S. authorities over the 2-year period during calendar years 1975 and 1976.

The problem of drugs—particularly heroin and cocaine—is complex. We have had the benefit of some additional intelligence tools and cooperative arrangements. The El Paso Intelligence Center is a fully functioning, coordinated interagency system directed under our jurisdiction at DEA but shared with the Immigration Service, Customs, Coast Guard, Federal Aviation Administration, and the Alcohol, Tobacco and Firearms Bureau.

The personnel of these agencies have been assembled there for the last 3 years on a 24-hour-a-day watch basis, 7 days a week. These individuals work on and respond to reports of drug trafficking and/or smuggling by land, sea, and air. They include information of interest to a variety of agencies, including those who are the principal interdiction and investigative agencies in the field of narcotics and smuggling.

In 1976 there were a total of 53,000 lookouts. This represented a 300-percent increase from 1975. Both DEA and INS were leading users of EPIC services, with over 20,000 transactions. Customs and ATF did not have the same commitment of personnel there, but Commissioner Chasen and I have been meeting regularly. He intends to beef up the participation of Customs agents and officers with an additional complement of 10 people.

EPIC's importance is of particular impact on Mexico because they edit qualitative information that is disseminated from analysts, agents, and informants that deal with traffickers in Mexico and from Mexico. This information includes methods of transportation, border sector activities, private aircraft flying without proper registration with the FAA and flight schedules that have been reported, reports on arms, stolen vehicles, aircraft used in smuggling and special analyses.

The additional area I would like to call your attention to that has developed and has been, I think, a successful development, is our cooperation, not only with Customs and the Internal Revenue Service and Immigration, but with the Coast Guard. Our deputy chiefs at headquarters have established effective liaison with the Coast Guard, which has extended to the field and to EPIC where they man a watch on all ships.

During calendar year 1976, the Coast Guard reported more than 3,000 transactions with the El Paso Intelligence Center. In international waters, the Coast Guard has the authority to board vessels of foreign origin if commerce into the United States can be established—this is the small vessels off-loading a mother ship operation—and if permission to board and search is received from the country of vessel registration. And this has been granted freely, I might add, Mr. Chairman, from the countries that have foreign-flag carriers, and the State Department has been most cooperative in going to the countries of Honduras or Venezuela or other nations which may have a flag vessel suspected of trafficking in narcotics.

I would end my testimony, Mr. Chairman, with the remark that the activity—ongoing activity—of the Mexican Government in the eradication program probably accounts more than anything else for the impact on our heroin purity. The Drug Enforcement Administration is particularly pleased and I, as the Administrator, am proud of the investigative work done by our agents. In the *Nicky Barnes* case, for example, which broke up the largest single drug network that I've been familiar with in the 2 years I have been Administrator, their work resulted in the conviction and life sentence of that principal, and in significant sentences and fines for his associates. You have to go to the source, as well as to the distribution links in this country. I think that type of balanced approach is necessary. We need a strong deterrent at our border. We need assuredty of punishment in our country, but if we can reach narcotics at the source that will have the greatest deterrent.

Senator CULVER. Thank you very much, Mr. Bensing.

You have mentioned the cooperation we have received and its value from the Mexican Government. In light of the present debate in the Senate on the Panama Canal Treaty, I wondered if you could comment on the level of cooperation we have received as far as this general problem is concerned from the Government of Panama.

Mr. BENSINGER. Since I have been Administrator, cooperation has generally been good with the Panamanian National Police.

Senator CULVER. In the course of the consideration of the canal treaties, have any committees of the Congress requested the intelligence and investigative files of your agency bearing on allegations of drug trafficking by officials of the Government of Panama?

Mr. BENSINGER. Yes; indeed. In fact, on October 6, Attorney General Griffin Bell and I briefed the leadership of the Senate, Senators Byrd, Inouye, Baker, and Goldwater, and have provided since that time copies of all of our files and investigative reports to the Senate Intelligence Committee. That has been done in accord with their request and we have cooperated fully and provided them with all the information that we have on this subject matter.

I might add that during the past 7 years there have been sporadic allegations, most of them hearsay, regarding members of the family of the Panamanian Chief of State. In fact, there were articles to this effect in the Congressional Record as far back as 1972.

Following inquiries, we did brief officials of the Senate and House Intelligence Committee and their leadership. The Chief of State has never been a target of investigation and we've been directed to provide continuing information to the Senate Intelligence Committee.

Senator CULVER. So you have provided that committee with all that information that you have?

Mr. BENSINGER. Yes; indeed.

Senator CULVER. You are saying that nothing has been hidden from the appropriate committees of the Congress?

Mr. BENSINGER. Absolutely not, Senator.

Senator CULVER. Back to that Mexican situation. When did the Mexican Government initiate the opium poppy eradication program? What year?

Mr. BENSINGER. Traditionally—and I would think you could identify opium's growth in Mexico in the 1920's and 1930's—with the presence of some Chinese immigrants—and in the 1940's and 1950's—opium and some heroin was being made available to the Southwestern part of the United States. In the 1950's there was a larger supply.

An eradication or destruction campaign handled basically on foot by the Mexican Army and the Mexican authorities took place in the 1960's and 1970's—as the Turkish supply decreased—to cope with the greater production of opium coming forth from Mexico. In November 1975, the Mexican Attorney General's Office, which was responsible for the overall campaign against narcotics, adopted an aerial herbicide program. Helicopters were made available from the State Department and contracts were set between the Government of Mexico and private contracting firms to provide helicopter pilots. They embarked upon a major effort to provide eradication of opium—not by foot, where only a few thousand fields could be reached—but, in fact, by air.

Senator CULVER. How much has the Mexican Government expended on this program? Do you know what their current annual expenditure is?

Mr. BENSINGER. Jacques Kiere and Mathea Falco could correct me in this, but I think at the level of approximately \$50 million a year.

Senator CULVER. What have they already expended?

Mr. KIERE. This has been going on for 2 years.

Senator CULVER. At the same level?

Mr. KIERS. Yes.

Senator CULVER. How much has the U.S. Government spent in its assistance?

Mr. BENSINGER. The U.S. Government's assistance, total assistance, has been in the neighborhood of \$9 to \$12 million a year. I believe \$50 million is the total. This was for equipment, supplies, and services. I think that would be an accurate figure.

Senator CULVER. Does anyone else want to elaborate?

Mr. KIERS. Yes. The State Department expends between \$10 and \$12 million a year to supply the Mexican Government with United States made helicopters which are then turned over to provide for maintenance contracts for the mechanics who are going to handle the helicopters and to increase the communications capability of the Mexican Government and a number of contracts that are related to that.

This entire package is turned over to the Mexican Government and contracts are managed by the Mexican Attorney General's Office.

Senator CULVER. So it has been at the level of \$9 to \$12 million a year for the last 3 years, is that right?

Mr. KIERS. Per year; yes.

Senator CULVER. And what has been the total?

Mr. KIERS. Somebody mentioned \$50 million.

Mr. BENSINGER. That I think represents the total that has been made available to the Mexican Government over the last 5 years. I certainly could be corrected on the accuracy of that information.

Senator CULVER. This assistance has financed helicopter procurement, maintenance crews, contracts. What other hardware has been provided?

Mr. BENSINGER. Aircraft. We can provide you with a list.

Senator CULVER. Can you describe the form of our technical assistance for the record and break that out in more detail? We would like that.

The record will be kept open for insertion of this information.

[Material to be supplied by State Department follows:]

#### AIRCRAFT GRANTED TO MEXICO FOR USE IN INTERNATIONAL NARCOTICS CONTROL

1. Airplane, Short Take-off and Landing (STOL), de Havilland Model DH-6 (Twin Otter):

Quantity: 1.

Mission: Multi-purpose transport of personnel and cargo to unimproved airstrips in forward operating areas. Two ton payload plus STOL characteristics required.

Justification: No aircraft of U.S. manufacture available to meet requirements. Canadian DeHavilland Model DHC-6 only available aircraft to perform mission. Has standard Pratt & Whitney engines as used on helicopters.

2. Airplane, fixed wing, Beech Model A-200:

Quantity: 1.

Mission: Personnel transport to provide movement of 8 to 10 men strike forces to remote areas; move traffickers from place of arrest to Mexico City; multi-mission transport when not needed for strike forces or prisoners.

Justification: Beech Model A-200 judged best suited for mission. Has standard Pratt & Whitney engines as used on helicopters.

3. Airplane, fixed wing, Cessna Model 206 II:

Quantity: 12.

Mission: Visual reconnaissance aircraft for use in rugged mountainous environment.

Justification: Cessna Model 206 II judged best suited for mission. Mexican mechanics already acquainted with Cessna equipment and Cessna spare parts available in existing inventories.

4. Airplane, fixed wing, Rockwell Shrike Commander Model 500S:

Quantity: 2.

Mission: Aerial photographic aircraft for use in Multi-Spectral Photographic Poppy Detection System.

Justification: Rockwell Shrike Commander Model 500S is only suitable U.S. manufactured aircraft to perform mission. Standard airframe modifications available to convert this aircraft for photographic mission.

5. Airplane, fixed wing, Fairchild Heli-Porter:

Quantity: 2.

Mission: Short take-off and landing (STOL) aircraft urgently required for rapid supply of equipment, expendables and personnel to remote and relatively inaccessible areas of Mexico.

Justification: Fairchild Heli-Porter was only STOL aircraft of U.S. manufacture capable of mission and immediately available for urgent use. Has standard Pratt & Whitney engine used on helicopters.

6. Airplane, fixed wing jet, Cessna Model 500 Citation:

Quantity: 1.

Mission: A high-speed personnel transport (7 to 9 place) capable of operating from small intermediate airfields urgently needed to equip Mexican Attorney General's Office with capability to reach distant areas of Mexico for the purpose of supervision, inspection and control of operational units in the field.

Justification: Cessna Citation selected as best compromise of costs, speed and field lengths required for operation. The Cessna Citation is only known small jet capable of operating from fields of only 2,500 feet. It is least expensive aircraft of its type manufactured in United States.

7. Helicopter, 15 place, Bell Model UH-1N:

Quantity: 4.

Mission: Multi-purpose personnel/cargo transport to remote, mountainous areas of Mexico where no landing strips exist to supply opium poppy eradication efforts.

Justification: Bell Model UH-1N (military version similar to commercial Model 212) only U.S. manufactured helicopter capable of mission.

8. Helicopter, 15 place, Bell Model 212:

Quantity: 17.

Mission: Multi-purpose personnel/cargo transport and spray aircraft to operate in remote, mountainous areas of Mexico where no landing strips exist to supply opium poppy eradication efforts.

Justification: Bell Model 212 (or military UH-1N) only U.S. manufactured helicopter capable of mission. Economies of standardization realized as Models 212 and 206 became "back-bone" of poppy eradication effort.

9. Helicopter, 5 place, Bell Model 206:

Quantity: 22.

Mission: Multi-purpose/cargo transport and spray aircraft to operate in remote, mountainous areas of Mexico where no landing strips exist to supply opium poppy eradication efforts.

Justification: Bell Model 206 is best suited U.S. manufactured helicopter for mission. Bell Model 206 has high degree of standardized parts with Bell Model 212 above. Economies of standardization realized as Models 206 and 212 became "back-bone" of poppy eradication effort.

Senator CULVER. Mr. Kelly and Mr. Woods you both have had first-hand experience in the implementation of this program in Mexico, is that correct?

Mr. WOODS. That is correct.

Mr. KELLY. That is correct.

Senator CULVER. What has been the U.S. role in visual reconnaissance and how has it changed, if any, during the last 2½ years?

Mr. BENSINGER. Perhaps, Mr. Chairman, I could comment from a policy standpoint and then Mr. Woods and Mr. Kelly could comment on the operational aspects.

DEA originally, with the invitation and support of the Mexican Attorney General's Office, participated in the reconnaissance and spotting of fields with our pilots and spotters in Mexico and the reporting of these fields to the Mexican Attorney General's Office in which Mexican officials and American agents were in planes together to find out where they were located.

Then the Mexican helicopters were flown initially by American-contracted personnel, not DEA personnel, but I believe the firm's name is Evergreen. They provided pilots. Most of them were Vietnam veterans and they flew the helicopters and provided the actual spray over the fields, and then the Mexican Government increased its own capabilities through training. They not only flew their own helicopters but also provided their own pilots to carry out the missions.

DEA's role in terms of providing the pilots and spotters changed last September so that all of the basic aircraft used in finding the fields of poppies are Mexican and they are in Mexico. We do have an opportunity to ride in those planes in order to assist them in verification and comparison of intelligence in the fields.

There has been a diminution of U.S. presence.

Senator CULVER. Mr. Woods and Mr. Kelly, do you want to talk about the program from your experience?

Mr. Woods. In terms of spotting missions that are now being taken by the Mexican Government, the U.S. Government has approximately 11 observers in Mexico who fly in various aircraft on a daily basis. Their aircraft are piloted by Mexican pilots and each aircraft has a Mexican observer in it. In those aircraft that are available, we have placed a DEA observer. The three men work very closely together to identify the fields and to maintain records of the locations of these fields. That information, of course, is turned over to the Mexican zone coordinator who sets priorities and targets the fields for destruction at a later time.

Senator CULVER. What has been our role in eradication? Has that changed in any way?

Mr. Woods. Our role in eradication is practically nonexistent. We do not participate in the actual eradication operations. We might fly in one of the support helicopters to witness a spray operation. But we do not actively participate. We are not operating equipment. We are not involved in mixing herbicides or anything of that nature.

Senator CULVER. What about our role in subsequent evaluation of the effectiveness of the eradication program itself?

Mr. Woods. The information obtained by the DEA participants in the field is evaluated both within Mexico and at the regional office, and in the DEA Headquarters. A determination is made as to the effectiveness of the program and the accuracy of the information provided to the U.S. Government.

Senator CULVER. You presently have a system for such evaluation?

Mr. Woods. We have a system within the DEA. The information is evaluated in Mexico by the regional intelligence office and in headquarters, again, by the intelligence office.

Senator CULVER. What percentage of fields are actually overflown to determine the effectiveness of the program? What is the nature of your spot check? What gives you a high degree of confidence?

Mr. KIERS. Mr. Chairman, may I discuss the organization and the type of reporting that we are getting from the field?

Senator CULVER. Certainly.

Mr. KIERS. You asked earlier about the amount of funding that the United States is providing to this program.

The campaign itself is an extremely complex logistical problem. The Mexican air fleet consists of some 38 rotary-wing aircraft and approximately a similar number of fixed-wing aircraft that do the reconnaissance.

Since the U.S. Government input in the program runs around \$10 million a year, and since the results of that campaign are so crucial, DEA's involvement through men like Mr. Kelly and Dave Wood, who is a program manager, has been to gather information on the day-to-day operations in the field. That is, Mr. Kelly's job is to fly with the Mexican pilots and spot the fields, going back after a period of time and verifying that the field has actually been destroyed, that the herbicide is working; this is what gives us in the Mexico City headquarters—gives Mr. Wood—the opportunity to gather these statistics, and then to properly represent to the U.S. Government the actual operational efficiency of the campaign.

There are other ways to measure: for instance, the aircraft availability, the flight time over the target, and the use of herbicides. But all of these figures are genuinely meaningless if in the long run the poppy fields are not spotted properly and eradicated properly.

This is the role that we feel we need to play in the Mexican eradication campaign and continue to play in that campaign.

Senator CULVER. How much personnel has DEA committed to the campaign? Dr. Bourne made reference to a figure in his earlier testimony.

How much has the Mexican Government committed?

Mr. KIERS. DEA commits twice a year for a period of 45 days each. I'm sorry, its 90 days each.

It is approximately 20 DEA personnel that come on a temporary basis and participate and then return to their posts.

Of these, a number are support personnel. So that, in fact, we have generally approximately 9 to 10 observers that are actually doing the flying with the Mexican Government.

The Mexicans, on their side, including the pilots, the mechanics, and the observers, have a commitment of around 300 personnel attached to the campaign.

Senator CULVER. How does the utilization and employment of the DEA personnel in the present campaign differ from their participation in previous campaigns?

Give us some sense of the phasing of your involvement and the pace of the Mexican assumption and responsibility for the program.

Mr. BENSINGER. There have been changes in the participation, in terms of practice just within the last several months in this year as compared with previously. I think the change would be probably best described this way. I would describe them in principle and Mr. Kiers can fill in along with Mr. Woods.

The number of individuals is fewer. The presence or nonpresence at some of the forward bases has been somewhat restricted. This is

where the helicopters are refueled and then go out on missions. The overall ability to be present in each and every mission aircraft for reconnaissance and verification has been lessened.

We have no intention or desire to participate in the eradication *per se*. But from an intelligence standpoint of finding out where the growing areas are, evaluating the efficiency of the mission, and working with our counterparts in spotting labs, clandestine airstrips, and other smuggling and growing patterns, that is helpful.

Jacque, you may, or Dave may want to elaborate on any of the more specific changes.

MR. KIERS. Senator, the largest change, or at least the first indication that there was going to be a change in the DEA presence, occurred in September 1977. The Mexicans requested that we no longer use DEA aircraft to do some of the reconnaissance. Their concern was, and rightfully so, that the presence of an American aircraft over their sovereign soil might create some political problems for them. We agreed that our seven aircraft that were being used for reconnaissance would not be flown but would stay on the ground. However, on the other hand, we would expect to have opportunities to sit in the Mexican aircraft to conduct our reconnaissance that way.

In that instance, we did lose a certain amount of the flexibility that we had in flying over areas, insuring with our own eyes that the eradication has properly taken place.

The next restriction came during a conference that we were holding in Dallas, Tex., preparing our personnel to go down, at which time we were asked to cut our participation into coming for a period of 2 weeks and then no longer to participate in the campaign.

Senator CULVER. When was that?

MR. KIERS. January 13, 2 days before the personnel were to be deployed in the country. Since then we have negotiated with the Attorney General's Office and our people are presently at a lower number participating in the reconnaissance missions that are taking place at this time. We would deploy them in the bases as before.

Senator CULVER. What's that?

MR. KIERS. We will deploy them at the bases as we did before.

MR. BENSINGER. I would add this, Senator Culver.

This is a subject of some sensitivity. Certainly the availability of our personnel in any foreign country should be carefully weighted, not only by the desires of the host country but by our own agency. Our objective is to have the greatest impact on the opium poppy growing outside the United States as is possible. That is best accomplished by the actions, I think, that have been taken by the Government of Mexico for the last 2 years.

The January 1978 statistics, since this change in policy, have not been encouraging in terms of fields sprayed. We have seen the reduction in 1978 compared to 1977 of some 4,000 fields.

The campaign may have had a later start. The Mexican Government wanted to do a more national reconnaissance effort, in this year as compared to last year and defer spraying until they had a look-see at the entire overall geographical, topographical opium poppy growing area.

But the total hectares that were reached decreased by 75 percent, in part due because probably fewer fields have been seen that were still

being cultivated because the campaign has been successful in the past 2 years. But also in part, too, because the mission undertaken by the Mexican Government in 1978, as they defined it, may have changed. It may be in part due to some information response that I think Mr. Kelly and Mr. Woods could more adequately describe, having just recently arrived from Mexico.

Mr. WOODS. Senator, for the first time in the history of the eradication program, the Mexican Government decided to delay the intensive spraying operations and decided to fly throughout the entire Republic with approximately 19 aircraft in order to determine, first, the extent of the poppy cultivation in Mexico and to determine if poppies were not being grown out of normal growing areas and to look at areas in the eastern part of the Republic that have never been searched in the past.

This has to date resulted in a heavy commitment to the reconnaissance program and perhaps a lessening in the commitment to the eradication campaign.

You can see by this map that the majority of fields in the last 2 years have been found on the western slope of the Sierra Madres. This year the reconnaissance program will extend all the way to the northeast section of the Republic. The chances of finding poppies in that area are very remote. The growing conditions are not conducive to growing poppies. It is an entirely different type of area.

I think this has had some impact on the eradication statistics to date.

Senator CULVER. You mean just the misplacement of resources has had that effect?

Mr. WOODS. Perhaps the reconnaissance program has not allowed them to make the commitment to the eradication program that they would have last year at this time.

Mr. BENSINGER. What concerns me, Senator, is that a small area of cultivated flowered fields makes a lot of heroin. I know that the Mexican Attorney General's Office and the Government are committed. We are encouraging them to swing into the eradication cycle as soon as possible because if they miss, by chance, the eradication opportunity to spray when the fields are flowering—which would be particularly true in the south—then the opium can be harvested and converted into the morphine base and into heroin.

Senator CULVER. At what time do the fields have to be sprayed for eradication to be effective?

Mr. KELLY. Senator, traditionally, the fields have been planted either—that is for this part of the campaign—in late December, middle December, for harvesting somewhere around April 15. That is using what the Mexicans call their cutoff date. If they have not eradicated by that time the field more than likely will have been harvested.

This is why—

Senator CULVER. April 15?

Mr. KELLY. More or less, that is the date—

Senator CULVER. What is the earliest that you can see it with confidence and spray it?

Mr. KELLY. If the field were planted, let's say, in mid-December, you would be able to identify that by about the first week in January.

Senator CULVER. So, from the first of January to April 15, it's open season for spraying?

Mr. KELLY. Yes. That would be considered——

Senator CULVER. Now you are in the middle of February and you are concerned that they have not been spraying enough, is that right? They have been looking but not spraying, is that right?

Mr. KELLY. I can speak only for zone I, which is depicted on the chart. I was in Kuliacon on January 13. I have been in this campaign for 2 years, less the spring campaign last year.

I can say that they were conducting spring missions in Kuliacon at this time. Our agents actually accompanied them on some of the missions. Now there is a decrease, as has been pointed out. There are several reasons or possibilities that have been pointed out.

From my experience there, this year I have flown from Choith all the way down through Mathetlon. In the Choith area from, say Choith on down south to Kuliacon with the Sinaloa River and the Bordagama area and the Mesa Larga, 2 years ago at this time, we flew that area for the first time. There were literally thousands of fields in that particular area that I have just described.

This year there is a decrease in the amount of fields we have seen.

You have to understand that when you are working these areas, there is a tremendous lot of logistics involved in order to get men, equipment, helicopters, and herbicides into these areas. There is a lot of time involved in that so this may be part of the decrease in the fields sprayed. We don't know this because we have not been able to participate as we were able to do last year at this time. These are questions that, of course, are in my mind and the minds of the other gentlemen also.

Senator CULVER. Mr. Kelly, you are, of course, a veteran of several of these campaigns. What percentage of the current group working in Mexico are veterans.

Mr. KELLY. From the DEA standpoint?

Senator CULVER. Yes.

Mr. KELLY. J. J. Rivera has been there before. Joe Asoya has been there before.

Senator CULVER. Give us a rough percent.

Mr. KELLY. I would say probably 50 percent.

Senator CULVER. How long is a normal tour of duty for one of our people who is assisting in this eradication project?

Mr. KELLY. It will run from 45 days to 90 days.

Senator CULVER. In your view, Mr. Kelly, would it be preferable to have permanently assigned personnel working with the Mexicans in these efforts?

Mr. KELLY. In my opinion, it would be. Yes; definitely.

Senator CULVER. You think it would be?

Mr. KELLY. Yes.

Senator CULVER. It would be better for the personnel to stay down there rather than go in and out?

Mr. KELLY. Yes.

Senator CULVER. As I understand, in the last campaign you were to be assigned to zone I headquarters in a job that did not involve flying every day. Is that correct?

Mr. KELLY. That was for this part of this campaign, sir.

Senator CULVER. What did you do?

MR. KELLY. We didn't do anything this year, as we did last year, because of the reconnaissance mission and everybody participated in that. However, had the campaign been conducted with our participation as it was in the past, then we would have had a zone coordinator and myself who would, in my position, have been evaluating the statistics that were coming in as to the fields and where the fields were located and if the Mexican had arrested campesianos in the areas and brought them in for interrogation and then we may have had access to their report.

SENATOR CULVER. Did you fly on any of the reconnaissance missions?

MR. KELLY. In the past I have: yes.

SENATOR CULVER. How about this year?

MR. KELLY. Yes.

SENATOR CULVER. You did this year?

MR. KELLY. Yes.

SENATOR CULVER. Were the Mexican officials willing to let you fly on any mission that you wanted to?

MR. KELLY. I can say in all truth that I experienced no problems with the chief pilot, Capt. Carlos Kauffman, Lic. Cruz Lopez, and Lic. Carlos Garca. They have been extremely cooperative with me. I have been able to fly on any flight that I particularly cared to fly on and to go into any zone that I particularly wanted to go into.

SENATOR CULVER. If we no longer assign spotters to go along on the Mexican reconnaissance flights, would a few people like yourself, who were permanently located in Mexico, going on flights of your choice, be sufficient to assure the necessary accountability to the American people for the expenditures on this program and the money that American taxpayers are investing?

MR. KELLY. I can say this for zone I, because that is where my experience has been. These pilots fly 7 days a week and they are on 20 days and off 10. In zone I we have a continuing program of 7 days a week. I would think that in order to adequately cover that with enough time off for our own personnel that we should have somewhere near three to four people in that zone. That would be my own off-the-top-of-my-head guess.

SENATOR CULVER. Three or four in zone I?

MR. KELLY. Yes. As for the other zones, I don't know.

SENATOR CULVER. Mr. Woods?

MR. WOODS. Senator, let me say this. One of the concerns that we have in Mexico is to adequately represent to the Embassy and to DEA Headquarters and to committees such as this, the realistic evaluation of the success of the program.

It is possible that if we were to operate with less men than we now have, the information we provide would be suspect.

By reducing our participation down to two or three men throughout the country and flying in missions of our choice, we might be lending an air of reliability to figures which are really suspect. I think personally, as managing the particular program, we need a minimum of nine sets of eyes and ears. We are talking about having the ability of flying throughout the entire Republic, participating in flights of approximately 37 helicopters. I really don't think that with less personnel flying that we would be able to adequately represent the integrity of the program.

Senator CULVER. Mr. Kiere, as Regional Director for DEA in Mexico City, could you describe our activities in support of Mexican enforcement actions against drug laboratories or traffickers? Could you give us some description of that aspect of your program there?

Mr. KIERE. Yes, Mr. Chairman.

We have an enforcement program which works on a bilateral basis with representatives of the Federal judicial police. And we have created a Mexican task force in which our people work hand-in-hand with representatives of that agency identifying, investigating, and finally causing the arrest and conviction of some of the major narcotic violators in the organization.

We at the same time have an intelligence gathering and exchange program by which we ask the Mexicans to gather some intelligence which will be useful in destroying the narcotic organizations and at the same time providing them with some of the information that we have on smugglers so that the arrest can be made in Mexico.

All of these programs are going extremely well. We have had no problems in terms of cooperation and some of the results have been excellent. Laboratories are seized on a regular basis. Thirteen laboratories to date since November of last year, which is a significant number. Some major violators are either arrested or are fugitives and are being sought after very actively.

Senator CULVER. Do any of your American personnel engage in action operations such as raids and arrests?

Mr. KIERE. No, Mr. Chairman. We are prohibited by the Mansfield amendment and our own guidelines from doing anything that would infringe on the sovereign rights of the country of Mexico, and obviously we have no police authority in Mexico. Our role is one of liaison exchange of information.

Senator CULVER. Are they present for interrogation?

Mr. KIERE. No; they are not.

Senator CULVER. One of the commandants of the Mexican Federal Judicial Police told our investigator that he needed more information on the drug trafficking by Mexican nationals operating in our country to aid him in making cases against the trafficking organizations on the Mexican side of the border. Would you care to comment on this, and are we providing this information?

Mr. KIERE. We are, sir, and I can understand his concern. Nobody ever really gets enough information in this kind of business. The fact is that we do exchange information. We have assigned people to this particular commandant's area on a temporary basis to work hand-in-hand with him.

Some of our information is not necessarily applicable in Mexico. I think this must be the trouble. Some of that information is not hard enough evidence for them to act upon.

But by investigating these things, we can achieve some notable results.

Mr. BENSINGER. I would add, if I could Mr. Chairman, that probably the most famous heroin distributing ring where I come from is the Herrera organization operating out of Durango and into Chicago, Ill.

One of the major breakthroughs, I think, was an arrest warrant issued by the municipal officials in Durango, Mexico, for the arrest of

Jaime Herrera. The subsequent arrest of some 90 individuals identified as key individuals and primary operatives within this organization has been made on both sides of the border. With respect to this organization, profiles have been provided and information has been exchanged with the Mexican officials. We have had other organizations—the Beltran organization and Cecilia Falcon for another—where prosecutions on both sides of the border have taken place and where information which we may have can be utilized and has, in fact, led to the arrest of a number of major violators in Mexico.

We do have, and are exploring with the State Department now, a proposal which would increase significantly the interdiction capabilities with the Mexican Attorney General's Office, particularly with respect to air and sea traffic coming into that country and subsequently into the United States. I will not get into the particulars of that, and the other fast, hard data, real-time information. That should be increasing in substantial pattern in terms of numbers and value as a result of the improvement of information at the El Paso Intelligence Center, and methods by which our Mexico City regional office could provide that data to our Mexican counterparts.

Senator CULVER. We are increasing, then, the nature of our intelligence assistance efforts to the Mexican Government, is that right?

Mr. BENSINGER. Substantially, yes. And also the number of intelligence analysts. We don't involve ourselves in direct activity, as Mr. Kiere said. But in the exchange of information and intelligence, there is a role to be played and the number of analysts has increased from one 2 years ago, to nine at the present time. They are not involved in law enforcement functions, but they review reports and investigative files that may come from headquarters and defendants who are debriefed in Chicago who make reference to supply and so on. Our people in Mexico are passing this information on to our counterparts.

Senator CULVER. Are there any additional ways that we can reciprocate to the Mexicans for their cooperation in drug enforcement efforts?

Mr. BENSINGER. I can think of three. First, I think we have to recognize that their government has lost a number of valiant soldiers and law enforcement officers in this fight. I believe it is 17. They have lost a considerable amount of personal and governmental funds—an economic impact.

I think we have to be realistic so that when we do find individuals—whether or not they are Mexican nationals or U.S. citizens—who are arrested for major traffic offenses, that the punishment has a degree of surety to it and that the bail is realistic. There are over 2,500 fugitives from the U.S. justice system now at large as a result of our present criminal justice procedures.

I would estimate some 600 are in Mexico alone. Addressing ourselves to the issue of a hearing for individuals who previously have, perhaps, been convicted of narcotic offenses and who have been arrested for false passports and who have, in fact, been put out on bail for previous narcotic offenses—much as the Senate has passed in the criminal code—would be one step.

Prevention is another step, and governments around the world recognize their own responsibilities—moral responsibility—to stop drugs. Many of the countries like ours have a demand. There are peo-

ple who have money and want to make more of it and they take advantage of that demand. Therefore, it is not easy to obliterate the supply.

That's why I think we need better prevention, and an overall education program within our own country would have an impact for us directly, and certainly for the countries such as Mexico, where the supply is really meeting a U. S. demand.

It is being impacted on. It has been curbed through the eradication effort. I think it has saved thousands of American lives, but it has come at a cost. I think in the exchange of information on our borders and between our countries—which we have seen recent examples of—we'll see fruition in terms of interdicting of the laboratory operators and the financiers.

Finally, I think an exchange of financial criminal evidentiary data would be helpful, such as we have concluded with the Government of Switzerland, which has frozen the assets of narcotic traffickers. Some \$0.25 million in Switzerland are frozen now as a result of drug enforcement's ability to make a representation through a judicial court—this was the second circuit—that money had actually been derived from illegal narcotic sales and deposited in Swiss bank accounts. The Government of Switzerland has frozen that money based on those judicial proceedings.

There is a considerable amount of money going from the United States back into Mexico, and there is a considerable amount of laundering that takes place, not only here but also offshore. I think as we develop more of our investigations, in our own agency and with other agencies and with the Mexican Government going after the money instead of just arresting the farmers, then we will have, I think, greater impact as well.

Senator CULVER. Finally, Mr. Bensinger, as to the Mexican enforcement and eradication programs, in your judgment, can we count on their continuation?

Mr. BENSINGER. I think we can count on their continuation, Mr. Culver. I see no evidence that the Mexican Government intends to decrease its commitment to eradicate opium fields. In fact the representation which has been made to the Department of State has been that they would like to greatly expand over the next 3 years the total scope of their effort and of our aid.

I would have a comment that is made on behalf of our agency, which you and the Senate will hold accountable to what happens with respect to drug purity and availability. We do feel that it is in the U.S. Government's interest to participate in the overall reconnaissance monitoring and evaluation of the eradication effort. I think that is a presence which is in the interest of the American people and of having effective ongoing bilateral relations.

Senator CULVER. Will other connections take up the slack just as they did after the closing of the French connection?

Mr. BENSINGER. It is a think answer because the results are in the future. There has not been an increase in total availability and supply of Southeast Asian heroin into the United States. The cut of the heroin purity has come as a result of 1½ tons less Mexican heroin, but it has not been replaced immediately until now with heroin from Turkey, where we have had no indication of leakage, or from Southeast

Asia. Basically the opium base, the morphine heroin conversion, has been consumed in Western Europe at an increasing and alarming amount. We have set up programs in conjunction with the State Department, with governments overseas in Thailand and Western Europe; and the United Nations and other countries are working directly to try to minimize the diversion of opium and heroin from those countries into the United States.

It is possible. A year ago we set up a program to prevent that possibility from becoming a reality, but the future will tell us the answer.

Senator CULVER. I want to thank you very much for your appearance. It has been extremely helpful to the committee and I want to commend you on your efforts there. I look forward to working with you in the months ahead.

Mr. BENSINGER. Thank you very much, Mr. Chairman.

Senator CULVER. Our next two witnesses will also appear together. They are Ms. Mathea Falco, Senior Adviser and Coordinator for International Narcotic Control Matters at the Department of State and Mr. Richard Arellano, the Deputy Assistant Secretary of State for Inter-American Affairs of the Department of State.

I understand, Ms. Falco, you both have prepared statements.

Ms. FALCO. Yes; Mr. Chairman. Perhaps in the interest of time, you would like us to submit them for the record and take questions since the two previous witnesses have covered the area, I think, very adequately.

Senator CULVER. Would you like to summarize the highlights?

Ms. FALCO. I would like to make a few points that have not been covered, and I am sure Mr. Arellano has a few also.

Senator CULVER. Without objection, your statement will be inserted into the record.

**STATEMENT OF MATHEA FALCO, SENIOR ADVISER TO THE SECRETARY OF STATE AND DIRECTOR FOR INTERNATIONAL NARCOTIC CONTROL MATTERS, DEPARTMENT OF STATE<sup>1</sup>**

Ms. FALCO. I would like to support Dr. Bourne in thanking you publicly for the subcommittee's efforts on behalf of the Psychotropic Convention legislation. It is of vital importance in our international efforts. I am going to Geneva tomorrow as U.S. representative to the Commission on Narcotic Drugs where I will be able to tell the Commission that ratification will be a reality in the very near future. I want to thank you and the members of the committee for that.

The narcotics control assistance program, which we have jointly with the Mexican Government, is funded under the Foreign Assistance Act. I would be glad to supply you with the specific details of how those funds are expended. You asked this question previously of DEA. Since we are responsible for the budget, we would be glad to provide full details.

In addition to the Mexican Attorney General's Office being deeply involved and directly responsible for the Mexican eradication effort, no mention has been made yet this morning of the fact that the Ministry of Defense is also involved in providing ground support for the

<sup>1</sup> See p. 114 for Ms. Falco's prepared statement.

eradication effort. Estimates from our Embassy in Mexico are that the Ministry provides about 10,000 troops to support the eradication campaign to go through the area and make sure that eradication has been successful.

As Dr. Bourne mentioned, he and I met twice last year with the Mexican Attorney General, the Secretary of Defense, and other Mexican officials to review the joint efforts of our Governments in achieving our common goal of curtailing illicit heroin production and traffic.

At our most recent meeting last December, we discussed in preliminary detail the national plan which the Mexican Attorney General's Office, in conjunction with other Mexican ministries, has developed for the next 3-year period of the eradication campaign.

Again, I will be glad to share those details with you in depth later, or for the record, as you like.

Senator CULVER. Does the plan include future U.S. assistance?

Ms. FALCO. It is in terms of how the Mexican Government projects the next 3 years of the campaign. It includes, of course, what assistance they would like to see us provide. It also includes various measures that they are prepared to take.

Senator CULVER. Are you prepared to speak about your projections for the future U.S. participation in the eradication campaign?

Ms. FALCO. Yes; indeed. That was my next point.

Since 1973, total U.S. narcotics assistance has been approximately \$50 million. During this last year, we provided \$13.4 million. During the present year, 1978, we have allocated an additional \$16.8 million.

The Appropriations Committee specifically earmarked a minimum amount of \$12.49 million in our budget for the Mexican program in fiscal year 1978.

In fiscal year 1979 we are requesting an additional \$13 million. That request is now beginning to go through the various congressional committees.

We are, of course, reviewing the various aspects of the national plan which is being developed by the Mexican Government, but at this point we are not prepared to say what we think would be an appropriate level of assistance for fiscal year 1980. It is a little premature.

In terms of the resources which the Mexican Government commits to this effort, which have already been stressed by previous witnesses, the Mexican General's office employs 487 people in this effort, which ranges from enforcement agents to pilots to equipment and administrative personnel. The Attorney General's Office estimates that during the intensive parts of the campaign, they devote 70 percent of their resources and personnel to eradication, although drug abuse responsibilities constitute only 7 percent of their overall workload. That's a point, by the way, that the Mexican Attorney General stresses with all of his official American visitors.

Senator CULVER. Why?

Ms. FALCO. I think to emphasize again to us two things. One point is that the Mexican Government feels that they carry a disproportionate burden of the load, although Mr. Arellano probably would have more to say about that.

Also to emphasize to us that they are making, on their side, as Mr. Bensinger pointed out, a very large commitment in terms of their overall resources and in terms of the other kinds of problems they have to deal with within their society.

Mention has been made of the number of Mexican officials killed. Last year, six Federal judicial agents were killed in this campaign and six were injured.

Now, in terms of the actual statistics—

Senator CULVER. Were they killed or injured in airplane crashes or in raids?

Ms. FALCO. Some are gun shot fatalities. Some are crashes.

Senator CULVER. Were they hit in the air on eradication missions or in ground operations against laboratories or what?

Ms. FALCO. The DEA, of course, could speak to this much better, but some sustained gunfire from the ground. Because the flying is terribly difficult, some happen in fatal crashes.

We could give you a complete breakdown. I would not be surprised if some of them had been killed in raids. The traffickers are armed.

Senator CULVER. I think you should know. I am surprised you don't know. You can supply it for the record.

Ms. FALCO. I will ask our Embassy to obtain from the Mexican Government details on this subject for the subcommittee.

Senator CULVER. We need to know what these figures mean. You said six have been killed. I think you should know how these casualties were caused, so that you can correct the program.

Ms. FALCO. I will supply that for the record.

Senator CULVER. I think it is important that you know as well as it is important for me to know.

[Material to be supplied follows:]

DEPARTMENT OF STATE,  
Washington, D.C., June 26, 1978.

HON. JOHN C. CULVER,  
Chairman, U.S. Subcommittee To Investigate Juvenile Delinquency.

DEAR SENATOR CULVER: Pursuant to the hearing on international narcotics control of the Senate Subcommittee to Investigate Juvenile Delinquency which was held on February 10, 1978, I am enclosing a copy of a cable from the U.S. Embassy in Mexico which details the information you requested concerning the number of Mexican Federal Judicial Police killed in the operation of the narcotics eradication program.

I look forward to working with you and your Committee staff in the future.

Sincerely,

MATHEA FALCO,  
Senior Adviser and Director,  
Office of International  
Narcotics Control Matters.

Enclosure as stated.

[Department of State incoming telegram]

SUBJECT: NARCOTICS—GOM CASUALTIES

JUNE 1978.

AEMBASSY MEXICO,  
TO SECSTATE, WASH DC.,  
INFO US MISSION, GENEVA.

1. Embassy has received letter from Fernando Baeza, executive officer of Attorney General's office which reads as follows:

(A) "I refer to your letter of February 22 transmitting the request of John C. Culver, Senator from the State of Iowa, concerning personnel of the Attorney General's office who have died or been injured in the campaign against the production and traffic in drugs.

(B) "The campaign represents a considerable financial effort for the Government of Mexico which must address primarily the unsatisfied social necessities deriving from our rapid demographic growth. But the principal cost of the narcotics program, of mutual interest to our countries, stems from the irreparable loss of pilots, mechanics, and agents of the Federal Judicial Police (FJP), whose names are enclosed. We must also consider the losses suffered by the Mexican Army in its cooperation with the campaign".

2. Deaths (name, title, year, type incident) :

Jose Luis Ballesteros-Corona, FJP, 1974, gunshot ;  
 Jose Antonio Perez-Alvarado, mechanic, 1974, aircrash ;  
 Sergio Juarez-Gonzalez, pilot, 1975, aircrash ;  
 Alejandro Anguiano-Gutierrez, FJP, 1976, auto accident ;  
 Alejandro Bonilla-Ibarra, FJP, 1976, aircrash ;  
 Luis Robles-Onofre, FJP, 1976, gunshot ;  
 Jose Manuel-Saucedo, FJP, 1976, aircrash ;  
 Eduardo Arroyo-Larrainzar, pilot, 1976, aircrash ;  
 Roberto Ramirez-Pulido, pilot, 1976, aircrash ;  
 Rafael Aguirre-Martinez, mechanic, 1976, aircrash ;  
 Adan Zamora-Rubio, mechanic, 1976, aircrash ;  
 Arturo Pantoja-Fonseca, district attorney, 1976, aircrash ;  
 Jose Mireles-Munoz, FJP, 1977, gunshot ;  
 Enrique Sanchez-Aguilar, FJP, 1977, gunshot ;  
 Miguel Angel Santana-Almanza, FJP, 1977, gunshot ;  
 Salvador Cabello-Hernandez, FJP, 1977, gunshot ;  
 Donato Carmona-Serrano, FJP, 1977, gunshot ;  
 Emilio Eloy Ramos-Reyes, FJP, 1978, auto accident ;  
 Arturo Robles-Diaz, FJP, 1978, gunshot ;  
 Arturo Rodriguez-Ponce, FJP, 1978, gunshot.

3. FJP agents injured in past 17 months (cause not specified by AG, but we recognize many names as gunshot injuries during enforcement actions).

Carlos Mondragon-Olguin, 1977 ;  
 Angel Fonseca-Vargas, 1977 ;  
 Jesus Montes-Contreras, 1977 ;  
 Edmundo Castro-Avalia, 1977 ;  
 Conrado Ortega-Calderon, 1977 ;  
 Fernando Montejano-Aguilar, 1977 ;  
 Angel Alfredo-Robles, 1978 ;  
 Jose Angel Maldonado-Lugo, 1978 ;  
 Salvador Acosta-Balderas, 1978 ;  
 Edmundo Barranco-Vega, 1978.

4. Pilots injured in aviation accidents :

Carlos Kauffman-Gonzalez, 1974 ;  
 Francisco J. Manzo-C., 1975 ;  
 Abel Ramirez-Espinoza, 1975 ;  
 Armando Merchand-Delgado, 1977 ;  
 Roberto Paz-Garibay, 1976 ;  
 Ciro Jesus Lopez-Sanchez, 1976 ;  
 Dorcey Wingo, 1976 ;  
 Alfredo Valencia-Ceballos, 1976 ;  
 Jose Antonio Oliva-C., 1976 ;  
 Bartolome Cruz-Pacheco, 1976 ;  
 Dick A. Good, 1976 ;  
 Carlos Milan-Zuniga, 1977 ;  
 Jesus Acosta-Rivas, 1977.

5. Note that injured pilots Wingo and Good were U.S. citizen employees of Evergreen Air on contract to GOM. As GOM considered Evergreen pilots GOM employees, they appear on list.

6. Comment : This is by no means total of GOM personnel killed or injured in narcotics program but represents Attorney General's office only. In addition to the 20 AG employees reported killed, we know that five soldiers were killed in crash of AG helicopter in September 1975 and that additional five soldiers lost their lives in crash of AG helicopter in July 1975.

THOMPSON.

Ms. FALCO. Our mission in Mexico monitors very carefully, with assistance from DEA, every single incident. I am sorry that I am not completely informed on each one of these for you this morning. I will rectify that in the future.

Other than that, I think that Dr. Bourne and Mr. Bensinger covered very thoroughly the outstanding issues confronting us now with the Mexican situation. I would be glad to answer any questions or to defer to Mr. Arellano for the broader bilateral picture.

Senator CULVER. Do you think the Mexicans see eradication as a program which will be phased out over time or one that will continue indefinitely?

Ms. FALCO. During our talks with the Mexican Attorney General last December, he indicated very clearly that he did not see this as an indefinite campaign at the same level of intensity. He talked about a 3-year goal during which time he was personally hopeful that the bulk of the illicit growing fields could be successfully eradicated and that sufficient intelligence resources could be developed so the spotting of the fields could become much easier.

At the present time a good deal of time is spent, as you have already heard, in looking for these increasingly small fields in remote areas.

Senator CULVER. You mentioned that the Mexican officials like to point out the extent of their involvement in eradication. You have suggested that it may be because they want us to be aware of the disproportionate burden that they carry.

Do you interpret from that that they want us to carry more of the burden?

Ms. FALCO. I do not think directly in the narcotics area, but I do have a sense that they would be more pleased in some of the other bilateral areas if we were more forthcoming, such as undocumented aliens, gas prices, and a wide range of bilateral issues. They feel they have done a good job in the narcotics area and I would not be surprised if they felt that we should be more responsive in some areas of great concern to them.

Senator CULVER. You're not talking about an invitation for us to do more in the narcotics area, are you?

Ms. FALCO. No, I think as part of the national plan there will be a request, which has not yet been completely focused, for additional financial assistance to provide additional parts for helicopters, increased maintenance, and perhaps additional aircraft, which are very expensive, as you know.

I do not expect——

Senator CULVER. Is there a shortage of parts for helicopters?

Ms. FALCO. No; not in Mexico now. But a substantial part of our assistance to the Mexicans, in addition to the actual aircraft which are huge one-time expenditures, is ongoing maintenance which is an expensive operation.

But I do not anticipate that we will be receiving a huge request for assistance. I think they will want more than they are getting now.

Senator CULVER. Do you think the Mexican Government has an adequate appreciation of the intensity of congressional determination to seriously address the drug problem and the threat that we think it represents to the health and welfare of this country?

Ms. FALCO. I think that they do understand that, Mr. Chairman. Senator DeConcini was just down in Mexico in December, and I know he communicated it very effectively to a number of Mexican officials. In addition, as part of the United States-Mexico consultative mechanism that grew out of the talks between President Lopez Portillo and President Carter, we have developed a working subgroup specifically on the drug issue which will involve our Congressmen and Senators with their parliamentarians. As a way of continuing to focus—

Senator CULVER. Of course, we can't appropriate money without subjecting the application of that money to intense scrutiny to determine its cost effectiveness. That's understood, isn't it?

Ms. FALCO. Yes, I make that point repeatedly. We are directly accountable to the Congress and the American people. These are, taxpayers' dollars from the United States. Each one must be accounted for.

Senator CULVER. Has the Mexican Government been pushing for a lower level of United States presence in the eradication program?

Ms. FALCO. You have heard the discussion by previous witnesses of what happened within the last 3 weeks when the Mexican Government had, in fact, initially requested a reduced DEA presence in the spotting activity in the eradication campaign.

I think that through this aspect of the campaign we have reached an agreement that the levels will remain as they now are and that we will reassess the situation in the spring.

Mr. Arellano might want to address this more fully. There is a good deal of political sensitivity in Mexico about the ongoing presence of foreign nationals in what they perceive to be primarily a domestically run eradication program.

Senator CULVER. Our next witness is Mr. Richard Arellano, the Deputy Assistant Secretary of State for Inter-American Affairs of the Department of State.

Mr. Arellano.

**STATEMENT OF RICHARD ARELLANO, DEPUTY ASSISTANT SECRETARY OF STATE FOR INTER-AMERICAN AFFAIRS, DEPARTMENT OF STATE**<sup>1</sup>

Mr. ARELLANO. Senator, as you have pointed out, there certainly is in the minds of the Mexicans at least, an implicit linkage between a number of issues here. They look at the drug eradication effort not only as being significantly in their interest but also they recognize that this is an important issue to us.

In looking at some of the responses that we may have given or that they perceive we may have given to them on some of the other issues, I would suspect strongly that they are quite unhappy and that they are asking themselves:

Look, if we can be as forthcoming and if we can cooperate as readily with you as we have in this drug eradication effort, then why can't you, as good neighbors, reciprocate in some of the issues that the very important for Mexico?

For example, one of the things they regularly say is that they want trade and not aid. They are proud people. They are hard-working

<sup>1</sup> See p. 120 for Mr. Arellano's prepared statement.

people. They think that the solution to many of their economic problems can be found in trading more substantially with the United States. I do not think that this is a position that we can quarrel with.

Nevertheless, in their opinion we have been less than forthcoming in some of these areas. There is political sensitivity to having foreign presence on Mexical soil—particularly U.S. presence. I think if we look at some of the historical background we can see quite readily why this would be the case.

Their politicians, not unlike people in this country who are in that profession, are sensitive to Mexican public opinion. So, probably—and I say probably because we probably don't know for sure—there has been some measure of wanting to decrease, at least, the highly visible U.S. presence there.

Senator CULVER. You are talking about 20 people coming in in the fall of the year.

Mr. ARELLANO. It has been essentially more than that. I think it has been about 40. It's the nature in which the temporary people's presence is there.

Senator CULVER. I have been to Mexico City. Those 40 people must really be working overtime to make their presence known.

Mr. ARELLANO. No, sir, I don't think that is the case.

Senator CULVER. Have you ever tried to go any place in Mexico City at 5 p.m.? But here we are not talking about Mexico City, we are talking about a few people flying in remote areas over the mountains. I do not see how this intensifies anti-American feeling.

I have been one who has been very critical of our insensitivity to "ugly American" problems in places like Iran where we have 25,000 Americans working. We'll have 50,000 by 1980. They contribute to inflation, education problems, housing problems, and foreign policy problems.

I know something about the lessons of Vietnam and I may be more sensitive to them than others. I know something about the State Department and I may be even more sensitive to that than they are.

But I doubt that 40 Americans in Mexico in the fall and spring of the year, are somehow going to give rise to this depth of emotion against American presence. I have to look for some other reasons.

Mr. ARELLANO. I might be able to give some of those other reasons to you. Our press, as theirs, is quite active in Mexico.

Senator CULVER. How many do you have working in Mexico from the State Department in the narcotics problem? Before I took those 40 people out because its too heavy an American presence, I would like to take 100 out of your Embassy down there in Mexico City. I have been down there too. They spend a lot more time in the sidewalk cafes than some poor guy trying to fly reconnaissance missions over opium fields.

Ms. FALCO. Senator, I think we are in agreement that the DEA presence is very necessary in Mexico.

Senator CULVER. Well, its modest, isn't it?

Why should that be singled out or fingered as the thing that is the most offensive and unacceptable by way of American presence when we are talking about only 40 people? As I understand it, most of them

are out in the field working with the Mexicans in the operation of this program.

MR. ARELLANO. Senator, we have not fingered anybody.

Senator CULVER. Not you. But you have fingered them by saying that their presence is the reason for Mexican sensitivity.

MS. FALCO. That's what the Mexicans said to us.

Senator CULVER. I am asking you to tell me why that is rational.

MR. ARELLANO. May I attempt to do that?

Senator CULVER. Or even why it is even acceptable as irrational?

MR. ARELLANO. If you will allow me, I would like to try and address this.

We are very satisfied with the DEA presence in Mexico. We think that the agents are a professional force and that they are absolutely necessary in the effort and the continuation of a successful effort.

What we would like to do is to have the nature of the relationships of those agents be in-depth relationships, as Mr. Bensinger suggested and as some of his colleagues suggested, to be most productive.

The TDY presence is the one that the Mexicans seem to resent. What I would like to see, if possible, is to increase in any fashion that we can, the ongoing DEA presence and reduce the irritant of this temporary presence. If this is something that bothers the Mexicans, then I would like to do this—

Senator CULVER. They prefer Americans to stay 12 months a year rather than only temporarily?

MR. ARELLANO. Yes, I think that would be the case.

Senator CULVER. Why would that be more acceptable?

MR. ARELLANO. One of the reasons it would probably be more acceptable is that the DEA agents that we have down there on a permanent basis are almost invariably totally bilingual. They are men who have had long-term experience on the Mexican border and in Mexico. There is a comradeship which develops.

Also, you lose a certain bit of the ugly American label which you refer to when you live and work on a day-to-day basis, year in and year out.

Senator CULVER. You acquire that ugly American label when you live there for a long time. There is ample evidence of that all over the world. The longer you are there the more entrenched you become in your enclave and the more resentment and hostility builds up.

MR. ARELLANO. This may be the case—

Senator CULVER. If I were someone very sensitive to this sort of thing—and I think I would be if I lived down there—it would not bother me half as much if they came and left as if they came and stayed.

MR. ARELLANO. I can not agree with you. Our American colony in Mexico—and I was born and brought up there of a North American parent—my mother—has been for many, many years, an accepted colony, a colony of people who have contributed to Mexico and love Mexico. The Mexicans know this. So I don't believe they see us as ugly because we live there. It is because of what we do when we live there.

There are some U.S. citizens, as you perceived, who are less than desirable. That is not the majority. That is a very small part.

Senator CULVER. How many people do you have in the State Department working on narcotics programs in Mexico at present?

Ms. FALCO. Mr. Chairman, we have 14 direct hire and contract employees supported by international narcotics funds, as well as 37 employees who are under contract with the Mexican Government.

These include the gentlemen whom you have already heard about, the Evergreen pilots who train helicopter pilots in the difficult maneuvering that they have to do to spray the fields.

Senator CULVER. How many Americans do you have altogether?

Ms. FALCO. About 50 altogether.

Senator CULVER. You have 50.

Ms. FALCO. That includes secretarial help.

Senator CULVER. The State Department has 50 people there.

Ms. FALCO. I'm sorry. To set the record straight, they are not State Department people. They are under contract with the Mexican Government. Some of them are Americans, some are not.

Senator CULVER. Of that number are some of them actually DEA employees?

Ms. FALCO. No, sir, DEA maintains its own regional office in Mexico City. I think the total number in Mexico City is about 50, although I could be corrected on that number.

Senator CULVER. But the beauty of your presence is that your employees are there all the time and you really know the people and they are all fluent in the language, is that right?

Mr. ARELLANO. The DEA presence, the permanent one, has exactly this attribute also. In fact, more than we do in the narcotics area because, after all, they are the professionals in the area.

Senator CULVER. Do you think the Mexican Government would prefer to have them all the time? Is it cost effective to have them down there all the time from the point of view of the American taxpayer?

Ms. FALCO. The eradication campaign is a full year effort.

Senator CULVER. These go down there twice a year and I assume there is a reason for it. It is more cost effective to go down on those episodic occasions than to stay there 12 months a year and get paid on that basis?

Ms. FALCO. The rationale is partly historical. Until this last year, the poppy eradication campaign had been waged primarily in the spring and fall.

One of the changes that the new Mexican administration has made is to try to eradicate on a year-round basis, since, in fact, poppies can be cultivated year round.

Senator CULVER. Have you talked to the DEA people and have they told you that they think it would be a wise expenditure of funds and a wise allocation of resources to be down there full time with more people?

Ms. FALCO. Mr. Kelly himself said this morning that he, a DEA agent, thought it would be more effective to have the DEA presence there full time serving in this advisory capacity and spotting activity.

We concur.

Senator CULVER. Would it involve more people total?

Ms. FALCO. I think the question is the mode, which would have to be assessed together. It probably would not involve more people. But that is a judgment I can't make in isolation.

Mr. ARELLANO. Mr. Chairman, I think we have to set the record straight in this respect. We in the Department of State consider the

Drug Enforcement Administration to be our ally. We do not have, I hope, any differences. I am responsible, since May of this past year, for the drug effort of the Bureau of Inter-American Affairs and I made as one of my highest priorities the narcotics effort.

I think it is evident to anybody that you get more things done by cooperating with people than you do by fighting over turf. I have no—

Senator CULVER. You get things done but it is rarely done that way in a Federal bureaucracy so often divided in warring camps.

Mr. ARELLANO. Again, to be honest with you, I would be less than candid if I said it was less than it was. You know it is not and I know it is not. What we try and do is reduce this type of sparring.

Senator CULVER. What, in your view, would be the minimum level of U.S. presence in the eradication program to insure accountability to the Americans for expenditures on the program?

Mr. ARELLANO. We hope at the end of this April exercise to sit down with the DEA and with the narcotics coordinator in the Embassy and make that assessment. I cannot give you that at this time.

One of the things we have to do is to look at this campaign, judge its cost effectiveness, and hopefully come up with a rational plan for the desired number of DEA representatives in Mexico.

Senator CULVER. The Mexican Government in the past has been extremely helpful to us in this eradication effort. Is there anything we could do to assist them over and above what we are doing now?

Mr. ARELLANO. I believe the eradication effort is doing quite well. The statistics that we have—and by the way, there is another interpretation to the decrease in the number of fields, actually there are several others—one is that the climatic conditions in the number of fields sprayed this month made for later planting this year. It has been colder in the mountains and germination may have been later so that, in fact, what we may have is an upsurge in the number of fields that are sprayed within the next 2 or 3 months. That would be one explanation.

Another might be that the campaign has been so effective—

Senator CULVER. We speculate about the explanation—has anyone picked up the phones and called the Mexicans and asked why?

Mr. ARELLANO. Sir—

Senator CULVER. Have the Mexicans told us that the decline was caused by the weather?

Mr. ARELLANO. I don't have to rely on them. I've seen some of this with the size of the fields—

Senator CULVER. Why not rely on them? We're cooperating in this effort, aren't we? We are cooperating in good faith because of our mutual self-interest in controlling this problem. Why don't you just call them and ask them why the pace has fallen off? Tell them that Congress objects to spending taxpayers money on a project unless its working. We don't want to keep paying money if opium is not being eradicated. Tell them that we want to reexamine some of our outstanding bilateral issues.

Mr. ARELLANO. I think we are doing that. We are attempting to.

Senator CULVER. Why can't you just call and find out why there haven't been more fields sprayed?

Mr. ARELLANO. They have given us some of the responses I am trying to give you. One is that it has been colder—a number of fields and the size of them has decreased and therefore they are harder to spot. I can attest to this because I have been in the fields recently myself. This possibly is an explanation.

Again, Senator Culver, your interest and our interest is identical. We want an effective campaign in Mexico. If I might add, I think that there is a side of our narcotics campaign there that we could pay more attention to. That is the interdiction and the prosecution side. This is one that I am concerned with that we have not done as well on as we might. Stopping the drugs at the source is a good theory and its an effective one and it works. But what about the narcotics that aren't stopped at the growing stage. It seems to me that the other half of the equation then is the one of interdiction and enforcement. There, quite frankly, I would like to see a greater effort made.

Last month we seized 10 kilos of heroin in Mexico. That is not much heroin when you consider the production. I would like to ask, and do ask, those kinds of questions, sir. What are we doing in the interdiction? What are we doing in the enforcement area? I think this is terribly important. What kinds of cooperation are we getting here?

Senator CULVER. What kind of cooperation?

Mr. ARELLANO. Yes.

Senator CULVER. You heard Mr. Bensinger talk about this.

Mr. ARELLANO. I'm not in any sense casting aspersions on the DEA effort or Mr. Bensinger. I think it is a focus that we need to turn to with the Mexican Government. I would hope it would be a productive one.

Senator CULVER. What could we do? You don't want us to participate in raids or change the Mansfield amendment.

Mr. ARELLANO. We have a directive from the Congress as to what we can and cannot do in terms of the enforcement field.

Senator CULVER. What suggestions have you as to what we can do other than talk to them? We can say, "We are disturbed that we are not getting many of the big dealers. We're eradicating poppies but heroin is still getting out and when it does it makes big money and it has a big impact on the health and welfare of our society. It is corrupting to you. It is corrupting to us. What are we going to do about the way of achieving more aggressive mutual enforcement." What do you expect the answer will be?

Mr. ARELLANO. The kind of thing that you are doing here today is very valuable. It flags and signals very well our concern. What you are doing at this very instant, the castigation that you are inflicting on the State Department, is very worthwhile. It signals to the Mexicans, "Look, we are concerned. The Congress of the United States and the Senate, and Chairman Culver in particular, are quite concerned and we want some of these answers." I think this is an effective and indeed a valuable tool that you are giving us.

Ms. FALCO. I also think that a number of the suggestions that Peter Bensinger made were very valuable, such as the high number of fugitives and the kinds of things that we can do within our own country to tighten up procedures so that some of these arrests and prosecutions can really come to fruition.

Senator CULVER. I have often heard that there is a large and disturbing number of guns exported from the United States into Mexico illegally. Is this a major concern of the Mexican Government?

Mr. ARELLANO. It is an important concern; yes.

Senator CULVER. Would a greater effort by our Government to stop the smuggling be appreciated by the Mexican Government?

Mr. ARELLANO. Yes.

Senator CULVER. Is there any linkage between this smuggling and the dope traffic?

Mr. ARELLANO. There appears to be.

Senator CULVER. I have a real interest in that. Could it lead then to greater cooperation in drug enforcement efforts?

Mr. ARELLANO. Yes; I think it could.

Senator CULVER. What is your judgment as to what the future holds? Will the eradication and enforcement activities continue in Mexico?

Mr. ARELLANO. I think that in some measure that depends on what we do here in the United States. For the life of me I cannot imagine them saying that we should stop it. I can imagine them slowing down. I would think that again, and there it is like any transaction of trade, both sides have to be pretty well satisfied that they are getting the good end of the bargain.

I would hope that as time goes on that we would be more forthcoming in some areas with Mexico than we have been up until now, with trade in particular.

Senator CULVER. Let me say this. I am certainly one who has an enormous affection and places incalculable value on the United States maintaining a constructive and positive relationship with this historic friend and neighbor, Mexico. I think it is crucial. I think it is absolutely crucial to both our national interest.

I am very much aware that we have today a virtually unprecedented set of bilateral issues—between our countries—issues which are fraught with potential difficulty in their resolution. They are very sensitive. They go to the very heart of national pride and economic and social conditions relating to our very survival.

I do not minimize their importance. But I do think that it is imperative for those who are going to be intimately and directly involved in addressing and resolving these questions that they be aware of the importance of the drug traffic on this Nation's health and well being with all its repulsive and corrupting consequences, not only in terms of the degradation of human existence but also in its contribution to crime and the corruption of our political institutions.

We can talk about natural gas, F-5E airplanes, and undocumented aliens, but from our national perspective, in my judgment after 14 years in Congress, this is the issue that is going to have to be the priority.

Trade, aid, aliens, and arms are very important issues. And as someone who sits on the Senate Armed Services Committee, and who is concerned about foreign military sales, I can get very interested in the arms issue. I do not say that by way of some idle threat. I say it because I am very concerned about the national security interests of this country properly defined and understood. I say that as someone who,

I hope, has demonstrated in 14 years of Congress not a calloused indifference to the understandable sensibilities of foreign governments in areas of their national pride.

But anyone who is dealing with us who does not understand the importance of this issue to this Nation and its Congress is using some of the substance we are trying to get rid of. I mean that very sincerely.

When the State Department goes down there with their portfolio, that file had better be right on top as far as this Senator is concerned.

This is in full recognition of the good faith and commendable contributions of an invaluable nature that the Mexican Government has already made in this joint enterprise. I give them high marks for the constructive forthcoming nature of their response to the American interest in this problem. But I am concerned about the continuing strength of this mutual effort toward our common interest in healthy survival.

I think that all the witnesses today have impressed me with the fact that trafficking in heroin is an international problem that can only be dealt with, of course, through these cooperative efforts with other nations. This cooperation need not be said to be just a one-way street. The United States must reciprocate the efforts of other nations such as Mexico in other areas of bilateral interests and so on.

But as far as I am concerned there is little compromising with the consequences of unrestricted drug traffic in this country.

That is something that we are going to meet head on. We will not trade away programs which can reduce the 5,000 deaths a year from overdoses or give some hope to the 400,000 living in misery, degradation, and crime for a chance to sell airplanes. It is important for nations that do business with us to understand how essential it is that we control the drug problem both to preserve the safety and welfare of our children which are our future, and to help eliminate the corruption created by criminal elements that buy off political institutions with the sick profits they make through this illicit trade.

We can do this by participating in international controls on our production and exportation of dangerous drugs through the enactment of the Psychotropic Substances Act that we have heard about today, which was cleared by this subcommittee yesterday and by our subsequent ratification of the convention. We can do it by more effectively controlling the export of dangerous contraband, such as firearms, to other nations and we can do it by providing assistance in developing alternative crops and more productive agricultural methods for those who now earn their livelihood by growing poppies. In all our efforts with foreign nations, in my judgment, our control should be one of advising or assisting, never directing, never controlling. That does not mean we are going to stand by and hand out the money to be misapplied and put in Swiss bank accounts while the problem proliferates.

We should foster the growth of institutions in other countries which will deal with the production and will deal with the trafficking and drugs within their borders on their own initiative and for their own self-interests.

This problem infects the political processes of every country that has it. The profiteers in this trade use their money to corrupt those who

stand in their way. Other nations must see this as a fundamental threat to the integrity of their very existence as a free society.

In short, I think we should stand ready to help in efforts of other nations which promise a reduction in the international flow of narcotics.

I want to thank you all, as witnesses here today. I want also to wish you well in your negotiations in Geneva.

MR. ARELLANO. May I say one thing? It has been very refreshing to hear you and to hear what I consider to be an outstanding exposition of the very real concern of this country.

You have made Mathea, I am sure, feel very wanted. I can assure you that my effort in the Department will stand up to your scrutiny as time goes on. I would like to thank you again for this opportunity to be before you and certainly hope that some time in the future you will ask us back to see if, in fact, we have done the kinds of things I am sure you want and we want also.

Chairman CULVER. Thank you very much.

Mr. ARELLANO. Thank you very much, Mr. Chairman.

Chairman CULVER. The meeting is now adjourned.

[Whereupon the subcommittee adjourned at 12:35 p.m.]

WRITTEN QUESTIONS FROM SENATOR CULVER TO PETER BENSINGER, ANSWERED  
APRIL 18, 1978

SENATOR CULVER. The Subcommittee to Investigate Juvenile Delinquency examined our drug enforcement efforts in Mexico in a hearing on February 10th. Since that time, there have been a number of new and serious developments in the opium poppy eradication campaign in Mexico. Could you tell us about these new developments?

MR. BENSINGER. During the first week of March, the Government of Mexico asked that DEA withdraw its personnel from the opium poppy eradication program. The Mexican Attorney General emphasized that a foreign police presence in the eradication program had become unacceptable and would be difficult to explain to the Mexican people. Officials of the Mexican Government expressed the belief that they have sufficiently trained personnel to accomplish the objectives of the eradication program. The Mexican Attorney General did state, however, that DEA personnel would be permitted to visit any eradication area at any time and that other overseas DEA agents could come to Mexico for training in the eradication program.

Subsequently, the United States Government sent a team of aviation advisers to Mexico for training and in-field participation in the eradication program. These individuals were recruited by the State Department and over the last two years have flown previous missions in Mexico on contract for the State Department. They will cover the three major zones previously assigned to the DEA spotters.

DEA will continue to provide analysis for the U.S. Mission in Mexico. The DEA TRIZO Coordinator is responsible for training the incoming personnel.

SENATOR CULVER. What effect will removing U.S. observers have on the eradication program?

MR. BENSINGER. A comprehensive eradication program in Mexico is vital for the control of heroin availability in the United States. Although DEA did not take part in the actual eradication, our presence increases the success rate of the program; and, as such, we would have preferred that DEA personnel remained as spotters. In light of the decision of the Government of Mexico, the use of State Department's contract observers is the most acceptable alternative to the use of DEA TDY personnel as observers in the eradication program. I hope that, in this manner, the flow of intelligence regarding eradication efforts will not be diminished. At this point, we don't know if the change in policy will have any major effect on the program.

SENATOR CULVER. How successful is this year's eradication campaign in Mexico in comparison to last year's?

Mr. BENSINGER. The successes of the eradication program have meant that heroin purity in the United States is at a five-year low and heroin deaths and injuries are down sharply. In 1977 alone, enough poppy fields were destroyed to have produced more than eight tons of pure heroin. The program accounted for the destruction of 44,278 fields totaling nearly 21,800 acres.

However, preliminary figures provided by both the Mexican Government and DEA agents indicate a reduction of approximately 48 percent on the number of poppy fields sprayed in the first eight weeks of the current eradication campaign. Specifically, a total of 7,847 fields were eradicated between January 2 and February 26, 1978, as compared to 15,012 fields for the same period last year. This may be due, in part, to the success of the previous eradication campaigns, a major drought in the opium growing areas in Mexico and colder weather may have delayed planting or destroyed previously-planted poppies in the mountains located in the northern zone.

Because of all of these factors, it will be inappropriate to depend only on the number of fields destroyed during the current campaign to measure the efficacy of the current program.

Further, this year Mexican authorities have adopted a national reconnaissance program over the entire country; as opposed to spotting and spraying fields as they find them as in the past. Reconnaissance of the entire country might not have revealed as many fields as a more concentrated effort limited to the known growing areas; however, it is too early to determine whether this approach will improve on past procedures. The Mexican Attorney General has assured us there is no diminution in Mexican effort and determination.

Senator CULVER. What can the United States do to ensure that future eradication campaigns are successful?

Mr. BENSINGER. It is extremely important that the Government of Mexico and the U.S. Government work and cooperate as closely as they have in the past in order that the expertise available in both countries be available to insure the future eradication campaigns are successful. The Government of Mexico and the U.S. Government are jointly developing an advanced poppy detector system utilizing electro-optical techniques.

Senator CULVER. Recently, there have been some disturbing findings about the effects of Mexican marihuana that has been sprayed with Paraquat. How serious are the effects of paraquat and how widespread is the use of this contaminated marihuana?

Mr. BENSINGER. Sprayed from aircraft onto marihuana fields, paraquat interacts with sunlight and causes the plants to wither within 48 hours. Many of the marihuana plants are harvested in this interim before they die; thus paraquat treated marihuana enters the United States.

The National Institute on Drug Abuse (NIDA) analyzed the chemical composition of marihuana samples obtained from seizures DEA made in the Southwestern sector of the United States. NIDA concluded from this analysis that an individual who smoked three to five contaminated marihuana cigarettes a day for several months could suffer measurable permanent lung damage.

It is less likely that clinically measurable damage would be suffered by individuals who consume marihuana in smaller quantities or less regularly. Paraquat has been used for agricultural purposes in the United States since the early 1960's. It does not persist in the soil and presents little hazard when used properly.

DEA can only confirm paraquat contamination in the samples of marihuana that were seized at the Southwestern border. Stories appearing in many newspapers have noted the presence of paraquat-contaminated marihuana all across the country. DEA cannot, however, attest to the accuracy of those articles.

Senator CULVER. For the record, would you clarify the extent of U.S. involvement in the spraying of marihuana in Mexico?

Mr. BENSINGER. At the invitation of the Government of Mexico, additional DEA personnel were assigned to Mexico on a temporary basis to assist with the opium poppy eradication program. DEA's role was very carefully defined and limited to locating poppy fields, verifying their destruction and retrieving intelligence. DEA has not been involved in any marihuana eradication efforts. Our involvement on the Mexican eradication program was directed at the opium poppy.

Senator CULVER. What can the U.S. Government do about the problem of paraquat?

Mr. BENSINGER. In May of 1977, the concern of public interest groups regarding the health hazards of American users of illicit Mexican marihuana prompted an interagency inquiry into this matter. The Department of Health, Education, and Welfare released its preliminary findings on May 12, 1978. The report concluded that marihuana smokers may face serious health risks as a result of paraquat contamination. These findings will be made available to the Government of Mexico, as will any additional information developed regarding paraquat.

Based on demonstrations of the Government of Mexico's commitment to narcotics control, the U.S. Government can assume that they will review the HEW study and will consider the health hazards involved with the use of paraquat.

## THE MEXICAN CONNECTION

WEDNESDAY, APRIL 19, 1978

U.S. SENATE,  
SUBCOMMITTEE TO INVESTIGATE  
JUVENILE DELINQUENCY, OF THE  
COMMITTEE ON THE JUDICIARY,  
*Washington, D.C.*

The subcommittee met, pursuant to recess, at 9:35 a.m., in room 424, Russell Senate Office Building, Senator John C. Culver (chairman of the subcommittee) presiding.

Also present: Senator DeConcini.

Staff present: Stephen Rapp, staff director; Josephine Gittler, chief counsel; and Cliff Vaupel, assistant counsel.

### STATEMENT OF HON. JOHN C. CULVER, A U.S. SENATOR FROM IOWA

Senator CULVER. The subcommittee will come to order.

Today the U.S. Senate Subcommittee to Investigate Juvenile Delinquency continues its oversight hearings on the activities of U.S. agencies engaged in the effort to control the flow of heroin and other dangerous drugs across our southern borders.

At our last hearing, on February 10, we heard from drug enforcement officials that the flow of narcotics has been substantially reduced, largely as a result of the U.S.-supported Mexican campaign to eradicate opium poppies south of the border, and also to a lesser extent to U.S.-assisted Mexican enforcement action to crack down on trafficking operations at their source.

We heard also that the Government of Mexico feels that U.S. presence in the program can now be reduced without impairing the program's effectiveness. This point will be given the most serious consideration by the subcommittee.

As I stated in the previous hearing to representatives of the U.S. Department of State, I feel that continuation of joint efforts, in the most effective possible way, must command the highest priority in our bilateral relations with our good neighbor to the south.

In addition, however successful these joint United States-Mexican efforts may be, it is clear that we must strengthen our own border enforcement, and this is the subject of today's hearing.

Realistically, our record at stopping illicit drugs coming into this country along our long southwest border has not been good. Last year, despite an investment of over \$140 million in border enforcement, we

succeeded in stopping only a minute share of the illegal traffic. Obviously, successful interdiction will require a massive, coordinated effort, but in my judgment we have no choice but to make that effort.

Improvement of our drug interception capabilities gives rise to a number of questions. Is there duplication of effort between agencies? Are additional resources needed by the agencies working along the border? Are the present resources wasted or wisely used?

Does the present operational arrangement motivate inspectors and agents to make cases? Is there unnecessary competition and bureaucratic wrangling to the detriment of this desired objective?

Are we effectively augmenting the Federal effort through coordination with State and local law enforcement personnel? Or are the various levels of law enforcement just jealous warring camps with a lack of sincere cooperation and common conviction?

These questions are particularly relevant at a time when reorganization of border agencies is under consideration by the White House and operational agreements between the agencies themselves are due for renegotiation.

Today we want to ask those Federal officials who will be directly affected by any such reorganization their views about the options under consideration. Will a given reorganization plan improve border management or simply shuffle boxes on the organization chart and perpetuate internal rivalries?

We will also ask these officials and representatives of State and local agencies about their views on ways to improve cooperation between Federal agencies and State and local authorities—an essential objective in its own right, regardless of whether or not a reorganization of Federal agencies is implemented.

For answers to these questions, we have before us representatives of the GAO and the White House domestic policy staff for drug abuse, as well as the four agencies involved in border enforcement. We also have representatives of State and local agencies from border areas.

I am very pleased to welcome our first panel.

Our first witnesses this morning are Mr. William J. Anderson and Mr. Richard L. Williams. Mr. Anderson is Deputy Director of the General Government Division of the General Accounting Office, and Mr. Williams is an assistant director of the domestic policy staff for drug abuse policy at the White House. He was formerly with the Office of Drug Abuse Policy which has been eliminated under reorganization. Both GAO and the Office of Drug Abuse Policy completed studies within the last several months of Federal law enforcement efforts along the United States-Mexican border. These gentlemen are here this morning to share their findings with us. Mr. Anderson, you are accompanied by whom?

Mr. ANDERSON. I am accompanied by Pat Gormley, sir, of our Los Angeles regional office. He was directly responsible for the work we did down on the border and probably is the most knowledgeable GAO person.

Senator CULVER. Perhaps you would be good enough to start out, Mr. Anderson.

**STATEMENT OF WILLIAM J. ANDERSON, DEPUTY DIRECTOR, GENERAL GOVERNMENT DIVISION, GENERAL ACCOUNTING OFFICE<sup>1</sup>; ACCOMPANIED BY PATRICK GORMLEY, LOS ANGELES REGIONAL OFFICE**

Mr. ANDERSON. Mr. Chairman, you have requested that we discuss today a report of the GAO of December 2, 1977, dealing with illegal entry at the United States-Mexican border.

Although our report discussed the entry of drugs and people, our comments today will deal primarily with efforts to halt the transit of illicit drugs across the border.

As you know, Mr. Chairman, in the past few years law enforcement efforts along the border have grown in significance because of the increasing transit of illicit drugs and undocumented aliens across this border. U.S. authorities estimated that in 1971 heroin flowing from and through Mexico represented 20 percent of the heroin consumed in the United States. For 1975, they estimated that 89 percent of the heroin reaching the United States came from poppies grown in Mexico.

Current information provided to this committee 1 month ago shows that this percentage has dropped significantly in the last 2 years, due mainly to the Mexican-United States cooperative campaign to eradicate opium poppy cultivation through the use of herbicides. Mexico, however, is still considered to be the major source of heroin reaching this country.

The Federal policy on preventing illegal immigration emphasizes interdiction at the border rather than apprehension of illegal aliens after settlement.

For drugs, the policy calls for giving priority in both supply and demand reduction efforts to those drugs which inherently pose a greater risk to the individual and to society. Heroin is the top priority drug.

Control of the border is basically a task of controlling the movement of people, vehicles, aircraft, boats, and goods. There are over 400 Federal laws and regulations governing entry and departure of people and goods across the border.

Agencies with a role in controlling the Southwest border include the FBI, the Bureau of Alcohol, Tobacco, and Firearms, the Department of Defense, the Federal Aviation Administration, the Coast Guard, the Department of Agriculture, and the Public Health Service.

The principal agencies involved in law enforcement are the Customs Service, INS, and the Drug Enforcement Administration.

From a law enforcement standpoint, the primary responsibilities of these three agencies at the border are: First, preventing the illegal entry of persons into the United States; second, preventing contraband from entering the country; and, third, investigating narcotics and dangerous drug violations.

In carrying out these responsibilities, both INS and Customs use patrol officers, port-of-entry inspectors, and investigators. DEA is the single Federal agency charged with responsibility for investigation pertaining to narcotics and dangerous drug violators.

<sup>1</sup> See p. 122 for Mr. Anderson's prepared statement.

Smugglers enter the United States by four modes: through ports-of-entry, by boat into coastal areas between ports-of-entry, on foot or by vehicle between ports-of-entry, or over the border by air.

Before crossing the border into the United States, vehicles and pedestrians are stopped at the primary inspection lanes where only the most cursory inspections of vehicles, persons, and baggage are conducted. The primary inspectors are responsible for determining whether a vehicle and its occupants or a pedestrian should be referred to the secondary inspection area for a thorough examination.

Customs and INS share responsibility for staffing the primary lanes and the secondary areas as well.

Senator CULVER. Where are you now?

Mr. ANDERSON. I am on page 3, sir, at the bottom paragraph.

Senator CULVER. When did we get this statement?

Mr. ANDERSON. It was delivered this morning, sir.

Senator CULVER. When was it supposed to be delivered under the rules of the subcommittee?

Mr. ANDERSON. At least a day in advance, sir.

Senator CULVER. Just because all of your studies were delivered does not mean that your testimony does not have to be in on time.

I am inclined to just send you back. We cannot have responsible, effective oversight unless we are possessed of statements in time to study them.

Mr. ANDERSON. I should mention, Senator, that this same statement was provided to the committee back in February when your earlier plans were canceled, and we did inform your staff that it has not changed since that time.

Senator CULVER. That is all the more reason—if it is the same statement—for your being able to get it here on time.

Mr. ANDERSON. I agree, sir. We erred. I am sorry.

Senator CULVER. Continue.

Mr. ANDERSON. The vast areas between the ports-of-entry along the United States-Mexico border and the limited resources available to prevent illegal entry demand that available resources be deployed in a manner to gain optimum results.

The border patrol and the customs patrol have overlapping roles for control of illegal movement across the land borders between the ports. The patterns of illegal entry result in concentration of each agency's patrol officers in the same high volume crossing areas.

Air interdiction forces have had some success in apprehending smugglers using aircraft to cross the border. The results to date, however, are considered marginal.

The aircraft deployed by INS are not capable of air interception operations. These aircraft operate at low altitudes and at a slow speed in support of border patrol ground activities. Similar aircraft are operated by Customs in support of customs patrol ground operations.

DEA's air operations are devoted mainly to surveillance flights with an increasing number of pilots and aircraft being devoted to special operations.

Customs, DEA, and the Coast Guard all have roles in preventing drug smuggling by sea. The agencies have had some success in interdicting marihuana being smuggled by sea. The Coast Guard, as you know, has made some large seizures off the east coast in recent months.

Generally, however, marine enforcement efforts have rarely resulted in hard narcotics seizures in other than user amounts.

While it is not possible to measure the deterrent effect of the current level of border law enforcement, the available supply of drugs and the estimated number of illegal aliens attest to the fact that it has not been a serious impediment to illegal entry.

The substantial Federal investment for enforcement at the Southwest border is achieving only a limited measurable impact on the drug and alien problem.

Senator CULVER. Why is that?

Mr. ANDERSON. We base that on the relatively small part of the drugs that are interecepted at the border and the fact two out of three people trying to get across the border are apparently succeeding.

Border forces interdict only a small quantity of the estimated heroin and cocaine entering the United States from Mexico. Most seizures are of marihuana.

In fiscal year 1976, Customs and INS seized about 2 percent of the heroin, less than 1 percent of the cocaine, and 10 percent of the marihuana estimated to come from and through Mexico.

When DEA's border area seizures are added, these intereceptions equal 6 percent of the heroin, 3 percent of the cocaine, and 13 percent of the marihuana.

It is fairly obvious that the quantity of drugs being interdicted is not having a significant impact on the drug problem. This is especially true when one considers that these figures presume the drug seizures to be 100-percent pure while the purity of border seizures is generally significantly less—usually below 50 percent purity.

Border apprehensions seldom involve high-level traffickers. The overwhelming majority of persons crossing the border in possession of drugs who are apprehended by Customs and INS are drug users, small-time operators, couriers, or low-level members of drug trafficking organizations.

DEA's data show that less than 2 percent of the interdictions referred from INS and Customs involve major violators, and about three-fourths of these were marihuana violators.

The results with respect to apprehension of aliens are more impressive, but the problem remains serious. More illegal aliens are successful in getting into the United States than are prevented from entering. Many aliens apprehended are repeaters; some have been apprehended as many as 10 times.

Although border control alone will not solve the drug or illegal alien problems, it is a necessary element if the Nation is ever to control them.

We believe that much more could be done if Federal border law enforcement activities were better planned, coordinated, integrated, and executed.

The efficiency and effectiveness of law enforcement efforts at the border would be enhanced if intelligence support was improved and the costly overlapping and poor coordination of enforcement activities and support systems were corrected.

These are some of the specific problems we identified.

There was a shortage of inspectors at the four ports-of-entry we visited along the Southwest border, even though most seizures of hard narcotics were made at the ports-of-entry. Inspection manpower has a

significant impact on the thoroughness of inspections performed at these locations.

The only detection devices available to assist inspectors at the ports-of-entry are TECS data—Treasury's automated intelligence system, which is used by Customs for disseminating information to inspection and enforcement personnel—and trained detection dogs. The value of TECS data for ports-of-entry interdictions is limited because it is primarily keyed to vehicle license numbers.

Detector dogs are effective time-saving drug interdiction aids. However, border officials believe that much of the hard narcotics which comes through the ports is packaged and inserted into the human body. Detector dogs are not used to search people, and inspectors are reluctant to perform intensive personal searches.

The INS border patrol and the Customs patrol have overlapping roles for control of illegal movements across the land borders between the ports. Poor coordination and cooperation between the Customs and INS border patrols, as well as costly overlapping facilities, have contributed to conflicts and tension and produced only marginal results.

Although a memorandum of understanding exists between INS and Customs mandating "full cooperation between the two Services," this cooperation does not, in reality, exist.

To illustrate, while waiting and watching with a Customs patrol officer at a border canyon where a sensor hit occurred, the supervisory patrol officer told us that a lack of personnel might cause them to miss the intruder. Right after he made this statement, an INS border patrol car cruised slowly by our position. No attempt was made to contact it and ask for assistance. Patrol officers we spoke to could not recall a single example of assistance to one agency by the other on an as-needed basis.

We understand, Mr. Chairman, you want us to speak to some of the joint operations that were conducted.

The Presidential White Paper on Drug Abuse issued in 1975 recommended that a program for more effective border control be developed and that the principal law enforcement agencies along the border improve their coordination activities to include joint task force operations.

There have been several of these joint operations since 1975. These were to be cooperative coordinated efforts among various law enforcement agencies, but in reality they very rarely turned out that way.

There have been minimal or no coordination efforts among agencies involved, and interdiction results have been varied and not very impressive. There were some large marijuana seizures, but heroin seizures were disappointing.

A discussion of a few of the operations follows.

Operation Diamond Back, which took place April 20 to May 26, 1976, was initiated to augment Customs resources with those of other Federal agencies—DEA, FAA, Border Patrol, and the U.S. Coast Guard—to increase interdiction capability.

In postoperative evaluations, the participants reported a lack of planning, coordination, cooperation, and intelligence. Fundamental planning and coordination never got out of the idea stage. The decisionmaking process was very poor due to confusion as to who had

the authority to direct action. Customs Air Support Branch and Customs patrol officers considered the air and sea operations a failure.

No arrests or seizures were made.

Operation Star Trek I and II were initiated by Customs along the California and Arizona borders with Mexico. Star Trek I took place in 1975, and Star Trek II took place a year later. DEA was to provide the intelligence information needed for the operation.

Star Trek I, an intensified air, land, and sea operation, primarily aimed at interdictions between ports-of-entry, resulted in some large marihuana seizures and small quantities of various other drugs.

Customs officials felt that the weakness of the operation was the scant information provided by DEA. A DEA official at the El Paso Intelligence Center said they were not asked to support the Star Trek I operation and actually received only two phone calls from Star Trek personnel.

Star Trek II involved DEA, FAA, Customs Service, the Air Force, and the Coast Guard. Cooperation was poor, and lack of intelligence was still a major weakness. U.S. Coast Guard participation was much less than in Star Trek I. There were no joint patrols by Customs and the Coast Guard. The Coast Guard followed its own patrol program and operated independently of Customs.

Drug seizures during Star Trek II increased over the first operation, but total seizures had very little impact on the constant flow of dangerous drugs coming from Mexico.

Control of the United States-Mexican border is a complex and most difficult task that requires a comprehensive, coordinated effort by all segments of the border law enforcement community.

The executive branch of the Federal Government has not developed an integrated strategy or a comprehensive border control plan to consider all aspects of the problem and establish clear, measurable objectives indicating what it intends to accomplish with the various law enforcement resources. A plan of this type is critical because of the many agencies with overlapping responsibilities.

Over the past few years the Congress, the executive branch, and GAO have issued reports identifying problems among Federal border enforcement agencies and containing suggestions for improving their cooperation and coordination.

While some recommendations have been implemented and outward appearances have changed as a result of these efforts, the essential characteristics of the problems remain.

Separate agencies with different orientations continue to identify the best means to meet their specific missions, with limited consideration for the activity of the others. This has led to the development of separate but similar lines of effort that continue to dilute border coverage and impact. Little consideration is given to overall border security.

There is obviously a need for an integrated Federal strategy and comprehensive border control plan. Assignment of border control responsibilities to a single agency would be the surest way of achieving this. Pending any decision in this regard, we would make the following comments.

The executive branch should provide the Congress, along with its appropriation requests, an overview of law enforcement along the

United States-Mexican border. Included in this overview should be an analysis which brings together the budget requests and law enforcement strategies of the various border law enforcement agencies.

The Office of Management and Budget, Office of Drug Abuse Policy, and the principal border agencies should develop an integrated strategy and comprehensive operational plan for border control. This plan should consider the various alternatives to managing border operations ranging from the present management structure to single-agency management.

The President's reorganization project has circulated a document containing reorganization options related to border management to various individuals and groups for comment and suggestions.<sup>2</sup> Until agreement is reached on the fundamental purpose or mission at the border, the selection of reorganization options would appear to be premature.

Senator CULVER. What do you mean by the fundamental purpose or mission at the border? Obviously, it is to try to stop illegal drugs and aliens from entering. Is there any doubt about that?

Mr. ANDERSON. I think that what we had in mind there, sir, was the fact that the agencies involved have other missions as well. Customs has its total mission of overseeing the importing of all goods, into the country. INS has its orientation toward the people coming across the border.

We felt, for example, that the decision as to which department this new agency, if it is created, should end up in should probably depend on that definition. Is it primarily a law enforcement effort, or is this, on the other hand, a consolidation of the efforts controlling the movement of all goods and all peoples of which law enforcement will remain a very important part? I say that would probably influence the decision as to whether you went to Treasury or Justice.

Senator CULVER. You just want to get a clear reading to be able to resolve some of these ambiguities?

Mr. ANDERSON. That is correct, Senator.

Ironically and perhaps predictably, since the current efforts toward reorganization were initiated, the agencies involved in border enforcement have placed an increased emphasis on voluntary cooperative agreements. Similar abortive efforts in the past do not convince us that any lasting good will result.

Some hard decisions remain to be made regarding how this country can best respond to its Southwest border problems. The options from the extreme of a politically and economically infeasible "Berlin Wall" arrangement that would almost guarantee no illicit intrusion to the loose controls over entry along the Canadian border.

Somewhere in between the two extremes lies an optimum mix of people and resources that should be applied to the border. Development of an overall Federal strategy is the first step that needs to be taken in coming to grips with this major problem.

That concludes my prepared statement, Senator.

Senator CULVER. Thank you very much, Mr. Anderson.

Perhaps we will ask Mr. Williams to give his statement at this time, and then we will have some questions.

<sup>2</sup> See p. 345 for text of document.

Mr. Williams is the Assistant Director of the Domestic Policy Staff at the White House. Your office has recently completed a study, also, I believe.

We look forward to hearing from you.

**STATEMENT OF RICHARD WILLIAMS, ASSISTANT DIRECTOR, DRUG ABUSE POLICY, DOMESTIC POLICY STAFF, WHITE HOUSE**

MR WILLIAMS. Mr. Chairman, if it is all right with you, I would like to summarize my statement.

Senator CULVER. That will be fine. Without objection, your statement will appear in the record.<sup>1</sup>

MR WILLIAMS. It is a pleasure to be here to talk about it. We consider border interdiction to be a very important part of the Federal drug use control program.

Our report on border management was one of a series of policy reviews which the Office of Drug Abuse Policy, under Dr. Peter Bourne completed during the past year.

A major part of the Federal effort to reduce the availability of illegal drugs is directed toward disrupting the supply chain at any point where it may be vulnerable, from overseas sources to domestic interstate trafficking networks.

The U.S. border provides a unique opportunity in this chain of drug trafficking to intercept the drugs, arrest the person, and perhaps trace the source or the destination of the drugs.

Our border control is a piecemeal activity with numerous Federal agencies responsible for specific interests and functions in the border areas. Several studies of border control have been conducted in recent years. However, each of these studies focused on a specific function or a problem rather than taking a comprehensive view of the entire border control effort.

Our review was directed toward the broad- and long-term goal of improving the overall border control effort. The review was conducted by an interagency team with representation from the principal departments and agencies involved.

I might add as a sideline that we had some very competent professionals involved in the study team. This carried a great deal of weight in establishing our credibility with the agencies.

In the past, we have responded to border management problems in a fragmented manner. When a problem arose, new budget resources and manpower were allocated to the agency immediately responsible without deliberate consideration of how changes would affect overall border management.

The current organizational structure contributes to the problem with personnel from eight agencies representing seven different Departments directly involved in border operations.

The basic assumption of our review is that improved effectiveness of border control will enhance all related programs including drugs, aliens, guns, et cetera. Further, an improved management structure would serve as the foundation for all border control efforts.

<sup>1</sup> See p. 122 for Mr. Williams' prepared statement.

After an extensive review of the problems and issues as identified by the agencies responsible for border control, we conducted a series of field trips to develop firsthand information on operating practices and problems. We also interviewed field managers and the frontline troops in all types of border locations.

The report is directed at the two principal functions of border control: Inspection of persons and goods at ports of entry, and patrolling between ports of entry.

The agencies with primary responsibility for these two key functions are the U.S. Customs Service, the Department of the Treasury, and the Immigration and Naturalization Service in the Department of Justice.

Other agencies provide specialized skills and functions in support of their own areas of interest.

The review team identified two major issues: The lack of coordinated border management, and significant overlap and duplication of effort in both of the principal border control functions.

There is a very obvious overlap and duplication in patrolling activities between land ports of entry, with both the Immigration Service and the Customs Service responsible for providing a patrol force in these areas in support of their own separate missions.

There is also overlap and duplication in inspection responsibilities and particularly in the management structures at ports of entry particularly at airports and larger land ports.

In seeking a solution to these problems, we considered several options ranging from, at the low side, a higher budget priority for manpower and other resources, all the way through to a major reorganization of the agencies involved.

We recommended that a multipurpose border management agency should be created by consolidating the Immigration and Naturalization Service and the U.S. Customs Service into a new agency. We also recommended an appropriate reorganization plan should be developed by the President's reorganization project to include placement of this new agency in a Cabinet department consistent with the overall Government reorganization planning.

Since this recommendation has been made in various forms over the past several years, we also recommended a method in which this might be a little more practical and hopefully a little more successful than previous attempts.

The consolidation of the agencies and functions should be achieved through an umbrella-management concept with the reorganization plan providing an initial set of priorities. However, the new Director should be allowed considerable flexibility in determining the internal structure of the new agency, and the following functions should receive the highest priority for early consolidation:

Primary inspection at all ports; patrolling of the land borders; operational support activities, particularly communications and computer systems; and the management structure and administrative support activities.

We further suggested that the new Director be given these priorities and be required to report back to the President and to the Congress at the end of 18 months on the accomplishments during the transition period and his plan for the next phase.

The President's reorganization project in the Office of Management and Budget has the ultimate responsibility for developing specific reorganization plans in conjunction with their ongoing reorganization study of the entire Federal Government. Our report provides OMB with a current evaluation of border control activities and recommendations for improvement, as does the GAO report.

The reorganization project staff is currently preparing recommendations for the President regarding border management, and we plan to use our report in conjunction with other ongoing drug policy reviews in developing a new Federal drug abuse prevention strategy for 1978.

We intend to have the new strategy on all aspects of the Federal drug abuse prevention program published during the summer. This is required by the legislation which created the Office of Drug Abuse Policy. We are putting all the policy reviews into a new strategy document—a very comprehensive document.

Senator CULVER. What does that mean?

Mr. WILLIAMS. It means, sir, that not only have we conducted a review of border management but also of drug law enforcement, of international narcotics control, of narcotics intelligence, of the DOD drug assessment programs, and—

Senator CULVER. Everybody does that about every 3 months, you know.

They develop the grandest studies of strategies and policies and they usually gather dust. They are usually 3 years late. Just in time for a new election. Then a new crowd comes in and studies the program again.

The patient cannot even stand another examination.

My question is what do you do with any of these studies rather than get them up here late?

Mr. WILLIAMS. One benefit is that the process, alone, drives a great deal of improvement into the system.

Senator CULVER. You mean that when you call for all that paperwork, bureaucrats get nervous, get their acts together, paint the rocks white?

Mr. WILLIAMS. That is one way of looking at it, sir.

Senator CULVER. They say, "The inspector is coming. They are having a hearing. Get it published. Show-and-tell time. Get the charts made up." Is that what you mean? It has a salutary effect and energizes the system?

Mr. WILLIAMS. Yes, sir.

Senator CULVER. Thank God something does.

Mr. WILLIAMS. The Federal drug abuse prevention program, as you know, sir, has many complex problems.

Senator CULVER. What is the cumulative consequence of a mess of individual parts? A big mess.

I just wonder how long we are going to go on studying. When are we going to do something? We have those OMB whiz kids working. When are they going to give us something and how soon?

This administration is going to be over with before long. It is a 4-year term. How many of you have heard that? We are about half-way through it. As you noticed by the recent debates that have just concluded, things do not happen fast even when they get up here.

You have four options cooking now over at OMB?

Mr. WILLIAMS. Yes, sir.

Senator CULVER. How are they coming along?

Mr. WILLIAMS. I checked with OMB yesterday. They are still working on their recommendations.

Senator CULVER. I believe that.

[Laughter.]

Mr. WILLIAMS. They plan to consult with the Director of OMB Friday of this week, and hopefully they will get something out soon.

Senator CULVER. How long has this gestation period been?

Mr. WILLIAMS. We completed our report in early September 1977, and furnished it to them.

Senator CULVER. And you gave it to the OMB bureaucrats last September. What was their original timetable for getting this out?

Mr. WILLIAMS. Their target was to have the reorganization recommendation ready in January.

Senator CULVER. Were they on the agenda at Camp David over the weekend?

Mr. WILLIAMS. I do not know, sir.

Senator CULVER. What do these deadlines mean to anybody? They do not mean anything, do they?

Mr. WILLIAMS. They mean something to us. We are trying to move the system, just as you are.

Senator CULVER. What answer do you get from over there at that ice flow, or paper flow?

Mr. WILLIAMS. We are talking about some significant turf questions.

Senator CULVER. Significant turf questions. That means that the taxpayer funds everybody to put on different tee-shirts to fight, to stumble over each other and be more incompetent than the next one. Then when you try to change and improve the situation they all get together and get their lobbyists to come up here and say, "Don't change anything. It is perfect. Just perfect. Just let my union, or his union, or their union, or this management, or this gumshoe, or that gumshoe do it."

Hogwash. That is sheer hogwash.

It is not an issue of turf. It is an issue of whether the American taxpayer can continue to afford this monumental degree of bureaucratic dickering, insane and indefensible kinds of jurisdictional squabbling. It makes me sick to my stomach. That is the question.

This Government does not exist to provide oases of turf for a bunch of people to be on the public you-know-what. This Government is supposed to exist to promote the general welfare. The general welfare is not being promoted when you get these drugs and illegal aliens in here which are a cancer in the gut of America. It is not a question of turf.

We have enough of these enclaves around the world, much less having them on our own borders—these enclaves of privilege, pettiness, and selfish preoccupation.

What are they in the Government for if it is not to serve it? They are not there to serve some unit flag.

All I want to know is when are they going to get their act together and get a new system up here to serve the public interest?

They are going to consult with the new OMB head on Friday. When are they going to get anything up here? Do we have OMB witnesses today?

Mr. RAPP. No, sir. They declined the invitation to appear.

Senator CULVER. We might get them. When are we going to get anything out of that place?

Mr. WILLIAMS. I am afraid I cannot predict that, sir.

Senator CULVER. They were supposed to have it out in January. What do they tell you? Peter Bourne is your boss, is he not?

Mr. WILLIAMS. Yes, sir.

Senator CULVER. Tell him that Senator Culver is rather upset and agitated that we do not have a plan, and our people are continuously being subjected to dope.

We are going to have 30 million illegal aliens by the end of the century. How many illegal aliens do we have in the country already? Nobody knows for sure, 9 million, 12 million? Pick a number. We do not even know.

Meanwhile, we are worried about turf. This is bureaucratic wrangling and petty nonsense.

They should get the outstanding agents, get them into one agency, and go to work, and get rid of the rest of them. They ought to have a few fitness reports based on performance, and get those who aren't doing the job. This is just incredible.

I want you to tell Mr. Bourne that I think this administration had better get this program up here fast. We cannot afford the incompetence not only on the border but also in this city.

We were talking about bringing new fresh air into this city. We were going to shake it up and change it. I am all for it. I have been here 14 years trying to shake it up and change it in a lot of different ways. We need all the help we can get.

But you do not change it by getting in the quagmire and quicksand of this Government and sinking to the bottom in record time by getting involved in turf and bureaucracy and all the rest of this nonsense.

The value of someone coming in from the outside is that they are supposedly independent enough to shake it up. If they are not, what good are they? We do not need any outsiders to shake it up if outsiders cannot come in and shake it up.

We want this thing up here fast, and when it comes up here we want major effort and support to get it through Congress so we do not see it getting politically bought off by interest groups. This country cannot afford "business as usual" indefinitely. We can afford a little maybe, but we are not affluent or powerful enough for it to continue.

Have you finished your statement?

Mr. WILLIAMS. Yes, sir.

Senator CULVER. Mr. Anderson, for the record, would you briefly describe the current Federal efforts to control the United States-Mexican border?

Mr. ANDERSON. Right, sir.

I think that as your staff has found out, it is really difficult to obtain good data from the agencies directly on this. We were able to piece together some information that we think is correct.

I would like to compare it with an earlier point in time so you can see what has been happening over the last several years.

We found that as far as people on the border were concerned, there has been around a 30-percent increase, between 1971 and 1976, from 4,352 people from the various agencies at the border, to 5,707 at the end of fiscal year 1976. I do not have an updated figure from that point.

As far as dollars go, we were able to identify a total of \$74 million that were spent at the border in 1971 and \$141.7 million in 1976. That was practically doubled.

Senator CULVER. What is the comparative performance roughly? The money was doubled and a thousand people were added. Did you see any corresponding increase of performance?

Mr. ANDERSON. As far as the drugs go, the quantity of interceptions—seizures—has not shown any significant change. In fact, it might be down a little bit. Customs attributes this situation to the change in the source of intelligence.

As far as apprehensions go, I know you are well aware that apprehension of illegal aliens has gone up considerably, so apparently there was a payoff there.

Senator CULVER. And yet, 2 out of 3 are still getting through?

Mr. ANDERSON. That is correct, sir.

Senator Culver. You only have one way to go on this problem, you know.

Mr. ANDERSON. That is right.

I would like to break it down for you. As far as inspectors went, the number went from 1,028 in 1971 to about 1,300 in 1976. The number of patrol officers went from 1,350 in 1971 to about 2,000 in 1976. The largest increase was on the patrol.

Senator CULVER. Mr. Williams, the Office of Drug Abuse Policy has also recently issued a study on drug law enforcement which dealt in part, as I recall, with the relationship of the Federal agencies to the State and local authorities. Is that right?

Mr. WILLIAMS. Yes, sir.

Senator CULVER. What were your basic findings in this area?

Mr. WILLIAMS. There are two aspects, sir. One is the relationship of State and local law enforcement to the drug effort overall, and there is a little different relationship at the border.

The State and local law enforcement officials provide a considerable strengthening of the Federal effort, in numbers alone. With a very modest commitment by the State and local authorities to drug law enforcement, we multiply the effectiveness of the Federal effort considerably.

The State and local law enforcement officials are a particularly good source of information on local drug distributors. When you have information, you can always trace it both ways, depending on where your information lies within the system.

They are pretty much partners in helping Federal officers when there is a major task force operation or there is a local operation.

Senator CULVER. You have found that they are partners? That has a connotation to me of cooperation.

Mr. WILLIAMS. Yes, sir.

Senator CULVER. You found in your studies that the Federal and State and local agencies are partners?

Mr. WILLIAMS. It varies quite radically, depending greatly on the personality of the local police chief and sheriff and the Federal officers

involved. You cannot make a blanket statement that it is a total, cooperative partnership. Nor is it totally bad. It varies very greatly from place to place.

Senator CULVER. Sometimes it is a cooperative partnership and sometimes it is a partnership on the verge of disintegration. Is that right?

Mr. WILLIAMS. When a major case is being broken, there is an opportunity for the officers to work together in going out and jointly making the arrests. When augmenting the Federal manpower with the necessary numbers to accomplish a simultaneous roundup of suspects, the cooperation is excellent.

It is the day-to-day cooperation and exchange of information that leaves something to be desired.

Senator CULVER. Do you ever see competition where one of the elements of the triad is on the verge of making a bust, having developed the case and the evidence, and somebody else would take it away because they are playing the numbers game? Have you found that?

Mr. WILLIAMS. Yes, sir. There is a great deal of interest in who gets the credit.

Senator CULVER. That oftentimes acts to destroy the cooperation, does it not?

Mr. WILLIAMS. Yes; very much so.

Along the border, there is an unusual situation. A large number of Federal uniformed officers are physically present all the time with the State and local uniformed law-enforcement officers. So the border is different.

One of the problems we found in these relationships along the border was that some of the State and local authorities tend to form alliances with a particular Federal agency depending again on the personalities involved. This can create a problem of ill-will with the other agencies. It is apparently very difficult to overcome this situation once it was established.

Senator CULVER. You both agree that what we need, essentially, is a single agency. You have four options kicking around at OMB. You have other recommendations, Mr. Anderson. But the bottom line is that we have to get away from this bureaucratic alphabet soup of administrative competition and wrangling, and get some clear strategy and direction. Is that right?

Mr. WILLIAMS. My personal view is that that is a little strong when you get down to an individual port of entry. We really did not find any Customs inspectors or individual INS inspectors or their counterpart patrol officers who were hassling on an individual level. It is more an institutional problem where you have dual management issuing different kinds of directives and aiming their people in different directions.

The management structure is really the problem. We have some dedicated folks working at our borders.

Senator CULVER. I do not question that you have very dedicated people. I do think there is a real question of whether we have our act together so that dedicated people can perform other than in a state of constant frustration, so that they can contribute fully to this cause.

So when we talk about changing something, let us not always talk about good people. We have a lot of wonderful people. Let us just stipulate that, so we can get on with this problem. Let us not get hung up in a lot of political nonsense. Sure, we have dedicated

people. What we are trying to do is to keep them. You cannot keep good, dedicated people when they are working in an environment that is driving them buggy. The good ones leave when it gets intolerable.

Is it not also true, Mr. Anderson, that since 1968 there have been a whole series of studies and reorganization plans designed to improve our interdiction of drugs, yet the same basic problems still exist, only worse?

MR. ANDERSON. That is correct. There has been no real improvement.

The report we issued in December on our study at the border has an appendix. We listed the major studies made up to that time. I will briefly hit them to show the numbers.

In December 1972, GAO put out a report about conflicts between Customs and BNDD that were affecting enforcement.

In May 1973, we put out another report on fragmented approaches to inspections at the ports of entry.

In October 1972 through December 1973, the Mitre Corp. did a study of the interdiction problems and came up with some recommendations.

In June 1974, OMB reported on an analysis it had made. The analysis pointed out continuing competition, conflicts, and overlaps in functions, duplication of expenses in multioperations, and so on.

In December 1974, the Committee on Government Operations put out a comprehensive report on the problems.

In September 1975, the Domestic Council on Drug Abuse task force did a convincing analysis that showed more work was needed before a solution could be found to the border problem.

In December 1975, GAO put out another report which spoke to problems of fragmented organization and resulting interagency conflicts.

In September 1976—I could go on with more, sir.

Senator CULVER. They were as early as 1968?

MR. ANDERSON. Yes, sir. We do not cite that one here, but the problem goes back that far.

Senator CULVER. I realize it is hard to get an accurate handle on this, but could you give me a ballpark estimate as to how much these studies cost?

I do not need it right now, but for the record. Can you do that?

MR. ANDERSON. We will make an attempt, sir.

Senator CULVER. I would like to know how much money we have spent on this problem. We do not have anything to show, except a worse problem.

Without objection, it will be inserted in the record at this point.

[Material to be supplied follows:]

#### ESTIMATED COST OF SELECTED STUDIES ON BORDER LAW ENFORCEMENT

We were requested to provide a "ballpark" estimate of the cost of 11 selected studies containing suggestions for improving border law enforcement. These studies were performed by various organizations or groups, such as, the General Accounting Office, Mitre Corporation, the Office of Management and Budget, Office of Drug Abuse Policy, and the Domestic Council's Drug Abuse Task Force.

The age of some of the studies or the manner in which they were performed precluded us from readily determining their cost. For example, one study was performed by a task force having members from several different agencies. Some

of the individuals assigned to the task force worked on a full-time basis while others worked only on a part-time basis. The task force members received additional support from personnel within their agency in compiling data. The personnel working on this particular study were paid by their respective agencies.

We were, however, able to determine the cost of 6 of these studies. The cost of these studies totalled about \$600,000 or an average of \$100,000 a study. If we assume that the cost of the other five studies was comparable, then the total cost of all 11 studies would be \$1.1 million.

Senator CULVER. If that is the track record, Mr. Williams, why do you think this current reorganization effort will be more successful?

Mr. WILLIAMS. We are optimistic, sir.

We looked at all these past studies and why they failed. I believe we structured our study to avoid the problems in many of these previous recommendations and the reasons that they failed. We used a "lessons learned" approach.

Senator CULVER. You mean you are not going to tread on anyone's toes?

Mr. WILLIAMS. No. We are going to tread on their toes, but hopefully in a way that does not hurt as badly.

Senator CULVER. That is quite an invention. We could use that in a lot of places.

Mr. WILLIAMS. The biggest contribution, I think, would be to have one person that would be accountable for the whole operation, so that he could not say, "It is not my fault. Agency B is not doing their job."

Senator CULVER. We can do that on the drawing board. I am talking about implementing it. We are all agreed that that is conceptually where we want to be. I am talking about politics and implementation.

I do not think anyone has had any doubt about what ought to be done since 1968. Anyone who has looked at this thing for 10 minutes can see that. The question is, How you get there from here?

Mr. WILLIAMS. In looking at the two most recent ones, reorganization plan No. 1 of 1973 was an effort to provide single agency management at ports of entry. It proposed moving all of the immigration primary inspectors to Customs and making Customs the port manager, while maintaining specialized expertise for secondary inspection.

The problem was special interest opposition to splitting up the Immigration Service. That problem remains with us today and will continue to remain with us, primarily because of union interests.

The OMB study in 1974 recommended that the U.S. Border Patrol in the Immigration Service be the single agency responsible for patrolling between ports. They would watch out for both immigration interests and customs interests.

The problem there was a great deal of opposition because the Customs proponents felt that the Border Patrol would not adequately serve Custom's interests.

We took the approach, first of all, not to look at just the Southwest border, or just single-stop inspection at airports, or a small piece of border patrol, which has been typical of all these other studies, but to look at border control overall. That included the operation of airports, land ports, and seaports of entry, as well as all forms of patrolling, so we could not be accused of having optimized for large airports

or any other single aspect of the borders, and that we had considered the entire spectrum of border control problems.

Second, in developing our recommendations, we did not recommend splitting up any of the agencies. There is a reasonable argument that we might not want to split up the Immigration Service or the Customs Service, even though some of their activities could be done separately from the actual law enforcement at the border.

A proposal to split either agency will generate an unbelievable amount of opposition. So we recommended that the two agencies be combined, in total, and, as Mr. Anderson, suggests, one person be made responsible for implementing this reorganization.

One of the other troublesome aspects was that the previous recommendations tended to go in and make a lot of the internal operating decisions for the agency. Aside from not being a good management technique, this tends to relieve the new manager of part of the responsibility for making the reorganization work.

We suggest that it is better to tell the new manager what you want done and leave him a good deal of flexibility in implementing it, as well as giving him some time to get it done. Thereby, he could accomplish something and then report back to the President and the Congress on how well he has done and where he needs additional help.

As part of the overview mechanism, it might not hurt to have a coordinating activity that he could work with within the Executive Office, or at least at the department level. They could help him resolve major problems.

Senator CULVER. Even if we were to establish a single agency for border management, what results do you think we could expect in stopping hard drugs, in particular, from reaching this country? Mr. Anderson, can you answer that?

Mr. ANDERSON. I thought Dr. Bourne made a very good statement before you a couple of months ago. I jotted it down because it made so much sense: "On the other hand, once the substance has been converted to heroin, it can be hidden and smuggled through our 12,000-mile border with little difficulty."

If you put in perspective the role of interdiction at the border in relation to the total war against drugs, it is a really small piece of the action in terms of ultimate results.

Senator CULVER. So eradication, and cooperation of law enforcement officials at the early stages are far more potentially productive?

Mr. ANDERSON. Absolutely, sir.

Senator CULVER. Mr. Gormley, did you want to add anything? You have done so much work on this subject. I want to afford you an opportunity to comment.

Mr. GORMLEY. On the issue of interdiction at the border, there are many undercurrents and difficult tasks that make it, I think, an unrealistic expectation for the border to play a determinate role in stopping the flow of drugs.

The difficulties in obtaining the intelligence that would be necessary to enable the local people to be able to hit the shipment coming across the border are enormous. The intelligence just is not there. There are various and diverse reasons for that.

So the officer is pretty much left to his own insights and instincts, based on prior experiences.

When you consider the magnitude of the flow, it is a very difficult, if not impossible, task.

For example, in San Ysidro they have perhaps 30 seconds to inspect a car with six people, and a trunkful of luggage, and determine whether or not it should go to the secondary inspection. When you consider the length of the traffic lines behind that car on a weekend, the pressure on the inspector is to move the traffic. So he sacrifices his instincts, except in the most obvious cases.

I do not see that changing, unless we want to inconvenience the traveling public and go back to Operation Intercept of the 1960's. They showed a very low tolerance then for congestion around the ports-of-entry, coming back from Baja, California, for example, on a holiday weekend.

These are the pressures that the inspectors have on a daily basis. I do not see a great deal of improvement.

Right now, with these multiagencies, we do not know how good we can be. We are distracted from the job by the institutional squabbling. Until we are able to get that off their backs, we do not know what a new investment is going to give us.

I have not found anyone who is able to project that, to say, a 50-percent increase is going to have these impacts on the problems that exist.

SENATOR CULVER. But you certainly agree that it could not be worse? It has to improve.

MR. GORMLEY. It could become worse if we took the existing resources off the borders. They are certainly necessary.

SENATOR CULVER. I am talking about the management structure.

MR. GORMLEY. I have seen little improvement in the area during the work we have done over the last 5 to 6 years. As Mr. Anderson and Mr. Williams said earlier, each time the subject comes up there is a lot of motion and a lot of directives, but when it comes down to the reality of where it has to be implemented, it just does not happen very smoothly.

SENATOR CULVER. I want to thank you gentlemen very much for your appearance here today. We will be looking forward to working with you.

Our next panel consists of four representatives from State and local drug enforcement agencies. They are here this morning to discuss the role they can play in disrupting the flow of narcotics across the borders.

They are Mr. Terry Grimble, director of the Arizona Drug Control District; Mr. Floyd Hacker of the Texas Department of Public Safety; Mr. Ronald Pietrafeso of the Colorado Organized Crime Strike Force, which is part of the four-State task force which deals with problems in border drug traffic; and Mr. Rex Armistead of the Regional Organized Crime Information Center which assists local drug enforcement in the border States.

I would like to welcome each of you here this morning. We appreciate your coming and sharing your experience and views with the subcommittee this morning.

Perhaps each of you could briefly describe the activities of the organization that you represent and perhaps identify yourselves for the reporter here.

Mr. Pietrafeso, perhaps you could start out.

**STATEMENT OF RON PIETRAFESO, AGENT IN CHARGE, NARCOTICS SECTION, COLORADO ORGANIZED CRIME STRIKE FORCE**

Mr. PIETRAFESO. Good morning, Senator.

My name is Ron Pietrafeso, I am with the Colorado Organized Crime Strike Force.

We are involved in a two-phase operation in our organization: one working on traditional organized crime, and the other working on narcotics and drug investigations in the State of Colorado, along with participating in a four-State task force with Arizona, Utah, and New Mexico, working especially with the problem of heroin interdiction in the United States.

Senator CULVER. Thank you.

Mr. Grimble?

**STATEMENT OF TERRY GRIMBLE, DIRECTOR, ARIZONA DRUG CONTROL DISTRICT**

Mr. GRIMBLE. Good morning, Senator.

I am Terry Grimble, director of the Arizona Drug Control District. We are a State agency, funded by the Arizona State Legislature. We have three main functions: prosecution, investigation, and state-wide intelligence gathering as it relates to narcotics offenses.

We are unique in that as a State agency we are responsible to a coordinating council comprised of State legislators, the State attorney general, the Governor, the director of public safety, and four sheriffs, and four county attorneys.

We are not a police force or a police agency. We are a secondary agency responsible for putting together all of the agencies that already exist and maximizing the efforts that already exist, either on the border, or in central or northern Arizona.

We have resident offices throughout Arizona and have been involved in this project since approximately 1972.

Senator CULVER. Thank you.

Mr. Armistead?

**STATEMENT OF REX ARMISTEAD, DIRECTOR, REGIONAL ORGANIZED CRIME INFORMATION CENTER, NEW ORLEANS, LA.**

Mr. ARMISTEAD. Good morning, Senator.

I am Rex Armistead, director of the Regional Organized Crime Information Center, New Orleans, La.

Our agency consists of approximately 60 police agencies and 13 in the Southeastern States. Many of our States cover the coastal areas.

Our responsibility is to these 60-odd agencies in the daily gathering of intelligence data regarding organized crime figures, traveling criminals, and narcotics.

Senator CULVER. Thank you.

Mr. Hacker?

**STATEMENT OF FLOYD HACKER, AGENT IN CHARGE, NARCOTICS  
DIVISION, TEXAS DEPARTMENT OF PUBLIC SAFETY**

Mr. HACKER. Good morning, Senator.

My name is Floyd Hacker. I am with the Narcotics Division of the Texas Department of Public Safety.

We are responsible to Federal agencies, as are other agencies in the State, to assist in stemming the flow of narcotics in and through our State. We are what is known as a supply State in view of our proximity to the Mexican border.

We have 124 commissioned agents in our division, and a 33-man task force consisting of troopers and agents at the border to assist in border enforcement.

We also have responsibility for drug intelligence, narcotics enforcement, and diversion investigations. That is stemming the flow and stopping diversion of illegal drugs.

Senator CULVER. Thank you very much, Mr. Hacker.

At this stage I would like to yield to Senator DeConcini of Arizona. Senator DeConcini is not a member of this subcommittee, although of course he is a member of the full Senate Committee on the Judiciary.

He has shown a great interest in the work of this subcommittee, particularly in the field of drug enforcement. He has also been deeply involved in the work in Arizona—the drug control district, and the four-State strike force which is represented here.

I am sure you will have some questions for the witnesses, so why don't you go ahead, Senator?

Senator DECONCINI. Thank you very much, Mr. Chairman, for allowing me to participate in these hearings.

If you wish to leave, I will be glad to take the chair for awhile.

Gentlemen, I am quite familiar with the background of some of your activities in the various States. It has been shown here that you obviously have a great deal of cooperation. This is necessary for your particular strike forces against organized crime.

I wonder if you could each give us a little background information on the coordination efforts you have found to be the most advantageous and effective in your areas?

Then I would like to go into the area of where you think it could be improved and where you think some of the problems are.

Let us start with you, Mr. Pietrafeso.

Mr. PIETRAFESO. Senator, I think probably the biggest asset to local law enforcement has been the recent development of coordinated efforts between the States themselves on a local and State basis.

We have found in the last several years that through sharing intelligence information and working cooperatively on cases in these States, we have developed a huge amount of success.

Just recently, with the four-State project that has come into operation in the last 18 months, we have found that the intelligence information alone that has resulted in the State of Colorado has helped the agents in Colorado in successfully apprehending a large amount of illegal narcotics that would not have been apprehended otherwise.

It has resulted also in the successful prosecution of the people in the interdiction of these narcotics into the United States.

Senator DECONCINI [acting chairman]. Could you give us an example?

Mr. PIETRAFESO. We have worked in the last year and a half on at least six major cases with other States—New Mexico, Texas, Arizona, California—and the one that immediately comes to mind is the one where we worked with the State of Texas.

This was in the apprehension of what is considered, not only by State and local officials as a major trafficking organization, but had also been documented on the Federal level as a major operation in heroin smuggling.

We successfully apprehended 10 persons and indicted them in the State of Texas. Although the investigation started in the State of Colorado, and most of the agents and time were spent in Colorado, in conclusion, the time spent in the State of Texas resulted in the grand jury in Texas indicting the 10 persons involved in the conspiracy to smuggle large amounts of heroin into the United States.

Without the cooperation and shared intelligence and joint investigative abilities that were put together on a State basis because of what we felt was a void before with the lack of cooperation with Federal agencies, we would not have been able to successfully complete this kind of investigation.

Senator DECONCINI. Was this done solely with non-Federal agencies, or were Federal agents or agencies involved?

Mr. PIETRAFESO. It was strictly a State investigation involving agents from the State of Texas, intelligence information from the State of Arizona and the State of New Mexico, and agents from the State of Colorado—all on a local and State basis.

Senator DECONCINI. Was there resistance from Federal agencies to participation or did you just decide to do it without them?

Mr. PIETRAFESO. I do not think there was any resistance from any of the Federal agencies in this particular case—limited to this particular case.

We decided in the very beginning of the case that it would be worked on a State level because of some of the prior problems that we had with Federal agencies. Consequently, when we went to the State of Texas we contacted the State agency that we had worked with in the past. When we were in Arizona we worked with the Arizona State agencies that we had worked with in the past.

Senator DECONCINI. Those are relationships you established over a period of time that helped in this instance?

Mr. PIETRAFESO. They are relationships that we had to build up over this period of time because, as I said, of the void that we felt had been created with some of the Federal agencies. This is why four-State projects and interstate intelligence information sharing networks have sprung up all over the country. They are based on the need that the State agencies had to fight their own problem in their particular locale.

Senator DECONCINI. You talk about the need and the lack of coordination. Can you give us any examples? I would like the record to show exactly the problems that law enforcement in the field faces. Perhaps you can give us a better picture of these problems and frustrations through a case that has already passed.

Mr. PIETRAFESO. In this case that I just referred to, there is the success that we had in the apprehension of these major heroin traffickers from Texas in the State of Colorado. Our initial investigation into the State of Texas, after we contacted Texas officials, involved their contacting the Federal authorities at the border to advise them that we would be working in that area. They gave them full descriptions of the vehicles and the people that were being surveilled by the State agents and told them of the State agencies involved and why we were there.

Within a matter of days, that investigation was completely upset by those persons and those vehicles being stopped and arrested by Federal agents within about 55 miles of the Texas border with Mexico.

The whole effort was thwarted by Federal agents. Because of their actions, we had to begin the case in a new way and try to piece the case back together and take a new approach. We were successful in doing that.

Senator DECONCINI. Which Federal agency was that?

Mr. PIETRAFESO. The agencies involved were Customs, and the Customs patrol officers.

Senator DECONCINI. They were aware that you were working on the case?

Mr. PIETRAFESO. They were aware that we were working on the case. They were also given descriptions of the vehicles and the names of the persons involved in the investigation.

Senator DECONCINI. Why do you think they proceeded in that direction?

Mr. PIETRAFESO. I have no idea—none whatsoever.

Senator DECONCINI. You did not receive any explanation later?

Mr. PIETRAFESO. No. Not only did we get no explanation later, other they said there was a loss of communication from one agent to another, but we attempted at a later time to piece this case together. About 6 months prior investigation had gone into the case and literally thousands of dollars spent by the State of Colorado.

We tried to piece the case together. When we went to the grand jury in the State of Texas we asked for reports that could be given to us by the customs officers about what they did that day and how they proceeded and what actions they had taken. To this day we have not received those reports.

The final excuse was the Privacy Act and Federal regulations, so that those reports could not be given to us to use in the grand jury. They would have assisted us at that point in trying to put the case back together.

Senator DECONCINI. Is this, in your opinion, a frequent situation in relating to Customs or any other Federal agency?

Mr. PIETRAFESO. We do not have that much to do with Customs in the State of Colorado. We travel to other States and encounter Customs and have, on occasion, worked with Customs.

Senator DECONCINI. What are your relations with, say, ATF and DEA in Colorado?

Mr. PIETRAFESO. We have worked cases with DEA on numerous occasions that have successfully resulted in large apprehensions and seizures of narcotics and defendants. The only problem is that it

has always been on a State-to-Federal agency basis and never from a Federal-to-State agency basis.

Everything we have done has been on our request of assistance from the Federal agency. We have initially investigated a case that involved major violators and major traffickers in heroin, cocaine, marihuana, et cetera.

We have gone to the Federal agencies and requested assistance from them for different reasons. Sometimes we have monetary reasons—we need financial backing. Sometimes we have needed more manpower. Or we thought the scope of the investigation was beyond our means, for one reason or another, and have requested assistance. We have received that assistance on numerous occasions.

But the cases also resulted in large seizures and apprehensions for the Federal Government to be used in compiling their statistics. Never, but on one occasion in the last 10 years, have we been asked to assist the Federal agencies in investigating any cases.

In that particular instance, it was because of a duplication. We were investigating the same case at the same time. Because they did not want us to run square into each other, we were asked to assist them in that investigation.

It is always on this give basis, and the States never are asked for their assistance.

Senator DECONCINI. Why do you think that is?

Mr. PIETRAFESO. I have mixed emotions. I think there is a lot of pressure from what I consider unwritten policy from Washington on the particular regional offices and agents on the streets.

These agents who come into an area are usually there for a 4-, 5-, or 6-year period, and some less than that. Their policies have been to transfer an agent for or five times in his career, which, in a 20- or 25-year career, does not give him much time in each area to do an effective job.

It takes 2 or 3 years to even become familiar with the area you are working in, let alone be able to familiarize yourself with the names and locales of the different traffickers and their particular responsibilities and roles.

Consequently, when they come in there and work, they have to draw from the local agencies their knowledge and information to be successful in any investigation that they might be involved in.

They also feel, and this comes from the agents themselves, working in an area for 3, 4, or 5 years, knowing you are going to be transferred at a later time, you do not have that particular State or location that much at heart. We live there; we have been there all of our lives; we are going to be there for the next 10 or 15 years; we have to work with those same violators all the time; we have the location in mind all the time when we are investigating these crimes.

That particular agent may be 2,000 miles away the next year. To take that much consideration and to do that much in that area is sometimes a little difficult for them.

The local people do not all the time trust an agent who has been there for just a short period of time, so by the time he gets his feet on the ground and gets the trust of local agencies, it is time for him to be transferred somewhere else.

It does not go along with their theory and policy to get along with local agencies. They tell the agents all the time that they have to cooperate with local agencies, but it is always on a take basis. There is never any give in return.

Senator DECONCINI. Mr. Hacker, are you familiar with this case in Texas that Mr. Pietrafeso has referred to?

Mr. HACKER. Yes, sir, I am. We had quite a discussion before the U.S. attorney about this particular case.

There have been some similar situations in the past, and I do not want to talk about the past. In most cases now, we do have what I consider to be a good working relationship with the Federal agencies now. There are some bureaucratic problems. We have them, and the Federals have them also. Some of them could be resolved.

Senator DECONCINI. It has improved in the last 12 or 24 months.

Mr. HACKER. It has improved in the last 12 months. Again, it gets back to a person-to-person relationship. We have some agents that are hard to get along with, and they do, too. This is not a one-way street, as Mr. Pietrafeso said.

Let me also add that perhaps it is just the leadership that we have in the State of Texas in some of these agencies. For instance, we are now and have worked on some major investigations with DEA. Operation Wishbone was a roundup of major violators in the valley area of Texas. Operation Casino resulted in 58 indictments against air smugglers. We were in daily contact, exchanging reports and information, with DEA.

When the cases culminated, we were involved.

We have seen a lot of improvement in our relationship with Federal agencies.

Senator DECONCINI. You heard Mr. Pietrafeso comment on the fact that the Federal agents can be transferred often, and this makes it difficult for them to get close to and cooperate with the State or local agencies.

Mr. HACKER. I am sure that what he said is true. In most instances, it does take about 2 years to establish contacts and really get something going.

Some maintain, of course, that moves are healthy. But in this business it does take about 2 years to establish contacts and get some ongoing investigations, so I would have to agree that their longevity in a given station should be looked at closely.

Senator DECONCINI. Has it been your experience that some Federal agencies have problems working together?

Mr. HACKER. I would rather tend to my own business, but I have heard street talk. I heard one agent say, one time, "We are not supposed to get along with those guys. I don't know why, but we are just not supposed to." It was said in a joking manner, but it is sometimes confusing to us.

On a State level, we have to deal with a memorandum of understanding between the other agencies.

Senator DECONCINI. In Texas, do you have a coordinated council on law enforcement, either on the State level, or with the Federal agencies?

Mr. HACKER. No, sir.

Senator DECONCINI. Do you think those kinds of efforts are counter-productive, or do you think there are benefits to meeting even on the State and local law enforcement level, on narcotics trafficking? Or do you think it just has to be done on an agency-to-agency basis?

Mr. HACKER. I think it would probably be valuable if we had some coordinating committee or council that covered all areas—local, State, and Federal.

Senator DECONCINI. It would appear to me that if there were an opportunity for some of the agents to come together on a set timetable, it would certainly help to develop a personal relationship. Today's testimony, and your operation's success shows that this is something that could be improved on the Federal level.

Mr. HACKER. One of the problems is this, Senator. And this is my fault also. I have met with our regional director of DEA, and Customs, and Mr. Bensinger. We make a lot of agreements and decisions at this level, and sometimes they do not get translated to the working level. I am not pointing a finger at them. This happens in my outfit also.

Senator DECONCINI. What do you do to try to handle that in your agency?

Mr. HACKER. I try to go to each district, hold a district meeting, and advise them of the agreements we have made. I tell them how we will handle the joint investigations and the manner in which I want them to request assistance or cooperation on a particular investigation.

I tell them to follow these guidelines, and if they do not work they are to tell me, and I will get back in touch with the people with whom we made the agreement.

It is a two-way street. I want to stress that. It is not a one-way street. We have problems also.

Senator DECONCINI. Thank you.

Mr. ARMISTEAD, can you give us any background or insight into your relations with local drug enforcement agencies as well as Federal agencies?

Mr. ARMISTEAD. Senator DeConcini, prior to coming here, I polled the entire regional organized crime membership. We posed some seven or eight questions in asking them about their relationships with DEA and Customs, primarily DEA.

I have those answers here. I will not go into all of them, but it appears that some of the main complaints stem around the fact that the local DEA, particularly in the field of handling informants, falls down.

For instance, the DEA in working with a State or local officer will make a commitment to an informant. Shortly thereafter, the DEA agent is transferred. The informant is left out on a limb. This happens throughout the 13 States in which we operate.

It has left a bad taste in a number of officers' mouths. The commitment to pay the informant, to compensate him or perhaps have him change locations with a new identity, falls flat because the agent who made the commitment is no longer there.

When he is kicked upstairs and comes into the Washington area, he fails to recognize it.

We are working on two matters regarding this problem right now.

Senator DECONCINI. This is where the commitment has been made to an informant by a DEA agent who is no longer around to follow up on the commitment?

Mr. ARMISTEAD. That is right, Senator.

Senator DECONCINI. What is that going to do with your case?

Mr. ARMISTEAD. Quite frankly, it crippled our informant system—our effectiveness with informants.

Senator DECONCINI. For the committee, Mr. Armistead, would you explain the informant system so that we will have it in the record?

Mr. ARMISTEAD. My informant system works this way. An agent will request assistance from our discretionary grant under which we operate. He needs informant funds for a specific deal. The criteria must be met on that deal. It must include interstate traffic—whether of narcotics or stolen goods.

Once we have weighed it, we OK it at the central level. Then the informant is worked by the membership agency. Many times he is worked in conjunction with a Federal officer.

In view of the fact that our money is limited, many times a Federal officer who is interested in Federal violations will then make a commitment to the informant for  $x$  number of dollars for so much assistance.

It is here that the breakdown occurs.

The officer gives his word in good faith. There is no question about that. But as it goes up through the chain of command, the higher it gets the worse it gets, the more diluted it becomes.

Once you have had a couple of these deals, the word gets out that the State or local officer's word is no good, and his word is no longer his bond. The Federal agency officer has been transferred to some other area or moved to another section.

It causes a great deal of concern.

Senator DECONCINI. Does that not leave the Federal agency and the new agent in a bad position also?

Mr. ARMISTEAD. Yes; it does.

Senator DECONCINI. Can you give us any other examples?

Mr. ARMISTEAD. One of the major complaints from polling the agencies was that DEA agents seem to possess a superior self-attitude and automatically regard State and local officers as incompetent. This does not just apply to DEA. It is throughout the Federal enforcement arm. They have a tendency to look down on the State and local officers.

I think anyone in State or local enforcement would be less than honest if he denied that.

Possibly 15 or 20 years ago, the attitude was justified, but with the educational process that the enforcement people at the State and local level have gone through, that is no longer true.

I would suggest to the committee that a great deal of expertise is available to the Federal officers assigned to these areas. It is not being used.

I notice that the joint task forces throughout the country are primarily headed by Federal officers.

As an example, to send me into Boston today to run a strike force operation would be very impractical. I would suggest they use someone from that area. That is not being done.

Senator DECONCINI. You are saying that the Federal strike force efforts are coming from outside of the State, and the personnel have little or no knowledge of the area?

Mr. ARMISTEAD. That is right, sir.

A little while ago, it was mentioned what the period of time was to become acclimated to an area. That is very critical. When you are dealing with 18-month discretionary grants, you do not have a lot of time to become acclimated, so you must bring on board those people familiar with that operation in that area.

The past history of the Federal strike force in organized crime during past administrations has reflected that.

Senator DECONCINI. These are not just the lawyers but the actual agents?

Mr. ARMISTEAD. That is right, sir.

Senator DECONCINI. Have you had any experience where their lack of understanding has jeopardized a case?

Mr. ARMISTEAD. Yes, sir. In fairness to the Federal enforcement officers, I must say that the autonomy of the U.S. attorney has a great bearing on how that Federal officer performs.

After he starts a case and becomes involved with State and local officers in a cooperative effort, he becomes frustrated when he goes back to the U.S. attorney and he puts his thumbs down and says, "Proceed no further." We hear that every day.

There is a great deal of insensitive feedback. They do not appear to understand or care. That is the U.S. attorneys.

Senator DECONCINI. If the U.S. attorneys had a few operative attorneys in the area of organized crime and drug abuse enforcement, would it be of any assistance?

Mr. ARMISTEAD. I would think so, yes.

Senator DECONCINI. Can you give me any specific example of where the Federal strike force or agency were unable to really assist you when you were helping them, other than the informant example?

Mr. ARMISTEAD. I have to get off the immediate subject of drugs to give you an illustration.

In the last "Sting" operation that I headed in New Orleans, some 28 cases were turned over to the U.S. attorney for his review. In each and every instance, the U.S. attorney refused to proceed. I might add that each of those cases was prosecuted at the State level with convictions, so they were good cases.

The U.S. attorney felt that State and local involvement was so great, even though our penalties were not as good, that the Federals would not fool with it.

These were interstate violations involving large amounts of stolen property.

Senator DECONCINI. What about the actual Federal agency involved?

Mr. ARMISTEAD. I find that in the New Orleans area and throughout our region, at the one-on-one basis where I get to know the particular officer and we relate together, this is usually satisfactory.

Senator DECONCINI. That includes the exchange of intelligence information?

Mr. ARMISTEAD. To a point. He is restricted somewhat, because of the Federal guidelines, in what he can disseminate. I am going to

disagree with a couple of my friends here, but it is a one-way street in many instances.

Senator DECONCINI. On intelligence?

Mr. ARMISTEAD. Yes, sir.

Senator DECONCINI. Do you think there are reasons, other than the Federal guidelines?

Mr. ARMISTEAD. Without sounding paranoid to the subcommittee, I believe there is a built-in gap between the Federal, State, and local agencies. I see no way to bridge that gap until State and local officers have the proper amount of input into decisions made here in Washington by people who are totally insensitive to what is happening in the field. You cannot paddle the boat from the bank.

Senator DECONCINI. You have strong feelings that Washington just does not have a sensitive feeling toward the actual trench work involved in narcotics or organized crime enforcement?

Mr. ARMISTEAD. That is true, sir.

Senator DECONCINI. Thank you.

Mr. Grimble, can you give us some background on the problems of drug enforcement efforts in Arizona?

Mr. GRIMBLE. Yes, sir.

As you well know, sir, the Arizona Drug Control District took the position that we were not going to wait for any of these reorganization plans to take effect and try to organize the existing law enforcement agencies in our State and, to the extent possible, in the surrounding States and depend solely on local law enforcement.

To that end, we feel we have been successful. We have put together a narcotics information network in Arizona which now services 138 agencies around the country, 90 of which are in Arizona. The remainder are mostly in Utah, Colorado, and New Mexico.

We took the position that of all crimes committed in the Nation, local law enforcement generally enforces and prosecutes 90-plus percent of them. We assumed that was probably the case in narcotics and organized crime, as well.

We wanted as much Federal participation as possible, but we would not totally rely on it.

To that end, having structured our organization and statewide strike force on local law enforcement agencies, we have, in the last couple of years, invited a wide spectrum of Federal agencies to participate.

Starting in early 1976, we invited the Drug Enforcement Administration to become a member of our intelligence network and for us to join the EPIC center.

One of the problems I see is the bureaucracy of the Federal agencies and how long it takes for something to get done.

Senator DECONCINI. How long did it take you to get admitted to the EPIC?

Mr. GRIMBLE. Just short of 2 years.

Senator DECONCINI. Why do you think it took that time?

Mr. GRIMBLE. We went through five drafts and two directors. In fairness to the present director, he has been nothing but helpful to us since we have gotten into the network.

I do not know the total answer to that—whether they did not trust us, or whether they did not think that we had something to offer.

I know that eventually, from reports that were done in EPIC, they determined that our hit rate of inquiries made was somewhere in the 90-percent category, and we were involving ourselves with major violators. Perhaps that is what got them to finally accept us.

That is indicative of the length of time that it takes to get things done.

We are no longer in the prophylactic mode in the narcotics and organized crime business. We can do nothing preventive now. We have to beat the enemy down and then perhaps get back into a prophylactic mode. So we cannot afford those kinds of timespans to go by before we have cooperation.

Several years ago we invited the customs patrol to assign agents. In fact, almost instantly, in our Tucson headquarters three customs patrol intelligence officers were assigned—two in-house and one—

Senator DECONCINI. How long ago was that?

Mr. GRIMBLE. About 2 years ago, Senator.

Senator DECONCINI. How is it working out?

Mr. GRIMBLE. It is working out very well. We have had tremendous cooperation with the U.S. Customs Service—whether it be the Office of Investigations, air support, or customs patrol. In fact, our Nogales resident office is in the customs house for several reasons. First, they invited us to have it there and to house the local task force there; and second, it was an area with a number of assests that could be utilized; and third, it was a safe place for us to be also.

Additionally, at the time when we started working with EPIC, we asked that a senior special agent be assigned in our shop. As you know, when the Quad State project was funded in the summer of 1977, that finally came about out of the national headquarters.

Senator DECONCINI. Out of Drug Enforcement?

Mr. GRIMBLE. Out of the Drug Enforcement Administration. We had high hopes that this would create the liaison between Federal and local officers of the DEA. Unfortunately, it has not done that.

I believe that in this particular instance there is good faith on the part of the national office, the regional director, but we have run into a problem locally with the special agent in charge not having any trust or faith in our organization. Consequently, we have not had any cooperative cases, and we have not worked with that agency for approximately a year.

Keep in mind that we have a GS-14 liaison officer permanently in our office from the Drug Enforcement Administration.

Senator DECONCINI. And you cannot get cooperative effort with the local DEA?

Mr. GRIMBLE. Not operatively.

Senator DECONCINI. Why do you think that is the case?

Mr. GRIMBLE. It broaches some of the things that both Mr. Pietrafeso and Mr. Armistead mentioned.

First of all, it is what we call a Federal conscience. It is not a particularly strong one when it applies to local law enforcement.

As Mr. Pietrafeso said, we have been in those communities all our lives and will probably be there the rest of our lives. We know the ins and outs of that community. We know what the local needs are.

Either because the productivity of Federal agents is based on statistics, seizures, cases made, the numbers game, or because they

just do not care because they are not going to be there 24 months from then, or for whatever the reason, we do not feel that there is a sensitivity in people who are brought in from 2,000 or 3,000 miles away to do what we have tried to do over a period of 5 or 10 years.

I think that plays a large role in the problem.

I know there is a large spectrum of terms for this topic, but I think that has a lot to do with it.

Senator DECONCINI. I take it that is not true with the Customs Service relationship with local agencies?

Mr. GRIMBLE. That is correct.

Senator DECONCINI. That is based on the fact that they are more willing to cooperate with you and you credit that to the local customs agents, or would you say that is a Washington decision?

Mr. GRIMBLE. I would give credit to the local agents. I would give credit to the district director. I would give credit to the regional administrator of customs, or the regional commissioner I should say I would give credit to a different thought process—a cooperative thought process.

They—160-some patrolmen on the Arizona border—are not going to battle these hoards of narcotics coming across the Mexican line by themselves. They need local support and, in fact, they cannot exist without it.

If you want to play the numbers game, let us compare the number of Federal agents to local law enforcement agencies. I suggest that nationally it is probably a ratio of 100 to 1 or better. One hundred local agents to each Federal.

Senator DECONCINI. So the onus is on them to cooperate with the local law enforcement agents?

Mr. GRIMBLE. This may sound presumptuous, but I do not believe that Congress is ever going to fund Federal agencies to the extent that they will have the manpower that would give them the wherewithal to go into the local communities of every State and collect intelligence and enforce the law.

Senator DECONCINI. I gather from your testimony with regard to the DEA directorship that you feel that there is support for this cooperative effort, but from the people on the front line it just is not there, and that is part of the overall thinking of that agency?

Mr. GRIMBLE. That is our observation, Senator. There has been good faith shown in the assignment of manpower in house; there has been good faith shown on the part of the Director of EPIC to participate with us and cooperate in the exchange of intelligence; at least there appears to be good faith.

Regardless of all the energies we have expended to involve those people in our program, we still are not getting a great deal of interplay with them.

Senator DECONCINI. How about Treasury?

Mr. GRIMBLE. Treasury, which would include the U.S. Customs—

Senator DECONCINI. Other than Customs.

Mr. GRIMBLE. It has been very supportive of us. For example, the Bureau of Alcohol, Tobacco, and Firearms has recently assigned a liaison to our Quad State project. This is one for which Mr. Pietrafesa and I are responsible, and which we run on a day-to-day basis between our States and New Mexico and Utah.

Senator DECONCINI. Is he in a supervisory class?

Mr. GRIMBLE. It is our hope that he certainly will be. It is our understanding that he will answer to the national bureau—the intelligence bureau—of ATF in Washington. This will be very helpful to us. We will not have to wade through the different echelons of supervisors between our Quad State project and Washington.

Senator DECONCINI. How about the local agents of ATF?

Mr. GRIMBLE. They are extremely supportive. In fact, the individual who has been assigned to us originated from that office, and this is partially why we made that request.

Over a period of several years they have been extremely supportive.

Senator DECONCINI. So it cannot work unless both sides are willing to make it work. You have seen it function in some agencies and you have seen it fail in others?

Mr. GRIMBLE. We have seen it function totally in some agencies, partially in some, and not at all in others. So it is possible.

Senator DECONCINI. Based on the transfer policy, which appears to be the policy of various Federal agencies, a very good relationship can be disturbed and even uprooted very quickly and easily?

Mr. GRIMBLE. That is correct. As illogical as it may seem, practically speaking, law enforcement operates based on personal relationships. It is the nature of the animal involved in law enforcement to work with the people he knows and who have proven to him that they are trustworthy. I do not mean this in any criminal regard, but that the person responds appropriately in a myriad of situations. Only when that trust relationship is created is there an earnest attempt to cooperate with each other. So longevity has a good deal to do with it. It takes time to create those relationships.

I know that may sound untidy, but what works on paper sometimes will not work practically. Practically speaking, unless people have known each other in a law enforcement capacity for a long period of time, nothing gets done.

Senator DECONCINI. Mr. Pietrafeso, do you share those same observations? Are they the same experiences you have had? Or like Mr. Hacker, in Texas, do you find that relations with the various agencies are getting better?

Mr. PIETRAFESO. I think it goes along with exactly what Mr. Grimble stated. On a person-to-person basis, agent to agent, there is a lot of cooperation that can be extended from one agency to the other.

When that personal relationship is nonexistent due to the transfer of that agent or pressure applied by his administrative heads, or whatever the case may be, the cooperation ceases to exist.

As was mentioned before, I think one of the biggest issues is this transfer situation. I also think that the exchange of intelligence information has to be a two-way street. It cannot be a function of the Federal Government to go out and confiscate, or by any other means, receive all this intelligence information and not return to the local or State agencies the intelligence information needed by those agencies to function.

In so many instances, intelligence memos are prepared by local and State agencies in Colorado and disseminated to the Federal agencies along with the other State and local agencies. Never have we received, other than the EPIC bulletin which has just recently been provided

to our agency after a meeting with DEA administrators in El Paso, Tex., any intelligence memos from the Federal Government, giving us any intelligence information that they may have received from any other State.

If they hope to cooperate with the State and local investigatory agencies in any drug enforcement matters, they have to share that intelligence information.

I might add that in the majority of times, the State agencies have much more intelligence information that could be given to the Federal agencies. Because of this one-way street attitude, a lot of it is withheld from Federal agencies. So I think that they are hurting in this area as much as we are.

Senator DECONCINI. Mr. Armistead, do you concur with that?

Mr. ARMISTEAD. Yes. I have one observation I would like to pass on.

We have talked about our relationship—State and local with Federal. I think that within the Federal system there are fragmented efforts. I refer, in particular, to one thing that happened last week. DEA agents in one city—and this all happened in one State—refused to work with DEA agents in another city some 200 miles away.

As far as relationships go, our relationship with ATF is excellent. Our relationship with Customs is good, except that the customs officer we deal with constantly has problems with air support equipment and the cutback he is facing in his efforts to assist us.

DEA has an excellent agreement with MIMIC which is a cooperative effort between New Orleans and Jefferson Parish. But I have also had DEA officers tell me that they never asked us anything because they did not know we had anything. So there is no exchange of information.

I think that in all fairness to the State and local officers, we must say without any reservation that the Federal effort is fragmented.

Senator DECONCINI. Mr. Hacker, do you care to add anything?

Mr. HACKER. Senator, I would not have anything to add to this. Evidently, right now things in Texas are going pretty well between State and Federal agencies. We are getting excellent support from air customs. As I said earlier, we are conducting joint investigations with DEA. I personally think that there were problems in the past, but things are going well now, so I do not comment on the past.

Senator DECONCINI. You find now that they are sharing intelligence information with you?

Mr. HACKER. Yes, sir.

Senator DECONCINI. But this was not true in the past?

Mr. HACKER. In the past we did not have access to EPIC. We asked for it and got it, and now we are exchanging information.

Senator DECONCINI. Let me ask one last general question. But first let me assure you that the record will remain open if you care to add anything in writing to which you have not testified this morning. We will keep the record open for a couple of weeks, at least.

Are you satisfied that the various Federal law enforcement agencies dealing with drugs or organized crime have any kind of coordinated function between themselves that is evident to you?

Mr. Hacker, in your opinion, could it be improved?

Mr. HACKER. It would be very easy to sit here and organize someone else's house. I am sure that all of us could improve on our commitments and our cooperations.

I am sure there is some rivalry between Federal agencies. There is that among some State agencies. I think this is one of the things that is hampering enforcement efforts.

Senator DECONCINI. So it is everywhere?

Mr. HACKER. One thing that is important to us in the State of Texas, and this is not just the agents on the street but from U.S. attorneys and also the bureaucracy, perhaps, but we feel that we have a commitment in the State of Texas. We feel that that commitment extends to the Rio Grande River.

We have had in the past a U.S. attorney tell us that if we were involved near our river, waiting on a load of narcotics to come across, and we did not contact any Federal agency, we were, in fact, involved in smuggling operations.

I think that this lack of trust from that level has hurt State enforcement.

Senator DECONCINI. You feel that that effort to coordinate and do away with some of those things could help to really get at the drug-smuggling problem?

Mr. HACKLER. I think my men are as honest as anyone else's. All we are interested in is keeping the flow of narcotics out of our State. I think we should coordinate to keep down problems at the border, but I also think we should be taken in as a full partner in this effort.

Senator DECONCINI. Thank you.

Mr. Armistead, do you have anything to say?

Mr. ARMISTEAD. You asked a question regarding Federal enforcement. I feel that there is not a cooperative effort. I think their intentions are good, but once the memoranda go down the line and pass through the chain of command, they are so diluted that what come out of here and what goes out into the street 800 miles away is totally different. You would not recognize it. I have seen examples of this.

So I say that definitely there is no coordination, or rather not the proper coordination.

Senator DECONCINI. Thank you.

Mr. Grimble?

Mr. GRIMBLE. I believe that the Federal effort is disjointed. I would like to ask that the committee inspect the memoranda of understanding between the U.S. Customs and the Drug Enforcement Administration, or what are typically called the white papers.

Look at those, and try to apply the mandates and dictates of those memoranda to the rest of the law enforcement world—those other 90 to 95 percent of all law enforcement officers that are trying to comply with those same regulations—and I think you will find that it is an impossible situation.

I do not think that inspection, in and of itself, will be enough until the Federal Government realizes that local participation has to be involved to come up with the type of agreements that everyone can live with.

Senator DECONCINI. Thank you.

Mr. Pietrafeso?

Mr. PIETRAFESO. Senator, I do not understand how the Federal Government, especially DEA and Customs, can advise their officers to cooperate with local officers when there has been such bickering

between these two departments for as long as I can remember. This is obvious when one agency is not conferring with the brother Federal agency in a cooperative investigation such as the one we had at the border when we notified one of the Federal agencies that we thought would be responsible for the actions that our agents would be carrying out. That agency did not notify the brother Federal agency, as was mandated by some of these memorandums that Mr. Grimble referred to.

Senator DECONCINI. I want to thank you gentlemen very much for traveling here and giving us this very frank testimony. We appreciate it very much.

I do encourage you to add any further information you would like to submit for the committee.

Without objection, it will be included in the record at this point. [Material to be supplied follows:]

REGIONAL ORGANIZED CRIME INFORMATION CENTER,  
*Metairie, La., April 26, 1978.*

Hon. JOHN C. CULVER,  
*Senate Office Building, Washington, D.C.*  
Attention: Mr. Steve Rapp.

DEAR SENATOR CULVER: On April 19, I had the privilege of testifying before your subcommittee on Juvenile Delinquency regarding the problem of imported drugs. I was most impressed with the testimony presented. I would like to thank you and your staff for allowing me to testify.

I watched with great interest during the testimony of the federal authorities. From that testimony no observer would suspect that anything could possibly be wrong with the present enforcement system. It is alarming to me, as a professional policeman representing local and state enforcement agencies, to see that you and your colleagues in the Congress are being furnished with lip service only. For some unknown reason, the federal enforcement heads are unable to admit to you and the public that the system is badly fragmented and that their efforts to combat drugs in this country has been and still is unsuccessful. I was amazed to hear each agency head compliment another while having personal knowledge that those two particular agencies are openly at war with each other. The recent GAO and OMB studies reflect some trouble among federal agencies, but certainly do not deal with it in its entirety. As long as federal agencies are expected to testify against sister agencies, you and the Congress, as well as the American people, will never be furnished the true facts. Until an oversight board, made up equally of local, state, and federal officers is formed, the true facts shall not be known.

As an example of the confusion existing in the federal enforcement arms, I am enclosing a copy of a memorandum from U.S. Customs.<sup>1</sup> This memorandum deals with the painting of Customs' aircraft. It is a small thing to consider at such a critical time, however, it points out one of the numerous flaws in the administration at the federal level. To follow the memorandum in painting the identified Custom aircraft, can only assist the violators and further confuse the dedicated Customs' air support officers.

My testimony reflected that there is cooperation between many federal and state-local officers. However, this is primarily a one on one situation. Immediately on being referred to a higher administrative level, this cooperation falls flat.

I appreciate very much the interest shown by you in attempting to solve this most serious problem. I hope that the above remarks contribute something to your efforts and do not tend to further confuse the issue. In summation, I simply believe that the federal enforcement agencies are not capable without state and local assistance for furnishing the Congress the information that it so badly needs.

If ROCIC can be of any service in helping to solve this problem, I would consider it a pleasure to assist you.

Sincerely,

REX P. ARMISTEAD.

<sup>1</sup> The text of the memorandum may be found in the files of the Subcommittee To Investigate Juvenile Delinquency, Committee on the Judiciary, U.S. Senate.

Senator DECONCINI. Our next panel today will include Mr. Peter Bensinger, Administrator of the Drug Enforcement Administration; Mr. Robert Chasen, Commissioner of the U.S. Customs Service; Mr. Rex Davis, Director of the Bureau of Alcohol, Tobacco and Firearms; and Mr. Charles Sava, Associate Commissioner for Enforcement of the Immigration and Naturalization Service.

Gentlemen, I want to welcome each of you to the hearing this morning.

If you have written statements, they will be inserted in the record. In the interest of time, I wonder if each of you could present a very brief summary of your agency's primary responsibilities in dealing with the United States-Mexican border?

We will start with Mr. Bensinger.

#### STATEMENT OF PETER BENSINGER, ADMINISTRATOR, DRUG ENFORCEMENT ADMINISTRATION

MR. BENSINGER. Good morning, Mr. Chairman.

Our agency has principal jurisdiction for the investigation of those individuals and organizations distributing or bringing into the United States narcotics and illicit dangerous drugs.

We have increased our working relationship with our other law enforcement agencies and with State and local law enforcement agencies.

I would like to comment on some of the testimony I have heard, and I think there has been a traditional perception on the part of local law enforcement. I saw this from a personal perspective when I was executive director of the Nation's oldest crime commission in Chicago.

We looked at the relationships between criminal justice agencies, and there has been, I think, traditionally a view from local law enforcement to the Feds. that has encouraged a sense of inequality. Our basic pay for our 1,811 agents will be in excess of \$20,000 per year. The inequality is seen in funds available—in terms of purchase of information and intelligence—and in equipment, offices, and the overall impression of the Federal Government.

I think this is a traditional perspective which needs to be changed. I think that it has been addressed, in part, in the last 2 years in particular.

The Drug Enforcement Administration trains about 3,500 State and local law enforcement officers a year. We do this here at our National Training Institute. They come from all over the country as well as our U.S. Armed Forces. They also come from all over the world. The U.S. Customs does as well.

Part of the perceptions involved with State and local relationships with the Federal, I think, has to be addressed in terms of training. More importantly, we have to listen to the State and local problems.

I made some notes today. I would like to find out what happens when agents are transferred, when they had an informant who was identified with the Federal agent, and if there was a new agent assigned to that territory, how it was that the interface was not made between agents, if, in fact, that does take place.

We did ask, and I personally asked all of the heads of the State police agencies in the United States to come to the El Paso Intelligence

Center. Some 38 States have come down in the last year for the special program.

I have personally gone to those sessions, listened, and asked them and their narcotics agents to identify the problems.

Senator DECONCINI. Let me ask you something. I applaud you for those efforts, by the way, and the fine work and interest you have shown.

When you have those meetings, who else from your Department is there, so we do not have the problem that was suggested this morning that sometimes it stays at the top level and does not get down to the troops?

Mr. BENSINGER. That is exactly right, Senator DeConcini. That is why we have insisted that the regional directors responsible for the administration of policy in the regions are always present. They sit in on these 2-day working sessions.

In addition, we have worked with the State and local law enforcement people to try to develop a 2-way street. EPIC is just one instance of that type of outreach.

At the present time, we have signed agreements. Terry Grimble commented on the length of time it took to sign their agreement with EPIC. In the case of Arizona, it was extensive. That may have also reflected the fact that we did, in fact, sign an agreement with the Department of Public Safety in Arizona as well as with NINA.

We have agreements with California, Arizona, Texas, North Carolina, and next week we will be signing two additional States—Louisiana and Arkansas State Police—with 18 additional States scheduled for approval, and this El Paso intelligence interchange.

I speak with my associates at El Paso who are participants in that intelligence center. Chuck Sava, on my left, represents the Immigration Service, and Bob Chasen, on my right, is the Commissioner of Customs. He, I might add, has been a tremendous asset to interagency cooperation. I think we have been able to solve a number of problems with his presence.

Rex Davis, from ATF, has officers at the EPIC center also.

So I think that at the Federal level we see specific improvement.

You have to ask what are the results of our efforts?

The heroin overdose deaths have dropped dramatically in the last 2 years from an average of 150 a month to 70 a month. The injuries have dropped from 5,025 to 2,500. At the border, in 1975, out of 331 exhibits, the average purity was 25 percent. The highest single purity of any exhibit seized was 100 percent, and 33 percent of all those 331 seizures—or about 100—had about 30-percent potencies. So that reflected pretty pure heroin going across the border.

In 1976, the border cities had 239 exhibits. The average potency was 26.4 percent. The highest single exhibit in purity was 90 percent, and there was 31 percent of all exhibits over 30 percent.

In 1977, during three quarters, we seized 363 exhibits with an average potency of 11 percent—or a two-thirds reduction in the level of purity at those border points. The highest single seizure was 61 percent. The percentage over 30 percent had been cut by two-thirds from 31 to 10 percent.

Similar reductions in purity in the interior of the United States and in Mexico in terms of potency, the highest single seizure, and in terms of the percentage—over 30 percent potency—have been reflected.

This, I think, is what we are looking for in terms of results.

Senator DECONCINI. How do you explain the tremendous availability, at least in the State of Arizona? I understand that the price of heroin is still reasonable.

Mr. BENSINGER. The price of heroin has increased from \$1.26 to \$1.69 over the last 18 months in California. In the East the price is \$1.70. In the South it is \$1.65. In the Central States it was in the \$2 range in the last quarter. In the West the price is \$1.20.

I would point out that \$1.20 in the West represents a 20-percent increase from what that figure was 18 months ago.

Senator DECONCINI. So the cost has gone up?

Mr. BENSINGER. The cost has gone up, and the purity has gone down. There is still too much heroin available, but there is less available today injuring and killing people throughout the United States and in the West than was the case before.

Senator DECONCINI. So, would you say that we have not won the war, but we are winning it?

Mr. BENSINGER. I am not sure if we are winning it. We certainly are having a much more successful impact than we have had in the past, and we are pointed in the right direction.

Senator DECONCINI. Do you attribute any of this to your fine efforts in coordinating work between Federal agencies and local law enforcement?

Mr. BENSINGER. I think it is attributed to both of them, as well as the efforts of the Mexican Government with respect to the eradication of poppy fields.

I do see, and the panel that preceded ours represented, an increased communication at the State and Federal level.

Senator DECONCINI. I think it was made evident that things are better now than they were, say, 2 years ago.

Mr. BENSINGER. One particular development that I would like to talk about is this. There is a need for mobility and transfer policies that are uniform in our agencies.

Senator DECONCINI. You mean in all Federal agencies?

Mr. BENSINGER. I cannot speak for my associates, but certainly in DEA we need to standardize our transfer mobility policy. All 1,811 criminal investigators, when they join the Agency, sign a statement that they understand a condition of their employment is their being mobile.

Approximately 30 percent of our agents get 80 percent of the transfers. People have, in the past, been transferred not on the basis of each agent knowing when and where they were going.

Some bureaus have a more formal system. We have adopted and promulgated that an agent will serve a 6-year tour of duty domestically, 2 years overseas with an opportunity to extend for an additional 2 years on the completion of the third year. Those rotation policies will be uniform, so that you avoid the situation of an agent coming into a territory and having to transfer a year or two after they have arrived.

I think we have addressed that particular issue. I think we have adopted a system that will be, I think, much better for the agents and the local law enforcement officers, as well as the families of agents who have children going to schools and who need to plan a year ahead of time.

I do not want to monopolize the time on the panel, but I would add that we very much appreciate the opportunity of appearing here. I would be happy to answer any questions you may have.

Senator DECONCINI. Let me take a moment to applaud what I consider a very definite change in the DEA's attitude toward local law enforcement.

I come from out there, so it is difficult to realize all the problems that you gentlemen have, but that is what I hope to learn here.

I can really appreciate the things that have improved thanks to your willingness to have this type of thinking as well as disseminating it through your Agency so that these things can be accomplished cooperatively. You have shown that it is not a bad thing to share information, and if you do not get the arrest today, and the Colorado Strike Force does, so be it as long as we get the arrest.

I think that attitude is demonstrated by your leadership.

Thank you.

Mr. Chairman, I believe Mr. Chasen will make the next statement. Senator CULVER. Thank you.

Mr. Chasen, it is a pleasure to welcome you today.

**STATEMENT OF ROBERT CHASEN, COMMISSIONER, U.S. CUSTOMS SERVICE, ACCOMPANIED BY GEORGE CORCORAN, ASSISTANT COMMISSIONER, OFFICE OF INVESTIGATIONS; AND RAYMOND MINTZ, DIRECTOR, TECHNICAL SUPPORT**

Mr. CHASEN. Good morning, Mr. Chairman.

I have a written statement here which I would like to submit for the record.

Senator CULVER. Without objection, it will be included in the record.<sup>1</sup>

Mr. CHASEN. The Customs Service is not a single-purpose agency. I would like to point out that we are a kind of split personality.

On one side, we will process in 1978 about \$130 billion worth of product and collect about \$7-\$8 billion worth of duties. That is our business side.

On the other side, we feel we are charged with the responsibility of the interdiction of contraband including dangerous narcotics.

The four basic jobs in the Customs Service are these. There are the inspectors, of whom we have about 4,200. There are the customs patrol officers—CPO's—we heard about earlier. We have about 1,300 of them. We have about 600 investigators. These are trained investigators not involved in drug interdiction. Their primary responsibility—I am a newcomer, but I understand that by the agreement of 1973, our investigators are precluded from drug investigations. They work on such investigations as currency violations, Neutrality Act violations, anti-dumping, and things like that.

We also have 1,200 import specialists who work on the business side of our house, looking at merchandise, deciding whether it is genuine or phony, and what it is worth.

Getting back to the United States-Mexican border, this involves, to a large extent, the deployment of our patrol officers with a very heavy emphasis on the interdiction of dangerous narcotics.

<sup>1</sup> See p. 128 for Mr. Chasen's prepared statement.

One of the high points of my short term of service has been working with Peter Bensinger on this drug problem. We have an excellent relationship. We meet every month and discuss problems in detail.

In connection with dangerous narcotics, we are a subordinate agency. We recognize that the DEA has the primary authority. We are dedicated on the border to supporting the DEA.

Senator DECONCINI. Mr. Chasen, I would like to thank your agency for their great cooperation with the Arizona law enforcement people. My question is this.

Do you have customs agents assigned to other State or local law enforcement agencies, as you do with the Arizona Drug Control District?

Mr. CHASEN. Our special agents—May I consult with our assistant commissioner who is in charge of investigations?

Mr. CORCORAN. Senator, as the Commissioner mentioned, our special agents do not get involved in narcotics task force. I think the people on the narcotics task force in Tucson are patrol officers.

We do work very closely with the Arizona law enforcement authorities on other contraband, but not narcotics.

Senator DECONCINI. I think you have two or perhaps three assigned to the Arizona Drug Control District, in that they have an office there. I think they are on call at all times, sharing information, and working with other investigative units.

Do you have that type of situation in the other law enforcement areas?

Mr. CORCORAN. Other than Arizona—yes, I believe so.

Senator DECONCINI. Can you give me a couple of examples?

Mr. CORCORAN. In the organized crime strike force, we are in 16 major cities around the country, with the ATF, the Secret Service—

Senator DECONCINI. That is the Federal strike force. What about State units?

Mr. CORCORAN. We are with the DEA on some of these, because of currency violations, in places like Chicago, Miami, San Diego, and Los Angeles.

Senator DECONCINI. Do you have any others associated with drugs?

Mr. CORCORAN. No; not criminal investigators; unless we have a functional investigative interest such as neutrality, gun smuggling, or currency that relates to the same trafficking, we do not get involved.

Senator DECONCINI. Mr. Chasen, is it your opinion that if this is not the exception, and if you had the personnel you would be willing to consider these types of arrangements in other States?

Mr. CHASEN. Yes; I am very much in favor of that.

I would like to comment on something that was stated earlier. That was the incident where it was stated that our patrol declined to provide reports. There is no reason that I know of why reports should not be provided. I would greatly encourage it as a matter of policy as part of working with local law enforcement.

Senator DECONCINI. I want to compliment the Customs Service for allocating some of their time to the universal problem in the State of Arizona, and perhaps other States, in assigning people to the narcotics problem.

It is working very well, I think, both for you as well as for NINA. Thank you, Mr. Chairman.

Senator CULVER. Mr. Sava, we would be pleased to hear from you at this point.

**STATEMENT OF CHARLES SAVA, ASSOCIATE COMMISSIONER FOR ENFORCEMENT, IMMIGRATION AND NATURALIZATION SERVICE, U.S. DEPARTMENT OF JUSTICE**

Mr. SAVA. Good morning, Mr. Chairman.

I am here to testify on the role of the Immigration and Naturalization Service in interception of drugs coming from Mexico.

I have a summary of my prepared testimony and would like to submit a more complete statement for the record.

Senator CULVER. Without objection, the full statement will be included in the record.<sup>1</sup>

Mr. SAVA. INS is responsible for administering and enforcing the immigration and nationality laws of the United States. We employ about 10,000 persons and this year had a budget of \$266,900,000.

INS has two basic functions: first, to insure that persons entering or remaining in the United States are entitled to do so, under law; and, second, to provide services such as processing applications and petitions for permanent residence, naturalization, and other benefits under the immigration and nationality laws.

While INS has no statutory mandate to enforce Federal drug laws, we do encounter drug and contraband smugglers incidental to the performance of our other enforcement duties.

We have two basic groups of officers who function in border areas: immigration inspectors and the border patrol agents. In addition, investigators, who function primarily in interior locations, have an enforcement support role in border areas.

Our 1,543 immigration inspectors, stationed at ports of entry, examine persons seeking admission to the United States. They conduct their inspections quickly enough so that the entry of U.S. citizens and others is facilitated. At the same time, they identify and reject aliens who are not admissible under the law, such as narcotic traffickers, other criminal elements, and aliens who are fraudulently attempting to enter the United States.

The border patrol is a corps of highly trained, uniformed officers who guard our land borders and gulf and Florida coasts between ports of entry. These officers are trained in immigration and criminal law and in the Spanish language. The present authorized force of the border patrol is 2,207 officers.

In addition to patrol activities, the operation involves check of public transportation, traffic check on highways leading from the border, observation of aircraft, and checks of farms, ranches, and industries in the border area.

The border patrol employs modern technology, including observation aircraft and helicopters, remotely controlled sensor and vehicle dispatch system, and communication systems.

While pursuing their primary mission of immigration law enforcement, immigration inspectors and border patrol agents also apprehend

<sup>1</sup> See p. 134 for Mr. Sava's prepared statement.

violators of other laws and have intercepted millions of dollars' worth of narcotics, arms, ammunition, and other contraband.

Over the past 5 years, the Service spent \$453 million on inspections and border patrol activities.

The Service has arrested 6,864 aliens in connection with drug violations during the past 5 years. During the same period, over 22,000 drug seizures have been made by INS personnel, either alone or in cooperation with other agencies.

When unlawful drugs are intercepted by INS inspectors at ports of entry, the violator is sent to the customs secondary area where the arrest and seizure is made. If the arrest and seizure is made by the border patrol or an investigator between ports of entry or at an interior location, the violator and contraband are turned over to the DEA. In the event that the U.S. attorney declines prosecution, the violators are referred to State or local law enforcement authorities.

The Service has deported 2,210 drug violators during the past 5 years. It cooperates fully with other agencies in the drug enforcement effort.

A number of border patrol agents are also designated as customs officers, and immigration inspectors at land ports of entry are cross-designated as customs inspectors. Customs patrol officers also apprehend and turn over to the Service undocumented aliens in the border areas.

In the last year alone, 4,351 undocumented aliens were delivered to border patrol agents by Customs officers.

The first national interagency cross-training agreement with the Customs Service was signed last year providing for cross-training of inspectors engaged in dual, primary inspection activities. This training program was formally implemented during September 1977. A new program is being negotiated for cross-training of border patrol agents and customs patrol officers.

In addition, 16 of our 21 border patrol sectors have the capability of radio communications with the customs patrol.

INS also coordinates closely with DEA in the exchange of intelligence data and in joint field operations. Operational agreements with DEA have been in force since November 1973.

In addition, INS and DEA share operational duties for the El Paso intelligence center which collects, analyzes, and disseminates information regarding drug trafficking and illegal alien smuggling activity along the U.S. border.

The Service maintains all narcotics trafficking lookouts at ports of entry for EPIC. The Service presently has 15 employees assigned to the intelligence center. In addition, the Service pays for approximately 20 percent of the operating expenses of EPIC.

The INS goals for the coming year include the issuance of machine readable alien travel documents and joint planning with the Customs Service on how that agency can benefit from the use of these automated data cards. Automated screening of applicants for admission would allow more time to concentrate on drug interdiction.

That is the end of my summary, Mr. Chairman.

Senator CULVER. Thank you.

Mr. Davis?

STATEMENT OF REX D. DAVIS, DIRECTOR, BUREAU OF ALCOHOL,  
TOBACCO, AND FIREARMS, U.S. DEPARTMENT OF THE TREASURY

Mr. DAVIS. Good morning, Mr. Chairman.

I would like to ask that my statement be included in the record.

Senator CULVER. Without objection, it will appear in the record.<sup>1</sup>

Mr. DAVIS. The Bureau of Alcohol, Tobacco, and Firearms interest in the narcotics problem along the Mexican border primarily relates to the firearms entering Mexico from the United States and any relationship that traffic may have with the narcotics problem.

We are responsible for enforcement of the Gun Control Act of 1968. For a variety of reasons, this act is helpful in determining the diversion of firearms and ammunition into Mexico.

We work in this area with our sister agency, the U.S. Customs Service, which has responsibility for the Neutrality Act.

In 1968 the Mexican Government enacted a very strict firearms law which made it profitable for firearms and ammunition to be exported from the United States into Mexico.

We have, over the course of the last several years, determined that the traffic appears to be made up of a large number of people who, each individually, are taking across two or three guns primarily for the profit motive as well as large amounts of ammunition.

We have not been able to establish to our satisfaction that there is a large well-organized traffic in firearms by organized crime into Mexico. We have not been able to establish that there is a direct link between the arms traffic and the narcotics traffic.

Senator CULVER. You have not established that there is not, so there could be?

Mr. DAVIS. Yes; there could be.

As I said, most of these are small efforts by a lot of individuals. Occasionally, a seizure is made of a large shipment of firearms which are very clearly destined for revolutionary or political activities.

For example, one shipment that we seized in cooperation with the Customs Service included a large number of guns destined for Nicaragua. They were intended to be transported through Mexico.

Senator CULVER. How were they transported?

Mr. DAVIS. In this particular case, they were inside a camper. The floor and sides of the camper had been removed, and a large number of military-type rifles and ammunition had been concealed within the camper and trailer.

I think that is pretty much of a summary of our interest in this problem.

Senator CULVER. When you made that particular arrest, did you have advance intelligence?

Mr. DAVIS. Yes; we did. We had the individuals, who were Nicaraguan nationals, under surveillance with Customs agents. We pretty much watched them throughout the entire process of acquiring the arms and secreting them.

Senator CULVER. Mr. Chasen, the GAO border management report found that most hard narcotics pass through ports of entry, but finding them is often like looking for a needle in a haystack.

<sup>1</sup> See p. 137 for Mr. Davis' prepared statement.

I wonder if you could enlighten us with regard to some of the physical problems you face in carrying out your mission. For example, during a busy period, at a major port of entry, one GAO representative noted that there was very little time for a primary inspector to examine a vehicle to decide whether to send it to a secondary inspection. Is it a matter of 10 seconds, or 20 seconds, or what?

Mr. CHASEN. I would say 20 seconds; 22 seconds is the average amount of time taken to make this judgment.

Senator CULVER. Are you saying, in effect, that unless your inspectors have some prior intelligence, it is very difficult to detect a sophisticated smuggler?

Mr. CHASEN. I would consider that an accurate statement, Senator.

Senator CULVER. Even if there is a lookout on a suspect, is it not true that an inspector often only has time to enter the license number into the system? If the lookout is not, in effect, coded to that license number, it is unlikely they would get any results?

Mr. CHASEN. We rely heavily on the training and experience of our inspectors. In actuality, an inspector, if he feels that he has gotten a negative response, if he wants to take more time, we leave it to his judgment.

I want to point out something that has been a matter of great concern to me since I have been with the Customs Service. We are under two pressures. One is this: Our people are well motivated to make drug hits. On the other hand, as was pointed out earlier when I believe you were out of the room, there is tremendous public pressure, in San Ysidro, for example, to get through.

Chambers of commerce—people interested in tourism—are saying to us, "Yes; we want you to look for drugs, but we also want the people to come in with a minimum of difficulty." We are trying to address that problem.

Senator CULVER. The GAO also found a shortage of inspectors and inadequate physical facilities as well as infrequent secondary inspections severely hampered the effectiveness of our border interdiction efforts.

What are some of the things you are trying to do to correct some of the deficiencies that were cited in that GAO report?

Mr. CHASEN. One of the things we would like very much to do is to gain access to the Airport Airway Development Fund, I believe it is called, in the Department of Transportation. We understand there is money there that could be used for improvement of the facilities. We are in the process of making that inquiry.

We are also experimenting with such a thing as a two-lane test. Maybe one inspector can handle two lanes.

Basically, if you look at a place like San Ysidro, in plain language we just do not have enough people to handle the tremendous volume and pressure there.

At airports, we have a different problem. We are at the mercy of the airport authority. Some cities—and I do not see any necessity to mention them—do not give us good facilities. In others, we have excellent facilities.

If we have better facilities we can put more people in. In one major facility it does not do us any good to add people. Because of the

smallness of the facility, the people just jam up, luggage is not delivered on time; we get blamed for most of this, but facilities are pretty bad.

We are working with the airlines and the local authorities to get that type of thing improved on.

In my opinion, and I have been on this job just about 9 months now, and I come from the private sector—what you might call a high-technology industry—the solution to our problem lies in the development of equipment and devices—electronic, chemical, and physical—that will relieve the manpower workload.

We work with Dr. Bourne over in the White House, and we are getting a lot of support for this concept. The ultimate solution for us at the port of entry is high technology.

Senator CULVER. Are you developing any of those new detection devices yet? What is the stage of their development?

Mr. CHASEN. Yes, sir. We have a vapor detector which will work on both humans and luggage. On humans, it will give them an air squeeze. On luggage, it will actually give a physical squeeze.

As far as vehicles are concerned, and we must not overlook vehicles as a transporter of illicit narcotics, we are working on neutron backscatter, which measures reflected radiation, and thermal imagery.

These are probably the most advanced developments we are working on at the present time.

We have also recently engaged one think tank—the Aerospace Corp.—to look for additional ideas and to review our progress in applying technology.

We do not pretend to have all the brainpower to come up with all the suggestions on how to solve this problem.

Senator CULVER. As you know, both the GAO and the Office of Drug Abuse Policy have recommended that inspections at the port of entry be consolidated under one management—one so-called border management agency.

Do you agree with this recommendation, and will such a consolidation of efforts really have the effect of increasing your ability to use intelligence and to make secondary inspections?

Mr. SAVA, would you answer that?

Mr. SAVA. Yes, Mr. Chairman.

We have no argument—the commissioner, nor I, nor anybody else in Immigration—that the single direction of the inspection effort would solve quite a few of the problems.

I do not know how quickly it would address the problem that Mr. Chasen mentioned with regard to the great shortage of inspection time. We experience the same problem.

I do not think that there is any question that in the area of management direction and possibly utilization of resources, it would be a step in the right direction.

Senator CULVER. Mr. Chasen, would you care to comment?

Mr. CHASEN. Looking at it objectively, I believe that a single border-management agency—I think we should first point out that in the same way that the customs service has been having regular meetings, at least one a month with the DEA, we are doing the same with Mr. Castillo and the INS people.

Our feeling is this: Whether or not there is a BMA, we owe the public a service. We have actually come up with an experiment, for example, at Dulles which has been very successful.

We have one-stop inspection there. It proves that there should be consideration for the BMA.

We are also working on a research and development case on a sensor. We have pooled our funds. We are working on preclearance together. I think it was mentioned that cross-training came out of one of our meetings. We decided that would be profitable for both of us.

We have a future agenda item, because we feel that we have a communications problem, on the use of the frequencies. In 1975, I believe, there was some kind of agreement to try to use the same frequency, and somehow no one tried to implement the agreement.

Our relationship is such at the present time that I feel we will work that problem out, so that our patrols are not on different frequencies. Our problem will then not be different frequencies, but how together we can have a secure frequency. That is really a problem.

There are just a few of the things I wanted to mention.

Senator CULVER. The GAO as well as the ODAP studies also found that our efforts to patrol between ports of entry were characterized by a lack of coordination and cooperation as well as duplication of efforts in many cases by the border patrol and the customs patrol.

I think that the GAO found that essentially the same interdiction tools and techniques were used. The deployment of ground sensors in close proximity and concentration of patrols were also mentioned.

Would you agree with this assessment, and is this something you are also working on?

Mr. CHASEN. Yes, Senator.

I believe that at the time the GAO made its study, it was worse than it is today. We are working on the problem.

We are not always concentrated in the same areas. If you look at the deployment of our patrol and the INS patrol, their major concentration is at that border. We do not have that many CPO's at the border.

We have more CPO's, for example, in the Miami area and up in the North. The Canadian border is a very important area for us to patrol because we recognize that the INS has the major part of their patrol on the Mexican border.

But the GAO was undoubtedly correct. There were some places where we were in duplication. We are trying to work that problem out.

Senator CULVER. Thank you.

Mr. SAVA?

Mr. SAVA. Of our force of approximately 2,200 border patrol agents, roughly 75 or 78 percent are along the United States-Mexican border, leaving only a few hundred for headquarters and the northern and coastal areas.

There is some overlap there, but I think that since the time that that report covers, which I think was about 3 years ago, we have gotten together and started working out local agreements on the implementation of sensors, repeaters, and the areas we work.

Senator CULVER. So that if they go down there today, they cannot make the same criticisms?

Mr. SAVA. I will not say that they cannot make the same, but I do not think they will find them nearly as extensive.

Senator CULVER. It is a priority for you?

Mr. SAVA. Absolutely, sir.

Senator CULVER. And you are going to stake your own professional reputation on the speed with which you go after this?

Mr. SAVA. Yes, sir.

Senator CULVER. In April 1975, the Commissioners of Customs and INS signed a memorandum of understanding to provide the two patrol forces with common communication channels, immediate exchange of information, immediate word to the other as to projected operations, and yet the GAO found nothing has been done.

Mr. Chasen, you are saying that that is well on the way to correction?

Mr. CHASEN. Yes, Senator.

Senator CULVER. We have the same problem with NATO. We cannot talk on the radio either, which is even more scary. At least you are all on our side.

Mr. CHASEN. Absolutely. [Laughter.]

Senator CULVER. It is true. You know, a few years ago, 50 percent of the kills in the NATO exercise were allies on allies, because we did not have interoperability on radio. So, if the balloon goes up, the Russians just have to stand back and watch us kill each other. [Laughter.]

I do not know whether if the balloon goes up on the border the illegal aliens down there can watch it too. I think we should be concerned about this.

We suppose that they are all working with American radios. Is that right?

Mr. CHASEN. Yes, sir.

Mr. SAVA. I did mention in the testimony that 16 of our 21 sectors do have radio communications with the customs patrols.

Senator CULVER. Incidentally, that was Navy patrol boat kills. They did not kill 50 percent of everything. But just give them time. These exercises only had a couple of weeks' duration. [Laughter.]

Mr. SAVA. Down in the Texas area, in addition to the radio communications, we have with the Customs regional office a hotline between that and each of our border patrol sector headquarters. They have a telephone line which requires no dialing. That has been most helpful.

Senator CULVER. Why was this 1975 MOU never implemented?

Mr. CHASEN. I personally do not know.

Mr. SAVA. I can only assume that some of these things had been planned, the contracts had been let on the radios, and it was a matter of frequency changes. But I think that at that particular time, as far as the Customs patrol was concerned, that was fairly recently coming back into it. It was a matter of actually getting it implemented—like so many things—agreeing to do it and then actually doing it.

All I can say, Senator, is that it is coming along much better now and we hope it will keep going that way.

Senator CULVER. I would like to get some really serious progress reports on that.

Mr. SAVA. Fine, Senator.

Senator CULVER. Mr. Chasen, our best available intelligence indicates that most land narcotics come through ports of entry which are severely understaffed.

You mentioned that as a very real problem that you face.

Given these facts, does it make sense for the Customs Service to have this limited manpower deployed along the border rather than at these ports of entry?

Mr. CHASEN. I have to come back to my concept of high technology.

This may surprise you, but the Customs Service is responsible for 93,000 miles of U.S. border. I do not conceivably see manpower as the solution. We have to come up with some kind of technical answer. So I am not looking to manpower as the solution.

Senator CULVER. Obviously manpower is relevant, because as you say we do not have the technology.

But with regard to this specific point, if you have few bodies, why are you stringing them along the border rather than having them where the action is, relatively speaking?

Do you see any problem with the deployment of your scarce manpower resources in terms of the nature of their current allocation?

Mr. CHASEN. The Customs concept is this. The inspectors, basically, handle surveillance at the port of entry, and the patrol is supposed to handle surveillance between the ports of entry.

We have 1,300 CPO's. In 1974, I think we had 800. I personally do not think that a good investment in that type of manpower. I think equipment is important.

Senator CULVER. Do you think that both of the border patrols that you both administer should also be included under one management agency?

Mr. SAVA. I would say that inasmuch as the functions they perform are concerned, we both patrol between the ports of entry. Customs has the additional duty of cargo surveillance, and warehouses.

Senator CULVER. What is the answer? Yes?

Mr. SAVA. I think to a certain extent, yes.

Senator CULVER. To a certain extent?

Mr. SAVA. I would say yes, considering that one would take over the whole thing as well as something they do not do now—surveillance, warehouses, security, and so on.

Senator CULVER. You say it is all right to have a central manager if you are the manager?

Mr. SAVA. No, sir.

Senator CULVER. How about Mr. Chasen?

Mr. CHASEN. I support the concept of a single border management agency and a single patrol.

Senator CULVER. As I understand it, at least three of the agencies, as well as yours, Mr. Bensinger, have air wings. This does remind me of NATO.

Over there, we do not have agreement on commonality of tank doctors. Germans are over there with tanks we cannot resupply, we cannot refuel. We have 29 or 30 different antitank weapons. We have so many different commanders of troops, and they do not know if when the war starts they are going to deploy those tanks the same way we are. And all the rest.

As indefensible as it is in that context, I think it is very disturbing here where we are supposedly talking about our own resources. We have so much redundancy and inefficiency.

In my judgment, we have that in our own military. Everyone has their own air wings. The Marines have theirs.

At least three of your agencies have air wings. Could you describe your air operations, and give us some idea why it is not conceivable that they should be consolidated?

Mr. SAVA. Within the Immigration Service, Senator, our air operations are not pursued by any means. We own strictly observation-type, very slow, fabric-covered aircraft for the most part. They fly very slowly and very low for observation and support of ground operations basically in the prevention and detection of illegal entry.

Senator CULVER. But we have an Air Force that is in a lot of different phases of air activity. We have people who go up in balloons, in helicopters, U-2's, fighter aircraft, bomber aircraft, strategic bombers, and they all wear the same suit usually.

Why can you not have multiple missions under one umbrella?

Mr. SAVA. It certainly would be possible, sir.

Senator CULVER. Why would it not be rational? It would be more cost effective in training and everything else.

Mr. SAVA. We have only addressed it from the observation point, sir.

Mr. CHASEN. I would personally support that concept. The Customs Service has about 70 aircraft. We have two jets. One is Mr. Vesco's which just sits on the ground, but the other is a high-performance Cessna Citation.

We have four turboprops, and the rest are low performance twin- and single-engine aircraft and helicopters. One of them we just offered to a museum down in Florida. It was a 1941 Lockheed Lodestar type.

Senator CULVER. That is also what we have in NATO now—a military museum.

Mr. CHASEN. I was once responsible for assembly of something called sage. I do not know if that was during your era with NATO, but I learned about the environment under which NATO operated, and this is similar in many ways.

The concept I personally believe in is a system concept. I believe it has four parts to it.

First, you have to have the sensors. The sensors—the big radars—are held by the military and by FAA primarily. We in Customs have a few radars. We have the TPS-1, I think, which goes back to 1950. But we need sensors to pick up the object you are trying to identify.

Then you need communications once you have identified it.

Third, you need this air arm. Because of something called "posse comitatus," the military are precluded from becoming involved in civil law enforcement; so there has to be an air arm to force down the intruder.

Finally, you need ground support. What we are involved in in Customs is a highly detailed study of the threat and our concept of meeting the threat which this type of system would handle.

Some one agency should have control over this system, in my judgment.

Senator CULVER. Mr. Bensinger, do you want to speak to that? You are the other air chief here.

Mr. BENSINGER. Mr. Chairman, we have a different role. We have 38 aircraft and three helicopters. The purpose of our air wing is two-fold. Basically, this includes surveillance—not stationed along the border—of drug traffickers inside the United States by helicopter,

single-engine and double-engine aircraft, and for use in undercover roles.

Our agents—our pilots are 1,511 criminal investigators—will, where the case merits, act in an undercover capacity and offer to fly drugs in the United States to drug traffickers and subsequently impact significantly on the violators. They are dealing with large, kilo-quantity, tonnage-quantity of drugs.

Our air arm does not directly function with the INS and Customs except in a supportive, emergency procedure.

I think you have raised one of the single greatest deficiencies in Federal law enforcement. That is communication privacy and security, and frequency coordination. That is absolutely essential. It is not, in my opinion, providing the protection to the agents or the American public that is requisite.

We do have a proposal that would provide not only for improved communication ability but the security that is required on our investigations. This can be monitored by drug traffickers and the media which has caused concern and accidents that could be avoided with the proper investment of funds and coordination of frequencies.

SENATOR CULVER. What is the number of illegal flights every day? A lot of them you do not know of, so obviously you cannot count them.

Mr. CHASEN. We do not really know. My estimate, on the basis of data I have been exposed to, is approximately 10, 15, or 16 flights a day.

Senator CULVER. GAO estimated 150. Where did they get their figure?

Mr. CHASEN. I have no idea where they got that number.

Senator CULVER. You had an opportunity to comment on their figure, did you not?

Mr. CHASEN. I do not recall.

Senator CULVER. You always do, you know. They always say something real tough, and then every agency has a chance to water it down and get in their best rebuttal.

That is a substantial difference. If I were in the business of enforcement, and an arm of the Congress said there were 150 illegal, and I am only counting 15, that is quite an alarming shortfall.

It seems to me it would trigger the question: do you know something that we do not know?

None of you asked?

Mr. CHASEN. I did not.

Senator CULVER. You do not think that would be an obvious question?

Mr. CHASEN. I agree with you, Senator. I do not know why.

Senator CULVER. How much of the border is covered by radar to which you have access?

Mr. CHASEN. We have our director of technical support here. His name is Ray Mintz. I think he has a chart on that.

Senator CULVER. I am tired of charts. Could you just tell me how much of the border is covered by radar?

Mr. MINTZ. Sir, you have to look at the relationship between the altitude and the coverage. At the levels at which we believe most smugglers would be flying—between 500 and a few thousand feet—the radars to which we currently have access cover 10 to 20 percent of the border. As the altitude goes up, the coverage will increase.

Senator CULVER. Is that why you want this AWACS—so you will have a look down capability?

Mr. MINTZ. Yes, sir. With AWACS, because of its look down capability, we know we will be able to see aircraft flying right at ground level and at considerable distances from the AWACS itself.

Senator CULVER. When do you think you will be operational with AWACS? We only have three of them in the country now, and of course the Shah will get one before you do. [Laughter.]

Mr. CHASEN. Within the next 2 weeks, Senator, General Jones and I are supposed to sign an agreement on AWACS.

Senator CULVER. When are you going to get it?

Mr. CHASEN. We have already flown three missions.

Senator CULVER. I was out there last year. They had three of them, one of them was down, so we only have two. And you are getting one of those?

Mr. CHASEN. One of our missions was aborted.

Senator CULVER. We are going to give them to Iran—a country with a 90-percent illiteracy rate that has to import truck drivers from the Philippines and Korea to get cargo off the docks. It is a country which might not be able to prevent a crew from delivering to the Soviet Union.

Then they will have look-down, shoot-down capability against our cruise missiles and our own NATO air capability. Right? But that is not your problem.

Mr. MINTZ. Senator, I would like to make this clarification. Our agreement with AWACS is to participate in their training flights. All of the AWACS airplanes, as they are built, will go through the training center in Oklahoma, and they will fly all along the border.

We are not getting an AWACS airplane. But we will be able to put a customs patrol officer in the aircraft when it does make those flights.

Senator CULVER. They will still go out of Tinker?

Mr. MINTZ. They will fly from Tinker and there is another point. They can cover the entire U.S. border—north, east, south, and west. They will cover all of it at various times and we can be with them.

But I would like to make it clear that we are not getting an AWACS airplane.

Senator CULVER. No one can afford them except the Shah, anyway. [Laughter.]

How many of these illegal flights do we chase? GAO says there are 150. You only identify 10 or 15. So I guess the question is how many of those do you go after?

Mr. CHASEN. We pursue approximately 5 to 10 a day, according to our flight logs.

Senator CULVER. For how many do you put out lookouts at airports?

Mr. CHASEN. We have a system called PAIRS—private aircraft information reporting system—and incoming flights are required to preregister. If they preregister, it is easy to document their landing.

On the ones which are not preregistered, we would process this through our TECS to EPIC, or directly to EPIC, I hope. Actually, this concept has not been refined to the point where I would say it is satisfactory.

Senator CULVER. What increased capability do you anticipate AWACS will give you?

Mr. CHASEN. AWACS, at 30,000 feet, conceivably could see several hundred miles of the Mexican border at any one time.

Senator CULVER. You have one Customs guy looking?

Mr. CHASEN. I believe we could have more than one if it were necessary on a flight. I think they could see several hundred miles of the border at one time. We would have to organize—and we are working on the logistics of this—what we do with what we see. We have to consider how many are legal and how many are illegal. We have to make some definition of the kind of plane it is, and how far it might go.

There is a lot of work to be done to refine that operation.

Senator CULVER. The short answer is that you obviously do not know yet. You expect that it will give you a substantially enhanced air interdiction capability once you get the process refined. Is that right?

Mr. CHASEN. We think it will be a tremendous help to us.

Senator CULVER. Mr. Bensinger, in the recent report of the GAO, they concluded that without tactical and operational intelligence "our border resources are largely wasted."

As the agency with primary responsibility for collecting drug intelligence, what is DEA doing to increase this type of intelligence?

Mr. BENSINGER. First of all, we have increased the intelligence collection resources in Mexico from one intelligence analyst in our Mexican Regional Office to nine positions in that office.

Senator CULVER. Is that nine positions that are manned now, or just called for?

Mr. BENSINGER. I believe they are manned, sir.

In addition, we have been more specific in tasking our district offices, both in Mexico and overseas, for intelligence that relates to other than just a trafficking organization to drug vessels, profiles, organizations, aircraft smuggling techniques, and so on.

We have had, I think, since that GAO report was written an indication that this is beginning to result in significant seizures. In the case of the Caribbean which is, if not the Mexican border, a border nonetheless, 430 tons of marihuana, 200 individuals, and 29 mother ships have been seized by U.S. Customs and Coast Guard in coordination with DEA intelligence over the last 100 days.

There also has been an impact in total foreign seizures in the countries themselves. As the Governments of Mexico or Columbia become more productive in their own intelligence and enforcement activities, increased seizures will result. We have seen evidence of that.

Bob Chasen and I do hold these meetings monthly. We have embarked upon five special joint efforts. One is on money and drugs which will take place at a border location. Another is on working more cooperatively with their AWACS program which you and he have discussed so that DEA's input, comments, and investigative followup will be assured. A third is an assignment which we also think will be an asset—better coordination of Customs patrol and DEA operational interchange.

EPIC membership, to which INS contributes 15 members of their agency, Customs is increasing from 2 to 12. So there will be some resource improvement in total numbers: 1 to 9 in Mexico; 2 to 12 in one agency at the EPIC; better directed tasking to our officers overseas

and at the border; and, I think, a better level of direction to the troops in the field from headquarters on the need to gather a broader sphere of intelligence information.

Senator CULVER. That has been an area of great deficiency, has it not—the lack of adequate communication and sharing of border intelligence?

Mr. BENSINGER. I think that is right. It has also been a problem in getting some of this same information in real time to the border when it is collected overseas.

Senator CULVER. You mentioned that Customs is starting to participate more in your intelligence program. Heretofore, they have not been doing that, I gather, because they thought this duplicated what you already have—your own inhouse capability.

Mr. CHASEN. We did have two people, sir.

Senator CULVER. But you were not participating in it that much because you felt that it largely duplicated Treasury's communication system?

Mr. CHASEN. I would not put it that way. We came to the recognition that we needed more participation. The two systems complement each other—the TECS and the EPIC—in many ways.

Senator CULVER. So you are planning to increase your participation?

Mr. CHASEN. We have committed ourselves to that, Senator.

Senator CULVER. Mr. Davis, ATF did a survey in 1975 or 1976, I am told, of ammunition sellers along the border. What did you find out about the designation of this ammunition? You mentioned the Nicaraguan bust.

Mr. DAVIS. We found that the bottom line was this. As a result of the survey of these dealers, a large number were going into Mexico.

For example, in that one survey where we looked at 640 licensed dealers along the border, from January through June 1975, they had sold a total of 7.5 million rounds of ammunition. In that total there was not included anything less than 2,000 rounds of 22-caliber ammunition or 500 rounds of handgun ammunition.

After following up on this, we found that the persons buying this ammunition, with Mexican addresses, had purchased just over 4.8 million; or well over half of the ammunition was purchased to go into Mexico. The average was about 5,000 rounds per individual Mexican purchaser during that 6-month period.

We also found that this ammunition was not just destined for the nearby border areas, but much of it was going into the interior of Mexico.

Senator CULVER. When you get a pattern of that magnitude, I wonder how you can say that it is not organized. When you get that kind of money involved, the temptation is irresistible.

Mr. DAVIS. We have found a little bit of difference between the ammunitions traffic and the firearms traffic. The firearms traffic appears to be more of the two or three guns type of operation. The ammunitions traffic appears to be, if anything, much better organized.

We made a case, again with Customs, in Brownsville where the records showed that this one store had sold 12 million rounds of ammunition to residents of Mexico in 1 year. Eventually, we arrested nine Mexican residents and prosecuted the dealer in that case.

So it appears that the ammunition traffic is better organized than the firearms traffic.

Senator CULVER. What is being done to stop it?

Mr. DAVIS. Both the Customs Service and ATF are trying to use checks at dealers' premises to determine which ones are the primary sources.

Senator CULVER. Do you prosecute people? Enough to scare them?

Mr. DAVIS. I do not know that we have done that many, but the ones we have made have had a dampening effect on the traffic.

Senator CULVER. Would you give me a complete report on what you have done there to stop the smuggling and the actual cases indicted, prosecutions, and convictions you have? Also include what percentage of the known traffic it represents.

Mr. DAVIS. We will do that, Senator.

Senator CULVER. Without objection, it will be included in the record at this point.

[Material to be supplied follows:]

#### ATF INTERNATIONAL TRAFFIC IN ARMS PROGRAM

(Material submitted for the record of the Senate Judiciary Committee, Juvenile Delinquency Subcommittee, by Rex D. Davis, Director, Bureau of Alcohol, Tobacco and Firearms, U.S. Treasury Department)

The following additional information concerning the ATF International Traffic In Arms Program was requested by Senator Culver during the April 19, 1978, hearing. An explanation is necessary. The Bureau recently completed a change-over in its automated reporting procedures from the Management Information System (MIS) to the CUE Automated Reporting System (CARS). Under MIS, the Bureau had no recall to statistical information relating to ITAR or, specifically, Guns to Mexico. The most meaningful statistical information available concerning ITAR prior to the initiation of CARS was obtained in a survey conducted in early 1977 in which each District Office was asked to review all cases and investigations conducted in 1975 and 1976 to determine how many of these related to Guns to Mexico. This survey showed that in 1975 there were 83 investigations resulting in the perfection of 27 cases, and in 1976, 448 investigations resulting in the perfection of 100 cases. This survey did not include prosecutive results.

No complete figures are available for 1977. However, we can extract information from two sources which relate to this subject and which, taken conjunctively, may be helpful. First, the Treasury Enforcement Communications System (TECS) shows that in 1977 there were 1,591 "investigations" conducted under the ITAR Project. While in TECS terminology we term this figure "investigations," a more strict and realistic terminology would be that these are "entries" under the ITAR Project. The distinction is subtle but a distinction nonetheless exists and should be noted in considering this figure. If, for example, a request was received by ATF to trace four guns, an entry would be made of this request. A field investigation may or may not have been made of one or all of those guns, but it would still appear in TECS as one entry or "investigation;" we have no way of determining how many of these 1,591 entries were full field criminal investigations and how many were merely trace investigations. Additionally, this 1,591 figure represents all ITAR entries since the Bureau has no way of separating through TECS those which relate only to Guns to Mexico. However, as a practical matter, we can realistically estimate that in excess of 95 percent of these entries relate to Guns to Mexico. Unfortunately, TECS does not provide case or prosecutive statistics.

The second source now available for obtaining this information is CARS, the new automated reporting system recently initiated by the Bureau. This system is programmed to provide the information requested on a monthly basis as to the ITAR Project (the great preponderance of which, again, relates to Guns to Mexico).

Recall from this system shows that in fiscal year 1977 there were 627 full field investigations conducted under this project, from which 44 defendants were recommended for Federal prosecution and 37 defendants were referred to other agencies for prosecution by those agencies.

We must emphasize, however, that these figures are not all inclusive since the changeover from MIS to CARS was staggered and therefore not all district offices were operating under CARS for the full fiscal year.

During the first 5 months of fiscal year 1978, ATF initiated 323 investigations under this project, has recommended 19 persons for Federal prosecution and has referred 11 defendants to other agencies for prosecution. As of February 28, 1978, ATF had 454 active ITAR investigations. To date in the current fiscal year, seven defendants in ITAR cases have pled or been found guilty and one was found not guilty. Four ITAR defendants were sentenced in this 5-month period with one sentenced in excess of 1 year and three sentenced to less than 1 year.

Mr. DAVIS. We are finding that there are sources in the interior of the United States where purchases are being made by Mexican residents, for example in Chicago for entry into Mexico.

Senator CULVER. Mr. Chasen, I understand that we have an agreement with the Mexican customs about the subject of gun smuggling. Is that correct?

Mr. CHASEN. Yes, Senator.

Senator CULVER. What are we doing to implement it, and what does it provide?

Mr. CHASEN. Basically, the agreement is for an exchange of information. The Mexicans have cracked down pretty hard on illegal firearms as compared, for example, to the United States. The law there is much more restrictive.

I do not have the terms of the agreement here, but it is basically on an exchange of information on a continuing basis.

Senator CULVER. Please provide that for the record, and also what we are doing to implement it.

Mr. CHASEN. Yes, Senator.

Senator CULVER. Without objection, it will appear in the record.<sup>1</sup> Does Customs stop people now to inspect for guns?

Mr. CHASEN. Customs considers its jurisdiction all contraband, including firearms, jewelry, liquor, drugs.

Senator CULVER. What percentage of border crossings would that constitute?

Mr. CHASEN. For firearms? I would have to find that out for you, Senator.

Senator CULVER. Please submit it for the record. Without objection, it will appear in the record at this point.

[Material to be supplied follows:]

DEPARTMENT OF THE TREASURY,  
U. S. CUSTOMS SERVICE,  
OFFICE OF THE COMMISSIONER.

(The following information is supplied per your request:)

There were approximately 238 persons inspected at land borders.

There were 768 firearm seizures at land border inspections.

This would constitute .0003% of the border crossings for firearms.

(Above figures cover fiscal year 1977).

For additional information contact Mr. Jay Corcoran, Office of Enforcement Support, 566-5655.

Senator CULVER. Do you have the authority to stop them from going into Mexico too?

<sup>1</sup> See p. 164 for complete text of the agreement.

Mr. CHASEN. I think Mr. Davis might.

Senator CULVER. Oh, you do? Under the Neutrality Act?

Mr. DAVIS. No, sir. Under the Neutrality Act, I believe it is two or three handguns.

Mr. CHASEN. We have our expert here, again, sir.

Mr. CORCORAN?

Mr. CORCORAN. We enforce the neutrality laws in Investigation. I would like to point out that it is very different inspecting cargo or vehicles going out of the country. There is no routine search made. The only time we make a search is when we have information or proper cause. We do not have the same type of search authority.

In the case of cargo, we can make examinations under the Export Control Act, but we do not have the same authority generally. Our colleagues in Mexico have seized 6,000 firearms in the last year. They, like us, have a better shot when things are coming in.

They give us a list of whom they seize them from, the serial numbers, type, and model of firearm. We give it to the ATF and attempt to trace them back to the dealers who are selling them.

Some of the cases that Rex Davis mentioned involved our getting that kind of information.

Senator CULVER. What kind of cooperation and coordination are you experiencing with other agencies, such as ATF? Are they tipping you off, for instance, on that particular aspect?

Mr. CORCORAN. We have very close cooperation.

As I mentioned, we get from the Mexican customs and army a list of firearms on a monthly basis. We send this to ATF. They trace them, and then we form a joint investigation. If it is a domestic violation, ATF pursues it. If it is joint, we pursue it under the neutrality laws.

The other thing we get from the Mexican customs is a list of the numbers of aircraft that have landed in Mexico. They cooperate by giving this list. From Yucatan they even give us a list of some of the vessels.

We, through customs navigation laws, can pursue whether reported back. So we have a reciprocal situation.

Intelligence we get from ATF investigations will note whether large numbers of guns have been purchased in a place like Chicago. If they get information as regards Mexican nationals, they pass it along to us.

Mr. DAVIS. I might point out, Mr. Chairman, that it is, of course, possible for a Mexican resident to legally acquire firearms in the United States, so they would not be in violation of the Gun Control Act. However, if they tried to take them out of the country, it would be a violation of the Neutrality Act.

Senator CULVER. You are providing them with intelligence pretty well?

Mr. DAVIS. Yes, sir. We have worked a large number of joint cases.

Of course, in that kind of case we would have no jurisdiction to make an arrest or a search.

Senator CULVER. But they do?

Mr. DAVIS. Yes. We alert the Customs to the fact that when these people try to leave the United States with the guns, then they are in contempt of the Neutrality Act.

Senator CULVER. Could EPIC or TECS be used in sharing this intelligence?

Mr. DAVIS. We are on the TECS network and we participate in EPIC also. We do put firearms intelligence data into the TECS system.

Mr. CHASEN. Mr. Davis and I are in the same unit of the Treasury Department. TECS is the Treasury enforcement communications system.

Senator CULVER. That does not necessarily insure any kind of cooperation.

Mr. CHASEN. No.

Senator CULVER. Gentlemen, I think it is clear that we are never going to stop all drugs from entering this country, and we are not going to stop all arms from going out.

However, it seems to me that we can create a greater deterrent by making better use of our existing resources.

I wonder if each of you would briefly describe what steps need to be taken in order to accomplish this goal.

Mr. CHASEN. I would like to make this comment. The way I view it, if there is a total war going on, there are four primary agencies. Of course, DEA has the primary authority, but Customs, INS, and the Coast Guard I consider to be the front line.

They can be backed up. We have not mentioned the Department of State. If we can stop the drugs from growing we have to try. They are heavily involved in that end.

We have not mentioned the Postal Service. A good percentage of the heroin and cocaine can be mailed in. So we need the cooperation of the Postal Service.

Finally, there is the Air Force. We are very interested in the potential of AWACS.

I see a Government team effort mounting up here where we must, if we are not now doing so, work together in every respect. It is essential to win, or to start winning, this war.

Mr. BENSINGER. I would add, Mr. Chairman, the following specific recommendations.

We need better protection in our communication, and better coordination in our various communications for operational activities. We need better coordination, which is underway also under Dr. Bourne's direction, in the Internal Revenue Service, Customs, DEA, FBI Criminal Division, and with the Comptroller of the Currency.

We need money flow investigations, as well as seizing assets—going after the fruits of the crimes.

This will make for a better deterrent, I am convinced, against the drug traffic. It will slow it down, and increase the risk, and put away some of the money as well as some of the people.

Finally, the prosecutorial resources are needed. The addition of more magistrates and judges is definitely going to be to the advantage of the U.S. investigative agencies if the additional assistant U.S. attorneys are provided and the cases which then can be tried actually proceed.

I think that is the second aspect in our enforcement effort. People get arrested. Too often the bails are such that they may disappear, or the prosecutorial resources are so stretched that cases cannot always be pursued to the extensiveness that we would like, both at the State and Federal levels.

Senator CULVER. Thank you.

Mr. SAVA, did you want to add your comments?

Mr. SAVA. Yes, Senator.

As our emphasis on reenforcement of the border areas grows, this year—and hopefully we will have this completed by early October—we are shifting 165 investigator positions which are at present primarily in interior areas down to the border areas as they become vacant. We are not actually moving the people, but as the jobs become vacant we move the position and fill it there to increase the number of people on the border.

We are moving them into inspector positions. We are actually converting from one position to another to beef up the inspection facilities at the ports of entry.

Additionally, we have in the present pending budget 155 anti-smuggling agents which, while they will be directed to alien smuggling, will give incidental help on the drug problem.

Senator CULVER. Thank you.

From the testimony that we have heard today, I think it is clear that we have seen some progress in the agencies working together.

However, I think that we all have to painfully acknowledge that a great deal remains to be done if we are going to have an effective system of drug enforcement at our Southwest border.

In particular, I think we have to end this duplication in inspection and patrol functions between Customs and INS. I think the best answer is the complete integration of these functions into a new border agency.

Such reorganization only deals with the problems between Customs and INS, and alone it cannot significantly improve the level of cooperation between these agencies and the others from whom we have heard testimony today, as well as the State and local enforcement bodies.

It is clear to me, further, that we need new operational guidelines negotiated between agencies in order to insure coordination, not just in theory but in actual practice.

But it is easy to talk about more meetings, more concepts, and more theories. The real proof is in the actual implementation.

I think it is critical that these guidelines be structured to guarantee the development of intelligence which will have the effect of aiding in interdiction. It is also important, I believe, that methods be developed for allowing credit to be shared among agencies. Everyone is going after coonskins to justify themselves. There is more than enough blame to go around. There ought to be more than enough credit.

This is particularly necessary in order to increase the motivation and cooperation and trust of inspectors and agents at all levels of Government who are supposedly working toward the same objectives.

I am also anxious to see the scheduling of regular meetings between Federal, State, and local drug law enforcement officials along the border, as well as the creation of these joint task forces where they make sense.

The subcommittee is going to continue to watch developments closely. In fact, it is my intention to ask, over the next 6 months, for a report from every Federal agency appearing here today setting out the progress that they have achieved in coordinating their efforts.

I do want to thank you gentlemen here on our third panel, as well as those who preceded you today, for testifying. I appreciate the work that all of you are doing. I do not doubt that there is a great amount of sincere, dedicated, and gifted effort going into this enterprise in order to try to better protect the people of this country from the dangers of addictive drugs.

It is a tough job and certainly one that can only be accomplished if we all work responsibly and constructively together.

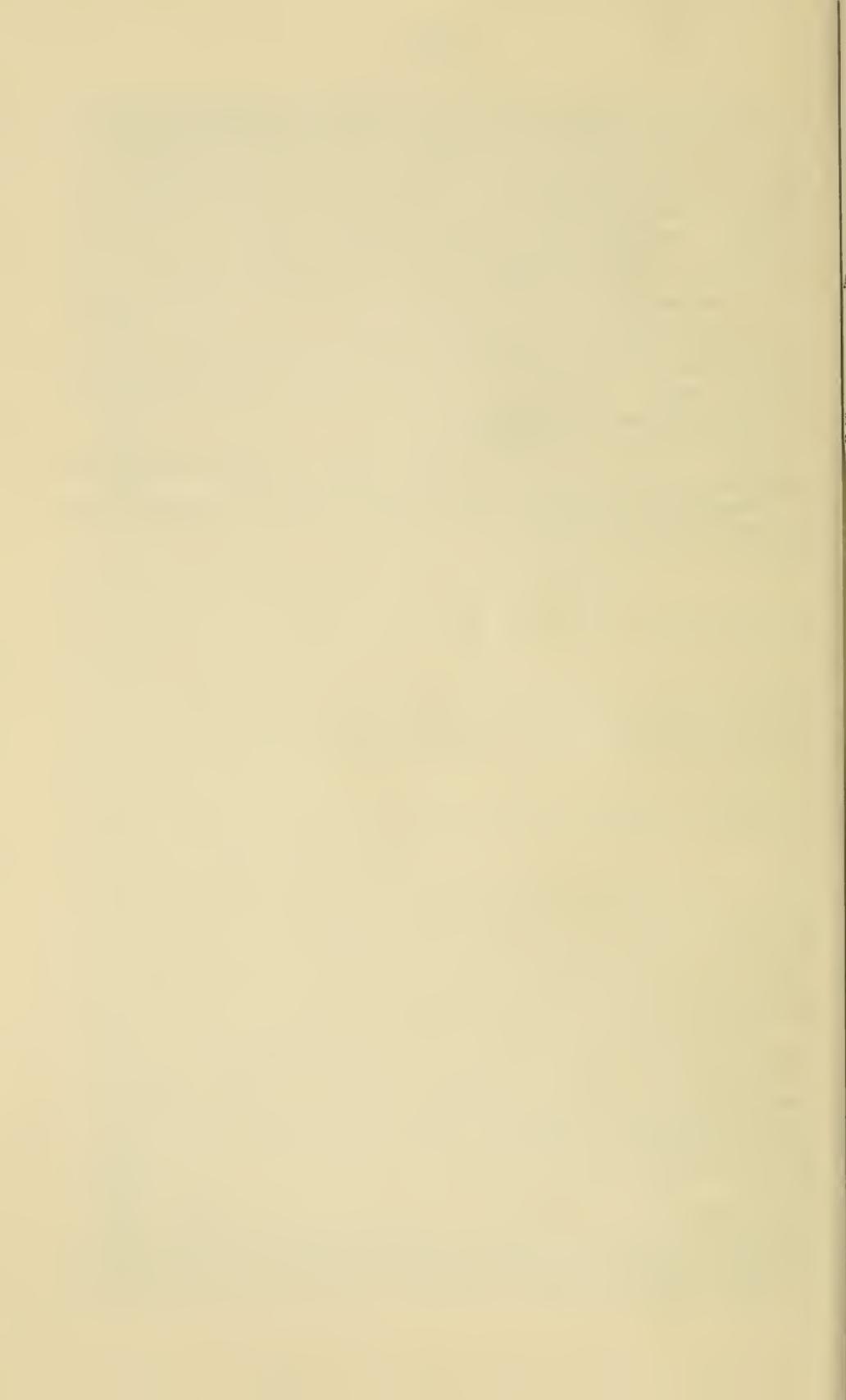
I want to again thank you for what you have accomplished, and also I want to say that I think you have been candid in acknowledging that we are looking for as much cooperation as we can realize.

Hopefully, when we get proposals for new administrative organizational forms, we can get some responsible support for what needs to be done, rather than just the anticipated, petty bureaucratic jealousies, bickering, and tensions.

Again, my thanks for coming here today.

The subcommittee will now stand in recess until further call from the Chair.

[Whereupon, at 1:05 p.m., the subcommittee stood in recess until further call from the Chair.]



## APPENDIX

### APPENDIX A: PREPARED STATEMENTS SUBMITTED FOR THE RECORD

FRIDAY, FEBRUARY 10, 1978

STATEMENT OF PETER B. BENSINGER, ADMINISTRATOR, DRUG ENFORCEMENT  
ADMINISTRATION, U.S. DEPARTMENT OF JUSTICE

When most people think of drug law enforcement along the United States/Mexican border, they think of drug interdiction at the border. Seldom do they imagine an undercover investigation that, initiated in the United States, culminates with a huge seizure in Mexico; and seldom do they think of poppy crop eradication, that destroys the raw material before it is even usable as a drug.

In addressing the subject of today's hearings—drug control in Mexico and along the United States/Mexican border—I would like to comment on this limited perception. That is, although interdiction is a vital component of drug control, a number of additional strategies are involved, including foreign and domestic criminal investigation, crop eradication and the intelligence efforts that support these tactics.

Drug smuggling, after all, reflects the continuous flow of the contraband from source to consumer; logically, the U.S. Government response also must reflect this. We have found that the closer to the source that we curb the drug flow, the greater the impact we will have on the traffic.

Let me illustrate: as of September 30, 1977, DEA had 1,597 agents on board in our domestic offices, and 165 agents overseas. During the first 9 months of this year, total DEA and DEA/task force domestic removals of heroin totaled 471 pounds—averaging (if you will) approximately .295 pounds per agent. During the same period, our foreign cooperative heroin seizures totaled 1,288 pounds—approximately 7.81 per agent.

Certainly such a difference in this one form of "per capita performance" must be attributed to many factors. Foremost of these, in my opinion, however, is the fact that the nearer to the foreign source we get, the larger the drug quantities available and, therefore, the greater the impact of each seizure.

This effectiveness of the "continuum" approach to drug law enforcement is illustrated by accounts of three recent investigations. In all three cases, efforts were made on both sides of the border, at multiple levels of government.

LEROY "NICKY" BARNES, ET AL.

Leroy Barnes and nine of the 12 members of his Harlem drug organization were convicted in the Southern District of New York on Friday, December 2, 1977. Barnes was convicted of conspiracy, sale and managing a continuing criminal enterprise.

Barnes had been arrested on 13 earlier occasions, and successfully avoided conviction on all arrests but one. His conviction on December 2, 1977, was his first Federal conviction.

The Barnes organization was responsible for supplying a large portion of the addict population of New York City. Ledgers seized from one apartment believed to be the criminal headquarters for one of Barnes' lieutenants, indicated a monthly cash flow, for that lieutenant alone in excess of \$1 million.

Barnes was unique among drug traffickers in that he maintained international drug connections while controlling the full drug distribution chain down to and including the actual addict level. This enabled his organization to realize a maximum profit.

This profit was utilized in legitimate business ventures, such as a Federally-funded Housing and Urban Development (HUD) project in the Detroit area.

Intelligence information prior to the prosecution disclosed that the Barnes organization was believed to be responsible for more than 40 drug-related homicides in the New York City area. During the course of the covert phase, DEA agents and New York City Police homicide detectives intervened when Barnes, while in the company of other members of his organization, attempted to murder an errand member. Five thousand dollars in "contract money" and four guns were seized at that time.

Five of the top members, including Barnes, utilized the same Detroit, Michigan, tax firm. Barnes alone, claimed \$250,000 in miscellaneous income for 1 year. His tax alone, over a 4-year income, amounted to more than \$1 million.

During this investigation, it was revealed that the Barnes organization cloaked a portion of their activities through the use of two New York City automobile leasing corporations, along with each corporation's garage. During the prosecution, it was revealed that Barnes utilized vehicles—including Citroens, Maseratis, BMW's and Cadillacs—with an aggregate value of \$500,000.

Last month, Barnes was sentenced to life in prison and will never be eligible for parole. Ten members of the Barnes syndicate were convicted with him of lesser charges. All but two were sentenced from 15 to 30 years in prison. Several were fined heavily. In addition to his life sentence, Mr. Barnes also was fined \$125,000.

#### JAIMÉ HERRERA

In September 1977, DEA began one of its most thorough and comprehensive conspiracy investigations. Although it had been reported for some time that one Jaime Herrera and his associates were responsible for much of the heroin transported to Chicago, there had not been one cohesive and centrally-managed investigation into these illicit activities. Since last September, though, DEA has made substantial inroads into this trafficking operation. These traffickers have been involved in an international production and distribution network which significantly impacts on heroin availability in the East, the South, the Southwest and along the West Coast, as well as the family production center in the Durango Mexico area.

To date, 90 individuals have been identified as key members and primary operatives within the Herrera organization. It is DEA's intent to arrest and prosecute these group members and thereby disrupt this very important flow of heroin to the United States.

Special Agents have been detailed to work on this significant case on a full time basis in several cities in the United States and to work closely with the Mexican authorities.

#### JOSE VALENZUELA, ET AL

Beginning in August 1976, DEA undertook an in-depth investigation into the activities of Jose Valenzuela, and others. This investigation involved the distribution of Mexican heroin from Bakersfield, California to New York City. The Valenzuela family operated laboratories in Culiacan, Mexico and the smuggling of multi-kilogram quantities of heroin to other family members in California. This high-quality heroin was then redistributed to five distinct trafficking groups in New York City.

In November 1977, Jose Valenzuela and eight co-defendants were convicted of conspiracy to distribute heroin and other related charges in the Central District of California. A second trial for other co-defendants is scheduled for this month and our agents are now preparing for that. Investigation into related organizations in New York City and elsewhere is continuing.

The land border between the United States, and Mexico is more than 2,000 miles long, spanning mountains, deserts, rivers and lakes. More than 95 percent of it is discernable only by markers—unaccompanied by fences or barriers.

Through 24 land ports of entry, more than 150 million persons cross from Mexico into the United States annually. More than 40 million passenger vehicles and hundreds of thousands of freight-carrying vehicles (including trains) also cross. El Paso handles the greatest volume of traffic, over several bridges, with San Ysidro (at San Diego) the largest single crossing point. Tens of thousands of private aircraft pass through Customs checks at the border cities of El Paso, Laredo, San Diego, and Nogales. This does not include military and commercial

aircraft or aircraft which fly into the interior of the United States for later Customs check.

The point I am making here—that human traffic flows heavily over this difficult-to-patrol, 2,000-mile line—illustrates how complex drug control at the border is. DEA's role in controlling this problem is:

(1) To develop and coordinate drug-related intelligence with all domestic and international DEA offices and other U.S. border agencies with interdiction responsibilities.

(2) To assume investigative jurisdiction over all drug seizures made by U.S. interdiction authorities, principally U.S. Customs, INS and Coast Guard.

(3) To develop for prosecution narcotic investigations with international and interstate ramifications. DEA agents along the U.S./Mexican/Canadian borders also conduct collateral narcotic investigations with the Mexican Federal Judicial Police and the Royal Canadian Mounted Police. These investigations are conducted within the framework and guidelines as defined in the Mansfield Amendment.

Cooperation—liaison with our foreign counterparts, and with other Federal, State and local agencies with drug control responsibilities—we believe is the key to successful drug law enforcement. For our border operations, we cooperate primarily with the U.S. Customs Service, the Immigration and Naturalization Service and the U.S. Coast Guard. In our August 1977, report to the Attorney General, I stated that improved liaison between DEA and these other agencies was one of the six 2-year goals for DEA. Progress to date, I believe, has been encouraging. Perhaps the most dramatic development has been at EPIC.

El Paso Intelligence Center (EPIC).—EPIC is a fully functioning, coordinated, interagency intelligence system managed by DEA. Five other agencies participate: INS, Customs, Coast Guard, FAA, and ATFP. Personnel of these agencies assemble and share intelligence with operational enforcement elements of all member agencies.

EPIC is highly responsive: its watch and analytical personnel and systems operate 24 hours a day, 7 days a week; its products and services which center on drug trafficking and/or smuggling by land, sea and air across and around the U.S./Mexican border, include other smuggling activities of interest to member agencies. EPIC's primary clients are field investigators of member agencies, and other Federal and local agencies having direct or related drug investigative and interdiction responsibilities.

In 1976, EPIC acted on a total of 53,597 transactions covering all types of inquiries and lookouts. This represented a 320-percent increase over 1975, when 16,745 transactions were completed.

DEA and INS were the leading users of EPIC services, both with over 20,000 transactions in 1976. Customs and ATF followed but were down the line with fewer than 2,000 transactions each.

EPIC's analysis section supplements these watch activities through control, collation and analysis of raw data from various investigative agencies. They edit for qualitative inputs to the DEA Office of Intelligence's ADP system—Pathfinder. Analysis prepare and disseminate periodical reports on the who, how, when and where of current narcotic-related activities to support both interdictions and investigations. They prepare and disseminate profiles on the more active and important traffickers, with emphasis on methods of transport, methods of operation, border sector activities, as well as on organizational and conspiracy links. They also produce daily, weekly and quarterly reports on current situations. Reports on arms for narcotic exchange, stolen vehicles used in exchange for narcotics, aircraft used in smuggling (a directory), and similar special products are prepared in response to agency requests.

Requests for EPIC watch and analytical services during 1977 increased in number as well as in range and complexity. Customs is increasing its participation in EPIC. DEA and EPIC currently provide some 1,500 items of information a month to Customs, compared to 150 two years ago.

**Customs.**—The U.S. Customs Service is the primary agency interdicting the flow of drugs across the U.S. borders and through the ports of entry. Cooperation between our two agencies involves the free exchange of information regarding new trends in smuggling, courier profiles, and specific incident-related tactical intelligence. In all DEA regions, Customs patrol officers are participants in DEA programs. There are now two Customs representatives working in DEA headquarters, and additional Customs officers working in the DEA-managed El Paso

Intelligence Center and the following DEA offices: Boston, Chicago, Dallas, Detroit, Los Angeles, Miami, New York, New Orleans, Philadelphia, San Diego and Seattle.

DEA headquarters, EPIC and DEA field units have provided Customs with a heavy flow of intelligence. During 1977, the number of items was about 15,000, ranging in subject from suspect persons, vehicles, aircraft and vessels; to smuggling/concealment, routes, and methods; to name/pilot/aircraft and suspect businesses.

Our efforts to share intelligence and benefits from shared intelligence are designed to capitalize on whatever prosecutorial advantage there may be in a given situation. Sometimes a criminal organization can better be prosecuted under an IRS tax statute, than a criminal statute; or the Controlled Substances Act may provide a basis for an indictment and conviction. If the information from Customs provides substantial smuggling data, the criminal enterprise can be prosecuted accordingly. Information from the FBI or INS can be used in the same manner.

Direct narcotics intelligence support of Customs is provided at DEA headquarters in three forms: messages, DEA-6's, and NADDIS records. The messages consists of a brief summary of events sent via electrical means. The DEA-6 is a typewritten, extensive, amplified report which may be used in court; it is mailed to headquarters from the various regions. The NADDIS records provide an automated indexing of DEA subjects that have been identified in the DEA investigative reporting system. All of these forms of raw intelligence, of course, are provided to Customs.

During Calendar Year 1976, Customs queried or was furnished information from NADDIS on 30,388 instances. Hard-copy intelligence items furnished to Customs totaled 11,455 items. TECS Lookouts placed by DEA for suspect vehicles totaled 4,430 occurrences. Total referrals of intelligence-related items to Customs in Calendar Year 1976 by DEA was 46,273.

At DEA headquarters, an intelligence analyst reviews every incoming message, twice each day. Copies of those messages, reflecting items of interest to Customs which have not already been sent directly to Customs headquarters, are given to the Customs representatives at DEA headquarters.

At the various regional offices, there is full cooperation on a day-to-day basis between DEA personnel and Customs personnel, who share information and collaborate on arrests. Commissioner Chasen of the U.S. Customs Service is preparing to assign additional personnel to EPIC. Memorandum of Understanding is under consideration regarding Customs participation at that multiagency center.

*INS.*—At U.S. ports and borders, DEA agents work closely with the Border Patrol and the Immigration Inspectors by exchanging intelligence and by adopting narcotic seizures which are referred to DEA for investigative follow-up and prosecution. INS has supported the development of major drug investigations; provided DEA corroborative evidence; located fugitives; and provided us investigative approaches which would otherwise be unavailable.

*Task Forces.*—During September 1977 the FBI and DEA formed joint teams to attack drug trafficking by organized crime in the nation's three largest cities. This concept will enable the Department of Justice to combine the expertise of the FBI in the areas of organized crime and conspiracy with the investigative skills of DEA in narcotics. The new team approach will allow DEA and FBI, and the prosecutors in the field and at headquarters, quickly to identify and select specific targets for concentrated joint investigations.

*Coast Guard.*—At the headquarters level, our Deputy Chief of Operations within the Office of Enforcement at headquarters has established liaison with Coast Guard headquarters. In the field, the Coast Guard has exchanged information with DEA and participated in DEA enforcement operations, most of which are directed at vessels transporting multi-ton loads of marijuana and large quantities of cocaine.

Principally, liaison at this level is maintained through EPIC, where the Coast Guard is a full-time participant. During Calendar Year 1976, the Coast Guard recorded more than 3,000 transactions with EPIC. These transactions usually involve Coast Guard inquiries relative to particular vessels.

In international waters, the Coast Guard has the authority to board a vessel of foreign origin if (1) commerce into the U.S. can be established (i.e., small U.S. vessels offloading from the "Mother Ship"); and (2) permission to board and search is received from the country of vessel registration. This type of au-

thority is beneficial to DEA in locating large narcotic shipments destined to the U.S.

Although the Mexican product accounts for most of the heroin on our streets, our records show that the proportion of Mexican-source heroin in the national retail market declined for the last two quarters of last year, corroborating a general decline in heroin availability from that source. This development, we believe, rather than showing an upsurge in the supply of Asian heroin, illustrates a decline of our total heroin supply.

These trends we attribute to increasingly successful United States and overseas drug enforcement—in particular the Mexican-U.S. cooperative opium control effort. As part of this cooperative effort, the Mexican Government, with United States support, since November 1975 developed an aggressive campaign to eradicate opium poppy cultivation through the use of herbicides. Since the initiation of this program, poppy fields have been located in several Mexican states. United States assistance to this program is termed Trizo, for the three primary opium-producing zones in Mexico.

Most of the opium grown in Mexico originates in the states of Sinaloa, Durango, and Chihuahua, and extends southward into bordering States. Once harvested, the gum is transported by human, animal or automotive means from the remote growing areas to villages. After arrival at collection centers, the opium gum is chemically processed for conversion into heroin at clandestine laboratories, known as "cocinas" (kitchens).

Contraband ordinarily follows regular surface trafficking routes within interior Mexico, where it is kept in staging areas until border penetration. At this point, it is often smuggled through the Points of Entry (POE's), notably: San Ysidro, Nogales, Calexico and El Paso. By the time they reach the border, however, narcotics are difficult to track down. The time to curb the flow of contraband, we believe, is when it is hardest to hide: that is, when in the ground.

During 1975 (November 23–December 14), 668 fields (723 acres) were eradicated, equivalent to 293 kilograms of pure heroin. During 1976, 31,392 fields (17,964 acres) were eradicated, equivalent to 7,270 kilograms of heroin (pure). During 1977, these figures were 44,278 fields, 21,769 acres and 8,567 kilograms. (The conversion statistics are based on DEA's formula that 2.471 acres—1 hectare—yields 10 kilograms of opium gum, equivalent to 1 kilogram of pure heroin.)

During Phase III of Trizo 1977, aerial reconnaissance discovered poppy fields in areas which previously had not been cultivated for poppies. This intelligence indicates that the eradication campaign has had some direct effect on the opium gum production. The newly-sighted fields were located in Chiapas and southern Michoacan states.

Furthermore, the northern growing areas within the states of Sinaloa, Chihuahua, and Durango have expanded considerably.

Mexican poppy eradication statistics are fine, but for our purposes they are meaningless unless accompanied by a decrease in U.S. heroin availability.

This availability we can measure through two primary indicators being: (1) the national retail heroin purity (with price, an inverse corollary); and (2) the number of heroin-related deaths and injuries. Other indicators would be a lessening of opium availability in Mexico; an increase in the use of narcotic substitutes in the U.S.; and an increase in U.S. retail pharmacy thefts. In Mexico, growers are charging higher bulk opium prices, while Mexican laboratory operators are more frequently cutting heroin to 10–20 percent—prior to U.S. importation. In the U.S., both the use of narcotic substitutes and the rate of pharmacy thefts have increased.

The primary indicators—purity and overdose indicators—likewise suggest a continuing trend of decline: even considering the 1972–73 East Coast heroin shortage following the Turkish opium poppy ban, these current figures indicate the lowest heroin availability since 1971. Heroin-related deaths, as reported by medical examiners, are at the lowest reported level since this data was available in mid-1973. From the June 1976 quarter to the June 1977 quarter, heroin and morphine deaths declined 44 percent. The injury rate has followed suit.

Total heroin-related deaths in the second quarter 1977 were 273, as compared to 287 during the previous period, and 492 one year previous. Deaths per quarter averaged 460 during 1976, 447 during 1975 and 364 during 1974. Total heroin-related injuries during the third quarter 1977 amounted to 2,790, as compared to 2,885 episodes during the previous period. Average quarterly injuries were 4,614 in 1976, 4,485 in 1975, and 3,215 in 1974.

At present, the national retail heroin purity is 5 percent—the lowest since 1973. The national price per milligram is \$1.69—the highest price on record.

At the national level, this significant decline in heroin availability we believe corresponds to the decrease in heroin abuse. This decline in abuse has been most pronounced in the Central area, particularly in Detroit and Chicago, which are primarily impacted by the reduction in the supply of Mexican-source heroin.

Apart from destruction of narcotics at the source, interdiction at the laboratory or embarkation point is the next major chain in the pipeline. There are perhaps no better illustrations of the impact of this next step than two cases that were made last October involving cocaine in Colombia.

On October 2, 1977, an 18-month DEA investigation successfully culminated when Colombian Bureau of Customs agents, utilizing three U.S.-furnished helicopters, raided a ranch. The investigation was initiated by the DEA offices in Miami and Bogota. It concluded at the ranch Hacienda El 90 Antioquia, where an Aero Commander aircraft and numerous weapons were seized, and Jaime Cardona (the No. 2 cocaine violator in Colombia) and two others were arrested. Also seized were 1,100 pounds of cocaine base, which would have been convertible to 1,210 pounds of cocaine hydrochloride.

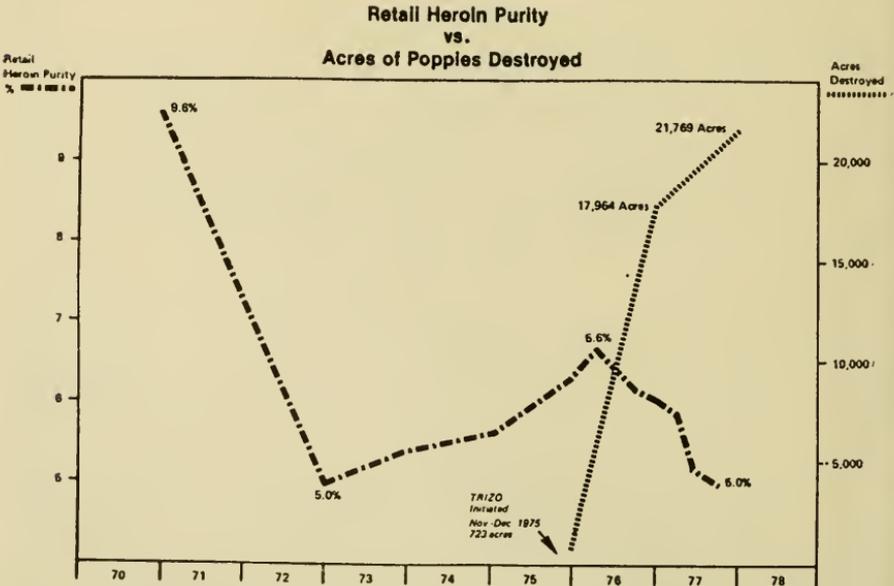
Based on this investigation, the Attorney General of Colombia has issued arrest warrants for two other defendants, one of who is Santiago Ocampo, the No. 1 cocaine trafficker in Colombia.

On October 10, 1977, elements of the Colombian Army arrested one defendant at the ranch Prima Vera in Antioquia, Colombia. Six hundred fifty-eight pounds of cocaine contained in 299 one-kilogram bags were seized. (The ranch Prima Vera is near the ranch Hacienda El 90.)

Had these seizures reached the U.S. retail market, this quantity, diluted, could have sold for more than \$300 million. More significantly, because these quantities would have broken down by the time they reached this country, domestic authorities would have had to make more than 1,000 significant seizures (one-half pound each) to equal the impact of these two Colombian seizures—even if the drug were not diluted along the smuggling pipeline. These two seizures together represent 1,868 pounds of cocaine-equivalent: ten pounds more than all U.S. authorities seized at the border over the two-year period, calendar year 1975 and calendar year 1976.

We are working far more effectively with our Latin American neighbors on large interdictions overseas than at any time in the past seven years.

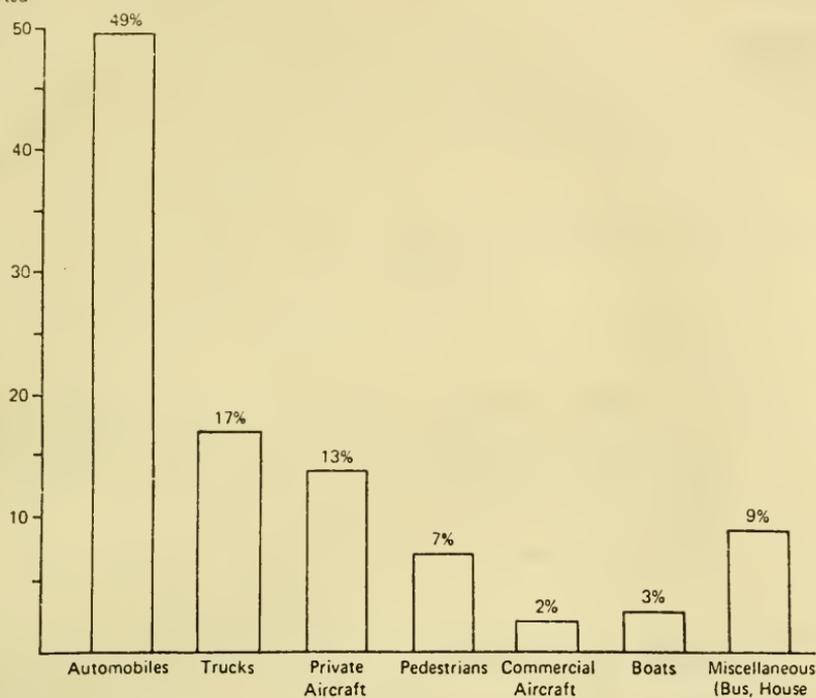
As our drug availability indicators—in particular, U.S. heroin purity and the overdose rate—show, our approach is proving increasingly successful. The drug problem is a complex one and our agency's resources are limited but the results this year are better than last year. We hope to improve this trend in the future.



## Heroin Transport at the Border

June 1975 - August 1976\*

of Incidents  
Reported\*\*

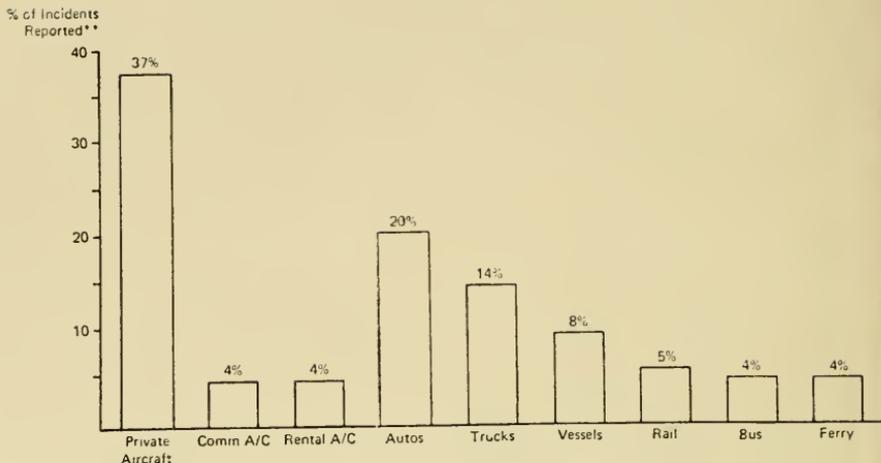


\*IDIG-M April 1977 Report

\*\*Based on a sample of 69 reported incidents

## Heroin Transport within Mexico

January 1975 - August 1976\*



\*IDIG-M April 1977 Report

\*\*Based on a sample of 58 reported incidents

### STATEMENT OF MATHEA FALCO, SENIOR ADVISER TO THE SECRETARY OF STATE AND DIRECTOR FOR INTERNATIONAL NARCOTICS CONTROL MATTERS

Mr. Chairman, members of the Committee, I am pleased to appear before you this morning. As you know, this Administration attaches high priority to international narcotics control. Both the President and the Secretary of State have expressed on numerous occasions their strong commitment to work closely with other governments to curtail illicit drug production and traffic. They have used their meetings with foreign leaders to underscore their deep concern with the worldwide drug problem and their belief that concerted international efforts are required to deal with it effectively.

The primary goal of the State Department's international narcotics control program, which I administer, is to curtail the flow of illicit drugs coming into the United States from other countries. During the past year, in conjunction with the White House Office of Drug Abuse Policy, the Drug Enforcement Administration, the National Institute on Drug Abuse, and the U.S. Customs Service, we have been evaluating the many complex and difficult issues involved in developing an effective, coherent global drug control strategy. Because of its devastating impact on the health and welfare of our society, heroin must be our foremost drug of concern. In the international program, our goal is to work with other governments to reduce illicit opium production, destroy heroin refining laboratories, and disrupt international trafficking networks.

At present, our single most important cooperative narcotics control program is with Mexico. Since the disruption of the Turkish-French heroin connection in 1972, Mexico has been the major source of heroin for the illicit market in the United States. Based on drug seizure data, Mexican heroin accounted, by 1975, for 80-90 percent of the total heroin entering the United States. However, during the past several years, the increasingly successful poppy eradication campaign waged by the Mexican Government has resulted in an estimated decrease in that figure to about 65-67 percent.

Last February, President Lopez Portillo of Mexico met with President Carter and affirmed his personal commitment to an intensified effort to curtail illicit heroin production and traffic. President Lopez assigned new narcotics control

missions to the Mexican Defense Department as well as to other Ministries to provide additional support to Attorney General Flores Sanchez, who is responsible for the overall Mexican narcotics control effort. The Mexican Defense Department, using more than 10,000 troops, is continuing to provide support in the primary poppy growing areas, both to interdict drug traffic and to inhibit replanting of the illicit opium poppies.

Dr. Bourne and I met twice last year with the Mexican Attorney General, the Secretary of Defense, and other Mexican officials to review the efforts of our governments in achieving the common goal of curtailing illicit narcotics production and traffic. At our most recent meeting last December, we discussed specific elements of an expanded national plan for narcotics control in Mexico that will provide an improved structure for an intensified eradication and enforcement effort over the next three years.

Since 1973, approximately \$50 million in international narcotics control assistance has been provided to Mexico. During the past year, we provided \$13.4 million in assistance, approximately 30 percent of our total program budget. We have allocated an additional \$13 million for this fiscal year, and we are requesting a similar amount for fiscal year 1979.

Essential factors that must be taken into consideration with regard to narcotics control efforts in Mexico include:

Opium poppies can be grown in many areas of Mexico in successive crops throughout the year.

The growing areas are extremely remote and are cultivated by people who have no other immediately available cash crop.

The trafficking networks are extremely complex, well developed, and tightly controlled.

Relations between Mexican traffickers and organized criminal networks within the United States increase the problems of effective enforcement and inter-  
diction.

The profits generated by the illicit traffic are so large that the potential for corruption is great and often hard to combat.

The Mexican Attorney General's office presently employs 487 people in the narcotics control effort, which includes enforcement agents, pilots, mechanics, management and administrative personnel. During the spring and fall when the eradication campaign is intensified, 70 percent of the Attorney General's personnel and funds are devoted to the program, although drug abuse responsibilities represent only 7 percent of the total workload assigned to the Attorney General's office. Our Embassy estimates that the Mexican Government spends well over \$40 million a year in its drug control efforts, not including personnel and resources at the state and local level.

Scores of Mexican enforcement officials have lost their lives or been seriously injured during recent years while carrying out drug control activities. Six Mexican Federal Judicial Agents were killed in 1977, and 12 were seriously injured. Twelve pilots and mechanics have also been seriously injured during the 1977 campaign.

Approximately 47,000 fields of opium poppies, comprising about 14,000 acres, were destroyed in 1977, representing an increase of almost 50 percent over the previous year's eradication effort. An additional 3,167 poppy fields were destroyed in January of this year. We recognize that the real success of the Mexican campaign can only be measured in terms of reduced amounts of heroin reaching the United States and an amelioration of our drug abuse problem. The scarcity of heroin supplies in Mexico is now noticeable, with a resulting increase of wholesale prices. DEA data on purity levels indicate that heroin purity on our city streets has dropped to the lowest point in 6 years (5.1 per cent). The increase in heroin retail prices and the decline in heroin overdose deaths in the United States are encouraging signs of progress, but it is obvious that the momentum of the Mexican eradication program must be maintained and intensified. The Mexican Government agrees with this assessment.

Illicit poppy cultivation in Mexico occurs primarily in isolated, mountainous regions. The Mexican Government is presently reviewing economic and social studies designed to encourage income substitution programs for those regions. We do not expect that United States economic assistance will be sought by the Mexican Government for these programs. However, possible international financing of rural development projects for primary producing areas has been discussed informally during the talks that Dr. Bourne and I have had with Mexican officials.

Our major objective is to assure the continuing commitment of the Mexican Government to curtail the illicit drug traffic into the United States and to assist in the development of a long-term capability on the part of the Mexican Government to suppress illicit drug production and traffic. Our immediate efforts are designed to enhance the increasing effectiveness of Mexico's narcotics control program. Both governments agree on the necessity for joint efforts designed to eliminate opium production in Mexico and break up major trafficking networks. The Mexican Government understandably wishes to avoid the development of a domestic heroin drug abuse problem. They are also acutely aware of the corrosive effects that unrestrained illicit drug trafficking can have on the political and economic stability of their country.

Within the United States Embassy in Mexico, the Deputy Chief of Mission has primary responsibility for coordinating the U.S. effort in the bilateral cooperative narcotics program. Under his direction is a full-time Special Assistant to the Ambassador for Narcotics Matters, who carries out daily coordination among the various parts of the Mission involved in narcotics control. He also provides general direction for the Narcotics Assistance Unit (NAU), which is composed of fourteen direct hire and contract employees supported by international narcotics control funds. This Unit provides overall guidance for a number of employees (37), under contract with the Mexican Government, funded by International Narcotics Control assistance, in the areas of pilot instruction, aircraft systems and maintenance, and technical advisory services. The Narcotics Assistance Unit is the daily point of contact with the Mexican Attorney General's office with regard to U.S. program assistance.

As an indication of the importance of our joint efforts with Mexico, the Drug Enforcement Administration maintains a significant presence in Mexico, where it has a major Regional Office, which provides direction to other DEA offices within Mexico as well as Central America. DEA agents work closely with Mexican Federal Judicial Agents to develop narcotics intelligence and to build case against major narcotics traffickers. DEA and the Attorney General's office have also developed an important cooperative program, known as "Janus", whereby evidence originating in United States courts can be used in Mexican courts. By this method, Mexican traffickers and financiers can be prosecuted on the basis of evidence generated in the United States.

During the past few years, our international narcotics control funds have supported 20-35 DEA temporary duty (TDY) personnel for two 3-month periods each year. These DEA personnel assist the Mexican Government during the spring and fall campaigns in the eradication of opium poppy fields and with specific interdiction activities. DEA spotters, flying with Mexican Federal Judicial Police, also assist with visual reconnaissance of the opium poppy fields. In 1977 the Mexican Government increased the numbers of their own trained spotters for visual reconnaissance, thereby reducing the level of DEA assistance in this area. In order to maintain the effectiveness of the campaign using optimal levels of United States and Mexican resources, the mode and level of assistance is continually being reassessed. As the detailed planning of the new national plan for expanded narcotics control in Mexico evolves, the allocation of both human and physical resources will be an integral part of its implementation.

Thank you, Mr. Chairman, I will be glad to answer questions.

[The following extract from the INC Congressional Submission for the fiscal year 1979 budget was submitted by Ms. Falco.]

INTERNATIONAL NARCOTICS CONTROL PROGRAM—FISCAL SUMMARY BY APPROPRIATION LIMITATION

[In thousands]

	Actual, fiscal year 1977				
	Gross Obligations	Prior year adjustments	Net activity	Planned, fiscal year 1978	Requested, fiscal year 1979
I. Country programs .....	\$25,474	(\$2,394)	\$23,080	\$30,725	\$30,540
II. International organizations .....	4,100	-----	4,100	3,125	3,102
III. Interregional programs .....	4,877	(578)	4,299	5,760	5,015
IV. Program support and development .....	664	(68)	596	2,300	1,300
Total .....	35,115	3,040	32,075	41,910	40,000

## INTERNATIONAL NARCOTICS CONTROL PROGRAM—FISCAL SUMMARY

[In thousands]

	Actual, fiscal year 1977 <sup>1</sup>	Planned, fiscal year 1978 <sup>2</sup>	Requested, fiscal year 1979
<b>I. Country programs:</b>			
Latin America.....	\$17,276	\$24,256	\$21,221
Bolivia.....	2,935	3,391	3,610
Brazil.....	296		
Colombia.....	56	1,239	1,446
Costa Rica.....	38		
Ecuador.....	456	535	536
Mexico.....	13,350	16,792	13,500
Paraguay.....	9		
Peru.....	28	1,577	1,589
Latin America regional.....	108	722	540
East Asia.....	5,804	6,419	7,824
Burma.....	4,144	4,870	6,050
Indonesia.....	55		
Philippines.....	(10)		
Thailand.....	1,615	1,549	1,674
East Asia regional.....			100
Near East and South Asia.....		50	1,500
Afghanistan.....			500
Pakistan.....		50	1,000
Total, country programs.....	23,080	30,725	30,545
<b>II. International organizations:</b>			
Colombo Plan.....	100	125	125
U.N. Fund for Drug Abuse Control.....	4,000	3,000	3,000
Total, international organizations.....	4,100	3,125	3,125
<b>III. Interregional programs:</b>			
Treatment and rehabilitation.....	258	760	530
Training.....	4,041	5,000	4,500
Total, interregional.....	4,299	5,760	5,030
<b>IV. Program support and development.....</b>	<b>596</b>	<b>2,300</b>	<b>1,300</b>
Program total.....	32,075	41,910	40,000

<sup>1</sup> Net obligations.<sup>2</sup> Includes prior year recoveries of \$4,810,000.

## INTERNATIONAL NARCOTICS CONTROL PROGRAM BY FUNCTIONAL ACTIVITY

[Dollar amounts in thousands]

	Fiscal year 1977 actual	Percent of total	Fiscal year 1978 planned	Percent of total	Fiscal year 1979 proposed	Percent of total
Enforcement and control.....	\$25,231	78.7	\$32,459	77.4	\$30,518	76.3
Crop replacement.....	1,700	5.3	3,045	7.3	4,153	10.4
International organizations.....	4,100	12.8	3,125	7.5	3,125	7.8
Demand reduction.....	448	1.4	981	2.3	904	2.3
Program development and support.....	596	1.8	2,300	5.5	1,300	3.2
Total program.....	32,075		41,910		40,000	

*Project Goal.*—To develop within the Mexican Government both the capability to eradicate illicit narcotics crops and to interdict trafficking in narcotics, whether produced domestically or transiting Mexico en route to the United States. Complementary to this effort, the project is oriented to develop self-sufficiency in all related technical aspects within a 5-year time frame and eventual total budgetary support by the Government of Mexico.

Owing to an increasingly successful program of opium poppy eradication in Mexico, the flow of Mexican heroin into the United States has fallen to 67 percent of the total, based on seizure data, from a high level of 80-90 percent in

1974-75. The new Mexican administration has intensified the admirable drug control efforts of its predecessor. Its antidrug efforts are substantial in funds expended (\$40 million plus in 1976 and 1977) and in lives lost in enforcement. Approximately 47,000 fields of opium poppy (about 17,000 acres) were destroyed in 1977, representing an increase of almost 50 percent over the previous year's effort. It is estimated that the eradication program has been successful in preventing over ten tons of heroin from potentially entering the United States in 1977.

Progress toward the project goal will involve a series of objectives, outlined individually below. The Mexican Government has reared a new National Plan for achieving the goals of narcotics control. The United States Embassy and the Mexican Attorney General's (A.G.) office are jointly developing the plan which envisions expanded efforts in eradication and interdiction. It will provide for the establishment of additional zones in Mexico that will be designed upon the model of the successful effort in Sinaloa and use the same organization and methods employed in the Sinaloa area, appropriately scaled to meet the eradication and enforcement needs in other areas of Mexico. The following subprojects and objectives are predicated on the need to support an effective development of the new National Plan.

*Objective 1 (Aircraft Needs).*—To upgrade the airlift capability to support increased military task force operations against narcotics traffickers and conduct spray operations throughout the Republic. The rotary wing fleet now consists of 16 medium-lift helicopters and 19 light helicopters. Fiscal year 1978 program expansion requires the provision of 14 additional light helicopters (\$4.2 million); 4 medium-lift helicopters (\$4 million); and 2 cargo aircraft (\$2.412 million); helicopter pilot training in the U.S. for 25 Mexican fixed-wing pilots (\$500,000). Total in fiscal year 1978, \$11.112 million. Costs in fiscal year 1979 and fiscal year 1980 for aircraft and training: \$2 million each year.

*Objective 2 (Aircraft Maintenance).*—To continue development of an aviation maintenance sector in the AG's office. An American contractor (E-Systems) began work on a 4-year plan in September 1977. Additional spare parts funding of \$1 million in fiscal year 1978, contract and spare parts funding of \$3 million in fiscal year 1979, and further spare parts funding of \$2 million in fiscal year 1980.

*Objective 3 (Telecommunications).*—Communications network as increased bases are established and to provide to the AG equipment which can be loaned to other agencies to draw them more effectively into the narcotics control effort. Provision of \$1.5 million in telecommunications equipment including related training in fiscal year 1979 and fiscal year 1980 at a cost of \$500,000 each year.

*Objective 4 (Field Support).*—To establish a network of forward bases in the tactical areas and a system of logistic support at the field level to maximize the utilization of more expensive resources such as aircraft. To support this objective, provision of commodities and contract services for a field support fund amounting to \$700,000 in fiscal year 1978, \$500,000 in fiscal year 1979, and \$500,000 in fiscal year 1980.

*Objective 5 (Budgetary Support Campaign).*—To recruit and retain qualified personnel for the eradication and interdiction programs. To prevent the loss of these people, to market demand for their scarce skills, it is necessary to continue the salary supplement fund which has worked so effectively during the past year. The project requires additional funding of \$300,000 in fiscal year 1978, \$700,000 in fiscal year 1979, and \$800,000 in fiscal year 1980.

*Objective 6 (Mapping).*—To assist the A.G.'s office in obtaining adequate quality and quantity of color topographic maps to use for tactical and strategic planning purposes and have accurate maps available for the sophisticated electro-optical scanning system. Through an agreement with the A.C., provide equipment, consumable materials, and funding to Detenal (GOM mapping agency) to produce the priority maps within two years. The mapping project will be incrementally funded at \$1 million in fiscal year 1978 and \$1 million in fiscal year 1979.

*Objective 7 (Remote Sensing).*—To develop and place into operation a reliable extensive area coverage remote sensing system which can detect narcotic plants at varying stages of maturity in a timely fashion. The A.G. will be tasked to provide field support and ground truth data. The project requires that \$200,000 be budgeted in fiscal year 1978. Development and full implementation of the sophisticated remote sensing system under a USG contract which includes technical support, equipment and spares, related training, and a high performance jet aircraft: \$4.6 million (fiscal year 1979).

**Objective 8 (Intelligence Data).**—To create in Mexico a computerized narcotics intelligence data system which will permit rapid response to inquiries originating in the United States and other countries and systematize narcotics intelligence collection and dissemination within Mexico. Activity is under way. The A.G. is using GOM computer mainframes and is installing terminals in key areas. Additional key bases will require terminal installations, equipment rental, and system modifications. Additional assistance: \$200,000 in fiscal year 1979 and \$200,000 in fiscal year 1980.

**Objective 9 (M.F.J.P. Development).**—To upgrade the professionalism of individual Federal Judicial Police (FJP) agents by promoting the initiation of career development courses at the FJP training institute and, if acceptable to the GOM, provide financial assistance to permit increased pay and benefits for individual agents working on narcotics control. This objective is highly important because it assumes an attempt to begin a basic change for the long-term in Mexican narcotics law enforcement through techniques effectively used in the United States. For planning purposes, the project needs \$300,000 in fiscal year 1978 followed by \$500,000 in fiscal year 1979 and \$700,000 in fiscal year 1980.

## U.S. FINANCING

[In thousands of dollars]

	Obligations	Expenditures	Unliquidated
through Sept. 30, 1977.....	\$50,029	\$37,439	\$12,590
estimated fiscal year 1978.....	16,792	20,486	.....
Estimated through Sept. 30, 1978.....	66,821	57,925	8,896
	Obligations	Future year obligations	Estimated total cost
Proposed fiscal year 1979.....	13,500	50,000	130,331

Note: Principal contractors or agencies: E-Systems, Evergreen, and Drug Enforcement Administration.

## INC BUDGET RECAP BY SUBPROJECTS

[In thousands of dollars]

Subproject	Fiscal year 1978	Fiscal year 1979
1. Aircraft and pilot training.....	\$11,112	\$2,000
2. Aircraft maintenance (spare parts).....	1,000	3,000
3. Telecommunications (equipment and training).....	1,500	500
4. Field support (commodities and contract services).....	700	500
5. Campaign budgetary support costs.....	300	700
6. Mapping project.....	1,000	1,000
7. Remote sensing.....	200	4,600
8. Intelligence data.....	200	200
9. MFJP (development training and budgetary support).....	300	500
0. Personnel support (United States and contract).....	480	500
Total.....	16,792	13,500
Personnel:		
Direct: Narcotics advisers, program officer, telecommunications adviser, and 2 secretaries 1.....	250	265
Contract: Aviation operations, pilot training, maintenance, and telecommunications.....	230	235
Commodities:		
Aircraft: 14 light helicopters, 4 transport helicopters, 2 cargo aircraft, related services, and training.....	11,112	2,000
Aircraft spare parts and services.....	1,000	3,000
Telecommunications equipment and parts.....	1,500	500
Field support equipment and services.....	700	500
Intelligence data system: Equipment and services.....	200	200
Other costs:		
Campaign budgetary support.....	300	700
Mapping costs.....	1,000	1,000
Remote sensing system equipment and services.....	200	4,600
MFJP professional development training and budget supplement.....	300	500
Total.....	16,792	13,500

\*Includes 5 Americans and 2 locals.

## STATEMENT OF RICHARD G. ARELLANO, DEPUTY ASSISTANT SECRETARY OF STATE FOR INTER-AMERICAN AFFAIRS

Thank you, Mr. Chairman, for inviting me to contribute to your examination of the State Department's role in combatting the flow of illicit drugs from Mexico. The picture which the Senior Advisor has just provided reflects her personal leadership and detailed involvement in developing and monitoring it, as well as narcotics control programs affecting the other American Republics. With this information already before you it seems most appropriate for me to focus my remarks on my Bureau's perspective on narcotics.

As Deputy Assistant Secretary of State for Inter-American Affairs, I bear primary responsibility for coordinating narcotics-related activities within the Bureau, and for assuring adequate impetus to these State Department efforts in the American Republics. We coordinate our activities with those of other bureaus of the Department and with other agencies through the Senior Advisor, who is responsible for Department of State international narcotics policy development and program coordination. Within the Bureau, a narcotics coordinator in the Office of Regional Political Programs devotes full time to Bureau narcotics activities. Regional offices and country desks contribute to program planning and implementation for their areas.

International narcotics control is among the top priorities of the Bureau of Inter-American Affairs in all countries of the region where opium or coca is produced or trafficked. We continually emphasize the importance of narcotics control in our diplomatic contacts with foreign government officials, not only those of narcotics producing and trafficking countries but also those of countries which can and should contribute to the international narcotics control efforts. Narcotics control efforts are particularly intense in Mexico, the principal source of illicit heroin in the United States and an important transit center for drugs from other sources bound for the U.S. market.

Now, concerning organization in the field: Our Ambassador or Deputy Chief of Mission in Mexican City chairs a Narcotics Control Committee composed of key mission personnel. It includes the senior representatives of the Drug Enforcement Administration (DEA), Customs, AID, the Departments of Agriculture and Defense, the U.S. Information Agency, and others. This Committee meets regularly in order to ensure, through its guidance and leadership, that narcotics programs are carried out in an effective and coordinated way consistent with overall U.S. goals. Its members also take part in weekly country team meetings in which narcotics matters not requiring separate deliberations are regularly discussed. This group considers broad policy questions requiring coordination at the top level among U.S. Government agencies represented in Mexico.

The Special Assistant for Narcotics Matters, a full-time senior foreign service officer, also holds frequent ad hoc meetings of selected key staff to discuss specific issues as they arise. For example, he might form a small working group to consider a Mexican request for additional telecommunications equipment. Such a group would include representatives of the Embassy Commercial and Communications Section, its Narcotics Advisory Unit, and DEA. A problem with financial overtones would bring in representatives of the Embassy Economic Section, the Financial Attache, Customs, the Internal Revenue Service, and DEA. Such ad hoc meetings may occur once a week or twice a day, depending on circumstances.

This is the mechanism whereby the Embassy exercises its traditional responsibility to oversee the activities of all U.S. agencies overseas and to assure conformity with overall policy objectives. In the narcotics program the Embassy is responsible for adherence to agreed-upon guidelines, some of which stem from Congressional directives. Any serious violation of such guidelines could jeopardize our total antinarcotics program or even bilateral cooperation in other areas. The mechanism also assures that the resources of all Government agencies are brought to bear in an appropriate way on this area of priority U.S. concern.

Apart from its coordinating role, the State Department has under its direct control assistance programs in the field authorized under Section 482 of the Foreign Assistance Act as amended. The goal of our program in Mexico is to develop within the Mexican Government the capability to eradicate illicit crops and to interdict trafficking in narcotics, whether produced domestically or transiting Mexico en route to the United States.

The principal forms of State Department-administered support to the Mexican drug effort have included the furnishing of aircraft and telecommunications equipment, together with the requisite training to enable the Mexicans to use them in modern applications to drug detection, poppy eradication, and enforcement work. Our technical assistance, together with certain commodities, is also helping them to establish and administer a network of forward bases in the important eradication areas and to improve intelligence collection, retrieval, and analysis. Training and salary supplements are provided to aid the Federal Judicial Police to develop and hold a cadre of qualified narcotics agents.

I should like also to mention certain diplomatic initiatives in support of the narcotics program:

Secretary Vance and the Mexican Foreign Minister have agreed to establish separate Joint Subcommittee on Drug Abuse under the Special Working Group of the Bilateral Consultative Mechanism. This will increase the priority of narcotics control among the many related bilateral issues under continuing discussion and will include legislative representatives on the Committee from each country. Our colleagues from the other chamber, Congressmen Wolff and Gilman, were instrumental in initiating this proposal and we have just received word of their appointment to the Subcommittee. We do not, as yet, have the names of the senators who will serve on the Subcommittee.

We support recent efforts by the Treasury and Justice Departments to bring about treaties with Mexico, the Bahamas, Panama, and the Cayman Islands which would provide for mutual judicial assistance in obtaining financial data and identifying major drug traffickers for prosecution. Exploratory discussions toward such a treaty with Mexico have taken place within the framework of the U.S./Mexican consultative mechanism.

The Bureau has endorsed the establishment of a special telecommunications link between the Embassy and the El Paso Intelligence Center (EPIC). This system is now being installed and should facilitate the development of narcotics intelligence of common interest to the two countries.

Now a few words about factors that condition the prospects for our Mexican narcotics control effort: Mexico is the major producer of opium, heroin, and marijuana. It alone can produce more than enough heroin to supply the total U.S. market. It is a principal transit country for cocaine and, according to recent intelligence, is beginning to be used as a transit point for heroin produced in Southeast Asia. Because of Mexico's proximity to the United States and the large volume of contraband of all kinds that crosses our common border in both directions no United States effort to curb the entry of drugs from Mexico can be effective without parallel efforts in Mexico, requiring the energetic cooperation of the Mexican authorities.

With the disruption of the Turkish and French heroin trafficking in 1972 illicit drug activity began migrating to Mexico. Soon the new resources thrown into drug production overwhelmed traditional Mexican drug control programs. By mid-1974 the "Mexican connection" began to generate extensive unfavorable publicity for Mexico both in the U.S. press and Congress.

In November 1975 Mexico made the politically difficult decision to begin destroying poppy fields with herbicide to replace the generally ineffective earlier system of manual destruction. This decision was responsible for a quantum leap in Mexican narcotics control efforts, a major legacy of the former Mexican administration. Once the decision was made the Mexicans requested our support and the United States responded rapidly, expediting delivery of needed equipment, providing instructor helicopter pilots, and expanding technical advisory services. The Mexican Government procured and paid for all herbicides used in the program—and still does so. The new Mexican Administration of President Lopez Portillo has intensified the drug control efforts of its predecessor, and has worked closely with this U.S. Administration at all levels to curb illicit drug production and trafficking.

Miss Falco has mentioned the achievements of the drug enforcement program which the Mexican authorities are operating with our support. As she pointed out, the equivalent of \$40 million from the national budget is dedicated to it annually, and the Attorney General's Office now employs 487 people in the narcotics control effort. The seriousness of the Mexican commitment can also be measured by injuries and lives lost in the course of duty by these associated with the program—in the 1977 campaign alone, 24 serious injuries and six deaths.

These figures do not fully disclose the cost to Mexico of drug enforcement programs. Their political costs and perils may be inferred from the economic setting: It has been suggested that the drug trade in Mexico may amount to as much as 4 percent of the gross domestic product (\$3 billion vs. \$78 billion). Heroin shipments to the United States are estimated to earn \$700 million in foreign exchange annually on a net basis; this may be compared with earnings of \$228 million in 1976 for coffee, Mexico's leading commercial export. Such large amounts of money in illegal channels quickly accumulate fortunes for the cliques who deal in these illicit goods. The potential for corruption by means of enormous resources in the hands of criminal elements is a very real factor which must be dealt with.

In looking at the domestic factors which underline the drug issue in Mexico, one must also take note of an agricultural economy in which three-fourths of all crop sales are made by 15 percent of the farmers, with many of the remaining farmers living at the subsistence level. Poppies are typically cultivated in remote mountainous areas where they provide the sole cash income for the population. Eradication of the crop means eradication of their income—a matter which concerns Mexican officials who have to consider their responsibility for the welfare of their own people. Substitute means of earning needed cash must clearly be considered. Rural development programs are clearly a priority.

In these circumstances it would be a mistake to adopt a complacent attitude toward the Mexican commitment to narcotics enforcement. The Mexican authorities hope to achieve substantial self-sufficiency for their national efforts after 1980. But they can succeed in their endeavor only by sustained effort, at considerable expense, and by withstanding numerous challenges from competing interests. Experience suggests that a single decisive blow will not quell the narcotics problem definitively. It is to be expected, rather, that each successive reduction in illicit activity will be costlier than the last and will require a higher level of vigilance to maintain. With increasing success in eradication and interdiction we can expect that areas less carefully monitored—outside Mexico as well as within—will become attractive to fugitive illicit operations, obliging the cooperating authorities constantly to cast their net wider and to sharpen their methods of detection and pursuit. As a principal beneficiary of such efforts on the part of Mexico and other American republics, the United States cannot afford to relax its surveillance of drug problems in these countries. We must be prepared to continue to cooperate appropriately, and imaginatively, with their increasingly sophisticated enforcement efforts.

In view of the large number of variables involved, the ingenuity, inventiveness, and immense resources of those involved in production and trafficking, we have not attempted to fix any given, specific number of years such as 5 or 10 for the achievement of goals related to narcotics in any country. Instead, we let the accomplishments of our action programs help us to determine what steps may be feasible or realistic for the succeeding period.

The State Department Bureau of Inter-American Affairs, and I personally, welcome the interest of this Subcommittee in our efforts to keep illicit narcotics from Mexico out of the American market. I will be happy to discuss with you further any questions you may have on the program.

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WEDNESDAY, APRIL 19, 1978

STATEMENT OF WILLIAM J. ANDERSON, DEPUTY DIRECTOR, GENERAL GOVERNMENT DIVISION, GENERAL ACCOUNTING OFFICE

Mr. Chairman and members of the subcommittee: You have requested that we discuss today a report of the General Accounting Office of December 2, 1977, dealing with illegal entry at the United States-Mexico border. Although our report discussed the entry of drugs and people, our comments today will deal primarily with efforts to halt the transit of illicit drugs across the border.

As you know, Mr. Chairman, in the past few years law enforcement efforts along the United States-Mexico border have grown in significance because of the increasing transit of illicit drugs and undocumented aliens across this border. United States authorities estimated that in 1971, heroin flowing from and through Mexico represented 20 percent of the heroin consumed in the United States. For 1975, they estimated that 89 percent of the heroin reaching the United States came from poppies grown in Mexico.

Current information shows that this percentage has dropped significantly in the last 2 years, due mainly to the Mexican-U.S. cooperative campaign to eradicate opium poppy cultivation through the use of herbicides. Mexico, however, is still considered to be the major source of heroin reaching this country.

Although meaningful figures on undocumented aliens are hard to come by, INS data shows that from 1971 through 1975 the number of such aliens apprehended increased by about 85 percent—from 420,126 to 766,600. Most undocumented aliens apprehended are Mexican—about 90 percent.

The Federal policy on preventing illegal immigration emphasizes interdiction at the border rather than apprehension of illegal aliens after settlement. For drugs the policy calls for giving priority in both supply and demand reduction efforts to those drugs which inherently pose a greater risk to the individual and to society. Heroin is the top-priority drug.

#### FEDERAL AGENCIES RESPONSIBLE FOR BORDER CONTROL

Control of the border is basically a task of controlling the movement of people, vehicles, aircraft, boats, and goods. There are over 400 Federal laws and regulations governing entry and departure of people and goods across the border. Agencies with a role in controlling the Southwest border include the Federal Bureau of Investigation (FBI); Bureau of Alcohol, Tobacco, and Firearms (BATF); Department of Defense; Federal Aviation Administration (FAA); Coast Guard; Department of Agriculture; and Public Health Service. The principal agencies involved in law enforcement are the Customs Service, Immigration and Naturalization Service (INS), and the Drug Enforcement Administration (DEA).

From a law enforcement standpoint, the primary responsibilities of these three agencies at the border are:

- Preventing the illegal entry of persons into the United States,
- Preventing contraband from entering the country, and
- Investigating narcotics and dangerous drug violations.

In carrying out these responsibilities, both INS and Customs use patrol officers, port-of-entry inspectors, and investigators, DEA is the single Federal agency charged with responsibility for investigation pertaining to narcotics and dangerous drug violators.

Smugglers enter the United States by four modes: Through ports of entry; by boat into coastal areas between ports of entry; on foot or by vehicle between ports of entry; or over the border by air.

#### *Ports of entry*

Before crossing the border into the United States, vehicles and pedestrians are stopped at the primary inspection lanes where only the most cursory inspections of vehicles, persons, and baggage are conducted. The primary inspectors are responsible for determining whether a vehicle and its occupants or a pedestrian should be referred to the secondary inspection area for a thorough examination. Customs and INS share responsibility for staffing the primary lanes.

#### *Land patrols between ports of entry*

The vast areas between the ports of entry along the United States-Mexico border and the limited resources available to prevent illegal entry demand that available resources be deployed in a manner to gain optimum results. The INS Border Patrol and the Customs Patrol have overlapping roles for control of illegal movement across the land borders between the ports. The patterns of illegal entry result in concentration of each agency's patrol officers in the same high-volume crossing areas.

#### *Air interdiction*

Air interdiction forces have had some success in apprehending smugglers using aircraft to cross the border. The results to date, however, are considered marginal.

The aircraft deployed by INS are not capable of air interception operations. These aircraft operate at low altitudes and at slow speeds in support of Border Patrol ground activities. Similar aircraft are operated by Customs in support of Customs Patrol ground operations.

DEA's air operations are devoted mainly to surveillance flights with an increasing number of pilots and aircraft being devoted to special operations.

#### *Marine interdiction*

Customs, DEA, and the Coast Guard all have roles in preventing drug smuggling by sea. The agencies have had some success in interdicting marijuana being smuggled by sea. The Coast Guard, as you know, has made some large seizures off

the East Coast in recent months. Generally, however, marine enforcement efforts have rarely resulted in hard narcotics seizures in other than user amounts.

#### ACHIEVEMENTS OF BORDER LAW ENFORCEMENT

While it is not possible to measure the deterrent effect of the current level of border law enforcement, the available supply of drugs and the estimated number of illegal aliens attest to the fact that it has not been a serious impediment to illegal entry. The substantial Federal investment for enforcement at the Southwest border is achieving only a limited measurable impact on the drug and alien problem.

Border forces interdict only a small quantity of the estimated heroin and cocaine entering the United States from Mexico. Most seizures are of marihuana. In fiscal year 1976, Customs and INS seized about 2 percent of the heroin, less than 1 percent of the cocaine, and 10 percent of the marihuana estimated to come from and through Mexico. When DEA's border area seizures are added, these interceptions equal 6 percent of the heroin, 3 percent of the cocaine, and 13 percent of the marihuana. It is fairly obvious that the quantity of drugs being interdicted is not having a significant impact on the drug problem. This is especially true when one considers that these figures presume the drug seizures to be 100-percent pure while the purity of border seizures are generally significantly less—usually below 50 percent purity.

Border apprehensions seldom involve high-level traffickers. The overwhelming majority of persons crossing the border in possession of drugs who are apprehended by Customs and INS are drug users, small-time operators, couriers, or low-level members of drug trafficking organizations. DEA's data show that less than 2 percent of the interdictions referred from INS and Customs involve major violators, and about three-fourths of these were marihuana violators.

The results with respect to apprehension of aliens are more impressive but the problem remains serious. More illegal aliens are successful in getting into the United States than are prevented from entering. Many aliens apprehended are repeaters; some have been apprehended as many as 10 times.

#### PROBLEMS AFFECTING BORDER LAW ENFORCEMENT

Although border control alone will not solve the drug or illegal alien problems, it is a necessary element if the Nation is ever to control these problems. We believe that much more could be done if Federal border law enforcement activities were better planned, coordinated, integrated, and executed. The efficiency and effectiveness of law enforcement efforts at the border would be enhanced if intelligence support was improved and the costly overlapping and poor coordination of enforcement activities and support systems were corrected.

These are some of the specific problems we identified:

There was a shortage of inspectors at the four ports of entry we visited along the Southwest border, even though most seizures of hard narcotics were made at the ports of entry. Inspection manpower has a significant impact on the thoroughness of inspections performed at these locations.

The only detection devices available to assist inspectors at the ports of entry are TECS data—Treasury's automated intelligence system, which is used by Customs for disseminating information to inspection and enforcement personnel—and trained detection dogs. The value of TECS data for ports-of-entry interdictions is limited because it is primarily keyed to vehicle license numbers.

Detector dogs are effective time-saving drug interdiction aids. However, border officials believe that much of the hard narcotics which comes through the ports is packaged and inserted into the human body. Detector dogs are not used to search people, and inspectors are reluctant to perform intensive personal searches.

The INS Border Patrol and the Customs Patrol have overlapping roles for control of illegal movements across the land borders between the ports. Poor coordination and cooperation between the Customs and INS border patrols, as well as costly overlapping facilities, have contributed to conflicts and tension and produced only marginal results.

Although a Memorandum of Understanding exists between INS and Customs mandating "full cooperation between the two Services," this cooperation does not, in reality, exist. To illustrate, while waiting and watching with a Customs Patrol officer at a border canyon where a sensor hit occurred, the supervisory patrol officer told us that a lack of personnel might cause them to miss the intruder. Right after he made this statement, an INS Border Patrol car cruised slowly by our position, but no attempt was made to contact it and ask for assistance. Patrol officers could not recall a single example of assistance to one agency by the other on an as-needed basis.

## JOINT OPERATIONS BETWEEN AGENCIES HAVE NOT BEEN EFFECTIVE

The Presidential White Paper on Drug Abuse issued in 1975 recommended that a program for more effective border control be developed and that the principal law enforcement agencies along the border improve their coordination activities to include joint task force operations.

There have been several of these joint operations since 1975. These were to be cooperative coordinated efforts among the various law enforcement agencies, but in actuality they very rarely turned out that way. There have been minimal or no coordination efforts among agencies involved and interdiction results have been varied and not very impressive. There were some large marihuana seizures but heroin seizures were disappointing. A discussion of a few of the operations follows:

Operation Diamond Back, which took place April 20-May 26, 1976, was initiated to augment Customs resources with those of other Federal agencies—DEA, FAA, Border Patrol, and the U.S. Coast Guard—to increase interdiction capability. In post-operative evaluations the participants reported a lack of planning, coordination, cooperation and intelligence. Fundamental planning and coordination never got out of the idea stage. The decision making process was very poor due to confusion as to who had the authority to direct action. Customs Air Support Branch and Customs patrol officers considered the air and sea operations a failure. No arrests or seizures were made.

Operations Star Trek I and II were initiated by Customs along the California and Arizona borders with Mexico. Star Trek I took place in 1975 and Star Trek II a year later. DEA was to provide the intelligence information needed for the operation.

Star Trek I, an intensified air, land, and sea operation primarily aimed at interdictions between ports-of-entry resulted in some large marihuana seizures and small quantities of various other drugs.

Customs officials felt that the weakness of the operation was the scant information provided by DEA. A DEA official at the El Paso Intelligence Center said they were not asked to support the Star Trek I operation and actually received only two phone calls from Star Trek personnel.

Star Trek II involved DEA, FAA, Customs Service, the Air Force, and the Coast Guard. Cooperation was poor and lack of intelligence was still a major weakness. U.S. Coast Guard participation was much less than in Star Trek I. There were no joint patrols by Customs and the Coast Guard. The Coast Guard followed its own patrol program and operated independently of Customs. Drug seizures during Star Trek II increased over the first operation, but total seizures had very little impact on the constant flow of dangerous drugs coming from Mexico.

## BORDER NEEDS AN INTEGRATED STRATEGY AND OVERALL CONTROL PLAN

Control of the United States-Mexico border is a complex and most difficult task that requires a comprehensive, coordinated effort by all segments of the border law enforcement community.

The executive branch of the Federal Government has not developed an integrated strategy or a comprehensive border control plan to consider all aspects of the problem and establish clear, measurable objectives indicating what it intends to accomplish with the various law enforcement resources. A plan of this type is critical because of the many agencies with overlapping responsibilities.

Over the past few years the Congress, the executive branch, and GAO have issued reports identifying problems among Federal border enforcement agencies and containing suggestions for improving their cooperation and coordination. While some recommendations have been implemented and outward appearances have changed as a result of these efforts, the essential characteristics of the problem remain. Separate agencies with different orientations continue to identify the best means to meet their specific missions, with limited consideration for the activity of the others. This has led to the development of separate but similar lines of effort that continue to dilute border coverage and impact. Little consideration is given to overall border security.

There is obviously a need for an integrated Federal strategy and comprehensive border control plan. Assignment of border control responsibilities to a single agency would be the surest way of achieving this. Pending any decision in this regard, we believe:

The executive branch should provide the Congress, along with its appropriations requests, an overview of law enforcement along the United States-Mexico border. Included in this overview should be an analysis which brings together the budget requests and law enforcement strategies of the various border law enforcement agencies.

The Office of Management and Budget, Office of Drug Abuse Policy, and the principal border agencies should develop an integrated strategy and comprehensive operational plan for border control. This plan should consider the various alternatives to managing border operations ranging from the present management structure to single-agency management.

The President's Reorganization Project has circulated a document containing reorganization options related to border management to various individuals and groups for comment and suggestions. Until agreement is reached on the fundamental question of purpose or mission at the border, the selection of reorganization options would appear to be premature.

Ironically, and perhaps predictably, since the current efforts toward reorganization were initiated the agencies involved in border enforcement have placed an increased emphasis on voluntary cooperative agreements. Similar abortive efforts in the past do not convince us that any lasting good will result.

Some hard decisions remain to be made regarding how this country can best respond to its Southwest border problems. The options range from the extreme of a politically and economically infeasible "Berlin-wall" arrangement that would almost guarantee no illicit intrusion to the loose controls over entry along the Canadian border. Somewhere in between lies an optimum mix of people and resources that should be applied to the border. Development of an overall Federal strategy is the first step that needs to be taken in coming to grips with this major problem.

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STATEMENT OF RICHARD L. WILLIAMS, ASSISTANT DIRECTOR (DRUG ABUSE POLICY), DOMESTIC POLICY STAFF

Mr. Chairman and members of the committee, it is a pleasure to be here today to discuss Border Management and Interdiction. When the President established the Office of Drug Abuse Policy in March of last year, he asked Dr. Peter Bourne, the Director, to assume the lead role in studying the organization and management of Federal drug abuse prevention and control functions. Our report on Border Management represents one of a series of policy reviews conducted by the Office of Drug Abuse Policy of all Federal drug abuse functions.

A major part of the Federal effort to reduce the availability of illegal drugs is directed towards disrupting the supply chain at any point where it may be vulnerable, from overseas sources to domestic interstate drug trafficking networks. The United States border provides a unique opportunity in this chain of drug trafficking to intercept the drugs, arrest the person, and perhaps trace the source or the ultimate destination of the illegal drugs. Our border also serves many other important national interests in regulating the international flow of persons, merchandise and commercial carriers.

Our border control is a piecemeal activity with numerous Federal agencies responsible for specific interests and specific functions in the border areas. Several studies of border control have been conducted in recent years. However, each of these studies focused on a specific function or problem rather than taking a comprehensive view of the entire border control effort. As part of the President's goal to achieve greater effectiveness in government operations, our review was directed toward the broad and long-term goal of improving the overall border control effort.

We formed an interagency review team with representation from the principal Departments and agencies involved in control of the borders of the United States. The Departments of Justice, Treasury and Transportation, the U.S. Customs Service, the Immigration and Naturalization Service, and the Drug Enforcement Administration provided full time representatives. The Departments of State and Agriculture, as well as Health, Education, and Welfare, and representatives of the U.S. Coast Guard and the Fish and Wildlife Service of the Department of the Interior also contributed to the study effort. I will summarize the major points of the team report.

Our report describes the vastness and distinctness of the border areas and the functions performed by the Federal agencies responsible for border control. In the past, we have responded to border management problems in a fragmented manner. When a problem arose, new budget resources and manpower were allocated to the agency immediately responsible without deliberate consideration of how changes would affect overall border management. The current organizational structure contributes to the problem with personnel from eight agencies representing seven different Departments directly involved in border operations.

The basic assumption of our review is that improved effectiveness of border control will enhance all related programs including drugs, aliens, guns, etc. Further, an improved management structure could serve as the foundation for all border control efforts and would be likely to accomplish far more than a self-limited effort directed at improving control over one particular commodity.

After an extensive review of the problems and issues as seen by the agencies responsible for border control, the review team conducted a series of field trips to develop firsthand information on operating practices and problems. We also interviewed field managers and individual officers at all types of border locations.

The report is directed at the two principal functions of border control: inspection of persons and goods at ports of entry, and patrolling between ports of entry. The Agencies with primary responsibility for these two key functions are the U.S. Customs Service in the Department of the Treasury and the Immigration and Naturalization Service in the Department of Justice. Other agencies provide specialized skills and functions in support of their areas of interest. The review team identified two major issues: the lack of coordinated border management, and significant overlap and duplication of effort in both of the principal border control functions. There is an obvious overlap and duplication in patrolling activities between land ports of entry, with both the Immigration Service and the Customs Service responsible for providing a patrol force in these areas in support of each of their separate missions. There is also overlap and duplication in inspection responsibilities and management structures at ports of entry, particularly at airports and larger land ports. In seeking a solution to these problems, several options were considered.

The first option was assigning a higher budget priority to selected border control functions. We concluded that simply adding more budget resources to the existing agencies was not likely to provide any major improvement in the system.

A second option would provide single agency management over key functions by consolidating the inspection function in one agency and the patrolling function in another. The review team concluded that while this would reduce duplication, it would not be effective in eliminating the potential for conflict between the agencies. Further, we noted that this approach had been recommended on previous occasions but had never successfully reached implementation.

The review team also considered an option of establishing a multi-purpose border management agency which would include all of the existing responsibilities and resources of the Immigration and Naturalization Service and the U.S. Customs Service. By combining the two principal border enforcement agencies, a new agency would be created to provide the basic foundation for a full service organization for control over entry of persons and goods. It would also allow consolidation of some support functions and could be handled so as to minimize opposition and turbulence so often associated with reorganization efforts.

The Review Team considered a fourth option which would go beyond control over entry to consolidate management of the major Federal resources involved in the control of the borders and U.S. waters forming the perimeters of the United States. This option would expand the size and responsibilities of the new organization by including the U.S. Coast Guard. It assumed that the Coast Guard would remain a separate entity within the border management agency to facilitate its transfer for national security purposes during time of war.

As the last step in the process of developing the report, the options were furnished to the involved agencies for review and comment, and the responses received were attached as appendices to the report. After consideration of these responses, the review team made the following recommendations:

(1) A multi-purpose border management agency should be created by consolidating the Immigration and Naturalization Service and the U.S. Customs Service in a new agency (the third option).

(2) An appropriate reorganization plan should be developed by the President's Reorganization Project to include placement of the consolidated border management agency in a Cabinet Department consistent with overall government reorganization planning.

(3) A consolidation of the agencies and functions involved should be achieved through an umbrella management concept with the reorganization plan providing a set of initial priorities. However, the new Director should be allowed flexibility in determining the internal structure of the new agency. The following functions should receive high priority for early consolidation:

- (a) Primary inspection at all ports;
- (b) Patrolling of the land borders;

(c) The operational support activities, particularly communications and computer systems; and

(d) The management structure and administrative support activities.

The review team suggested that the new Director be given these priorities and be required to report back to the President and to the Congress at the end of 18 months on the accomplishments during the transition period and his plan for the next phase.

The President's Reorganization Project in the Office of Management and Budget has the ultimate responsibility for developing reorganization plans in conjunction with its on-going reorganization study of the entire Federal Government. Our report provides OMB with a current evaluation of border control activities and recommendations for improvement. The Reorganization Project staff currently is preparing recommendations for the President regarding border management. Our report will also be used in conjunction with the other on-going drug policy reviews in developing a new Federal Drug abuse prevention strategy for 1978.

I wish to thank you for your support of the drug abuse prevention programs and for the opportunity to present the significant features of our Border Management report. I will be glad to respond to any questions you may have or furnish any additional information that you desire.

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#### STATEMENT OF ROBERT E. CHASEN, COMMISSIONER OF CUSTOMS

Mr. Chairman, and members of the committee, it is a pleasure for me to appear before you to report on the efforts of the U.S. Customs Service to prevent the importation of dangerous drugs into the United States.

This task requires the close coordination and cooperation of all the concerned agencies: federal, state, local, and foreign. Because of the number of involved agencies, there have been some problems of coordination in the past. However, we are working together with all involved agencies and have largely eliminated any problems by cooperation.

Customs role in drug interdiction was defined by Reorganization Plan No. 2 of 1973 which created the Drug Enforcement Administration (DEA). Essentially, Customs function is to interdict all contraband at more than 300 ports of entry and along the land and sea borders of the United States. We are the nation's first line of defense against all forms of smuggling and have been statutorily assigned this mission since 1789.

The same statutes which charge us with the responsibility for safe-guarding the nation's borders cover a wide and diverse range of civil and criminal authorities which allows our mission to be carried out in a versatile and flexible manner.

The drug smuggling problem facing us is a very large one. Although we have no definitive assessment of the quantities of illicit drugs being smuggled into the United States, it is apparent that they are being smuggled in massive quantities. In the past fiscal year, we have alone or together with other agencies such as Coast Guard seized nearly 1.6 million pounds of marihuana, 16,000 pounds of hashish, 278 pounds of heroin, and 951 pounds of cocaine having the total estimated value of 924 million dollars.

The variety of smuggling modes is endless along our land and sea border which stretches for 96,000 miles. During the 1977 fiscal year, Customs seized 11,000 vehicles, 285 vessels, and 121 aircraft. Despite these figures, we believe that we have merely scratched the surface of drug smuggling.

For Customs effectively to perform its function with respect to the interdiction of drugs, it is necessary to coordinate our efforts with other agencies and to develop methods of deploying our resources in ways which will bring us the greatest return. Simply, we cannot be all places at once.

The principal problem to be faced is that our national borders can not be effectively protected by traditional methods. Smuggling contraband is an old game, but the modern day smuggler, adopting many of the advances of recent technology, has to be countered with equally up-to-date modes of operation. Any enforcement strategy has to quickly face up to the vast range of ongoing smuggling. Modes of operation adapted by smugglers are closely aligned to the illegal product involved, the environmental characteristics of the particular location, and in many instances the enforcement practices then in use.

The level of smuggling of narcotics has continued almost unabated. Marihuana smuggling which has been growing in recent years, probably has reached an esti-

mated annual 16 million pound level. Smuggling has become highly organized with a greater proportion pouring in through illegal aircraft and small boat channels. Interdiction has become, of course, correspondingly more difficult, especially considering the quantity and quality of the aircraft, boats, and associated equipment available to Customs. "Hard" drugs, smuggled in relatively small quantities, remains a special detection and interception problem.

Although the interdiction problems confronting Customs at the ports and other areas along the border may appear to be considerably different, common to both is the basic problem of detecting the proverbial "needle in the haystack." At the ports of entry, whether they be land, seaport, or airport, Customs is faced with detecting the contraband among the enormous volume of incoming persons or cargo. At other locations along the border the interdiction problem is detecting and intercepting the smuggler in the vastness of the area that must be covered. The use of aircraft or boats for smuggling adds additional dimensions to the overall problem. Interdiction then requires special capabilities for reliable detection of contraband when hidden on a person, in cargo, in a vehicle, or when it is illegally crossing the border at a location between the ports.

To carry out our interdiction mission, we apply the principles of systems analysis to develop programs which would provide a balanced enforcement program integrating all Customs resources, as well as enforcement resources available from other agencies and which would use Customs unique legal authorities to achieve maximum results.

We develop systematized programs tailored to deal with smuggling by all conceivable modes—between our ports of entry on foot or by vehicle or even by mule pack; at ports of entry whether by passenger, vehicle, vessel, or in cargo; and by private aircraft and private vessel. Our objectives cannot, of course, be the complete elimination of smuggling but are those of raising the level of risk to the smuggler, to provide maximum deterrence, and, more importantly, to make seizures which provide valuable intelligence and investigative leads that can thereafter be developed into smuggling conspiracies, both domestic and foreign.

Our strategy is to deploy an interdiction force between ports—air, land, and sea—of sufficient capability to force the smugglers into ports where Customs has greatest control. At the ports, through which significant amounts of heroin are reportedly smuggled, Customs has instituted an intensified screening of personnel, vehicles, and cargo. It is physically impossible for the Customs Service to screen, inspect and search each of the millions of vehicles, tons of cargo, and mountains of mail which arrive in the United States annually. We have identified various modes of smuggling and are applying sampling techniques to try and detect smuggling usage. We couple this with intensified inspection periods where we conduct a very high level of inspection. Cargo containers are sampled based on origin, destination, contents and other criteria.

Passenger inspections are aided by profiles, computer screening, and other systems designed to sort out potential smugglers. Interestingly, these screening methods actually speed-up passenger clearance while our seizures have increased.

One innovation which has proven extremely successful in coping with the monumental inspection task with which we are confronted is the use of detector dogs. We are using the unique ability of dogs to discriminate between scents to provide an effective search and detection method to locate narcotics and explosives secreted in vehicles, vessels, aircraft, cargo and mail. Dogs are never used to screen people.

Where it may take a Customs inspector as much as 30 minutes to reasonably assure himself that a vehicle is free of narcotics or other contraband, a dog can screen the same vehicle in 4 to 5 minutes. A dog can screen 400 to 500 packages in 30 minutes.

Many foreign governments have observed the tremendous success of the Customs Detector Dog Program and we are providing similar training to them under the auspices of our Foreign Customs Assistance Program.

We have a program to develop portable and fixed devices for use at ports and other border areas to detect concealed narcotics and other contraband. We have surveyed current technological efforts of private and public institutions for their possible application to the detection of narcotics and contraband. We are constantly expanding and improving our ground sensor system aimed at detecting illegal vehicle and pedestrian traffic. We have continued the development of de-

tection techniques based on vapor detection, x-rays, neutron radiation and thermal imagery.

We have installed and begun an operational evaluation of the first of four x-ray machines specifically designed to examine merchandise entering at our ports along the Southwest border. Three additional x-ray systems will be installed in this fiscal year. We also use x-ray systems designed to examine vehicle tires, parcels and foreign mail entering the United States. We have increased our use of sophisticated night vision devices, and we are expanding our force of detector dogs, which have been increasingly successful in detecting concealed narcotics. Along the Mexican border, we have instituted an Unattended Border Alert Surveillance System, and our Land Branch has opened new patrol stations in Sierra Vista, Tucson, Presidio, and Big Bend National Park in Texas.

Although only in its initial development stage, the electro/chemical narcotics and explosives detection system, to be located at major airports and border points of entry, is designed for more efficient processing at the ports. Once developed, the vapor detection apparatus would detect the major prohibited drugs—heroin, cocaine, hashish, and marihuana—and in addition can detect explosives. Several configurations have been developed to examine passengers, baggage, and mail parcels.

Protecting our sea borders against the rising number of small boats and private yachts used for smuggling has proven an exceedingly difficult and complex task. The magnitude of the problem is illustrated by the vast area to be protected. There are 4,993 miles of coastal waters in the contiguous 48 states and 12,393 miles of additional coastal waters for Hawaii and Alaska. Moreover, we must protect the nearly 30,000 miles of improved inland waterways.

A recent smuggling technique has evolved in which large freighters or "motherships" laden with contraband hover in international waters as small high speed boats and fishing vessels ferry the illicit merchandise to shore. These motherships will cruise from the Caribbean, north along the Eastern seaboard, making numerous drops. The ships have ranged from 70 to 300 feet in length, the largest having a capacity to haul in excess of 100,000 pounds of marihuana.

Although many reports are received indicating that cocaine is being smuggled by small boats, there have been few seizures, and these for the most part have consisted of very small amounts. However, there is substantial evidence that cocaine is being smuggled into the United States aboard commercial cargo vessels, many of which operate in the banana trade out of Turbo, Colombia. Late last year, Customs seized 157 pounds of cocaine off the M/V MAYA in Miami. This seizure was exceeded only by 181 pounds seized off the M/V EA in Tampa in 1976. Both vessels were in the banana trade. A successful forfeiture action against the EA, a commercial vessel, was recently achieved and an order for a judicial sale of the vessel has been entered.

To enable Customs to have some indication of what vessels may be engaged in smuggling a vessel lookout list and the Vessel Violation Profile System (VVPS) have been established. The vessel lookout list includes privately owned pleasure vessels as well as motherships, whereas the VVPS is limited to commercial vessels. The lookout list is limited to those vessels which are suspected of engaging in large-scale drug importations, whereas the VVPS focused on vessels which have violated or are suspected to have violated any law and/or regulation, and contains intelligence and lookout data relevant to such violations. The VVPS records are accessible through a special TECS query which Customs now requires upon the arrival of every commercial vessel.

In response to the escalating level of smuggling by private aircraft across the nation's border, especially the Southern border, the Congress in 1969, authorized the establishment of a Customs Air Support Program.

Initially, Customs acquired assorted light aircraft. These were used to conduct surveillances, but were ineffective for detection, interception and tracking of smuggler aircraft. Our need was for Customs aircraft equipped with special commercial navigation and communications equipment. Devices were needed for tracking of suspect aircraft, as well as good speed and long range capabilities. Interdiction also required detecting and following smuggler aircraft operating in darkness. We had an obvious need for a more sophisticated technical approach if interdiction was to become a reality.

Technologically, Customs has made enormous strides since acquiring eight surplus military aircraft in 1969. In addition to constant improvements in airborne radar and Forward Looking Infrared (FLIR) capabilities, both used for

detecting and tracking suspect aircraft, Customs has developed all-important support systems to assist the air interdiction units. The supporting systems include the Treasury Enforcement Communications System (TECS), the Private Aircraft Reporting System (PAIRS), and the recent breakthrough in implementing an interagency agreement with the military and the Federal Aviation Administration for long-range radar coverage.

There are six Air Support Branches located at military air bases near San Diego, Tucson, El Paso, San Antonio, New Orleans and Miami. These locations were selected because of their proximity to major air smuggling routes along the border, but smugglers can, and do, cross the border almost anywhere. Since the Southern border of the United States is more than 4,000 miles long, each Air Branch has the responsibility for protecting an air corridor that, on the average, is 700 miles wide. Basic to interdiction of air smuggling is the development of an effective means of detection, identification and interception.

Once detected, we must ascertain whether the aircraft is involved in smuggling. Customs implemented a Private Aircraft Reporting System (PAIRS) to assist our air units in identifying probable smuggler aircraft. Under regulations, a private aircraft planning to cross the Southwest border must report 15 minutes prior to penetrating U.S. airspace, and land at one of 13 designated airports, unless it has received special permission to go on to its destination. If an aircraft does not report in or does not land at a designated airport, then it can be presumed to be involved in smuggling, and the Customs Air Units can take appropriate action to intercept and apprehend.

Because of the vast airspace of the borders, smugglers initially detected by radar and identified by PAIRS are still difficult to intercept. Two major factors relating to aircraft performance are of prime importance; namely speed and range. Customs aircraft must be able to rapidly reach the detection point on the border, or the smuggler will have the time for evasive action. The plane must then be able to go slow enough to trail the suspect plane. In addition, to detect and to lock on to the target, Customs aircraft must have an efficient airborne radar as well as a Forward Looking Infrared (FLIR) system, which provides an all-weather night operation capability. Even with this equipment, smuggler aircraft, with greater speed and range, have "run away" from the Customs aircraft.

We are also conducting a pilot program with the Air Force regarding the use of the Advance Warning and Control System (AWACS) aircraft to detect aircraft crossing over the Mexican border. By integrating sophisticated radar detection systems with our high performance aircraft, we expect a significant increase in the effectiveness of our air program.

To coordinate these many enforcement methods, Customs has developed a most effective major computer system. This system, called the Treasury Enforcement Communications System (TECS), is a real time network with almost 900 terminals permitting instantaneous access to enforcement data by name, vehicle license number, or vessel or aircraft number.

TECS is the central nervous system, or backbone if you will, of the entire integrated tactical interdiction effort linking Agent, Inspectors, Patrol Officers, and management. The role of the system as a tactical interdiction tool completes the loop encompassing the full range of Customs enforcement activity. The system has been expanded to serve the needs of the Treasury enforcement community. The Bureau of Alcohol, Tobacco and Firearms (ATF), the enforcement arms of the Internal Revenue Service (IRS) and the National Central Bureau of INTERPOL are major users of TECS service. Outside Treasury, the system is utilized by the Drug Enforcement Administration (DEA). TECS terminals for use by the Coast Guard and the State Department in a joint Federal effort to combat international terrorism have been installed in both agencies. Interfaces exist with the FBI's National Crime Information Center (NCIC), the National Law Enforcement Telecommunications System (NLETS), and the recently established interface to the California Law Enforcement Telecommunications System (CLETS), which significantly increases the capabilities of TECS for users in the state of California.

Through the years of development of the TECS system, it has been seen and time again that overall effectiveness of the system has been increased rather than diminished through the sharing of resources and data. In the same way, the TECS interfaces to NLETS and NCIC have improved each subscriber's enforcement effectiveness. In fact, that is the whole basis upon which NLETS and NCIC were established; increased effectiveness through the sharing of resources while realizing economies. Certainly, much needs to be done to explore further additional areas of cooperation.

DEA has the capability to incorporate their data into TECS through their NADDIS tapes and through TECS terminals located in their headquarters and at the El Paso Intelligence Center (EPIC). The EPIC-TECS interchange has assisted DEA's efforts to track the international movement of traffickers on whom lookout entries have been made. We are currently in the process of establishing an agreement with DEA which will give Customs a greater role in the analysis and dissemination of the information generated at EPIC. We have assigned Customs officers to DEA intelligence units to act as the primary contacts for DEA information and have assigned two analysts to the Inter-Departmental Intelligence Group-Mexico (IDIG-M) at DEA headquarters, which also serves as a means of exchanging information. In addition to these formal channels of exchange there is an ongoing exchange of narcotics intelligence at field levels. In emergency situations DEA may contact Customs field offices directly to transmit urgent intelligence or enforcement information. The amount of information exchanged between DEA and Customs is constantly increasing, and information from DEA has made some contribution to our heroin seizure activity.

We have also been developing a closer working relationship with INS and have begun to combine some of their computer systems with TECS. Recently, two TECS terminals have been installed at INS Headquarters, one primary (airport) and one secondary.

The effective reporting and exchange of tactical intelligence is vital to a successful Federal strategy. We believe that TECS provides an efficient means by which enforcement agencies can report and exchange intelligence and increase their effectiveness while realizing economies by sharing resources at the same time.

Since money is the single common denominator to all smuggling activities, we have launched a major effort to enforce the Currency and Foreign Transactions Reporting Act against the unreported importation and exportation of currency and other monetary instruments. Currency investigations conducted to date indicate a high incidence of drug related activity. During fiscal year 1977, Customs made 461 seizures under the Currency Act involving more than \$7 million.

The currency laws can be used to complement drug smuggling or trafficking investigations, and they may prove to be an effective means of disrupting illegal drug organizations by reaching their financial base. Currency related information is presently being exchanged by Customs and IRS. A computer program is also being developed whereby this information can be compared. Subsequent analysis will provide information on the international movement of funds by criminal suspects. We also make currency related information available to DEA through the Treasury Department.

We have tried to familiarize virtually every domestic and foreign law enforcement organization with our responsibilities under the Currency Act. These efforts have resulted in a growing awareness of the Currency Act with a commensurate increase in narcotics-related currency seizures and arrests by Customs officers. We also participate in Task Force operations initiated and conducted by DEA for the purpose of targeting and immobilizing specific high-level drug trafficking organizations. We will continue to participate in these operations when information indicates that unreported funds are moving across our borders.

Recent statements indicate the illegal weapons traffic from the United States to Mexico is of a major magnitude. BATF and the U.S. Customs Service do not view the illegal weapons traffic from the United States to Mexico as an extensive, out-of-control problem. There has been a traffic in weapons from the United States to Mexico for decades, and it will probably continue. While this traffic has certainly increased, we would point out that all crime statistics have also substantially increased. Although we do not consider the problem to be of "major magnitude," we consider it to be a serious problem which merits the concerted and concentrated efforts of both agencies in halting the illegal flow of firearms into Mexico.

Intelligence developed and statistical analysis of U.S. Customs seizures indicates: (1) that there is considerable traffic in arms and ammunition from the United States to Mexico (2) that the bulk of the traffic in ammunition consists of .22 rim-fire cartridge and broad spectrum of handgun centerfire calibers; and (3) that the illicit traffic in firearms consists mainly of handguns and sporting type weapons, legally available from commercial sources in the United States, and while there exists considerable illegal traffic of arms and ammunition to Mexico; the firearms involved are primarily sportsman and civilian type weapons and ammunition, induced by scarcity and high prices of such weapons in Mexico.

There have been no seizures of heavy weaponry enroute to Mexico.

The Customs Attache in Mexico City periodically receives lists of firearms which were seized in Mexico by Mexican Customs officials. The lists are forwarded to Customs Headquarters and subsequently to BATF, where traces on the weapons are conducted. Investigative leads resulting from these traces are coordinated with BATF, where appropriate. To date, none of these investigative leads reflect any significant number of guns being traded for narcotics. While there may be some instances of the exchange of guns for narcotics in Mexico, we do not have any hard intelligence that this is taking place on a major scale.

This past summer, Customs and ATF signed a Memorandum of Agreement and Investigative Guidelines which delineates the role of each agency in the investigation of arms violations. It is evidence of the desire on the part of both agencies to avoid wasteful duplication of effort and to maximize the Federal effort to control the illegal exportation and importation of weapons.

Since almost all illicit drugs consumed in this country originate outside our borders, we must have programs aimed at eliminating them before they enter the stream of worldwide traffic. To this end we must have the active cooperation of the international community. One of the problems in securing their cooperation, and that of drug producing nations in particular, however, is to convince these nations that it is in their interest to suppress narcotics trafficking. We at Customs are continuing our efforts to secure the participation of other nations in this effort.

Our foreign Customs programs are designed to train foreign enforcement officials in border control activities, emphasizing interdiction techniques, border surveillance, anti-smuggling programs and methods, and search and seizure. Representatives of at least 15 nations have taken part in our training programs in fiscal year 1977. The value of our training programs is evident in the increasing drug seizures made by Customs officers in countries where training has been given.

We have also been involved in working relationships with the Customs administrations of other nations. While the primary mission of our advisors is to provide technical assistance, the eradication of narcotics production and trafficking has now been included as a stated program objective.

During the past year we have entered into a Mutual Assistance Agreement with Mexico which contains a provision for the exchange of information specifically aimed at offenses involving narcotics. Our Tucson Air Support Branch has also established an excellent working relationship with the Mexican Federal Judicial Police.

From all of the above, it is evident that the drug enforcement effort is a multifaceted one.

As you know, a number of studies have been conducted by GAO, ODAP, and OMB on drug law enforcement and border management. It is possible that the present configuration of some Federal law enforcement agencies and that the scope of their responsibilities will be changed as a result of these studies.

Before closing, I would like to relay to the Committee two very recent incidents which reflect how Customs must respond to new situations and how well various federal and local agencies can work together in a complicated enforcement action.

In the first, an international flight from Peru made its initial U.S. arrival at Dulles International airport. Although the flight normally continues to JFK airport in New York, all incoming passengers go through U.S. Customs inspection at Dulles, prior to re-boarding the plane for the flight to New York.

A passenger went through Customs at Dulles, where a CPO checked his passport and found everything in order. A second passport was discovered with the same picture but with a different name. The first name was punched into TECS and the word came back that he was suspect. The Dulles CPO permitted the passenger to re-board the flight for the trip to JFK and then a CPO at JFK was notified and given all the facts. When the passenger deplaned in New York approximately two hours later, he was stopped by the CPO who examined the passenger's flight bag and discovered 19.8 pounds of cocaine (estimated street value \$5.9 million).

A check of the aircraft at New York showed that an over head screw-type panel in the restroom had been removed and there it is believed the suspect had hidden the cocaine while he was undergoing inspection at Dulles. Subsequent investigation has revealed another suspect smuggler.

The second instance involves a typical case in which a suspect vessel was identified by Coast Guard and Customs while offshore and surveilled to off the North Carolina coast. After determining that the vessel was bound for North Caro-

lina, a meeting was later held by representatives of the Customs Patrol, DEA, Coast Guard, and North Carolina State Bureau of Investigations. It was decided to establish a command headquarters in Morehead City, North Carolina.

Utilizing overhead surveillance, it was possible to keep track of the vessel and to maintain communication among the interdiction forces without the risk of interception by the violators.

When the unloading operation was underway, the combined Federal and State force closed the net, arresting thirteen people, seizing the 41,000 pounds of marihuana, the seventy-two foot vessel, four small boats, two barges, and eight trucks.

Each of these examples reflects different modes employed by smugglers and the variety of interdiction methods which are necessary to react to them. They also illustrate that while one agency can effectively interdict drugs in certain situations, in larger smuggling operations a combined Federal and State effort is required.

I would like to thank the committee for inviting us to appear today and to speak about the Customs role in the drug interdiction program. I will be happy to answer any questions at this time.

Thank you.

*Border patrol agents as of Jan. 31, 1978*

WR:	<i>Authorized force</i>
CHU.....	427
ELC.....	153
YUM.....	140
TCA.....	138
Subtotal.....	<u>858</u>
EPT.....	330
MAR.....	102
DRT.....	195
LRT.....	119
MCA.....	117
Subtotal.....	<u>923</u>
Grand total.....	<u>1,781</u>

2206 divided by 1,781 equals 80.7 percent.

STATEMENT OF CHARLES SAVA, ASSOCIATE COMMISSIONER FOR ENFORCEMENT,  
IMMIGRATION AND NATURALIZATION SERVICE

Mr. Chairman, members of the subcommittee, I am here to testify, according to your invitation on the role of the Immigration and Naturalization Service in interception of drugs coming from Mexico.

INS is a bureau of the Department of Justice and is responsible for administering and enforcing the immigration and nationality laws of the United States. We employ about 10,000 persons with a fiscal year 1978 budget of approximately \$266,500,000.

We have two basic functions: (1) to insure that all persons entering into or remaining in the United States are entitled to do so, under law, and (2) to provide public services in the form of processing various applications such as extensions of stay, petitions for permanent residence, petitions for naturalization and similar other benefits under the immigration and nationality laws. While INS has no statutory mandate to enforce Federal drug laws, we do encounter drug and contraband smugglers incidental to the performance of our duties and control over the entry of aliens into the United States.

In order to discharge our statutory responsibilities of inspection and apprehension of aliens, we have two basic groups of officers who function in border areas: Immigration Inspectors and the Border Patrol Agents. In addition, Investigators, who function primarily in interior locations all across the country, have an enforcement support role in border areas.

Operating at air, land, and sea ports of entry into the United States, Immigration Inspectors, presently numbering 1,543 examine each person seeking admission to the United States. This is the first contact an applicant for admission has with a representative of the United States Government. Immigration Inspectors must conduct their inspections quickly enough so that the entry of U.S. citizens, bona-

fide immigrants, tourists, and other nonimmigrants is facilitated. At the same time they must be able to identify and reject aliens who are not admissible under the law, such as narcotic traffickers, other criminal elements, and aliens who are fraudulently posing as legal immigrants or nonimmigrants in order to enter the United States and work here without authorization.

The United States Border Patrol, founded in 1924, is an elite corps of highly trained, uniformed officers who patrol and guard our land borders and Gulf and Florida coasts between ports of entry. These officers are trained extensively in immigration and criminal law and in the Spanish language. The present authorized force of the Border Patrol is 2,207 officers. The Border Patrol operation involves the gathering of information from adjacent foreign areas, the actual watch of river, land, and coastal borders, check of public transportation, traffic check on highways leading from the border, observation of aircraft, and checks of farms, ranches, and industries in the border area. The Border Patrol employs sophisticated technology to extend the effectiveness of its officers, including observation aircraft and helicopters, a complex and sensitive remotely controlled sensor and vehicle dispatch system, a communication system linking the entire border, and repair and maintenance facilities for vehicles, radios, and electronic equipment.

While pursuing their primary mission of immigration law enforcement, Immigration Inspectors and Border Patrol Agents also apprehend violators of other laws, and have intercepted millions of dollars worth of narcotics, arms, ammunition, and other contraband. In addition, they identify and apprehend vendors and purchasers of fraudulent documents which are used in illegal immigration and drug smuggling schemes. Over the past 5 years, from fiscal 1973 through fiscal 1977, the Service spent \$453,079,106 on combined Inspections and Border Patrol activities. A breakdown of this total by year and activity is contained in Chart A in the Appendix.

The Service has arrested 6,864 aliens in connection with drug violations during the past five years. A year by year breakdown of these arrests is contained in Chart B in the Appendix. In addition, during the same period over 22,000 drug seizures have been made by INS personnel, either alone or in cooperation with agents of the Customs Service or the Drug Enforcement Administration. A year by year breakdown of such seizures by controlled substance is contained in Chart C in the Appendix.

When unlawful drugs are intercepted by Immigration Inspectors at ports of entry, the violator is sent to the Customs secondary area where the arrest and seizure is made. If the arrest and seizure is made by the Border Patrol or an Investigator between ports of entry or at an interior location, the violator and contraband are turned over to the Drug Enforcement Administration. In the event that the U.S. Attorney declines prosecution, the violators are referred to state or local law enforcement authorities.

With respect to the processing of those aliens arrested for drug violations, the Service has deported 2,210 drug violators under section 241(a)(11) of the Immigration and Nationality Act, 8 U.S.C. 1251(a)(11) during the last 5 years as shown on Chart D in the Appendix. According to the U.S. Bureau of Prisons, the average sentence for aliens who are criminally prosecuted is 6.1 months and the average time spent in prison is 4.6 months.

The Immigration and Naturalization Service also cooperates with other agencies in the drug enforcement effort. A number of Border Patrol agents are also designated as Customs Officers, and Immigration Inspectors at land ports of entry are cross designated as Customs Inspectors. As I have already pointed out, Immigration Officers have played an important role in seizing contraband and apprehending violators of other Federal laws. On their part, Customs Patrol Officers apprehend and turn over to the INS undocumented aliens in the border areas. In the last year, 4,351 aliens were delivered to Border Patrol Agents by Customs Officers.

In April, 1975, a Memorandum of Understanding was signed between the INS and Customs providing for cooperation between the two Services. While concededly there are still areas where Customs and INS can achieve more cooperation, we believe that significant progress has been made. This is especially true in the primary inspection process at land border ports, where cross designation and coordination have achieved substantial savings in time and manpower for both agencies.

The first national interagency cross-training agreement with the Customs Service was signed last year providing for cross-training of inspectors engaged in dual, primary inspection activities. This training program was formally implemented during September 1977. A new program is now being negotiated for cross-training of Border Patrol Agents and Customs Patrol Officers.

In addition, 16 of the 21 Border Patrol Sectors have the capability of radio communications with the Customs Patrol. The Chula Vista Sector is presently using a Customs Patrol portable unit in their communications center. This temporary measure will end shortly upon installation of crystals to cover Customs frequencies in our radio network.

INS coordinates closely with the Drug Enforcement Administration in the exchange of mutually responsive intelligence data and in joint field operations. Operational agreements with DEA have been in force since November 29, 1973.

In addition, INS and DEA share operational duties for the El Paso Intelligence Center (EPIC), which collects, analyzes, and disseminates information regarding drug trafficking and illegal alien smuggling activity along the U.S. borders. The Service maintains all narcotics trafficking lookouts at ports of entry for EPIC. The Service presently has 15 employees assigned to EPIC, 9 officers and 6 support personnel. In addition, the Service pays for approximately 20 percent of the operating expenses of EPIC, which amounted to \$97,000 in fiscal year 1977.

INS has also participated with DEA and Customs in the Interagency Drug Intelligence Group-Mexico (IDIG-M). As a result, investigative leads were developed concerning smuggling of aliens as well as involvement of aliens using fraudulent immigration documents. INS was able to respond to queries by DEA and Customs for information which was used by those agencies in their investigations. The data compiled by this group showed that criminals involved in illegal alien traffic have also been involved in traffic of contraband, narcotics, and arms. The INS Director of Intelligence was a member of the permanent committee of IDIG-M, and an Investigator from our Central Office was assigned to the working group from May, 1976 until February, 1977.

In his August 4, 1977 message to Congress on immigration policy, the President gave a high priority to increased border enforcement. Specifically, he recommended the following measures, most of which require some Congressional action: (1) a substantial increase of border enforcement resources and personnel, (2) a shift by the INS of enforcement personnel to the border areas having the highest rates of illegal entry, (3) the creation of an anti-smuggling task force, (4) passage of pending legislation to prohibit the production and knowing possession of false identity documents, and (5) cooperation with other countries in border enforcement and anti-smuggling efforts. While these measures were addressed to the problem of illegal entry of aliens, they also will contribute to the Federal drug interdiction effort.

The INS goals for the coming year include the issuance of machine readable alien travel documents and joint planning with the Customs Service on how that agency can benefit from the use of these automated data cards. Automated screening of applicants for admission would allow more time to concentrate on drug interdiction.

## APPENDIX

CHART A.—AMOUNT SPENT ON INSPECTIONS AND BORDER PATROL ACTIVITIES

Fiscal year	Border patrol	Inspections	Total
1977	\$71, 109, 630	\$46, 018, 656	\$117, 128, 316
1976	61, 691, 874	35, 429, 935	97, 121, 809
1975	52, 254, 055	33, 016, 665	88, 270, 720
1974	46, 894, 121	28, 939, 347	75, 833, 468
1973	40, 302, 543	34, 422, 250	74, 724, 793
Total	275, 252, 223	177, 826, 883	453, 079, 106

CHART B.—ARRESTS FOR DRUG VIOLATIONS

Fiscal year	Number
1977	1, 281
1976	1, 674
1975	1, 639
1974	1, 252
1973	1, 018
Total	6, 864

CHART C.—SEIZURES BY CONTROLLED SUBSTANCE

Fiscal year	INS	Joint	Total
<b>Heroin seizures:</b>			
1977	15	19	34
1976	25	30	55
1975	19	56	75
1974	23	56	79
1973	33	53	86
Total	115	214	329
<b>Cocaine seizures:</b>			
1977	27	24	51
1976	26	33	59
1975	15	63	78
1974	29	64	93
1973	25	48	73
Total	122	232	354
<b>Marijuana seizures:</b>			
1977	1,230	1,892	3,122
1976	1,091	2,007	3,098
1975	1,612	3,125	4,737
1974	1,764	3,331	5,095
1973	1,568	2,363	3,931
Total	7,265	12,718	19,983
<b>Hashish seizures:</b>			
1977	50	223	273
1976	38	216	254
1975	63	299	362
1974	85	376	461
1973	99	356	455
	335	1,470	1,805
1973 to 1977 total			22,471

CHART D.—DRUG VIOLATORS DEPORTED

Fiscal year	Number
1977	372
1976	464
1975	583
1974	396
1973	395
Total	2,210

## STATEMENT OF REX D. DAVIS, DIRECTOR, BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS, U.S. TREASURY DEPARTMENT

Mr. Chairman and committee members, thank you for inviting me here today to discuss the problem of firearms smuggling from the United States into Mexico, and the attending thesis that many of these guns are profitably exchanged for narcotics which are then smuggled into the United States.

The subcommittee is to be congratulated for its interest in the subject. Traffic in firearms to Mexico is a serious problem and deserves attention, particularly since, as you will see from my testimony, part of the problem stems from the comparatively easy accessibility of firearms in the United States.

While there has been a long tradition of a firearms traffic into Mexico, the problem became more acute beginning in 1968 when the Mexican Government passed its stringent firearms law. That law forbids the possession of handguns, and restricts ownership of firearms to rifles and shotguns.

At that time, Mexican firearms stores went out of business and the Government now requires that all weapons owned by private citizens be registered. In addition, there are strict controls on ammunition, and only .22 caliber rimfire cartridges and shotgun shells may be sold, and then only to those persons who have registration certificates.

This obvious curtailment of supply, placed added emphasis on demand. Thus, the United States is a handy source of supply for guns which are moved into Mexico. From our enforcement experience, we know that there is traffic of U.S. guns being taken into Mexico. However, the extent of that traffic is difficult to evaluate.

There also may be some exchange of guns for narcotics in Mexico but, again, the size and frequency of these transactions has not been established, nor do we have concrete evidence that organized crime is involved in these transactions.

Our best information is that the firearms traffic to Mexico is being done by many individuals dealing in small numbers of firearms. We also know there is a sizable traffic in ammunition purchased in the United States and then taken into Mexico.

The volume of this firearms traffic is debatable, but the trafficking exists despite constant interdiction efforts by agents of the Bureau of Alcohol, Tobacco and Firearms and the Customs Service along the border and throughout the entire United States. These interdiction efforts are performed either alone or in conjunction with other State and Federal agencies.

The Bureau's primary jurisdiction over this firearms traffic is through the Gun Control Act of 1968. The Bureau regulates the firearms industry and enforces the law.

We are authorized to conduct compliance investigations of firearms dealers. During these inspections, our agents check firearms acquisition and transaction records to determine if proscribed individuals are obtaining firearms. Under Federal law, there are several classifications of people prohibited from acquiring, possessing or transferring firearms including convicted felons. Also, Federal law requires that machine guns and other so-called gangster type weapons cannot be legally possessed unless they are registered with ATF.

All of these and other provisions of the law are used to enforce our interdiction efforts. However, it must be remembered that ATF jurisdiction exists only within the United States and ends at the border.

With some exceptions, the gun control act prohibits the licensed dealer from selling firearms to anyone not a resident of the State in which the dealer is licensed.

An alien legally can buy a firearm from a licensed dealer if he can establish that he has resided in the State for at least 90 days prior to the date of the purchase, or has a letter authorizing the purchase from the principal officer of the alien's Embassy or Consulate—if that Embassy or Consulate is located in the same State as the dealer from whom the firearm is to be purchased. Generally, the Mexican Government does not authorize its Embassy or Consulates to issue such letters.

The restrictions on the sale of ammunition by the licensed dealer are not as stringent as those on guns the licensed dealer has only to determine that the buyer of ammunition meets a minimum age and that the sale of the ammunition does not place the buyer in violation of any state or local statute applicable at the place of sale, delivery or other disposition.

There are several ways in which guns are acquired in the United States for movement into Mexico.

First, the licensed dealer, acting in collusion with a Mexican resident, might falsify his firearms records to either show that he did not acquire the firearms which he ultimately sells to the Mexican resident, or that firearms were sold to citizens of the United States.

Second, a citizen of the United States is induced, by collusion between the dealer and the Mexican resident, to use his name on the dealer's records as the party to whom the firearms were sold, but with the actual delivery of the guns being made to the Mexican resident who will also pay for the guns.

Third, a citizen of the United States legally acquires the firearms from a licensed dealer in his own name, but resells the guns to the Mexican resident.

Fourth, the Mexican resident uses false identification to establish his eligibility to buy a gun.

It is important to remember that ATF'S responsibility lies in the illegal disposition, acquisition or possession of the guns by the parties involved within the United States.

ATF always has had an active international firearms interdiction program. It was formalized into the Guns to Mexico program in 1973. The effort subsequently was reorganized and now falls under our International Traffic in arms program, better known by its acronym as ITAR. Our efforts to stem the flow of guns to Mexico is a considerable part of the ITAR Program.

One difficulty in our enforcement efforts is the comparative ease by which firearms generally can be obtained in the United States. There are 160,000 Fed-

erally licensed firearms dealers Nationwide. This includes 2,148 licensed firearms dealers situated in those counties along the 1,765 miles of United States-Mexican border.

This breaks down into 585 firearms dealers along the Southern California border, 582 along the Arizona border, 189 along the New Mexico border and 692 along the Texas border.

In addition, it is not illegal for two private citizens to buy, sell or trade firearms among themselves, which they may do freely as long as they are both residents of the same state. If the transactions are interstate and involve handguns they must be conducted through a licensed firearms dealer.

Because of a change in the method of keeping statistics, at the present we are not able to break out those current cases which would fall in the Guns to Mexico category. But in 1975, when the program was getting started, we conducted 83 investigations which resulted in 27 cases. The following year, 1976, we opened 448 investigations which resulted in 100 cases.

Most of the cases we have made are initiated through our own agents acting on intelligence they have developed. Their leads come from inspection of the records of Federally licensed firearms dealers, undercover activities and sometimes referrals from other agencies. Unfortunately, the many thousands of traces we have done on guns picked up in Mexico have not been fruitful in identifying large volume sources of firearms.

In their work along the border, AFT agents often conduct spot surveys of licensed firearms dealers. Two recent surveys on the Texas border reflect the problems they encounter.

In El Paso, agents spot checked eight licensed dealers. They selected the names of 373 gun buyers with Spanish surnames. The agents were able to contact 234 of these purchasers. One hundred and fifteen still had the gun they purchased, or else could account for it. However, of the 234 persons contacted, 83 readily admitted that the gun had been taken to Mexico shortly after its purchase. Another 36 persons could not produce the gun they purchased nor could they provide an adequate explanation of how they disposed of the gun.

A similar spot check was made of 14 licensed dealers in the Brownsville, Texas, area. Three hundred and fourteen purchasers with Spanish surnames were selected. Agents were able to contact 171 purchasers. Of these, 61 readily admitted that they disposed of the gun in Mexico, and 20 could not produce the gun or give a plausible explanation as to what happened to it.

Previously, we conducted extensive ammunition surveys. Two surveys involved .22 caliber ammunition and handgun rimfire ammunition. In one survey conducted from January through June 1975, 648 licensed dealers along the border reported that they had sold more than 7.5 million rounds of ammunition.

We did not count any sales of less than 2,000 rounds of .22 caliber ammunition or 500 rounds of handgun ammunition.

Our analysis of the recorded sales showed that 913 of the persons buying this ammunition had addresses in Mexico and purchased just over 4.8 million of the total 7½ million rounds. The average was 5,000 rounds per individual Mexican purchaser during one six-month period. Further study showed that much of the ammunition sold to persons with a Mexican address was destined for the interior of Mexico, as well as the border states of Chihuahua, Coahuila, Nuevo Leon, and Tamaulipas.

In February of 1976, we did a second, more detailed ammunition sales survey at 36 of the original 648 dealers. The sale period surveyed was from July 1975 through January 1976.

The total recorded sales of .22 caliber and handgun ammunition from these 36 dealers for the seven-month period was more than 9.1 million rounds. Of this, 8.1 million rounds were sold to persons giving addresses in Mexico. This averaged out that each of these 36 dealers sold approximately 32,000 rounds of ammunition a month to Mexican nationals during this seven-month period.

Numerous investigations were initiated. The most significant case was made against a federally licensed firearms dealer in Brownsville, who operated his firearms business from the Villa Verde Food Store, the surveys showed this dealer sold more than 12 million rounds of ammunition to residents of Mexico in a year.

This dealer falsified his records to cover ammunition purchases by nine Mexican residents who transported the ammunition to Mexico. The dealer subsequently pleaded guilty to violating the gun control act and was placed on probation for three years and fined \$3,000. He also lost his firearms dealers license.

These cases and others bear out our observation that many of the guns and ammunition going from the United States to Mexico are being transported by Mexicans who are in the United States either legally or illegally.

The source of these guns is not only along the border, for there is a growing number of cases being made in widely scattered areas of the United States which involve the purchase of guns which end up in Mexico.

It was by inspecting firearms transaction records that our agents in one large metropolitan, midwestern city uncovered what could be a typical method of trafficking of guns by Mexican aliens.

During the inspection of the transaction records, ATF agents selected those records which bore Spanish surnames. They then went to the purchasers and asked about the guns they had bought.

The agents learned that most were Mexicans who had purchased guns singly or two or three at a time, on their next visit to their homeland, they took the guns into Mexico where they were given or sold to relatives or friends. Many of the U.S. purchasers could not speak English, and pleaded ignorance of the law. The result was that ATF made 8 cases which still are pending.

In another recent case, guns seized in Mexico by the Mexican police were found to have originated in Savannah, Tennessee, where they had been purchased from a licensed firearms dealer. Subsequently, the dealer was sentenced for falsifying his records to effect the sale.

One method ATF has used to evaluate the firearms traffic to Mexico has been through the tracing of guns by the ATF National Firearms Tracing Center in Washington.

In 1974, Mexican officials concerned with the problem of illegal firearms in their country, asked ATF for assistance. As a result, the bureau agreed to trace American made firearms seized in Mexico, either by the police or Mexican Army.

Since this program began late in 1974, the bureau has traced about 8,000 firearms. When the guns are seized, their records are forwarded by the Mexican police to a U.S. customs officer or a drug enforcement agent in the embassy in Mexico City. They are then sent to ATF to be traced.

The most recent group of Mexican trace requests for 5,049 guns points up the problems we have in tracing these weapons. For a variety of reasons we were able to trace less than 20 percent of the firearms. Either the information was incomplete, the guns were old and records did not exist, the records were outdated, or else the firearm was of foreign make.

In summation, let me say that ATF has a vigorous interdiction program. We work closely with other federal agencies along the border and have a special agent assigned to the El Paso Intelligence Center.

We know that there is a traffic in guns from the United States into Mexico, but the length of the border along four states makes it difficult to assess the size of this gun running with any exactness. We believe that most trafficking in guns is done in small numbers by many people, and our cases indicate that many Mexicans are participating in the smuggling of guns and ammunition.

Thank you.

## APPENDIX B: ERADICATION AND ENFORCEMENT IN MEXICO— ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

### I. Official Document

#### RESULTS OF THE GOVERNMENT OF MEXICO AND AVIATION ASSOCIATES INTERNATIONAL JOINT INSPECTION OF NARCOTICS GROWING AREAS

MAY 10, 1978.

To Mr. C. P. Bernal, Director, Narcotics Assistance Unit, United States Embassy,  
Mexico City, Mexico.

From John D. Ford, President, Aviation Associates International, P. O. Box  
1420, Plano, Texas 75074.

Re Agency For International Development Negotiated Contract No. AID/1a-C-  
1265, Project No. 523-11-995-919.

In this report, we are outlining the results of the Government of Mexico and  
Aviation Associates International Joint Inspection of designated narcotics grow-  
ing areas. These inspections were under the guidance of the United States Em-  
bassy in Mexico. This outline is divided into the following sections:

- I. Background;
- II. Scope of Work;
- III. Selection of Personnel;
- IV. Approach to the Objective;
- V. Results;
- VI. Oaxaca;
- VII. Chilpancingo;
- VIII. Culiacan; and
- IX. Commentary.

#### *I. Background*

The Agency For International Development entered into a Negotiated Con-  
tract, No. AID/1a-C-1265, with Aviation Associates International (AAI) on  
April 11, 1978. The contractor, AAI, as an independent contractor and not as  
an agent of the government, provided five reconnaissance technicians to accom-  
pany Government of Mexico (GOM) personnel on flying missions as observers for  
a period of thirty days. The AAI observers were to fly in fixed and/or rotor wing  
aircraft belonging to the GOM. They were to inspect designated areas within  
the purview of the GOM's Narcotics Eradication/Interdiction Program under the  
guidance of the United States Embassy in Mexico.

#### *II. Scope of work*

The United States Embassy in Mexico and AAI determined the areas of in-  
vestigation would be (1) Oaxaca—Chemical Dye Evaluation (2) Chilpancingo—  
Poppy Eradication Inspection and (3) Culiacan—Poppy Eradication Inspection  
and Evaluation.

#### *III. Selection of personnel*

AAI personnel were selected for their extensive qualifications in remote area  
navigation, aerial detection/evaluation of narcotic crops and Spanish language  
ability. Three of the five technicians selected had prior experience in the Mexico  
eradication campaign. Four had prior experience in the "Golden Triangle Area"  
of Southeast Asia. John Ford, former Aviation Advisor to Mexico, personally  
functioned as leader of the specialist team.

#### *IV. Approach to the objective*

In line with the objectives outlined in the contract, AAI's principal focus was  
on narcotics crop detection in Chilpancingo and Culiacan areas. Our secondary  
objective was a chemical dye evaluation in Oaxaca.

As a first step AAI technicians met with representatives of the U.S. Embassy of Mexico—NAU, DEA and GOM. Each group provided detailed information about the previous eradication campaigns.

The next step was our central mission to perform onsite inspections and report our findings on a daily basis.

In this capacity AAI technicians and GOM representatives, with the assistance of U.S. Embassy coordinator Mr. Aros, developed reconnaissance teams for Chilpancingo and Culiacan. These teams consisted of a GOM pilot, GOM sensor GOM soldier and a AAI technician who were transported to growing areas in Bell 206 helicopters. Security was provided by Bell 212 helicopters manned by GOM soldiers.

The inspection teams attempted to catalog opium poppy fields as follows:

1. Growing Fields—Those fields having live poppy plants.
2. Destroyed Fields—Those fields having dead or dying plants which could be positively identified as having been chemically eradicated.
3. Prepared Fields—Those fields which had recently been cultivated and could be identified as former poppy fields.
4. Unplanted Former Poppy Fields—Those fields which could be identified, through ground compact and vegetation (weeds, brush, etc.) as not having been planted in recent months but known to have been poppy fields during past campaigns.

At the completion of each day's work GOM representatives and AAI technicians met informally to review their activities and to develop their reports in Spanish and English. In this way, the inspection teams were able to insure that the final reports represented their combined efforts.

#### V. Results

Throughout the project, AAI technicians drew upon the records and experience of the GOM and their staff to assist in collecting and analyzing relevant data.

On completion, the GOM and U.S. group and AAI specialists jointly developed and initiated an inspection of the primary narcotic crop growing areas in Mexico. Also, we were able to jointly take a look at potential problem areas and outline possible moves against them.

#### VI. Oaxaca

Oaxaca is located approximately 250 miles southeast of Mexico City. It is near the primary Marijuana growing areas. Thus it was selected for chemical spray testing of DuPonts' Rhodamine B Extra, a commercial dye.

The objective of these tests was to determine the feasibility of mixing a dye solution with aerial applied chemicals. Thus plants and plant products might be identified as having been sprayed with various chemicals prior to their being harvested.

AAI contacted the following companies for information regarding chemical dyes:

- DuPont, Charlotte, N.C.
- Dow Chemical, Dallas, Texas.
- American Cyanamid Co., Dallas, Texas.
- Hooker Chemical Corp., Niagara Falls, N.Y.
- Shamrock Chemicals, Houston, Texas.
- Amsco Div. of Union Oil, Houston, Texas.
- Phillips Petroleum Chemical Group, Houston, Texas.
- Penwalt, Houston, Texas.
- Olin Chemicals, Dallas, Texas.

DuPont DeNemours EI & Co. Inc., Wilmington, Delaware manufactures Rhodamine B Extra, a Basic Violet 10 (red). The other companies reportedly do not manufacture agricultural chemical dyes.

Mr. James Loper, DuPont Product Information Laboratory, Charlotte, N.C. stated that Rhodamine B Extra, in addition to other applications, is used extensively as an aerial overflight marker. It is normally mixed at a rate of ¼ oz. per gallon of volume. Mr. Loper was not aware of any programs which might be similar in nature to the GOM Marijuana eradication program. Thus his information was limited. He did provide samples of Rhodamine B for testing.

Conversations with representatives of other chemical companies revealed that many textile dyes are available through companies such as GAF, Kodak, Her-

culense and Celanese. Some of these, however, might be toxic in concentrated solutions. They could be hazardous to persons having direct contact with them.

Spray tests were conducted by AAI representatives James Sorensen and John Ford. The tests were conducted in two phases; backpack spraying and helicopter spraying.

Backpack spraying was conducted on Tuesday, April 18, 1978 at 9:15 A.M. The air temperature was 70 degrees fahrenheit and rising. Winds were generally calm. The spray test field was located 6000 ft. above sea level. It contained 20 to 25 Marijuana plants per square meter. They were approximately 36 inches tall. They were a bright green color which indicates a stage of rapid growth.

The spray mixture used consisted of 5 litres of water,  $\frac{1}{4}$  litre of Gramoxone and  $\frac{1}{8}$  litre of Surfapcol AG-1 (Nonionic surfactant). This mixture is proportionate to that normally applied with the Bell 206B helicopter (80 gal. H<sub>2</sub>O, 40 litres Gramoxone, 2 litres Surfapcol AG-1).

The test field was sectioned into five areas. The first area was sprayed with one litre of chemical mixture without Rhodamine B Extra. The second area was sprayed with one litre of chemical mixture plus two tablespoons of Rhodamine B. As the other areas were sprayed the proportion of Rhodamine B was increased. The strongest solution contained six tablespoons of Rhodamine B to one litre of chemical mixture.

Although the Rhodamine B was visible on the ground and other weeds it was not apparent on the Marijuana until a mixture of four tablespoons per one litre of chemical was applied. This was due, in part, to the red color of Rhodamine B blending with the bright green of the Marijuana. It also appeared to fade after application. It was far more visible, and faded less, on dry woody plants such as actus and bamboo.

Subsequent helicopter aerial spray tests were conducted consisting of six tablespoons of Rhodamine B per one litre of chemical mixture. The climatic conditions remained stable as previously outlined.

Both test fields, backpack and helicopter sprayed, were examined at twenty-four and forty-eight hour intervals after spraying. Samples were harvested during each examination. They were stored in protective bags for future observation. AAI representatives noted that the Rhodamine B became more visible as the Marijuana plants died from chemical spraying and/or harvesting. In other words the browning of the Marijuana created a contrast with the red of Rhodamine B. It should be pointed out, however, that each plant receives only a few visible size droplets during aerial spraying.

Approximately three weeks later it was learned that Rhodamine B Extra is a fluorescent material. Thus it could be detected through the use of an ultraviolet (black light) lamp.

Plants which had been sprayed during the April 19, 1978 tests and subjected to an ultraviolet light, in a dark room, revealed:

1. Rhodamine B Extra spots which are visible to the naked eye become highly brilliant when exposed to ultraviolet lamps.
2. There were some Rhodamine B Extra spots which were not visible to the naked eye that became visible under the ultraviolet lamp.
3. Rhodamine B Extra was more visible on the stalk of the plant than it was on the leaf portions.
4. Attempts to crush and identify leaf portions of the plants were not conclusive due to the lack of availability of comparative non-sprayed material.

The U.S. Government, GOM and AAI representatives determined that these tests were not conclusive. However, sufficient favorable data was received to justify a more thorough evaluation.

### VII. Chilpancingo

Chilpancingo is located approximately half way between Mexico City and Acapulco. The primary illegal crop in the area is Opium Poppy.

The Opium Poppy of Chilpancingo are grown in the Sierra Madre del Sur, a rugged mountain range, which rises along the Pacific Ocean. It consists largely of steep ridges and deep gorges cut by mountain streams.

There are problems of reduced visibility (smoke) and turbulence in the area. This is attributed to the farmer's practice of slashing and burning their fields during the early spring. This caused some minor flight delays.

U.S. Government representative Mr. Aros and AAI representatives Jarina, McShane and Theriault conducted an investigation of the Chilpancingo area simultaneously to the Rhodamine B Extra tests in Oaxaca (17 Apr. 78-21 Apr. 78). The areas of concern (Zone 2, Sectors 252, 253 and 258) are located west and northwest of the city.

The joint inspection team flew 39 hours 45 minutes of aerial reconnaissance during their inspection of the Chilpancingo area. They discovered the following:

- Growing fields, 16;
- Destroyed fields, 631; and
- Prepared fields, 91.

The team did not note any significant changes in the growing patterns. For additional information please refer to the enclosed daily work sheets (attachment No. 1) area map (attachment No. 2) and photographs (attachment No. 3).

#### VIII. Culiacan

Culiacan is located approximately 600 miles northwest of Mexico City. It is the jumping off point for the primary Opium Poppy areas of Mexico. Most of the Opium Poppy is located in the Sierra Madre Occidental, a long mountain range that forms the western rim of the Plateau of Mexico. This area represents some of Mexico's most rugged land.

The joint inspection team flew 166 hours 20 minutes of reconnaissance during their inspection of the Culiacan (Zone 06) area. They discovered the following:

- Growing fields, 270;
- Destroyed fields, 608; and
- Prepared fields, 177.

The central section of the Sierra Madre Occidental normally receives sufficient rainfall to support crops both in the mountains and lower coastal plains. This year the entire Zone 06 area is hot and dry. Trees have lost their foliage. Streams are dry. Few animals are visible except around isolated small ponds.

Additionally, there is a change in Opium Poppy cultivation habits. Fields are dispersed and much smaller. Farmers are attempting to camouflage their fields. They plant under trees and rock ledges. Some fields are intermixed with peppers, rice and corn. Also, fields are being grown in formerly untried dry areas through the use of irrigation.

For additional information please refer to the enclosed daily work sheets (attachment No. 4) area map (attachment 5) and photographs (attachment No. 6).

#### IX. Commentary

Throughout this project AAI representatives received complete cooperation from the GOM, U.S. Embassy, and GOM field representatives. The GOM opened their files to us without limitation. We selected the areas to be inspected. On several occasions GOM representatives suggested areas for inspection. We followed those suggestions when time permitted.

It was difficult for us to accurately evaluate the effectiveness of the poppy eradication programs. This is due, in part to the time of year. The harvested or destroyed poppy fields are used as feeding grounds by various wild and domestic animals. This removes all evidence such as plant stalks, bulbs, etc. Therefore, only the most recently sprayed or harvested fields provided unquestionable information.

Through the use of known historic practices we were able to establish perimeters for evaluating other situations. For example all new fields are smaller than average and are more remotely located. Also, many old large fields were not planted during recent months. We found hundreds in this category.

Many of the growing fields located were actually portions of dead fields which were sheltered by trees and also small fields which were almost not visible from the air. This situation of shelter and concealment reduces the amount of sunlight a plant will receive during each day. This will have an ultimate effect on the plants growth and, in turn, the effectiveness of the eradication chemicals. We discussed this potential problem with GOM officials and they plan to monitor chemical effectiveness closely during the next campaign.

We, as a group, feel that the GOM representatives are sincere in their opinion that this was their most successful campaign. Our findings seem to support that point of view.

## II. Newspaper and Magazine Articles

[From the Washington Post, Jan. 8, 1978]

## THE CONTINUING TRAFFIC IN MEXICAN HEROIN

(By Jack Anderson)

Our troubled Mexican neighbors have four major lines of export to the United States and two of them are outright illegal. Out in the open is the shipments of oil and farm products that reach U.S. markets every year.

Illegal but understandable is the northward surge of hundreds of thousands of poverty-impelled Mexicans who sneak into the United States, desperate for underpaid jobs on our ranches and in our cities.

But the most lucrative export is the most sinister. It is the stream of "Mexican mud," or heroin, that originates in the poppy fields of the Sierra Madre and ends up in U.S. drug traffic. The heroin trade across the border enriches the Mexican suppliers by an estimated \$500 million a year and multiplies in value when it hits the illegal U.S. market. Shadowy organizers of smuggling rings have become millionaires on both sides of the Rio Grande. And it has left a backwash of crime, corruption and ruinous addiction in both countries.

These disparate economic worlds come into focus in the fertile Mexican state of Sinaloa and its capital city of Culiacan. Sinaloa, known as the "bread basket" of Mexico, harvests over half of the country's total agricultural production. Over 30 per cent of Mexico's heroin-poppy growth also comes from the isolated Sierra Madre range in Eastern Sinaloa.

Culiacan is both the headquarters of the profitable winter vegetable business and a key refining point for Mexican heroin. And in the crowded barrios of the city and the surrounding rural shantytowns are found the impoverished factory and farm workers. Some drift north to the United States as illegal aliens to seek better pay in the California fields.

We sent our associate Hal Bernton to Sinaloa to investigate the connections between vegetable growers and heroin traffickers. He learned of absentee plantation owners and newly rich drug millionaires living cheek by jowl in plush villas on the tree-lined streets in Culiacan. In some instances, wealthy growers reportedly are amassing hidden fortunes from the heroin trade.

U.S. police sources report that some vegetable producers are deeply involved in drug operations. Our reporter doubled-checked these reports with U.S. narcotics officials who have worked in Mexico. Independently, Jacques Kiere, the top U.S. drug official in Mexico City, told Bernton he knew of "a few reports of heroin . . . discovered being smuggled underneath the vegetable produce in trucks." He stopped short, however, of directly involving major growers.

Other officials, while declining to name names, had heard of participation in the heroin operations. These statements were backed up by sources inside Mexico.

Mexico's inner ring of heroin traffickers is difficult for police agents to penetrate. Most of the bigshots have insulated themselves from direct involvement by layers of underlings. Major dealers also have strong political ties with local government officials, who hamstringing police efforts.

An incredible cash flow from heroin into Culiacan has made it one of the most prosperous cities south of the border. Expensive U.S. luxury items disappear quickly from the shelves of stores in the central city. Cadillacs and Ford LTDs are best sellers in auto showrooms.

But the coming of heroin prosperity has exacted a fearful toll among Culiacan's law-biding inhabitants. The town took on the semblance of Chicago in the days of Al Capone as warring gangs of drug dealers terrorized the citizenry. At nightfall the residents abandoned the streets and huddled behind locked doors. In the dark, drug gangs, toting machine guns and automatic rifles, emerged to engage in deadly shootouts.

In 1976, Culiacan's murder rate ranked among the highest of any city in the world. Policemen who dared to challenge a gang's sway risked assassination.

The Tierra Blanca section on the eastern side of the city became a no-man's-land to outsiders until last year. Then the Mexican government launched a crack-down and sent in army troops. They virtually occupied the city in support of the beleaguered Culiacan police.

Today there are resurgent signs of normalcy. Families stroll the streets, and young couples embrace in the town park. Mime shows play to evening crowds that gather in the central square.

But pickup trucks full of heavily armed soldiers constantly patrol in Culiacan. This near state of siege is a reminder that the gangs may be quiescent but still remain in the shadows. The calm is an uneasy one, and a reduced flow of Mexican mud to the North goes on.

Footnote: The U.S.-Mexican effort to destroy the poppy fields in the high Sierras has dealt Culiacan's heroin economy a severe blow. Helicopters have searched out the poppy fields in the crags and corners of the rugged mountain and destroyed them with poison sprays. The Environmental Protection Agency now wants either to ban or highly restrict one of these sprays in the United States. They believe that the paraquat spray is hazardous to wildlife and may cause pulmonary fibrosis in humans.

[From the Washington Post, Jan. 10, 1978]

## MEXICO WARS ON POPPY GROWERS

(By Jack Anderson)

Among the rugged cliffs and chasms of Mexico's Sierra Madre mountains, the Mexican armed forces are fighting a Vietnam-style war against the poppy growers. There are helicopter search-and-destroy forays, with guerrilla sniper fire at the choppers from below. Prisoners are taken by government troops; the land is being defoliated. And overseeing it all are U.S. advisors.

This grim little war really began two years ago when the Mexican government responding to intense Washington pressure, agreed to launch an undisguised military campaign to eradicate the heroin trade.

Yet unofficially, heroin is probably Mexico's No. 1 export across the Rio Grande. By the most conservative estimate of U.S. narcotics officials, more than \$500 million worth of "Mexican mud," as the dirty brown heroin is called, leaks across the border each year. This is worth billions on the U.S. black market.

Since the heroin war began in the Mexican hinterlands, the United States has contributed \$50 million to the effort. Slowly, the hardy poppy growers are being flushed out of the mountains into the crowded towns that border the Sierra Madre.

But they are fighting every step of the way for their money crop. Their guerrilla warfare is financed by Mexico's organized crime syndicates, which rake in fabulous profits from the heroin smuggling. Hard-eyed henchmen supply the farmers with automatic weapons and tutor them in guerrilla hit-and-hide tactics.

We sent our associate Hal Bernton to Mexico to investigate this obscure war. For a week, he flew with a helicopter crew into the formidable Sierra Madre, once the stronghold of Yaqui Indians, revolutionaries and bandits and now of embattled farmers.

The first morning, Bernton saw three local farmers by the side of the landing pad, hands firmly tied behind their backs, waiting to be flown to a Culiacan jail.

They symbolized a steadfast defiance of the government by the mountain farmers. They view the helicopters and troops as alien invaders seeking to destroy their meager livelihood—the poppy fields hacked out of patches of ground on the remote Sierra slopes.

From hiding places in the rocks, they open up with automatic weapons on the helicopters that come to defoliate their fields. In Bernton's squadron, one chopper had been downed by ground fire, and several had been struck by bullets. Six pilots had died in helicopter crashes.

The frail chopper shook and bounced as it swept among jagged peaks, then suddenly dipped crazily among looming canyon walls on every hand. Under such conditions, it seemed impossible for anyone to spot a small plot of ground tucked away in the craggy landscape.

But Bernton's veteran pilot did. He headed directly for the field. A cliff wall loomed closer and closer. At the last second, he loosed a cloud of poisonous spray over the poppy crop and whipped the craft around to avoid what seemed like an inevitable crash.

The toxic paraquat spray would cause the poppies to wither and die. But it could also menace the health of the pilot. For the average \$300 a week the pilots are paid, they not only risk bullets and crashes; there is also an insidious risk of overexposure to the hazardous paraquat.

The paraquat problem also has a ripple effect for millions of pot smokers in the United States. The Mexican authorities use the poisonous paraquat to attack the huge marijuana harvest as well as the heroin poppy plantings.

Authorities are convinced, nevertheless, that the cooperative Mexican-American assault on the narcotics source of supply is succeeding. The helicopters are able to penetrate and destroy fields in remote regions that were unreachable by any other means. The choppers have been able to spray as many as 3,000 fields a day during the peak of the poppy harvest.

[From the Washington Post, Jan. 14, 1978]

## MEXICAN CONNECTION IS DRYING UP

(By Jack Anderson)

Quiet panic is rippling across the U.S. drug scene because a Washington-financed crackdown south of the border is converting "Mexican mud," the staple of U.S. heroin addicts, into milk sugar sludge.

The success of the war on Mexico's heroin poppy fields can be demonstrated by the fact that in the last 18 months laboratory samples of street heroin seized in U.S. cities have shown the purity level dropping from 13.5 to 4.5 percent.

Before the crackdown, Mexican drug wholesalers delivered a product containing 70 percent pure heroin and 30 percent adulterants, usually milk sugar. Now U.S. narcotics agents are confiscating shipments that test out at 16 percent heroin and 84 percent dilutants.

At the same time, the price of even the understrength heroin has almost doubled in the past two years, undercover agents report. There was a time when Mexican wholesalers in the narcotics trade had to deliver a pure product and streetcorner peddlers risked their lives if they "cut" their illicit merchandise too much. This is no longer true.

Police sources have told us that if a dealer fobbed off 3 percent heroin to heavy users just a while back, "he would have been killed." But today all street heroin is heavily diluted; the stronger stuff is simply no longer available.

This is a double-edged development.

First the good news: The U.S.-Mexican campaign to stamp out heroin poppy-growing in Mexico's Sierra Madre Mountains seems to be succeeding. According to the Drug Enforcement Administration, 47,063 poppy fields, representing possibly 10 tons of heroin, were eradicated in the past year by spraying, burning and patrolling.

Now for the bad news: some top drug experts fear that the drastic decline in heroin purity may touch off an increased crime spree by heavy users in this country. Hard-core addicts will have to seal and rob more to support their more expensive habit.

One veteran narcotics officer, warning that the adulterated product would bring more drug-inspired crimes, explained: "The new hypes don't mind the weak stuff. But for the old hypes, nothing is strong enough. Hard-core holdouts are going to continue to use more heroin and steal more."

The experts also anticipate that the drying up of the Mexican connection may cause the spread of heroin production to areas U.S. influence is less persuasive.

A few heroin poppy fields have cropped up in other Latin American countries and are believed ripe for expanding into the illicit opium harvest business. Opium syndicates in Southeast Asia also are preparing to take up the slack.

Officials warn that Asian heroin, which used to be sent to Europe in 98 percent pure form, is now coming directly across the Pacific into San Francisco for a ready clientele. And significantly, the Drug Enforcement Administration recently seized seven ounces of pure Asian white heroin in Casa Grande, Ariz.

This is a reminder that the best smuggling routes pass through Mexico. Whether it's brown Mexico heroin or white Asian heroin, it's available south of the border to those who know how to find it. Our reporter Hal Bernton found a typical "shooting gallery" in the Mexican border town of Nogales. It was located in a barrio called Buenos Aires.

Few tourists have the temerity or the stomach to go there. But hundreds of young Americans junkies make their way there for a quick fix. Some don't return. They wind up in the Nogales morgue, tabbed as victims of overdoses or murder.

Most of the multibillion-dollar trade in illicit heroin from Mexico last year was transported by air and truck. But many smugglers simply walked across the border.

"We just don't have a handle on the situation," Oran Neck of U.S. Customs acknowledged at the border checkpoint in Nogales. Customs officials privately

say they are able to detect only 6 percent of the heroin smuggled across the Rio Grande.

Most of it comes in by air. A confidential Customs report indicates the traffickers simply hop-scotch the border in light planes, then fly to the northern United States to unload their illegal cargo. Authorities in Arizona and Utah have detected an alarming increase in drug operations.

"You can spot literally hundreds of airstrips out there," a Customs officer related.

The pilots running the drugs are seldom caught because they touch down and take off within minutes.

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[From the Albuquerque Journal, Apr. 7, 1978]

## MEXICO MAY SEEK AID TO REPLACE DRUG CROPS

(By Mike Gallagher)

The Mexican government may seek economic aid from the United Nations to help farmers make a living by growing crops other than marijuana and opium poppies.

Deputy Attorney General of Mexico Samuel Alba-Leyva said at a law enforcement conference in Albuquerque that the farmers of opium poppies and marijuana must have alternatives to the illegal cash crops.

"The government is not going to tell the people to stop producing narcotic crop and then have (those people) die of starvation," Alba-Leyva said during a break at the Southwestern States Conference on Crime and the Border meeting at the Albuquerque Convention Center.

The narcotic crops are primarily grown in the two Mexican states of Durango and Sinaloa, which are widely underdeveloped and populated by relatively isolated Indian tribes living in the rough terrain covering the majority of the two states.

The Mexican government has just completed a socio-economic study of the area Alba-Leyva said, but nothing has been done to put the results of the study into practice.

The deputy attorney general said possible programs are being reviewed by several government agencies.

"Road construction is necessary to create small units of agricultural production and provide better education for people who grow narcotics," he said.

Asked if the United States, which has aided in the poppy and marijuana eradication programs, would be asked to help, Alba-Leyva said, "up until this point we haven't discussed the funds, but the funds might be requested by the United Nations."

Last year at a United Nations meeting, a conference of nations concerned with narcotics trafficking suggested a United Nations fund be set aside to aid those countries where narcotics are produced.

Alba-Leyva explained that an individual farmer could make about 50,000 pesos or \$2,000 by growing and producing about two acres of poppies. "A hectare can produce about 10 kilos of opium paste and it takes five kilos of opium paste to make one kilogram of heroin," he said.

To small farmers the 50,000 pesos represents the average income of a Mexican citizen over a three-year period.

Responding to estimates that narcotics trafficking represents 4 percent of Mexico's \$79 billion gross national product, the deputy attorney general said there was no way of telling.

"There is no way to estimate illegal acts. I don't think we would be able to say with no hard facts," he said.

Alba-Leyva said there is only a minimal heroin problem in Mexico. "Marijuana costs less," he said, explaining that a gram of heroin costs \$40 and a kilogram of marijuana costs about the same.

"We are prepared to honor our commitment to the eradication program," he said.

He also said the Mexican government is committed to the use of the herbicide paraquat, which has come under fire because of the possible lung damage from smoking contaminated marijuana.

"In Mexico we don't understand why the herbicides have raised such a commotion. The cultivation and trafficking in marijuana are completely illegal acts," he said.

[From the Christian Science Monitor, Apr. 13, 1978]

## MEXICO HELPS UNITED STATES FIGHT DRUGS—BIG GAINS REPORTED IN CUTTING DOWN OPIUM CROP; END OF ILLEGAL HEROIN PRODUCTION BY 1980 SEEN

(By James Nelson Goodsell)

Mexico in "on the brink of spectacular success" in its two-year campaign to eradicate the opium poppy from which heroin is made.

That is the estimate of top United States officials here who have both cooperated with Mexicans in the effort and watched Mexican drug personnel destroy the poppy fields and track down the traffickers in heroin.

From a \$2 billion a year activity, illegal drug traffic now is down to something below a billion dollars and falling. In fact, by 1980, if all goes according to plan, Mexico will no longer be a heroin supplier to the United States.

The effects of the Mexican program already are being felt in the U.S. with the street sale price of heroin having jumped 75 percent in the past six months. It is expected to go even higher as heroin becomes scarcer. Moreover, the heroin that is coming into the U.S. now is much less pure than before; scarcity has forced producers to lower the percentage of pure heroin in shipments crossing the border.

Concurrently, the Mexicans also are going after marijuana with similar success.

### OTHER SOURCES UNCHECKED

But in contrast to the successful Mexican effort, U.S. drug officials say that the flow of dangerous narcotics—particularly cocaine, but also heroin and marijuana—is continuing from other Latin American sources. They name Colombia and Jamaica in particular, with evidence of a strong flow also from Bolivia, Ecuador, and Peru.

Moreover, they complain that authorities in some of these nations are not overly cooperative with U.S. efforts to slow the drug traffic.

Cooperation between the Mexican government and officials of the U.S. Drug Enforcement Administration (DEA), on the other hand, has been close and relations generally good. While officers of the 16-month-old administration of President José López Portillo regard the drug traffic as more a U.S. problem than a Mexican, since the U.S. is the market, they recognize the need to snuff out drug production at its source if drug traffic is to be curbed.

At the same time, Mexican authorities are concerned that Mexican youth will take to drugs if they are readily available—and worry even more about the crime-related activities that have developed around the drug traffic.

### CRIME DRAMATICALLY REDUCED

In Culiacán, the key center of the traffic, crime and violence had by 1976 become endemic, with drug-related murders almost daily. Although the eradication program has not entirely eliminated this situation, crime in Culiacán is down 300 percent in one year, according to officials of Mexico's attorney general's office.

"We can see just exactly what the drug traffic was doing to law and order," comments one of these officials "There was a distinct correlation."

The eradication program, and particularly the spraying of the poppy and marijuana fields with herbicides from helicopters, has drawn fire in Mexico. Some politicians have protested to the López Portillo government; farmers growing the poppy claim the spraying has cut down on their earning prospects, and numerous Mexican nationalists attack the program because of U.S. support for the endeavor.

At the same time, the marijuana eradication effort is drawing fire in the U.S. following disclosure that the herbicide used in spraying marijuana fields, paraquat, may have dangerous side effects.

### HAZARDS INVOLVED

The problem with marijuana spraying arises because this spraying, in contrast with poppy spraying, leaves a plant that can for up to 24 hours be harvested—but the herbicide remains and can cause physical disorders if smoked.

Numerous pro-marijuana organizations are launching a campaign in the United States on the question of spraying. The DEA, meanwhile, has issued warnings.

Such complaints have little effect on Mexican authorities, who say they are determined to wipe out both the poppy and marijuana culture.

Using sophisticated infra-red photographic equipment, obtained from the United States, Mexican drug officials and federal troops in helicopters spot fields sown with the poppy or with marijuana and then spray them with herbicides. The photographic equipment was developed by the U.S. National Space and Aeronautics Administration.

#### EQUIPMENT FROM U.S.

Both this equipment and the helicopters have been supplied by the United States at an estimated cost of \$30 million, but the rest of the program is paid for by Mexico, including the purchase of herbicides—paraquat for marijuana spraying, a British product, and 2-4D for poppy spraying, a Mexican product. Neither is a defoliant in the sense of those used in Vietnam by the United States and neither hurts the soil; in fact 2-4D may well help fertilize the soil. The big question, of course, remains paraquat.

Much of the spraying is done in remote areas of Mexico where highways are few and where the terrain is rugged. Some of the marijuana and poppy fields are on government land.

No legal action is taken against the farmers raising either marijuana or poppies other than the destruction of the crop. What criminal charges are leveled by Mexican authorities are placed on the traffickers and the processors, and not the farmers.

At this moment, an estimated 400 such individuals are in prison awaiting trial another 100 or so are reported to have been killed in shootouts with Mexican authorities.

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[From the New York Times Magazine, Aug. 13, 1978]

#### PARAQUAT AND THE MARIJUANA WAR

(By Jesse Kornbluth)

Daryl Dodson, then a \$125-a-week intern on the Senate Permanent Subcommittee on Investigations, first heard that the Mexican Government was spraying a lung-seeking poison on illegal marijuana fields in February 1977. He did not believe it. Keith Stroup, director of the National Organization for the Reform of Marijuana Laws (NORMAL), first heard about aerial spraying of the Mexican marijuana fields with this lethal herbicide—paraquat—a few months earlier. He, too, did not believe it. But both Dodson and Stroup were curious about the stories that a reporter, Craig Copetas, was filing in High Times magazine about the use of paraquat in the Mexican-American war against marijuana, and both of them did something about it. Dodson's research began a Senate subcommittee investigation that led, finally, to Government testing of contaminated Mexican marijuana. Keith Stroup added paraquat to his 1977 lobbying agenda, and took his list to the basement office where Dr. Peter Bourne, an old friend, had just started working as the director of the White House Office of Drug Abuse Policy. Dr. Bourne also did not believe the paraquat stories.

Early in 1977, there was little reason why anyone outside the State Department or Drug Enforcement Administration should have heard about paraquat. A year later, however, paraquat has become, for many young Americans, a symbol of governmental malversation as emotionally charged as napalm was for an earlier generation. The State Department's long-unnoticed involvement in Mexican marijuana eradication has grown into a potential public health crisis, another in a series of foreign-policy embarrassments for the Carter Administration, and, most recently, into a domestic political controversy that has pitted the State Department and President Carter against Senator Charles Percy's legislation to block this controversial program's 1979 funding.

Looking back, it is not hard to see why so many Government officials believed for so long that the campaign to stop paraquat spraying was the byproduct of marijuana-induced paranoia. For, in 1975, when the State Department's International Narcotics Control unit began transferring almost \$15 million a year to the Mexican Government, American involvement seemed limited to technical assistance, salary subsidies and gifts of helicopters. The Mexicans used their new equipment to spray paraquat on marijuana fields and another herbicide, 2,4-D,

on opium-poppy fields. The object was to eradicate drugs at the source, and the program was a success. With one minor exception: Mexican marijuana growers had learned that paraquat-drenched plants might still be sold as commercial-grade marijuana if they could be harvested before the herbicide turned the leaves brittle and the taste harsh. Because their illegal crop meant the difference between a subsistence income of \$200 a year and a cultivator's income of as much as \$5,000, the Mexicans unhesitatingly harvested the poisoned marijuana. And then they sold it to Americans.

The dangers of paraquat were no secret to the State Department. Swallowing as little as a half ounce is suicidal; paraquat gravitates to the lungs, where it causes such massive damage that death almost invariably occurs within two weeks. There is no known antidote. But whether paraquat that is burned, and then inhaled, produces those same deadly results was unknown. In 1975, when State started funding the Mexican program, there had been no inhalation studies. There would be none until 1977, when Senate investigators forced the issue.

This March, Secretary of Health, Education and Welfare Joseph Califano announced the disturbing results of those tests: Heavy users of this tainted marijuana might develop fibrosis, an irreversible lung disease, and "clinically measurable damage" might befall less frequent smokers. In the furor that followed, the Administration explained that there was nothing it could do but warn smokers against Mexican marijuana—the Government of Mexico selected this herbicide independently, purchased it from a British company with its own funds, and sprayed marijuana mostly when opium-poppy fields, the true targets of the American-funded program, lay fallow. And if the United States pressured the Mexicans, the probable outcome would be suspension of opium-poppy spraying—and intensified spraying of marijuana with paraquat.

Because no one has yet been hospitalized complaining of a burning throat and bloody sputum—the suspected symptoms of paraquat poisoning—the panic that followed Secretary Califano's announcement has all but disappeared. It should not have. For among the many accomplishments of the Mexican-American eradication program are these unforeseen results:

Contrary to the original, widely publicized White House announcement, the poisoned marijuana is generally indistinguishable from the ordinary Mexican product.

Because of the distribution patterns of Mexican marijuana, paraquat-sprayed marijuana is sold mostly on the West Coast to teen-agers, on the East Coast in ghettos, and, across the nation, to the estimated 200,000 Armed Forces enlisted personnel who smoke. These are the three groups least likely to have heard Secretary Califano's warning, or to believe it if they did.

Some laboratories which have conducted anonymous testing for marijuana consumers have been overwhelmed by the demand for tests and have fallen as much as six weeks behind—more time than most marijuana smokers are probably willing to wait.

Conflicting statistics released by various Government agencies have caused widespread confusion. Secretary Califano's announcement indicated that one-fifth of the marijuana confiscated at the Mexican border had been contaminated by paraquat, some of it at a concentration 40,000 times greater than the Environmental Protection Agency allows for domestic use. In August, the Center for Disease Control found a contamination rate of 2 percent in paraquat-positive samples forwarded from a private West Coast testing laboratory. Meanwhile, paraquat "test kits," which, theoretically, could enable smokers to resolve their own confusion, are almost universally unreliable, according to the Center for Disease Control. A few of them contain chemicals that, if improperly mixed, can create explosions. And the one test kit developed by Government scientists—said to be the first such device consumers can use with confidence—cannot be marketed until it has been approved by the Food and Drug Administration.

The Mexican Government has decided to add a red dye to paraquat so buyers of the sprayed crop will know before they smoke it that their marijuana has been poisoned. The White House, in turn, has broadcast this decision as if it were a solution to the paraquat problem. Because of this announcement, many smokers believe that the red dye has already been added to paraquat. It has not. At the current rate of testing, it should be approved for use in 1980.

In July, Dr. Bourne resigned his White House post after an incident involving a possibly fraudulent prescription he wrote for his 25-year-old assistant. A major

factor in his resignation—in addition to the embarrassment the White House drug adviser had caused with his prescription for a widely abused depressant—was the effect of subsequent reports, denied by Dr. Bourne, that he had snorted cocaine at a party given last December by NORMAL. It took seven months for those reports to surface, in part because Keith Stroup had denied them three times. But in July, with Dr. Bourne still enthusiastically supporting paraquat spraying, NORMAL contributed to the news break that made it impossible for him to continue at the White House. Dr. Bourne, contended Mr. Stroup, was thus the first casualty of paraquat.

This March, when every attempt to influence the White House and State Department had failed, NORMAL filed suit against four Government agencies, noting that although nearly \$50 million had been pumped into the Mexican eradication program, an environmental-impact statement had never been filed. Until it was NORMAL argued, all funds which support paraquat spraying should be suspended. In June, a United States District Court judge ruled against NORMAL. But late in July, Senator Charles Percy introduced a rider to the Security Assistance Act to block funding of any marijuana-eradication program that uses health endangering herbicides. This amendment will remind smokers that marijuana may at last be as dangerous as the Government always said it was. But even if Senator Percy's legislation becomes law, it is uncertain whether it will deter paraquat spraying in Mexico.

The reasons why the American Government will not, or cannot, pressure the Mexicans to halt the spraying are complex. They touch on bilateral issues that have nothing to do with marijuana eradication: American and Mexican agricultural interests, Mexican land reform, Mexican domestic unrest and the Mexican Government's counter insurgency campaign. But at bottom, the paraquat story is about an American foreign-policy problem that, like Frankenstein's monster, went wrong. Viewed this way, it is a paradigm of sorts, suggesting that what our Government does in the name of stopping the drug problem may very easily become the problem itself.

Although marijuana is still classified with heroin, as a Class I narcotic, it has become, for many as American as blue jeans: By Government estimate, a tenth of the adult population enjoys it as least "occasionally." Last year, arguing that "penalties against possession of a drug should not be more damaging to an individual than the use of the drug itself," President Carter called for decriminalization of marijuana at the Federal level for amounts up to one ounce. Ten states had already changed their laws to accommodate new medical evidence and the changed social attitudes about marijuana, and Alaska had legalized home cultivation for personal use. Aggressive enforcement against marijuana use has ended, and 60 percent of the respondents in a recent Gallup Poll support decriminalization, with 28 percent favoring outright legalization. As Dr. Bourne said this spring, "Our ability to control marijuana is almost nil. The situation is more and more like Prohibition. . . . All the movement is in one direction—toward reduced penalties."

In Mexico, the source of 60 percent of the marijuana smoked in America, the movement is also all in one direction—toward eradication. Although Mexican opium fields represent a much larger cash crop, it is marijuana which the Government of Mexico considers the most offensive treasure of the Sierra Madre: That 23,000-square-mile region has never been under effective national control, and Mexican Governments have long feared the political effects of the illegal, income-producing marijuana crop there. As a result, Mexico has been in the business of marijuana eradication for decades.

By 1969, marijuana eradication had also become a priority of the Nixon White House, and Government scientists began the search for a herbicide that would dramatically reduce the Mexican supply—or incapacitate American smokers (a spray to make smokers nauseated was synthesized in 1969 but not used). The recommendations of the 1969 Task Force on Narcotics Traffic seemed more fruitful: an expanded poppy and marijuana eradication program, the development of electronic sensory technology to detect the illicit fields and the actual spraying of these fields with herbicides. In 1970, the United States gave Mexico five helicopters and three airplanes to initiate a herbicide program.

At a time when other United States aircraft were defoliating Vietnamese rice fields, the Mexicans were understandably less than appreciative of this gift. "Mexico will never allow itself to be used as a proving ground for herbicides nor to suffer damage to the ecology of our country, and we would never accept

any product that might cause damage to our land," Mexican Attorney General Pedro Ojeda Paullada announced in 1971.

In 1971, with 20 percent of our enlisted men in Vietnam addicted to heroin, American concern began shifting away from marijuana. By 1973, when 20 percent of the 21-year-olds in Washington, D.C., had sought treatment for heroin addiction, that shift was complete. But closing off the Turkish connection did nothing to stem a steadily increasing flow of heroin into America's ghettos and suburbs. By 1975, Mexico provided 89 percent of America's heroin, and America provided Mexico with a \$2 billion-a-year industry.

That industry soon began to destabilize the Mexican economy, breeding corruption and violence. (In Culiacan alone, there were 300 drug-related murders in 1975.) If such lawlessness were to spread throughout the Sierra Madre, a quarter of Mexican land would be out of the Government's control, so Attorney General Paullada invited the United States Drug Enforcement Administration to observe the spring 1975 eradication campaign. "Good ideas," Paullada said, do not belong to any one country."

"Operation Clearview," the D.E.A. fact-finding mission in Mexico that spring of 1975, endorsed aerial spraying for very practical reasons. Every program, from President Nixon's ill-considered "Operation Intercept" on, had failed to stop drug traffic at the border; at best, 10 percent of the Mexican heroin was interdicted there. And when the narcotics growers did not open fire on the eradicators who had come, armed with flame throwers and sticks, to eradicate their crops, they had an alarming tendency to bribe the troops. With aerial spraying, the eradicators would never meet the growers.

The D.E.A. also had a technology which would pinpoint the illicit fields. Nicknamed MOPS, the Multispectral Opium Poppy Sensor System was a four-lens camera allegedly capable of surveying 250 square miles a day with 90 percent accuracy. MOPS was the legacy of Robert McNamara's "electronic battlefield," modified for drug-enforcement work. Eventually, the men who tried to use it stared with laughter whenever MOPS was mentioned: The wilderness it so faithfully photographed had never been adequately mapped by the Government of Mexico, so searches could not be conducted.

But with the promise of American technical assistance, all the Mexicans would have to do was choose a herbicide, load it, fly the copters and man the sprayers. And because there were, at that time, so few trained helicopter pilots in Mexico, the United States advisers could even suggest an American-based company of pilots, many of them Vietnam veterans, to fly the copters for the first few campaigns. (In one of the ironies of this program, an American pilot is reported to have smoked prime Oaxacan marijuana in the chopper as he and his Mexican associates eradicated the marijuana fields below.)

The Mexicans agreed to an aerial spraying program for reasons that went beyond a bilateral concern over heroin. They would be given a small air force, and at an extremely opportune moment: Less than a fifth of the land supposedly distributed to the peasants by the Secretary of Agrarian Reform had actually been transferred, and in Sinaloa—one of the three main drug-producing states—almost 900,000 *hectares* deeded to the peasants remained in their former owners' control. In 1975, peasants were beginning to appropriate these lands by force. An armed peasant rebellion seemed a possibility. And if that rebellion spread to Mexico's vegetable-growing region—which provides 60 percent of America's winter vegetables and which, like the Sinaloa fields, is controlled by a few rich growers with strong ties to American agricultural companies—the outcome might be a bloody civil war. But with the acquisition of helicopters and sophisticated technology, the eradication program could also identify the alleged guerrilla "training camps" in these mountains.

And, of course, the American helicopters could be used to spray the crop the Mexican Government feared most: marijuana.

John Ford, an aviation services adviser for the Agency for International Development, more or less developed the drug-eradication program for the Mexicans in the fall of 1975. In his memos, Mr. Ford indicated that both the American and Mexican Governments knew that poisoned marijuana was being harvested. Presumably it was being sold.

When Mr. Ford arrived in Mexico in October 1975, in fact, almost the first thing he did was survey some marijuana fields. On Oct. 14, he supervised preliminary tests of the aerial-spraying device using Gramoxone—the foreign equivalent of paraquat—on a patch of marijuana. The next day, when he re-

turned to inspect the damage, he discovered that "a large portion of the field had been harvested after it was sprayed."

Though Mr. Ford continued testing, Department of Agriculture specialists strongly opposed paraquat spraying. Staff scientist W. C. Shaw noted, "Ten to 15 additional herbicides are effective for controlling narcotic plants and possess far less risk to applicators and the environment. . . ." Mr. Shaw underscored his concern: "Experience has shown that when U.S. Government officials are involved in any way, including the sale of equipment, sale of chemicals, or giving advice to a foreign country in which damage subsequently results, the U.S. Government is always the target of blame."

Feb. 11, 1976, marked the first time the State Department countered critics of the eradication program with the claim that paraquat spraying would soon end "because of unsatisfactory results in eradication." Whenever State was subsequently questioned, officials said that only 2,4-D would be sprayed in the future—as Senator Percy was told in May 1977, "tests showed it was more effective and easier to handle."

But the simple fact is that the Mexican Government had not seriously considered using 2,4-D on marijuana since 1975. On the contrary, the Mexicans are highly committed to paraquat, which they consider the most effective—and safest—herbicide available. After repeated questioning, the Mexican Attorney General's office could not locate a single Mexican narcotics specialist who even gave the Americans any reason to believe that Mexico would stop spraying paraquat.

On May 27, 1977, Dr. Bourne, under pressure from the Senate Subcommittee on Investigations, convened a White House meeting which was to explore testing procedures the Government might initiate to answer one long-ignored question: If paraquat kills when swallowed, what happens when it is smoked? There were representatives present from the D.E.A., the Food and Drug Administration, the Environmental Protection Agency, the State Department, the National Institute of Drug Abuse—and the Investigations Subcommittee. According to Daryl Dodson: "The opinion of almost everyone there was that people didn't want to spend resources testing for paraquat poisoning. 'This may be the biggest breakthrough in drug abuse yet,' someone said. There were jokes like, 'Well, we've finally found a way to stop pot smokers.' Richard Dugstad [of the State Department] continued to say there was no evidence contaminated marijuana was being harvested—yet he had forwarded the Ford memos, which directly contradicted him, to us. Over and over, people asked, 'Why are we even concerned about this until Peter Bourne said, 'Because we have a responsibility.'"

While American scientists began testing contaminated Mexican marijuana, Mexico accelerated its eradication campaign. In 1976, helicopters had sprayed 14,633 marijuana fields; in the year ending Nov. 30, 1977, they destroyed 23,761 fields. The State Department, however, registered no formal request for even a temporary slowdown while tests were being conducted: The results of the opium eradication were so impressive no one wanted to alienate the Government of Mexico. For the supply of Mexican heroin had been reduced by one and a half tons in a single year, and its retail purity was at the lowest level in seven years. As a result, heroin overdoses had been dramatically reduced. And because the Mexicans had proved their commitment to this campaign with the equivalent of \$40 million spent annually—and 17 agents' lives lost in helicopter crashes or shootouts—State Department officials were not inclined to endanger future Mexican cooperation in any way.

In November 1977, Dr. Bourne received the first reports that some paraquat had survived the combustion tests and that preliminary studies indicated damage to the lungs of laboratory rats. It was not until Dec. 9, 1977, after these tests had confirmed what critics of the program had long contended, that the Carter Administration broke its 10-month silence, and in effect, acknowledged both the spraying and the possibility of lung damage.

Secretary Califano's announcement of these results in March was alarming for more than health reasons. Leading off H.E.W.'s list of preliminary conclusions was the report that a marijuana user would have to eat between 32 and 320 pounds of poisoned brownies in a short time to receive a fatal dose—as if the Government actually believed that marijuana is primarily consumed in food. Government spokesmen did not seem to think that smokers had rights to health protection, despite statistics indicating that 16 million Americans use the drug. "Individuals have some responsibility and choice in the matter—they don't have to smoke," one White House aide said.

On the East Coast, paraquat was at best a momentary scare for marijuana smokers; since the mid-1970's, most Eastern marijuana has come from Colombia. The Mexican marijuana that reaches Washington, New York and Boston, dealers say, is mostly inferior stuff, suitable mainly for the "loose joints" sold on street corners and "nickel bags" sold in school corridors.

On the West Coast, where most marijuana comes from Mexico, the reaction to the Califano announcement was more focused. After a late-night Los Angeles disc jockey suggested that listeners phone the White House, 5,000 calls jammed the White House switchboard. Concerned users formed a group called SCAMS—Southern Californians Against Marijuana Spraying—and collected 300,000 signatures on a protest petition in less than a month. Thirty-seven members of the California Legislature signed a letter of protest to President Carter. In Newport Beach, Michael Flasher Consultants Inc., which is staffed by former narcotics agents, began compiling data for a paraquat source-book it plans to make available to attorneys whose health-impaired clients might want to sue the State Department.

The effect of official misinformation, delays in testing and unreliable home kits was to create panic among California's marijuana smokers. "Nothing facilitates conspiracy thinking more than the idea that the Government is systematically poisoning a selective segment of the population," notes Dr. David Smith, director of the Haight Asbury Free Clinic in San Francisco. "Already this paraquat scare has caused more problems than all the marijuana cases we've seen in our 11 years here—and we've had 500,000 client visits in that time." This spring, Dr. Smith's doctors saw 17 people with suspected symptoms of paraquat poisoning. "It is true that all physical toxicity is only 'suspected,' and, as the Center for Disease Control points out, it may be years before symptoms show up," he says. "But the psychological toxicity of paraquat is verifiable simply by looking at our clientele. We're getting middle-class, employed people with no pre-existing psychological conditions. They are anxious and debilitated." One of them was a pregnant woman who had read that paraquat causes birth defects in rats; in what some consider this controversy's first paraquat-related death, she aborted the fetus.

At his July 20 press conference, President Carter was finally questioned about paraquat. It was not the most embarrassing question he could have been asked—that would have probed this country's financial commitment to the marijuana eradication program, which has amounted to perhaps \$16 million since 1975. Still, the President's unflappable endorsement of the campaign ("I favor this program very strongly," he said) was sufficient to make a group of White House officials boo his image on their television screen.

But although this was the President's first public statement about paraquat, it was not the first time that a remark of his had affected the eradication program. Near the end of another press conference, on Jan. 12, Mr. Carter was asked about an incident in which shots had been fired at an American helicopter from the Mexican side of the border. He explained, "We have in Mexico, in close cooperation with the Mexican Government, used our helicopters for the detection of poppy fields that produce heroin and other hard drugs in Mexico. And my understanding was that the helicopter fired at was in the process of trying to destroy heroin, or poppy fields."

President Carter's ignorance of the poppy-growing areas, which are far from the American border, and his mistaken belief that American pilots in American helicopters participated in aerial spraying, infuriated the Mexican Government; there was already, in Mexico, criticism of the Government for cooperating with what many considered an American program. The next day—two days before a squad of D.E.A. personnel was to leave for Mexico to monitor the eradication results—Mexican representatives advised the D.E.A. that they would be allowed to ride in the helicopters for only two more weeks.

The Mexican Government had, in September 1977, grounded D.E.A. reconnaissance planes in the Sierra Madre. Now, with a complete ban on D.E.A. personnel, what Peter Bourne describes as the D.E.A. attitude toward the Mexican pilots—that "they are all corrupt and D.E.A. agents must watch them"—may finally be justified.

Certainly, the new Mexican statistics are puzzling. Rather than begin a spraying campaign in January, Mexico decided, for the first time in the program's history, to fly reconnaissance planes over the entire country. The aim was to determine whether opium poppies were being grown in previously uncultivated

regions, although much of the surveyed region was known to be impossibly barren. By mid-February, it was the D.E.A.'s impression that, with harvest only two months away, the Mexicans had not begun spraying.

According to the Mexican Attorney General's office, eradication has been undertaken and the results have been impressive: As of June 20, the helicopters had sprayed 16,074 opium-poppy fields and 2,720 marijuana fields. Mexican officials cite several reasons for the dramatic drop in marijuana eradication: the success of last year's campaign, the crop-substitution program, and an unusually prolonged drought.

The Mexicans do not cite corruption as a possible reason, but civilian observers have been quick to connect the removal of American monitors from the helicopters to what they say is a changed pattern in spraying: "What they're doing in the south is making it impossible to grow marijuana if you haven't made your deal with the *Federales*," says Dick Reavis, a writer who has studied conditions in the Sierra Madre. "If you're rich and a landowner, you and the Government are probably cousins. They don't destroy dope on friendly farms—in Oaxaca, I saw 70 acres growing and no one messed with it. They knew whose it was."

The Mexican Government contests this, arguing that the salary supplements the United States pays to its Mexican pilots and mechanics more than eliminates the possibility of corruption. They suggest their figures point to an achievement of historical proportions: the extinction of Mexican marijuana for the foreseeable future. Even if some is still grown and sprayed and harvested, they say, it will soon be colored with a red dye called Rhodamine B. But the Government of Mexico does not wish to poison smokers with the chemical it hopes will alert them to the other, primary, poison: They are now testing the dye. The only problem is that inhalation tests take a long time. At the present rate, they will be completed in two years.

At a recent conference at the National Institute of Drug Abuse, during a heated discussion about the potential dangers of paraquat and the "known dangers" of marijuana, Dr. Robert DuPont, then the director of the institute, told a story about another eradication program. This one was initiated by the Government of Afghanistan, a nation which does not allow its citizens to drink alcohol. Although liquor had been effectively banned, Dr. DuPont said, the Commissioner of Health noticed one area of potential abuse: Hospitals were ordering alcohol in such quantities that it was clear a booming black market was being operated out of their supply rooms. But the Health Commissioner had a solution. He announced that in six months all hospital alcohol would be colored with a dye indicating it had also been tainted with poison. The poison was lethal, and those who had formerly consumed this alcohol were not to drink it. This announcement was broadcast frequently enough to satisfy the Government's sense of responsibility, and on the appointed day, the dye and poison were added to the alcohol. In the first six months, according to Dr. DuPont, 50 Afghanistan citizens went blind, or died. After that, Afghanistan no longer had no alcohol problem.

There was a silence when Dr. DuPont finished his story, as if his listeners were unsure just where the N.I.D.A. director's sympathies lay on this issue. Later, Dr. DuPont explained he was merely suggesting how far a government might go to enforce its policies if it had high priorities on enforcement and low priorities on the health of those who knowingly violated the law. He was not, he said, suggesting that the United States adopt such Draconian penalties for so minor an infraction as marijuana use. He was, he said, particularly not endorsing the view that because one substance is known to be dangerous, the Government has every right to make it more so.

Dr. DuPont's listeners were relieved to hear this, but, in their relief, they missed what might be the key point: The United States Government, by failing to announce paraquat spraying for almost two years, may have gone the Government of Afghanistan one better.

APPENDIX C: SOUTHWEST BORDER CONTROL—ADDITIONAL  
MATERIAL SUBMITTED FOR THE RECORD

I. Official Documents

MEMORANDUM OF UNDERSTANDING BETWEEN U.S. CUSTOMS SERVICE/DRUG  
ENFORCEMENT ADMINISTRATION

DECEMBER 11, 1975.

From: Commissioner of Customs/Acting Administrator, Drug Enforcement  
Administration.

To: Principal Field Offices (U.S. Customs Service/Drug Enforcement Admin-  
istration).

Subject: Memorandum of Understanding Between U.S. Customs Service/Drug  
Enforcement Administration.

As the Commissioner of Customs and the Acting Administrator, Drug Enforcement Administration, we wish to assure all personnel of both agencies that this Memorandum of Understanding was signed in good faith by both parties and it is our intention to insure that the relationships between our agencies are conducted according to these operational guidelines in both a coordinated and professional manner.

It is of the utmost importance that the U.S. Customs Service and the U.S. Drug Enforcement Administration work together in an atmosphere of harmony and efficiency in combating the illegal importation and trafficking in illicit drugs. It is essential that each agency complement and support the other in fulfilling their respective obligations.

The attached policy guidelines have been established between the Drug Enforcement Administration and the U.S. Customs Service for the purpose of clarifying the respective operations of each agency in regard to drug related enforcement activities. It is anticipated that the guidance established in this agreement will promote and insure that the inter-agency relationships are in the best interests of the United States and will result in effective and efficient law enforcement.

A copy of this memorandum and the attached Memorandum of Understanding is being sent directly to all field offices of both agencies so that all personnel will be immediately aware of the agreed upon operational guidelines. We expect all principal field offices to insure that meetings are arranged at the earliest date between U.S. Customs Service and Drug Enforcement Administration counterparts at the various managerial and working levels to develop the closest possible working relationships within these operating guidelines.

Attachment.

VERNON D. ACREE,  
*Commissioner of Customs.*

HENRY S. DOGIN,  
*Acting Administrator,  
Drug Enforcement Administration.*

CUSTOMS SERVICE AND THE DRUG ENFORCEMENT ADMINISTRATION ON OPERATING  
GUIDELINES

The purpose of this memorandum is to emphasize and clarify the roles and the need for cooperation between the respective agencies. Under the broad guidelines of Reorganization Plan No. 2, the Drug Enforcement Administration has been assigned the primary responsibility for “. . . intelligence, investigative and law enforcement functions . . . which relate to the suppression of illicit traffic in narcotics, dangerous drugs or marihuana . . .” Under the plan and delegations, Customs retains and continues to perform these functions “. . . to the extent that

they relate to searches and seizures of illicit narcotics, dangerous drugs, marihuana or to the apprehension or detention of persons in connection therewith at regular inspection locations at ports-of-entry or anywhere along the land or water borders of the United States . . ." However, Customs is required to turn over to DEA "any illicit narcotics, dangerous drugs, marihuana or related evidence seized and any person apprehended or detained . . ."

Both agencies have vital roles to perform within the Federal drug enforcement program. Customs, as part of its overall responsibility for interdicting the smuggling of contraband, retains the full responsibility for searching, detecting, seizing smuggled narcotics, and arresting suspected smugglers of any contraband. DEA has the full responsibility for any narcotic-related follow-up investigation as well as for providing Customs with information related to narcotics interdiction. Clearly, for the Federal effort to accomplish its enforcement goals related to reducing narcotics trafficking, both agencies must cooperate and provide appropriate mutual assistance in performing their respective functions. It is mutually agreed that an employee who willfully violates the intent and conditions of this agreement will be subject to firm disciplinary action.

To implement the above, the Commissioner of Customs and the Administrator of the Drug Enforcement Administration jointly approve the following guidelines for dealing with specific operational problems.

#### 1. OPERATIONAL ROLES OF CUSTOMS AND DEA

Customs is the agency with primary responsibility for interdiction of all contraband, including all drugs at the land, sea, and air borders of the United States.

DEA is the agency with primary responsibility for investigation and intelligence gathering related to drug smuggling and trafficking.

The Drug Enforcement Administration will notify the U.S. Customs Service of information from its narcotic investigations which indicates that a smuggling attempt is anticipated at or between an established port-of-entry as soon as possible after the information is received. Such information may result in a cooperative joint interdiction effort but shall in no case result in uncoordinated unilateral action.

Within the limitations of its resources, Customs will cooperate when requested to support DEA operations and ongoing investigations, including interception of aircraft suspected of drug smuggling and convoys.

For purposes of this agreement an ongoing investigation includes only those cases in which information indicates a seizure and/or arrest should not occur at the initial point of contact in the United States, but should continue as a convoy to the final delivery point. The mere fact that a suspect or vehicle is known to DEA does not constitute an ongoing investigation.

#### 2. LAW ENFORCEMENT COORDINATION

Whenever Customs has information on any person, aircraft, vessel, etc., that is involved in or suspected of being involved in drug smuggling or trafficking, DEA will be the first agency contacted by Customs. DEA will then have primary responsibility for the coordination of all investigative efforts.

Whenever DEA has information on any person, aircraft, vessel, etc., that is involved in or suspected of being involved in the smuggling of contraband, Customs will be the first agency contacted by DEA. Customs will then have primary responsibility for interdiction if a seizure or arrest is to occur at the initial point of contact in the United States except in those cases under the control of DEA.

#### 3. PLACING OF TRANSPONDERS ON AIRCRAFT AND TRANSPONDER ALERTS

Transponders will not be utilized by Customs in drug-related activity without prior advice to DEA of the aircraft's identity and suspects involved. If DEA has an ongoing investigation, DEA will make the tactical decision as to the course of action to be taken.

Both agencies will expeditiously advise each other of all transponders placed on aircraft, and immediately upon receiving signals therefrom.

Customs will normally respond to all specially coded transponder alerts crossing the border. DEA will be given immediate notification whenever Customs responds to a drug-related transponder alert.

#### 4. COMBINED SEIZURES OF NARCOTICS AND OTHER GENERAL CONTRABAND

Where both narcotics and general contraband are seized in the same case, the Customs Office of Investigations is to be notified and they will coordinate with DEA on a joint investigation.

Investigative efforts will be dependent upon the magnitude of the violations and/or the value of the general merchandise seized.

#### 5. VIOLATIONS TO BE REPORTED TO THE U.S. ATTORNEY

DEA case reports will include any customs reports related to the drug violation. Customs will furnish their reports to DEA in an expeditious manner. DEA will present the violations to the concerned prosecutor for determination of charges.

#### 6. INTERNATIONAL AND DOMESTIC DRUG INTELLIGENCE GATHERING, COORDINATION

DEA is the agency with primary responsibility for gathering intelligence on drug smuggling and trafficking, including air trafficking.

Customs has primary responsibility for intelligence gathering of smuggling activities and also a supportive role to DEA in drug smuggling and trafficking. Nothing in this agreement precludes Customs from gathering information from the air and marine community related to the smuggling of contraband. Customs will continue to maintain liaison and gather information from foreign Customs services on all smuggling activities.

Customs will expeditiously furnish all drug-related information to DEA. DEA will expeditiously furnish drug smuggling intelligence to Customs. Unless immediate action is required, such drug smuggling intelligence collected will not be subjected to enforcement action prior to coordination between Customs and DEA.

DEA and Customs will refrain from offering or leading support to any derogatory remarks regarding the other agency. When dealing with other law enforcement agencies, Federal, state, and local officials should not be misled as to DEA and Customs respective responsibilities.

Neither Customs nor DEA will discourage potential sources of information from working for the other agency. The promising of rewards to informants for intelligence shall not be competitively used to increase the price of information and knowingly encourage the source of information to "Agency Shop."

Under no circumstances will Customs officers employ a participating informant for drug-related matters unless prior agreement and concurrence is obtained from DEA. Both agencies recognize that the identity of an informant may have to be revealed in court and that the informant may have to testify.

In those drug smuggling cases involving a DEA confidential source, Customs will be promptly notified of the role of the informants so that the safety of the cooperating individual is not jeopardized. Customs officers will not attempt to debrief DEA informants.

None of the foregoing is intended to limit total resource utilization of DEA and Customs law enforcement capabilities, but rather to insure coordination, elimination of duplication of effort, and prevention of counter-productive or potentially dangerous enforcement activities.

At the field level, Customs and DEA offices will identify specific persons or organizational units for the purpose of information referral and to coordinate enforcement matters.

#### 7. PROCEDURES TO BE FOLLOWED WHEN DEA HAS INFORMATION THAT AN AIRCRAFT, VEHICLE, VESSEL, PERSON, ETC., WILL TRANSIT THE BORDER CARRYING NARCOTICS

For criminal case development purposes, DEA may request that such persons or conveyances be permitted to enter the United States without enforcement intervention at that time. These requests will be made by DEA supervisory agents at the ARD level or above to District Directors or their designated representative. Such requests will be rare and made only when DEA intends to exploit investigations of major traffickers.

Customs officers will participate in the enforcement actions until the initial seizure and arrest. The number of Customs personnel and equipment needed will be decided by the Customs supervisor with input from the DEA Case Agent, subject to the limitations of available Customs resources, not to exceed the number recommended by the DEA Case Agent.

On drug-related joint enforcement actions, no press releases will be made by Customs or DEA without the concurrence of each other.

#### 8. DRUG SEIZURE PROCEDURES

Customs responsibility for interdiction of contraband, including illegal drugs, remains unchanged. Using every enforcement aid and technique available to them, Customs officers will continue to search for illicit drugs. Each time any drugs are discovered, they will be seized and the nearest DEA office will be immediately notified unless otherwise locally agreed upon. Questioning of arrested violators will be limited to obtaining personal history and seizure information for Customs forms. Further questioning is the responsibility of DEA. Chain of custody forms or receipts are required for transfers of all seized items.

Customs will take every step possible to preserve all evidentiary material and not remove suspected drugs from original containers when such action compromises evidentiary and investigative potential.

In those instances where DEA will not accept custody of detained persons or seizure of drugs due to U.S. Attorney prosecutive policy, DEA will notify local enforcement authorities for prosecutive consideration. Otherwise DEA will request Customs to notify these authorities. When local enforcement authority declines, Customs will proceed to assess administrative and civil penalties, as appropriate. Otherwise, administrative and civil penalties should be held in abeyance until local prosecution is completed.

#### 9. CONVOY OPERATIONS AFTER CUSTOMS SEIZURES

In those instances where DEA decides to convoy the contraband seized by Customs to the ultimate consignee, Customs personnel will fully cooperate, and will withhold publicity. All seized vehicles or conveyances will be included in a chain of custody receipt.

The weighing of the contraband may be waived when the method of concealment makes it impractical. At the termination of the convoy, an accurate weight will be supplied by DEA to the originating district director, and the chain of custody will be annotated with the correct weight. Customs officers will not normally participate in this type of convoy operation.

At the termination of this type convoy operation, involved vehicle or conveyance shall be released to the custody of the nearest district director of Customs.

#### 10. DISPOSITION OF VEHICLES, VESSELS, AIRCRAFT AND SEIZURES IN JOINT ENFORCEMENT

All vehicles, vessels, and aircraft involved in joint smuggling cases will be seized and forfeited by Customs. Final disposition of the conveyance will be determined by a joint Headquarters review board comprised of Customs and DEA personnel. Guidelines governing disposition will be developed.

Upon prior DEA request in writing, Customs will not administratively dispose of seized aircraft or other conveyances until it is no longer required for evidence by the courts or termination of DEA investigation.

#### 11. REFERRAL TO OTHER AGENCIES (CHAIN OF CUSTODY AND LABORATORY SAMPLING)

Customs will continue, in the case of seized heroin and cocaine, weighing two ounces or more, to take samples not to exceed 7 grams. However, the Customs laboratory will not perform the quantitative and qualitative analysis until completion of the prosecutive action, except for special contingencies.

#### 12. DEA ACCESS TO CUSTOMS PERSONNEL AND CONTROLLED AREAS

Designated Customs areas are not normally accessible to others. Access to Customs controlled areas and Customs personnel on an as needed basis will be obtained from the officer-in-charge of the Customs facility in each instance. Customs will honor such requests, provided that DEA personnel in no way interfere in examination and inspection processes.

13. PROCEDURES WHEN DISCOVERY OF DRUGS IS MADE BEFORE ACTUAL VIOLATORS HAVE BEEN IDENTIFIED AND GOODS OR CONVEYANCES ARE STILL IN CUSTOMS CUSTODY

When Customs officers discover the presence of concealed drugs in imported goods and the goods or conveyances are still under Customs custody or control, and they have not been claimed by a consignee or reached their ultimate destination, Customs shall maintain control of the drugs, but DEA will be notified immediately. Customs officers will cooperate with DEA and be guided by DEA's tactical decisions regarding investigative development, arrest and seizure.

14. ANY REPRESENTATION MADE TO FEDERAL, STATE OR LOCAL PROSECUTORS FOR MITIGATION OF SENTENCE OR OTHER CONSIDERATION ON BEHALF OF A DEFENDANT WHO HAS COOPERATED IN NARCOTIC CASES OR INVESTIGATIONS WILL BE MADE BY DEA. DEA WILL BRING TO THE ATTENTION OF THE APPROPRIATE PROSECUTOR COOPERATION BY A NARCOTIC DEFENDANT WHO HAS ASSISTED CUSTOMS

There are existing DEA/Customs agreements not covered in this document that pertain to cross-designation of DEA agents, mail parcel drug interdiction and other matters. DEA and Customs mutually agree to review each of these and amend where appropriate for consistency with the cooperative intent of this agreement.

No guidelines are all encompassing and definitive for all occasions. Therefore, the appropriate field management of both agencies are directed to establish communication with their respective counterparts to better coordinate their respective operations. Similar cooperation and harmonious working relationships should be implemented at all subordinate levels. It must be recognized that good faith as well as mutual respect for the statutory responsibilities of our agencies and for the employees are the cornerstones upon which full cooperation must be established. To this end, Customs and DEA personnel must take the appropriate affirmative actions to minimize conflict and develop a combined program which adequately serves the interests of the United States of America and its citizenry.

HENRY S. DOGIN,  
*Acting Administrator,*  
*Drug Enforcement Administration.*

VERNON D. ACREE,  
*Commissioner,*  
*U.S. Customs Service.*

MEMORANDUM FROM PETER B. BENSINGER, ADMINISTRATOR, DRUG ENFORCEMENT ADMINISTRATION

MAY 14, 1976.

From: Peter B. Bensinger, Administrator.  
To: All Regional Directors, all Headquarters Office Heads.  
Subject: Cooperation with U.S. Customs Service.

REFERENCES

- a. Headquarters Message 10598, dated July 11, 1975, Subject: as above.
- b. Memorandum of Understanding Between U.S. Customs Service/Drug Enforcement Administration, dated December 11, 1975.
- c. Administrator's Memorandum, dated March 5, 1976, Subject: Memorandum of Understanding Between Customs Service and DEA on Operating Guidelines.

Pursuant to these references, DEA is charged with primary responsibility for the collection of intelligence, as well as investigative and law enforcement functions, which relate to the suppression of importation and trafficking in illicit drugs. The U.S. Customs Service, on the other hand, retains the responsibility for searches and seizures of contraband, including illicit drugs, and/or the apprehension/detention of individuals in connection with smuggling activities at ports-of-entry or along the land/water borders of the United States.

These interlocking responsibilities require that Customs and DEA elements work together in a mutually supportive partnership. Thus, Customs, to be most

effective in discharge of its responsibilities, is highly dependent upon DEA assets and capabilities for basic and operational intelligence.

Information/intelligence obtained from the debriefing of individuals arrested as a result of Customs narcotics seizures is vitally important to the interdiction mission of Customs as well as to subsequent DEA investigations. DEA Agents and Customs Officers, as appropriate, will obtain the following interdiction-related information—to the extent available—on each Customs narcotics seizure and arrest:

**Trafficking Patterns**—Includes routes traveled, conveyance utilized, methods of concealment, documentation employed, identification of commercial enterprises used as cover, trafficker's knowledge of Customs operations and weak points, sources of supply and distribution patterns, etc.

**Individual identifiers**—Includes numeric personal identifiers, prior drug involvement, associates, biographic descriptors, method of operations, etc.

**Conveyance identifiers**—Includes vehicle license numbers, vessel registration number, aircraft number, commercial airlines flight number, etc.

**Contraband**—Includes physical description (color, shape, texture, etc.), packaging, unique variations, source country, etc.

DEA elements are also responsible for any narcotic-related follow-up investigations of referrals from Customs and for providing "feed-back" information pertinent to matters of Customs interest.

In all cases, information responsive to Customs requirements, whether obtained from debriefing of referrals or subsequent investigative activity, must be provided to the designated local Customs representatives as expeditiously as possible.

For those Customs narcotics seizures in which the U.S. Attorney declines to prosecute and in which DEA relinquishes operational interest or jurisdiction, Customs Officers (Inspectors, Special Agents or Patrol Officers) will be conducting debriefings of the individuals involved. DEA will be provided a report of any narcotics law enforcement-related information obtained from these debriefings.

Addressees are reminded of the requirement that all exchanges written and oral, with Customs must be documented and a copy of the report, letter, etc. be provided to DEA Headquarters, ATTN: IGR/L. IGR/L has been designated as the Headquarters point of contact with Customs for the purpose of developing, monitoring and coordinating exchanges of information/intelligence. Responsibilities also include publication of a periodic report on the nature, scope and quantity of DEA-generated information provided to Customs.

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DEPARTMENT OF JUSTICE—AGREEMENT BETWEEN IMMIGRATION AND  
NATURALIZATION SERVICE AND DRUG ENFORCEMENT ADMINISTRATION

OPERATIONAL AGREEMENT

*I. Introduction*

Considering that Executive Order 11727 dated July 10, 1973 designates the Attorney General as the Coordinator for all activities of the executive branch departments and agencies which are directly related to the enforcement of laws on narcotics and dangerous drugs;

Desiring to meet the mandate of Reorganization Plan No. 2 which places on the Attorney General, the Department of Justice, or any officer or any agency of that Department the responsibility to make investigations and to engage in drug law enforcement activities at ports of entry or along the land and water borders of the United States;

Recognizing the Drug Enforcement Administration's primary jurisdiction in drug enforcement and the Immigration and Naturalization Service's incidental role in the same activity, the Commissioner of Immigration and Naturalization and the Administrator, Drug Enforcement Administration, have jointly decided that the following Operational Agreement will become effective immediately.

*II. Intelligence*

A. All information received by INS relating to the illicit drug traffic or other violations of the Controlled Substances Act will promptly be referred to DEA for appropriate action.

B. INS will initiate a servicewide program to insure that all of their sources of information are debriefed as to any knowledge of drug related matters.

C. As a matter of routine policy, INS will debrief all arrested illegal aliens about their knowledge of the illicit drug traffic, either in the United States or in foreign countries, with a view towards locating foreign sources of supply of illicit drugs.

D. Any information received by DEA relating to the clandestine entry or smuggling of aliens, as well as other violations of immigration laws, will be referred promptly to INS for appropriate action.

E. The agencies herein involved will share and make available to one another relevant information gleaned from their respective sources and, where possible, the source will be made available.

F. INS will routinely supply DEA with copies of Reports of Apprehensions and Seizures (INS Form I-44) and DEA will, without delay, furnish INS a copy of all Personal History Reports (DEA Form 202) pertaining to arrested aliens or naturalized citizens and, as soon as possible, afford INS the opportunity to debrief arrested aliens regarding their status, their knowledge of clandestine entry or smuggling of aliens, or of other violations of immigration laws.

### *III. Operations*

A. All seizures of drugs effected by INS incidental to their daily operations, will be referred to DEA as expeditiously as possible, whether or not the drug was known to have been smuggled into the United States.

B. Drugs seized by INS will be surrendered, against receipt, to DEA who will also assume custody of all defendants arrested at the time of seizure. Follow-up investigations will be the sole responsibility of DEA.

C. If the amount of drugs seized is minimal, the seizure will, at the discretion of DEA, be referred to the State or local authorities for judicial action. If these authorities decline action, the drugs seized will be surrendered, against receipt, to DEA for disposition.

D. Any cache of drugs located by INS along the borders of the United States, on land or on water, will be brought to the immediate attention of DEA who shall assume jurisdiction over the case. If practical, INS will continue to assist DEA in the surveillance and eventual interrogations of suspects in these cases.

E. Whenever DEA anticipates conducting a drug investigation between ports of entry, the matter will be coordinated with the appropriate INS representative.

F. When a "convoy" operation is anticipated, DEA will coordinate the operation with the appropriate U.S. Border Patrol headquarters supervisory officer in order to eliminate the possibility of compromise and the danger of unnecessary or inadvertent exposure of the convoy subject(s) by Border Patrol Agents.

G. DEA will be furnished maps or charts, as needed, showing area locations of sensing devices. Prior to entering a border area where U.S. Border Patrol sensing devices have been installed and are operational, DEA field supervisors will notify the appropriate INS field supervisor (i.e., Chief Patrol Agent). Information on the locations of sensing devices will be limited to a strict "need to know" basis.

H. To avoid duplications in the expenditure of money, manpower, and electronic detection equipment, INS shall be primarily responsible for the acquisition and operation of electronic intrusion and road monitoring equipment. DEA will furnish whatever technical support is available, particularly in the development of new detection devices.

I. INS will be given, on a continuous basis, biographical data on all DEA fugitives who shall be entered in the INS Look Out System. Likewise, DEA will routinely make appropriate inquiries to detect and report the location of all individuals wanted by INS.

J. In matters of joint interest, INS and DEA will, if necessary and to the extent possible, and as authorized by law or Departmental regulations, support each other's operations with personnel and equipment.

### *IV. Communications—Training*

A. In matters of mutual interest in the area of the border, upon specific request for a particular location, the Service will authorize DEA the privilege of operating radio equipment on frequencies assigned to the Service. In those circumstances, DEA will observe all INS radio standards and operational procedures.

B. DEA and INS will, without delay, initiate a cross training program designed to familiarize all personnel with the laws governing each respective agency. The training shall also be geared towards promoting better understanding of the responsibilities of each agency and, thereby, increase the total effectiveness.

### *V. Liaison*

A. To insure the smooth implementation of this Agreement, each agency will designate liaison representatives at the level of their respective Headquarters. These liaison representatives will meet, as required, to review all operational or policy problems, promulgate programs to increase cooperation, and formulate plans to meet future requirements.

B. The same close liaison will be implemented at all managerial levels in the field to insure operational effectiveness.

Washington, D.C., November 29, 1973.

JAMES F. GREENE,  
*Acting Commissioner,  
Immigration and Naturalization Service.*

JOHN R. BARTELS, Jr.  
*Administrator,  
Drug Enforcement Administration.*

AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED MEXICAN STATES REGARDING MUTUAL ASSISTANCE BETWEEN THEIR CUSTOMS SERVICES

The United States of America and the United Mexican States,

Considering that offenses against customs laws are prejudicial to the economic, fiscal and commercial interests of their respective countries,

Considering the importance of assuring the accurate assessment of duties and other taxes collected on the importation or exportation of goods, as well as the importance of controls on foreign commerce which each respective Customs Service enforces,

Convinced that action against customs offenses can be made more effective by cooperation between their Customs Services,

Having regard to the Recommendation of the Customs Co-operation Council on Mutual Administrative Assistance of December 5, 1953,

Have agreed as follows:

ARTICLE 1

*Definitions*

For the purposes of the present Agreement,

(1) "Customs laws" shall mean such laws and regulations enforced by the Customs Services concerning the importation, exportation, transshipment and transit of goods, as relate to customs duties and other taxes, or to prohibitions, restrictions and other similar controls respecting the movement of goods and other controlled items across national boundaries.

(2) "Customs Services" shall mean in the United States of America, the United States Customs Service, Department of the Treasury and, in Mexico, La Direccion General de Aduanas de la Secretaria de Hacienda y Credito Publico.

(3) "Offense" shall mean any violation of the customs law as well as any such attempting violation.

ARTICLE 2

*Scope of assistance*

(1) The Parties agree to assist each other through their Customs Services, to prevent, investigate and repress any offense, in accordance with the provisions of the present Agreement.

(2) Assistance, as provided in this Agreement, shall also be extended upon request for the purpose of assessing customs duties and other taxes by the Customs Services and for the purpose of enforcing controls within the authority of the Customs Services.

(3) Mutual assistance as provided in paragraphs 1 and 2 shall be provided for use in all proceedings, whether judicial, administrative or investigative and shall also include in the United States of America proceedings on "liquidated damages".

(4) All actions under the present Agreement by either Party will be performed in accordance with its laws.

ARTICLE 3

*Obligation to observe confidentiality*

(1) Inquiries, information, documents and other communications received by either Party shall, upon request of the supplying Party, be treated as confidential. The reasons for such a request shall be stated.

(2) Information, documents and other communications received in the course of mutual assistance may only be used for the purposes specified in the present Agreement, including use in judicial or administrative proceedings. Such information, documents and other communications may be used for other purposes only when the supplying Party has given its express consent.

## ARTICLE 4

*Exceptions from assistance*

(1) In cases where the requested Party is of the opinion that compliance with a request would infringe upon its sovereignty, security, public policy or other substantive national interests, assistance can be refused or compliance may be made subject to the satisfaction of certain conditions or requirements.

(2) In cases where a request is made which the requesting Party itself would be unable to provide if requested by the other Party, the requesting Party shall draw attention to this fact in its request. Compliance with such a request shall be within the discretion of the requested Party.

## ARTICLE 5

*Form and substance of requests for assistance*

(1) Requests pursuant to the present Agreement shall be made in writing. Documents necessary for the execution of such requests shall accompany the request. When required because of the exigency of the situation, oral requests may also be accepted but shall be confirmed in writing.

(2) Requests pursuant to paragraph 1 shall include the following information:

(a) The authority making the request;

(b) The nature of the proceedings;

(c) The object of and the reason for the request;

(d) The names and addresses of the parties concerned in the proceedings, if known;

(e) A brief description of the matter under consideration and the legal elements involved.

## ARTICLE 6

*Channel*

(1) Assistance shall be carried out in direct communication between officials designated by the Heads of the respective Customs Services.

(2) In case the Customs Service of the requested Party is not the appropriate agency to comply with a request, it shall transmit the request to the appropriate agency.

## ARTICLE 7

*Execution of requests*

(1) The law of the requested Party shall be applicable in the execution of requests; the requested Customs Service shall be required to seek any official or judicial measure necessary to carry out the request.

(2) The Customs Service of either Party shall, upon the request of the Customs Service of the other Party, conduct any necessary investigation, including the questioning of persons suspected of having committed an offense, as well as of experts and witnesses.

(3) The Customs Service of either Party shall, upon the request of the Customs Services of the other Party, undertake verifications, inspections and fact-finding inquiries in connection with the matters referred to in the present Agreement.

(4) A request by a Party that a certain procedure be followed shall be complied with pursuant to the laws applicable according to paragraph 1.

(5) A request by a Party that its representative be present when the action to be taken is carried out shall be complied with to the fullest extent possible.

(6) The requesting Party shall, if it so requests, be advised of the time and place of the action to be taken in response to the request.

(7) In the event that the request cannot be complied with, the requesting Party shall be promptly notified of that fact, with a statement of the reasons and of circumstances which might be of importance for the further pursuit of the matter.

## ARTICLE 8

*Files, documents and other materials; experts and witnesses*

(1) Originals of files, documents and other materials shall be requested only in cases where copies would be insufficient.

(2) Originals of files, documents and other materials which have been transmitted shall be returned at the earliest opportunity; rights of the requested Party or of third parties relating thereto shall remain unaffected.

(3) The Customs Service of one Party shall authorize its employees upon the request of the Customs Service of the other Party, to appear as experts or witnesses in judicial or administrative proceedings in the territory of the other Party

and to produce such files, documents or other materials or authenticated copies thereof, as may be considered essential for the proceedings.

## ARTICLE 9

*Costs*

The Parties shall waive all claims for reimbursement of costs incurred in the execution of the present Agreement, with the exception of expenses for experts and witnesses.

## ARTICLE 10

*Special instances of assistance*

(1) Upon request, the Customs Services shall inform each other whether goods exported from the territory of one Party have been lawfully imported into the territory of the other Party. The information shall, upon request, contain the customs procedure used for clearing the goods.

(2) The Customs Service of one Party, upon the request of the Customs Service of the other Party, shall, to the extent of its ability, exercise special surveillance of:

(a) Means of transport suspected of being used in offences within the territory of the requesting Party.

(b) Goods designated by the requesting Party as the object of an extensive clandestine trade of which it is the country of destination.

(c) Particular persons known or suspected by the requesting Party of being engaged in an offense.

(3) The Customs Services of the Parties shall, upon request, furnish each other all available information regarding activities which may result in offenses within the territory of the other Party. In serious cases which could involve substantial damage to the economy, public health, public security, or any other vital interest of the other Party, such information shall be supplied without being requested.

(4) The Customs Services of the Parties, for the purpose of aiding, within the scope of their authority, in the repression of offenses involving narcotics, will communicate to each other as far as possible, without the necessity of a request, all information regarding such possible violations of the customs laws of the other Party.

(5) The Customs Services of the Parties shall take such steps as may be appropriate and within the scope of their authority in order to ensure that goods exported and imported over the common frontier pass through the competent Customs offices and under such controls as it may be appropriate to impose.

(6) The Customs Services of the Parties shall communicate to each other for that purpose a list of the Customs offices located along the common frontier, details of the powers of those offices and their working hours and, when appropriate, any changes in these particulars.

(7) The Customs Services of the Parties shall endeavor to correlate the powers and working hours of corresponding Customs offices, subject to operational and working limitations and in accordance with the requirements imposed by the flow their international trade.

(8) The Customs Services shall furnish each other all information which may be useful for enforcement actions against offenses, in particular information relating to new methods used in committing such offenses. They shall, furthermore, furnish copies of reports or excerpts from reports on the subject of special means for combating offenses.

(9) The Customs Services of the Parties shall, upon request, furnish all available information, on a continuing basis, regarding the movement of goods, vessels, vehicles, and aircraft between the United States and Mexico.

## ARTICLE 11

*Implementation of the agreement*

The United States Customs Service, Department of the Treasury of the United States of America and La Direccion General de Aduanas de la Secretaria de Hacienda y Credito Publico of Mexico, may communicate directly for the purpose of dealing with matters arising out of the present agreement which are not questions of foreign policy or international law, and after consultation shall issue any administrative directives for the implementation of the present agreement, and shall endeavor by mutual accord to resolve problems or doubts arising from the interpretation or application of the agreement.

## ARTICLE 12

*Territorial applicability*

This agreement shall be applicable to the customs territory of the United States of America and to the customs territory of Mexico. It shall also be applicable to the Virgin Islands of the United States of America.

## ARTICLE 13

*Entry into force and termination*

(1) This Agreement shall enter into force sixty days after the date on which the Parties notify one another by an exchange of diplomatic notes that they have accepted its terms.

(2) The Parties agree to meet in order to review this Agreement at the end of five years counted from the date of its entry into force, unless they notify one another is writing that no review is necessary.

(3) This Agreement may be terminated by denunciations by either Party and shall cease to be in force six months after the notification of the denunciation has been made.

Done at Mexico City, Mexico on September 30, 1976, in duplicate, in the English and Spanish languages, both texts being equally authentic.

For the United States of America.

JOSEPH JOHN JOVA,  
*Ambassador of the United  
States of America.*

VERNON D. ACREE,  
*U.S. Commissioner  
of Customs.*

For United Mexican States.

RUBEN GONZALEZ SOSA,  
*Under Secretary of Foreign  
Relations.*

OSCAR REYES RETANA,  
*Director General of Customs.*

## AN OVERVIEW OF ARMS SMUGGLING INTO MEXICO IN EXCHANGE FOR NARCOTICS

(By El Paso Intelligence Center, November 15, 1976)

## EXECUTIVE SUMMARY

This special report presents a preliminary overview of the extent, nature, and current status of the exchange of U.S. manufactured arms and munitions for drugs in the Republic of Mexico. The primary foundation for this summary is investigative files received at the El Paso Intelligence Center (EPIC) from the Drug Enforcement Administration, Bureau of Alcohol, Tobacco, and Firearms, Immigration and Naturalization Service, and U.S. Customs Service.

The focus of this review is to synopsize the data relative to personalities, groups, and organizations that have been identified by a variety of U.S. and Mexican sources as having negotiated or traded arms for drugs.

The survey of incidents involving arms/drugs indicate that this activity has been conducted by independent groups and there is an absence of data which reflects a conspiracy on the part of any large international trafficking groups.

Confirmed reports indicate that the majority of weapons leaving the United States for Mexico are of the common variety available at sporting goods stores. Nevertheless, military weapons such as M-16's, AR-15's, and various light machine guns have been reported in Mexico. The Department of Defense reports a net loss of 267 weapons in the United States during the period of January 1 through June 30, 1976. The loss includes 164 weapons which were stolen from a Marine Corps installation. The burglary was recently solved and the recovery of most of the weapons is expected. DOD has taken appropriate action to upgrade the security and accountability of arms at all installations.

During February 1976, the Bureau of Alcohol, Tobacco, and Firearms conducted a limited compliance survey of firearms dealers along the Mexican border in Texas. This survey was limited to 36 dealers. The survey revealed that during a 7-month period in 1975-76, 8.1 million rounds out of a total of 9.2 million rounds of ammunition were sold to persons giving addresses in Mexico.

The smuggling of arms/munitions to Mexico is lucrative with minimal risk of apprehension and prosecution. Price quotations in Mexico range from several hundred dollars for handguns to \$1,500 for a M-16 rifle delivered in Sinaloa, Mexico.

The market demand for weaponry in Mexico offers a double profit potential when bartered for drugs. Weapons have an inflated value upon entering Mexico, and drugs purchased at wholesale prices in Mexico increase in value when distributed in the United States.

The preparation of this report illustrated to DEA that some of the case information was fragmentary and not current. Many organizations generate and possess information on arms trafficking—not just narcotics related. The Enforcement Intelligence Subcommittee of the Cabinet Committee on Drug Law Enforcement met at the request of the DEA Administrator to determine what actions could be taken to improve intelligence exchange on this topic. At a January 4 meeting of the subcommittee, the following actions were taken:

A. ATF was designated to chair a task force to recommend changes to information flow between the various agencies.

B. DEA offered to make available the services of EPIC as a medium to improve intelligence exchange.

C. ATF will assign an analyst for part-time participation in the Interagency Drug Intelligence Group/Mexico (IDIG/M).

D. ATF will make available to DEA all active arms case names. DEA will run these names in the Narcotics and Dangerous Drugs Information System (NADDIS) to attempt to identify a narcotics relationship.

#### INTRODUCTION

This report has been prepared by the El Paso Intelligence Center, and the scope of this report is limited to selective cases where intelligence indicates that narcotics traffickers are also involved in arms smuggling. The information was obtained from case files, reports and direct interviews with law enforcement and intelligence officers familiar with the U.S.-Mexico border areas and other Latin American countries. It must be emphasized that although some of the information is unsubstantiated, there are strong indications that a limited arms for narcotics trade does exist.

This is not an indepth study of the overall problem of smuggling contraband into Latin America; rather, it is largely confined to the problem of arms smuggling into Mexico from the United States in exchange for drugs. The history of contraband smuggling into Mexico and Latin American countries is long and encompasses a wide range of items.

The smuggling of firearms into the Republic of Mexico from the United States is not a new phenomenon. There is a market in Mexico for all types of weapons, and smugglers have traditionally sought to augment their illicit income by purchasing, stealing, or trading weapons for a variety of purposes. Drug enforcement operations by Mexican law enforcement authorities often discover caches of arms and ammunition.

Government of Mexico forces have been involved in armed encounters with what are deemed "bandits," "insurrectionists," "guerrillas," and "revolutionaries." Members of some of these organizations have resorted to bank robberies, kidnappings, raids on military or civilian supply depots, and sales of drugs because of limited financial capabilities.

The increase in reported incidents of arms/drugs traffic may be due to a recently intensified collection program on the part of drug enforcement agent personnel.

#### METHODS OF OPERATION

Land transportation is most frequently used by traffickers for moving weapons. Personal body carrying of arms is common, especially among the majority who make single weapon purchases. Mexican railroad cars have been used to transport armaments from a border city to the interior of Mexico. It is being reported that arms and ammunition also are being transported via sea vessels.

U.S. Customs Service and U.S. Coast Guard inspections are rarely performed on departing vessels/vehicles, and Mexican customs authorities seldom inspect entering vehicles at the ports of entry. It should be noted, however, that substantially more effective control is exerted by Mexican authorities on vehicles passing through inland highway checkpoints on their way to the interior of Mexico from the border zone.

Aircraft, ranging from small single engine to multiengine, have been used in the past to smuggle arms into Mexico in exchange for drugs. These aircraft rarely file any international flight plan. Some file a legitimate domestic flight plan between points along the border, then deviate and make surreptitious entry into Mexico to complete a smuggling mission. Most air smuggling intrusions are "black" flights which cannot be monitored by flight service or existing radar installations. Pilot smugglers take full advantage of the degree of difficulty to detect and interdict their clandestine activities. Smugglers have been reported to utilize high speed jet aircraft in their criminal activities.

The use of fraudulent documents by smugglers to enter the United States and as identification for various illicit purposes, including the purchase of arms and ammunition, is believed to be widespread. Intelligence from INS reflects the use of fraudulent U.S. immigration Identification Cards (I-151's) by Mexicans to purchase arms in the United States. These counterfeit cards are reported to retail for \$125 in Mexico. The Immigration Service recently announced a new type of identification card which will be virtually counterfeitproof.

#### SOURCES OF SUPPLY FOR ARMS/MUNITIONS

The export of firearms without a permit issued by the Office of Munitions Control, U.S. Department of State, is illegal under 22 U.S.C. 401. The U.S. Customs Service is charged with the enforcement of this provision governing the movement of arms and ammunition from the United States overseas.

The majority of weapons smuggled into Mexico are the non-military sporting variety available in this country from department stores, mail order houses, and legitimate gun dealers. This has been established by seizures made by U.S. and Mexican enforcement agencies.

During the recently completed enforcement program and poppy eradication project in Mexico, a total of 662 drug traffickers were apprehended. These subjects were arrested with a combined total of 126 weapons—119 were of the sporting variety and seven were military weapons.

Local U.S. police officials at or near the border have reported many legal and illegal entries into the United States by Mexicans to burglarize stores and residences for merchandise which will secure an inflated price in Mexico. Numerous cases are documented where weapons have been taken during these intrusions. House burglaries in the Tucson, Ariz. metropolitan area yield approximately 3,000 weapons a year. In March 1975, burglaries in the city of Tucson netted 210 rifles, shotguns, and handguns. Tucson police sources relate a majority of these burglaries to drug addicts. Additional research is indicated to determine the percentage of these weapons that can be traced to Mexico and the correlation between the number of thefts from a city the size of Tucson with its geographic proximity to the border and other municipalities in this country.

During February 1976, the Bureau of Alcohol, Tobacco, and Firearms conducted a limited compliance survey of 36 firearms dealers along the Mexican border in Texas. The survey revealed that during the period from July 1975 through January 1976, 8.1 million rounds out of a total of 9.2 million rounds of ammunition (approximately 88 percent) were sold to persons giving addresses in Mexico. It is, therefore, presumed that the 7 were intended for export.

A recent U.S. House subcommittee report determined that 18,500 military weapons were stolen or unaccounted for during the past decade. Included in the loss and thefts were 1,259 automatic M-16 rifles and 169 machine guns. A Department of Defense survey reports only a net loss of 267 weapons in the United States during the period from January 1 through June 30, 1976. The loss included 164 weapons which were stolen from a Marine Corps installation. The burglary was recently solved, and the recovery of most of the weapons is expected. DOD has taken appropriate action to upgrade the security and accountability of arms at all installations.

A recent ATF study revealed that 79 percent of stolen guns had not been reported to police. Thus, it is almost impossible to ascertain the quantity of weapons in circulation within the United States and those that have been illegally exported.

BORDER MANAGEMENT AND INTERDICTION

- AN INTERAGENCY REVIEW -

September 7, 1977

THE OFFICE OF DRUG ABUSE POLICY  
THE EXECUTIVE OFFICE OF THE PRESIDENT

September 7, 1977

## BORDER MANAGEMENT AND INTERDICTION

EXECUTIVE SUMMARY

An interagency Review Team, under the leadership of the Office of Drug Abuse Policy, conducted a comprehensive review of Federal border control and associated law enforcement activities. The basic assumption is that improved effectiveness of border control will enhance all related programs (drugs, aliens, guns, revenue, etc.), as opposed to the traditional, but self-limiting response of dedicating resources to a single purpose.

The report describes the vastness and distinctness of our border areas, as well as the operation of land, sea and air ports of entry. Many problems associated with effective law enforcement at ports of entry and with patrolling between ports are attributed to past and present practices of dealing with border management in a fragmented manner. The current organizational structure contributes to the problem with personnel from eight agencies representing seven different departments directly involved in border operations.

The two principal functions of border control are inspection of persons and goods at ports of entry, and patrolling between ports to prevent surreptitious entry. The principal agencies involved in these key functions are the U.S. Customs Service (Treasury) and the Immigration and Naturalization Service (Justice). Other agencies provide support and specialized skills in their areas of responsibility.

After a thorough problem analysis, two major issues are identified; overall lack of coordinated border management, and the overlap and duplication of effort in the principal border control functions. The principal overlap and duplication is in the patrolling between land ports of entry (Immigration and Customs) and in the primary inspection at ports of entry (Immigration and Customs). Massive workloads and duplicate management systems compound the problems.

Several options are considered, ranging from assigning budget priority to selected functions to creation of an expanded border management agency. The report concludes that a revised management structure is needed which can achieve maximum effectiveness with available resources, respond to changing priorities, and provide adequate border control, as well as better service to the public. Further, the first phase of any reorganization should be directed at correcting the fundamental problems. From this basic foundation, border management can evolve toward further improvements in effectiveness and efficiency.

The Review Team recommends a consolidation of the Customs Service and the Immigration and Naturalization Service into a border management agency to provide central management over the key border functions and resources. Specific criteria are suggested to minimize opposition and turbulence associated with reorganization.

Comments received from the departments and agencies involved in border operations reflect general agreement with the findings, but lack agreement regarding which department should have responsibility for a new border management agency.

The President's Reorganization Project in the Office of Management and Budget (OMB) has responsibility for developing specific reorganization plans and the Office of Drug Abuse Policy will assist OMB in developing any reorganization plan related to this review. Additionally, the report will be used in conjunction with other policy reviews in preparing a new Federal drug abuse strategy.

## CHAPTER 1 - INTRODUCTION

BORDER MANAGEMENT AND INTERDICTIONPURPOSE

This report summarizes the observations and findings resulting from a comprehensive review of Federal border control and law enforcement activities. The review was designed to meet the following objectives:

- To review Federal policies and management of resources committed to control of the land, water, and air borders of the United States and to assess their effectiveness.
- To review operating policies, procedures and practices to identify areas where potential exists for improvement in effectiveness, efficiency or economy and to make appropriate recommendations.

BACKGROUND

Conducted under the guidance of the Office of Drug Abuse Policy (ODAP) and in coordination with the Office of Management and Budget (OMB), this is one of a series of policy reviews of all Federal drug abuse functions conducted under the provisions of Public Law 94-237.

In establishing the Office of Drug Abuse Policy, the President asked the Director to "assume the lead role in studying and proposing changes in the organization and management in Federal drug abuse prevention and control functions, as part of my promise to reorganize and strengthen Government operations."

The Federal effort to reduce the availability of illegal drugs is directed toward disrupting the supply chain at any point where it may be susceptible; from crop eradication in the foreign countries of origin to disrupting domestic interstate drug trafficking networks. The U.S. border provides a unique opportunity in this chain of drug trafficking to intercept the drugs, arrest the person and, perhaps, to trace the source or ultimate destination of the contraband.

Therefore, the interdiction of drugs as they are smuggled into the United States is an important function in the overall Federal program for controlling illegal drugs.

Border management is a piecemeal activity with numerous Federal agencies responsible for various functions. Numerous studies of segments of border management have been conducted in recent years. However, these studies have focused on a specific function or problem rather than taking a comprehensive view of the entire border control problem.

ODAP and OMB agreed that as part of the President's goal to achieve greater effectiveness in Government operations, attention should be directed towards a broad and long-term goal of improving the management of the overall border effort. Therefore, this review addresses all border law enforcement activities and other Federal functions and resources associated with border control. Any reorganization proposals made to the President related to this study will be made by the President's Reorganization Project of OMB, with the full participation of ODAP and any affected departments and agencies.

### THE PROCESS

The team reviewed the functions necessary to border management and collected a comprehensive listing of problems having an adverse impact on operational effectiveness. A "new start" approach was developed which viewed the requirements for border management as if there were no organizational structure. The existing system was then compared to the hypothetical system.

Extensive field trips were conducted to test the analysis and to obtain current observations of border enforcement operations. These observations were considered in developing team findings and potential options for improvement.

A draft report was then furnished to the departments and agencies for comment on the options. Their views were incorporated in the final report.

### SOURCES OF INFORMATION

Previous studies of border management were used as background to minimize duplication of effort. However, no prior conclusions or recommendations were accepted unless they were revalidated as part of the current review.

Conversations were held with representatives of numerous agencies involved with border enforcement operations, including the Immigration and Naturalization Service, the U.S. Customs Service, the Drug Enforcement Administration, the U.S. Coast Guard, U.S. Attorneys, Canadian inspectional services, the Royal Canadian Mounted Police and the El Paso Intelligence Center operated by the Drug Enforcement Administration, as well as with

inspection and patrol personnel along the borders. Additionally, the Air Interdiction Program was discussed at the North American Air Defense Command at Luke Air Force Base in Arizona and with the Airborne Warning and Control System (AWACS) Project Manager at Tinker Air Force Base, Oklahoma.

Officials were interviewed on a non-attribution basis to assist the Review Team in receiving a frank and objective view of internal management problems and interagency relationships. The broad experience, objectivity and dedication of the team members contributed significantly to the analysis process.

#### CONTENT

This report contains a description of our borders which goes beyond the physical characteristics to address the nature and philosophy of borders. Through a presentation of the various functions necessary to meet border control requirements and of the Federal agencies currently performing these functions, the complexity of controlling our land, sea and air borders is described.

The report then identifies those problems and issues which are sufficiently important to demand Executive Office consideration and presents a discussion and alternative solutions to these problems.

## CHAPTER 2

OUR BORDERS AND THEIR CONTROLA. BORDERS AS AN INSTRUMENT OF NATIONAL POLICY

Border control is not simply a matter of regulating the international flow of persons, merchandise, and carriers. Borders define a political entity and their control expresses a national definition and purpose -- legally, economically, environmentally, and even philosophically. Thus, borders are important as an instrument of national policy.

In our world of both highly industrialized and under-developed countries, limited resources, and expanding populations, border policies may have a dramatic international and domestic impact. Rapid long distance transportation and communications have changed the nature of the borders, but the requirement to control the entry of persons and material continues.

Nations develop border policies which both protect and further domestic goals and interests and project a constructive international image. The two extremes of border control range from a totally open border to a totally closed one. Either extreme would have a major impact on domestic activities and international relationships. Most nations have intermediate policies which reflect their current interests and which change over time to reflect new situations.

The United States has a generally unstated border policy which attempts to enhance the flow of beneficial ideas, goods and people to this country while simultaneously limiting illegal entry. However, these interests tend to compete with each other in actual implementation. Measures to keep out the harmful inhibit the passage of the desirable, and vice versa. Therefore, a balanced policy of selected enforcement measures is necessary to keep out the most serious threats to our Nation while facilitating international relations and commerce.

Historically, the U.S. Government has responded to border management problems in a fragmented manner. As a crisis occurred or a major National program was threatened, resources and manpower were allocated to deal with the immediate problem. Border management has been addressed piecemeal without deliberate considerations of how changes in one segment may affect border policy and management as a whole. Special interests have grown around the specific commodities or organizations and they are not receptive to any effort which is perceived to endanger their priority for attention or resources. As a result, our present border agencies are basically a set of activities directed at a single purpose or commodity, e.g., immigration, customs, public health, agriculture, wildlife.

## B. THE DISTINCTNESS OF THE BORDER AREA

The concept of the border and border policy is broader than a series of laws, regulations and operations applying to a political boundary. To millions of persons living in and near our land borders, the border is a way of life, a third world distinct in character from the interior of either of the adjoining nations. Border ties are far more complex than demography and geography might dictate. There is a border culture encompassing the arts, family ties and language. There is a border economy intertwining industry, agriculture, tourism, services and trade. Larger border cities adjoin each other on opposite sides of the border where it is a way of life to cross the physical border regularly, often several times daily, to shop, visit with family and friends, enjoy recreation opportunities, or to work. This tradition is manifested in our law which facilitates the movement across both the Mexican and the Canadian borders.

In many areas along the Canadian border, the international boundary bisects a playground, and children play a ballgame in both countries at the same time. Next door neighbors are in different countries with the backyard fence marking the international boundary. Along the Southwest border, the theory of AZTLAN (the Aztec word for the territory encompassing Northern Mexico, California, New Mexico, Arizona, Texas and parts of Colorado) persists, maintaining that "rights" exist to access this border territory which should not be violated by artificial political boundaries. This unique cultural affinity and economic interdependence of border communities must be considered as an integral part of our border policy and management of our borders.

## C. DESCRIPTION OF OUR BORDERS

### 1. GENERAL

The borders of the United States are long and complex. In addition to extensive land and sea borders, the advent of international air travel extended the geophysical features of the border, creating interior borders of points of arrival for international travelers and cargo. The roughly 96,000 miles of total land border and coastline present many diverse elements

in terms of geography, workload, and problems faced as they adjoin Mexico, Canada, the seas, or as they extend to international airports in the interior.

## 2. SOUTHWEST LAND BORDER

a. Geographic Description: The almost 2,000 mile border adjoining Mexico varies from rolling hills, international lakes, rugged mountains, vast deserts, wasteland, and thick brush to cultivated farmland immediately adjacent to the border on both sides as it extends from San Ysidro, California, to Brownsville, Texas. In many areas, twin border cities exist. Typically, these twin cities are interdependent and the border ports of entry provide a mutual link to facilitate shopping, entertainment, recreation and visiting. High chain-link fencing marks the border for some 26 miles through five of these border cities, but elsewhere, the border is a barely discernible line between concrete boundary markers. Although the Rio Grande River forms approximately half of the border, it does not present a significant physical barrier because it is narrow, shallow and slow-moving much of the time. The weather along the Southwest border varies from hot and dry to cool and rainy but is temperate most of the year.

b. Workload: Legal traffic, including some 50 million vehicles, 170 million persons, and an enormous volume of cargo annually comes through 24 ports of entry and over 14 rail lines. Another 1.5 million persons are apprehended annually as they attempt illegal entry at or between the ports of entry.

c. The Problem: The Southwest land border has historically posed a unique problem to law enforcement agencies attempting to control that area. Nowhere else in the world does a greater difference in per capita income exist between two adjacent nations than between Mexico and the United States. Mexico is among the fastest growing nations in the world, with extreme population pressures, especially in the border cities. The standard of living and the economy of the United States have attracted millions of Mexicans who have migrated to the border area in Mexico and then on into the United States. Additionally, in recent years Mexico has become the chief source of heroin smuggled into the United States.

This influx of illegal entry and smuggling of all forms of contraband and aliens from Mexico into the U.S. has exacerbated Southwest border enforcement problems. Although in many areas the natural terrain serves to channel much of the illicit flow of people, drugs and other contraband, illegal crossings are made all along the border.

Within the ports of entry, a similar problem occurs because of the enormous inspectional workload of persons, vehicles, and cargo along the Southwest border. Smugglers use a variety of ingenious modes and tactics for smuggling aliens, merchandise, or narcotics into the U.S. The use of hidden compartments in conveyances or merchandise, and the intentional mislabeling of merchandise are common. Additionally, thousands of persons who are not qualified to enter the United States attempt to do so at the ports by presenting fraudulent documents or by misstating the purpose of their visit. In addition to efforts to stem these attempts at the illegal entry of aliens, drugs and merchandise, there is also a major effort to facilitate the entry of legal traffic and to ensure that cargo arriving by rail and truck complies with revenue laws and other Federal requirements. These factors, both at and between the ports of entry, make the Southwest border a particularly complicated control problem.

### 3. THE NORTHERN LAND BORDER

a. Geographic Description: The 4,000 mile long Northern border is called the longest undefended border in the world. Terrain varies considerably from mountains, to vast expanses of great plains, the Great Lakes, rolling farmland, and forests. The weather is far more variable than that on the Southern border, with sub-zero temperatures and several feet of snow prevalent several months of the year. In contrast, in the summer much of this same border region becomes a major recreation area and attracts millions of people annually.

b. Workload: Some 30 million vehicles and 80 million persons enter annually through the 94 ports of entry along the Northern border. Additionally, numerous small waterports (primarily on the Great Lakes) are located along the border.

c. The Problem: Although the illegal entry of aliens, narcotics, and merchandise pose a problem along the Northern border, the magnitude of the problem is much less than that encountered along the Southwest border. Even though the numbers of illegal entries may be small, border control is still required to protect the interests of the United States as well as those of the States along the border. The greatest problem on the Northern border is the vastness of the border and the limited manpower available to cover it.

### 4. SEA BORDERS

a. Geographic Description: The U.S. seacoasts include the long Pacific and Atlantic coastlines, the Gulf coast from Florida to Texas, the St. Lawrence Seaway, the Great Lakes,

Alaska, Hawaii, and Puerto Rico, the Virgin Islands of the U.S., Guam and American Samoa. The coastline is comprised of countless inlets, bays and thousands of miles of inland waterways.

b. Workload: The Nation's seaports and sea borders are a significant part of the overall border activity. Representing the bulk of \$250 billion in import and export trade, 160,000 vessels arrive at our seaports each year carrying 3 million crewmen and passengers to the U.S. In addition to the required inspection of people and cargo, several special navigation laws must be enforced regarding the reporting of the arrival of vessels.

Special regulations have been developed to reduce the enormous inspection workload by facilitating local traffic by boat along the Northern border waterways. For instance, crewmen of Great Lakes vessels and ferries operating between Canada and the United States are inspected for immigration purposes only once each year, on their first arrival each spring.

c. The Problem: Our sea borders are frequently used to evade the established importation controls and the prohibitions against specific items such as drugs. Additionally, stowaways or alien crewmen deserting ship are common problems. The inherent difficulties of searching vessels for these persons or merchandise present a unique enforcement problem. Ingenious methodologies for concealing drugs and contraband have been developed by smugglers. Items can be concealed in cargo, in the vessel itself, below the waterline of the ship, dropped overboard, or on the persons of crewmembers or passengers. To combat the wide range of smuggling activity requires special skills and techniques on the part of Federal law enforcement agencies. Pilferage of imported cargo at waterfront locations is a traditional problem to carriers, importers and insurance companies.

Hundreds of thousands of arriving private yachts and small boats have also become a major law enforcement problem. Along the Florida/Gulf and Southern California coasts these vessels are capable of reaching foreign ports and returning to U.S. ports anywhere on the waterways. This technique is a relatively safe way to smuggle aliens, contraband, or narcotics because of the volume of small boats in these areas and the comparably small law enforcement presence to combat illicit traffic.

## 5. AIR BORDERS

a. Geographic Distribution: Arriving international passenger and cargo flights are inspected at over 50 international airports of varying size scattered across the country. The

majority of international air arrivals are centered in thirteen major international airports: J.F. Kennedy, Miami, Honolulu, Los Angeles, O'Hare, Logan, San Juan, San Francisco, Houston, Philadelphia, Dulles, Dallas, and Seattle.

b. The Workload: In recent years, the number of international flights has increased dramatically. Large numbers of inexpensive package tours and charter flights have become available for travel to all parts of the world. During the past decade, air arrivals have grown at the rate of eight to ten percent per year. Annually, 20 million persons and huge volumes of air cargo arrive in the United States on 350,000 commercial, military and private flights. To help reduce some of the pressure at the overcrowded U.S. international airports, some 4 million passengers and their baggage are precleared at selected foreign locations for both commercial passenger and military flights.

c. The Problem: Air arrivals pose a considerable risk of illegal entry of aliens, contraband, agriculture pests, and drugs. The alien visitor arriving by air who intends to violate his legal status is generally more sophisticated than the land border crosser. He usually has money to sustain his visit and can blend easily into city populations, find employment and remain illegally. To further complicate the inspection, many aliens and U.S. citizens attempt to bring forbidden or undeclared merchandise or illegal drugs into the United States. Under the pressures of long lines of passengers waiting for inspection, the need for a thorough inspection must be balanced with the need to facilitate the entry of U.S. citizens, legal aliens and their baggage.

Inspection of air cargo is subject to the same pressure to facilitate entry. Because of the premium freight charges, air shippers expect Federal inspectional agencies to show a concomitant interest in the quick release of the merchandise to the importing public.

During the past decade, there has been increasing use of private aircraft for smuggling drugs, contraband, and aliens. The use of aircraft enables the smuggler to cross the border at a time and place of his own choosing and with a minimal risk of detection or interception. The Southern border is a natural gateway for smuggling by air. There are thousands of landing fields or suitable isolated landing places within a short distance of each side of the border. The thousands of legal air crossings occurring each month offer the smuggler even further concealment from detection. Interdiction of illegal entry by air is difficult. Development of intelligence and use of the short and long range radar capabilities of the Federal Aviation Administration (FAA) and the North American Air Defense Command

(NORAD), mobile ground radar, airborne radar in patrol and pursuit aircraft all contribute to interdiction efforts. Current estimates indicate that some 4,000 to 6,000 illegal smuggling flights are crossing the Southern border each year.

#### D. PRINCIPAL AGENCIES WITH BORDER INTERESTS

Presently eight agencies representing seven cabinet departments have a physical presence in border operations and enforce over 400 Federal laws and regulations involving entry and departure of people and goods across the border. This diversity of organizational response is a reflection of the multiplicity of problems inherent in border control. Protection of agriculture and industry, control of immigration and illegal entry, and detection of drugs and other contraband are some of the contributions to the constant problem of border control which has manifested itself throughout our history.

The Immigration and Naturalization Service (INS) and the U.S. Customs Service work side by side in enforcing laws and providing service to people and goods entering the U.S. They face many common problems and use many common techniques while pursuing their individual enforcement goals. The U.S. Coast Guard is also responsible for law enforcement and service to the public, but works in a different element, the high seas and U.S. waters. A number of other agencies have an interest in and participate in border operations. These include the Drug Enforcement Administration of the Department of Justice, the Animal and Plant Health Inspection Service of the Department of Agriculture, the Center for Disease Control in the Public Health Service (HEW), Fish and Wildlife in the Department of the Interior, and other investigative agencies. These agencies routinely support and are supported by each other. The Review Team focused on the functions performed by these agencies to include how they complement or conflict with each other and how overall effectiveness might be improved.

Following are brief descriptions of the Federal agencies with border management responsibilities. All of these agencies or activities have varying degrees of border and interior responsibilities. The personnel and budget data represents the total for both responsibilities. Attached to this report is a more complete description of the principal agencies as submitted by the individual agencies. (See Appendices)

AGRICULTURE

## Animal, Plant Health Inspection Service

Prevents the entry of foreign plant and animal pests and the introduction of plant and animal diseases through the inspection of imported plants and plant products and animals and animal products. Provides export certification of the same.

FY 1977 Budget: 650 Positions, \$24.8 million  
(plus 177 man years and \$4.3  
million for veterinary services)

COMMERCE

## U.S. Travel Service

Works with U.S. Government agencies to reduce official barriers to international travel.

FY 1977 Budget: 141 Positions, \$14.6 million

HEALTH, EDUCATION, AND WELFARE

## Public Health Service

Prevents the introduction, transmission and spread of communicable diseases from foreign countries into the United States, and supervises the medical examination of aliens abroad seeking admission to the U.S. and aliens in the U.S. applying for permanent residence.

FY 1977 Budget: 53 Positions, \$1.9 million

INTERIOR

## Fish and Wildlife Service

Monitors the importation and exportation of all wildlife and parts of wildlife through the use of wildlife inspectors and criminal investigations.

FY 1977 Budget: 271 Positions, \$8.6 million

JUSTICE

## Drug Enforcement Administration

Provides a leadership and coordination role in narcotics and dangerous drug suppression programs at the National

and international level and develops overall Federal drug enforcement strategy, programs, planning and evaluation.

FY 1977 Budget: 4,365 Positions, \$168.3 million

#### Immigration and Naturalization Service

Controls entry and stay of persons into the U.S. by inspection of persons to determine admissibility; adjudication of requests for benefits under the law; prevention of illegal entry; investigation, apprehension and removal of illegal aliens; and the examination of applicants wishing to become citizens through naturalization.

FY 1977 Budget: 9,452 Positions, \$244.5 million

### TRANSPORTATION

#### U.S. Coast Guard

Exercises plenary jurisdiction over all violations of Federal laws upon the high seas and U.S. waters; renders aid to persons and property in distress on, over, and under the high seas and waters of the U.S.; facilitates the safe and expeditious passage of marine traffic in U.S. waters; prevents environmental harm to navigable waters and adjacent shore areas; and maintains an effective and ready armed force.

FY 1977 Budget: 45,336 Positions, \$1.4 billion

#### Federal Aviation Administration (Support Only)

Regulates air commerce and assures its safe and proper development; ensures the safe and efficient use of the national airspace; develops and operates a common system of air navigation and air traffic control for both military and civil aviation; assists in the development of an effective national airport system; and does all these things with due regard to the safety, environment and economic factors involved.

FY 1977 Budget: 75,626 Positions, \$2.6 billion

### TREASURY

#### U.S. Customs Service

Protects and collects revenue of the U.S. from imports by inspection of baggage and cargo imports, prevention of contraband smuggling, investigation of import violations, and enforcement of border-related laws of other Government agencies.

FY 1977 Budget: 14,707 Positions, \$359 million

## CHAPTER 3

FUNCTIONSA. GENERAL

The principal enforcement functions at the border are:

- Inspection of people and goods crossing the borders.
- Patrolling land borders between ports of entry, at seaports and air and marine patrol.
- Investigation or follow-up on illegal acts and violators.

These functions are supported by communication and computer systems, as well as administrative activities. In addition, the assessment and collection of duties produces \$5 billion annually. While other activities such as processing of immigration applications, naturalization procedures, and drug trafficking and fraud investigations may not be performed at the border, they are tied directly to border interests.

Each function and related activities are described in this chapter, followed by Review Group findings. No attempt is made to repeat the quantitative analysis contained in other recent reports regarding the level of threat or the relative priority of functions.

B. THE INSPECTION FUNCTION

The inspection function is performed at air, sea and land ports of entry by inspectors of five different agencies from five different departments.<sup>1/</sup>

- Customs (Treasury)
- INS (Justice)
- Animal and Plant Health Inspection Service (Agriculture)
- Public Health Service (Health, Education, and Welfare)
- Fish and Wildlife Service (Interior)

<sup>1/</sup> Representatives of the U. S. Travel Service (Commerce) are also present at some ports of entry to greet arrivals and serve as interpreters. However, they do not perform inspection.

1. (a) Purpose: The purpose of inspection is to determine the admissibility and conditions of entry for arriving persons and cargo. The object of the inspection may be a person; baggage; a vehicle, vessel or aircraft; or cargo and the container in which it arrived. Customs and INS are the principal inspection agencies.

The individual inspector must be cognizant of the functions and requirements of the various agencies. However, inspectors place greatest emphasis on the specific laws and regulations of the agency which they represent. At land borders, inspectors are cross-designated with the authority of all involved agencies to allow them to do a full range of inspection as required. The inspection function is designed to be responsive to a number of potential threats to the economy and well being of the United States.

(b) Immigration Threats: The United States prohibits some persons from entering the country, such as known terrorists, narcotics violators, anarchists, etc. Immigration quotas exist and must be enforced. On the other hand, foreign tourists are encouraged to visit, providing they depart the country at the scheduled completion of their visit. The Immigration Inspector examines the arriving persons to determine if they are aliens and, if so, determines whether they can be admitted and under what conditions. He must also identify and exclude those aliens who attempt to enter with fraudulent documents or false claims. Four hundred thousand immigrants enter the United States each year. An additional 14,000,000 alien visitors have immigration controls placed upon their stay and 269,000,000 people are examined on entry.

(c) Health Threats: Historically, the first uniformed inspector that an arriving person met was a Public Health Inspector. The inspector asked questions and examined documents regarding immunizations, x-rays, places visited and visually examined the person to determine if his entry would pose a public health problem. The present strategy is to support the elimination of disease overseas, rather than attempt to stop it entering the country by assigning hundreds of inspectors to ports. Immigration inspectors perform the Public Health interrogation and visual inspection. Public Health provides only a small backup force at selected ports.

(d) Customs Threats: The Customs inspector is responsible for preventing the entry of narcotics and other contraband through the ports of entry. Customs inspectors examine baggage and vehicles and collect duty on certain imported articles carried by arriving persons. Arrivals are questioned regarding things they are bringing with them and an intensive search of persons, baggage, or vehicles may be conducted on a selective basis. An inspection is also performed on all arriving cargo for the purpose of assessing duties or permitting free entry. Customs also enforces over 400 laws for 40 other agencies thus reducing the requirement for additional border inspection agencies. Over 475 million tons of cargo were processed in 1975.

(e) Agriculture Threats: A major economic threat to the United States is the possible entry of animal and plant pests and diseases that could prove disastrous to the U.S. agriculture. The Agriculture and Customs inspectors work together to detect any potential carrier of insect pests or disease.

(f) Endangered Species Threats: Laws aimed at protecting domestic and foreign endangered wildlife require that wildlife be accompanied by proper documentation to enter the United States. A small contingent of Fish and Wildlife inspectors as well as Customs and Agriculture inspectors enforce these laws. Additionally, the Fish and Wildlife Service uses Special Agents to inspect and clear fish and wildlife importations at various ports of entry.

2. (a) Process: The process of inspection differs from port to port and between different types of ports. Procedures also vary depending on whether the inspection station is at an air, sea or land port.

Fundamental to the process is the principle of primary and secondary inspection. Primary inspection is performed by the initial inspector who meets the arriving person. The arrival may be identified as low risk or with no complications and may be cleared immediately. If there is reason to require a more detailed inspection, the primary inspector will refer the arrival to a secondary inspector who completes the inspection. Reasons for referral may be:

- to detect and exclude fraudulent alien entrants
- to complete required forms
- to obtain specialized inspection assistance

- to conduct a detailed search for drugs or other contraband
- to collect duty on imported merchandise

(b) Land Ports of Entry Inspection: Cross-designated inspectors of both INS and Customs staff the primary inspection posts on both vehicular and pedestrian lanes. A few Agriculture Inspectors are also cross-designated and staff a small number of pedestrian lanes on the Mexican border. Primary inspectors have the authority to clear persons for entry or refer them for a more detailed inspection in the secondary areas of the appropriate agency. Temporary visitors, immigrants, suspect aliens, and border crossing card applicants are referred for Immigration secondary inspection. Referrals are made to Customs secondary for the collection of duty, baggage examination, and personal or vehicle searches. Potential health, agriculture or wildlife threats are referred to the appropriate office for secondary inspection.

(c) Airport Inspection: A two-stop inspection process is used at airports. The person initially is inspected for public health and immigration purposes by Immigration inspectors. All names of arriving persons are checked in an INS lookout book and appropriate controls are placed on all aliens. Referrals may be made to an Immigration or Public Health secondary area.

After clearing Immigration, passengers pick up their baggage and proceed to a Customs inspection area. A Customs inspector enters the traveller's name into the Customs automated lookout system, completes the inspection or refers the passenger to a secondary inspection. Referrals are made to Customs secondary for the payment of duty or for a more detailed search of the traveller and baggage.

(d) Seaport Inspection: Immigration inspection of passenger vessels is typically conducted by inspectors boarding the ship and performing crewman and passenger inspection prior to docking. Public Health inspection is accomplished by "Radio Practique," by which a responsible ship's officer reports the absence of disease among the crew. The Customs and Agriculture inspection is typically done at dockside with inspectors and patrol officers boarding the ship and searching for contraband. The hundreds of seaport facilities and different types of ships require a wide variety of inspection procedures.

(e) Preclearance Inspection: To reduce inspection workloads at U. S. airports and to facilitate travel, passengers departing by air for the U. S. are inspected by U. S. inspectors at selected locations in Canada, the Bahamas, and Bermuda.

#### FINDINGS - INSPECTION

1. Current low levels of staffing create significant problems in providing adequate inspection during peak arrival times. The result is a faster, less detailed inspection for each arrival.
2. Expanding the number of secondary inspections would improve the effectiveness of law enforcement at land ports of entry.
3. A more effective inspection process overall would enhance the entire border control effort.
4. There is a significant duplication of management overhead between INS and Customs at most ports of entry and added duplication of an Agriculture management structure at large ports.
5. Levels of interagency cooperation vary, but there is a general sense of conflicting priorities and less than full cooperation between agencies. Both personality conflicts and process conflicts appear to be magnified by the lack of personnel to meet the workload.
6. The most obvious inspection problems are the duplication of effort and management difficulties associated with the number of agencies present with separate responsibilities for portions of the inspection process.
7. A single agency responsible for the inspection process and for the entire inspection force would provide more flexibility in scheduling and a more balanced inspection program.
8. Single management would significantly improve primary inspection at land ports and could eliminate the current two-stop inspection process at airports.

9. There is a need for special expertise for the more technical secondary inspection. Even with single management, specialists in immigration, customs, agriculture, etc., will be required to handle referrals. However, this requirement for specialists could be met either by a limited number of secondary inspectors from the responsible agency or specialized career fields within a single agency.

### C. THE PATROL FUNCTION

1. Purpose: The purpose of the patrol activity is to detect and prevent the surreptitious entry or smuggling of aliens or contraband into the United States. All persons seeking to enter the United States for any purpose are required to present themselves at a port of entry for inspection. Consequently, anyone crossing the border between the ports is entering the U. S. illegally. The patrol function is performed by the U. S. Border Patrol of the Immigration and Naturalization Service and the Customs Patrol of the U. S. Customs Service.

#### 2. Process:

(a) U. S. Border Patrol: The U. S. Border Patrol guards the land borders as well as the Gulf and Florida coasts against the entry of persons without inspection and is charged with apprehending those who try to enter surreptitiously. The Border Patrol collects information and watches the rivers, land, and coastal border areas. They also intercept illegal border crossers by checking the various modes of transportation and maintaining traffic check points on highways leading from the border. Their aim is to prevent the illegal aliens from moving into the interior of the United States. The Border Patrol also checks employees of farms, ranches and industries in the border area and apprehends illegal entrants who have evaded detection and obtained employment.

Because of its substantial presence along the border, the Border Patrol interdicts significant quantities of marihuana and other contraband as a by-product of its primary mission. Many Border Patrol agents are cross-designated with Customs search and seizure authority. In areas where Border Patrol agents are not cross-designated, they exercise citizen arrest rights under state law to apprehend drug smugglers.

(b) Customs Patrol: The Customs Patrol's primary responsibilities are patrolling between the ports of entry to detect and prevent the smuggling of contraband and providing port security at ports of entry. Between the ports of entry, the principal tactic is to maintain surveillance at locations where smugglers of contraband are known to cross. To meet its port security function, the Customs Patrol is stationed throughout the United States at air, land and sea ports of entry. Customs Patrol Officers (CPOs) also operate air and marine interdiction programs which are discussed below.

Air and Sea Patrolling: Surveillance and interdiction of illicit air and sea traffic are two of the most complex and difficult tasks for Federal law enforcement agencies.

(a) Air Interdiction: The monitoring of illegal air traffic across the borders is a joint Federal effort with the Customs Air Patrol Units supplying the lead. Supported by the North American Air Defense Command (NORAD), the Federal Aviation Administration (FAA) and the El Paso Intelligence Center (EPIC), Customs currently provides our anti-smuggling air interdiction capability. NORAD, FAA and U. S. Customs mobile radar units are used in the detection and identification of aircraft crossing the border areas. Procedures have been developed with the FAA to require pilots to fly into designated airports along the Southwestern border or obtain previous Customs permission to overfly into the interior. Aircraft which fail to comply can be more readily identified and an interdiction may be attempted.

Smuggling by private aircraft has long been acknowledged as a major threat in the southern border area. The recent Domestic Council Report on the Southwest Border indicated that marijuana is the predominant drug smuggled by air.

A successful air interdiction program requires effective intelligence support. While the present air interdiction effort creates some deterrent effect, additional information on smuggling activities would allow the resources to be used much more effectively in apprehending the smuggler.

However, one of the principal objectives of the air program must be to determine the volume of illegal air traffic and its characteristics. The Air Force Airborne Warning and Control System (AWACS), is being considered as a possible source of additional air traffic information which might be collected during AWACS training flights. Customs is engaged in discussions with the Air Force to develop this potentially valuable support.

The Customs air support consists of 75 aircraft of mixed capabilities. Additional air-to-air radar capability combined with a better mix of aircraft would enhance the potential capability of air interdiction.

(b) Sea Interdiction: The Customs Patrol has responsibility for interdiction of smuggling attempts along the water borders of the United States. Customs maintains a small fleet of boats for their own use and has made a number of marine interdictions using radar aboard their boats.

The United States Coast Guard (USCG) is the lead agency for maritime law enforcement because it is the only Federal agency with plenary jurisdiction over all violators of Federal laws upon the high seas and waters over which the United States has jurisdiction. The Coast Guard has several primary missions other than law enforcement. Therefore, most Coast Guard personnel, vessels and aircraft are multi-mission oriented including such functions as enforcing the 200-mile limit for fishing rights; public safety; maritime assistance; aids to navigation; and pollution control. An estimated 10 percent of the Coast Guard's patrolling activities involve law enforcement.

#### FINDINGS - PATROLLING

1. The land, sea and air patrol functions are vital to successful border control principally due to their deterrent effect.
2. The U. S. Border Patrol on the Southwest border was observed to be highly motivated and skilled in interdicting larger numbers of illegal border crossers. However, their efforts are somewhat frustrated by the overwhelming volume of illegal aliens.

3. The Customs Patrol is doing an excellent job in the area of seaport security. While INS has responsibility for crew member control at seaports there was no reported conflict between the two efforts.
4. Along the Southwest border, the air interdiction function is a combination of patrol and investigative activities that are supported with a variety of sophisticated Air Force and FAA equipment.
5. The use of additional technologies, such as the Airborne Warning and Control System (AWACS) of the Air Force and expanded support by the Federal Aviation Administration can provide a more accurate picture of the amount of illegal air traffic.
6. A better mix of aircraft would be likely to provide a good return on the investment by increasing the effectiveness of the Customs air interdiction effort.
7. The U. S. Coast Guard was judged to be responsive to the needs of the existing border enforcement agencies. However, it was noted that the Coast Guard's law enforcement activities in support of the border control effort are only a small part of their overall responsibilities.
8. The major shortcoming in the patrolling function is the duplication of effort and lack of cooperation between the Border Patrol and the Customs Patrol on the Southwest border.

#### D. INVESTIGATIONS

Purpose: The purpose of the investigation function is to gather evidence leading to the prosecution of violators of U. S. laws. The analogy often used is the uniformed policeman and the detective. The uniformed policeman provides the physical presence to apprehend violators in the act and present a visible deterrent to wrongdoers. The detective in plain clothes is called in to investigate a specific case and prepare evidence for prosecution. The investigation function also supports border interdiction through the collection of intelligence.

Each agency involved in border law enforcement has its own force of criminal investigators (special agents). Customs, INS, DEA, and Fish and Wildlife have special agents who are located near the border, as well as in the interior of the United States. By definition the smuggling

of drugs and contraband and the illegal entry of aliens are violations which originate outside our borders. The illegal activity continues throughout the border zones to interior destinations of aliens or distribution points for narcotics or controlled merchandise. The international nature of border crime assures that aliens are likely to be involved as either the victim or the violator.

#### 1. Immigration and Naturalization Service

INS currently has some investigators assigned to the land border area. However, most INS investigators are located at coastal and interior cities with large concentrations of aliens and frequent sea and air arrivals from abroad. Investigators, usually responding to a specific report, apprehend aliens in the interior cities. Information gained from this activity, called "area control," may lead to major investigations involving organized crime and conspiracies.

Investigative emphasis is placed upon alien smuggling and fraudulent documents. Joint investigations with Customs or DEA may be generated when a multi-purpose smuggling conspiracy is involved. INS also investigates cases of fraudulent, criminal or immoral acts by aliens or suspect aliens seeking benefits through the adjudications or naturalization process.

The U. S. Border Patrol also uses investigative techniques in collecting information and pursuing alien smuggling in the vicinity of the borders. However, Border Patrol agents, rather than criminal investigators, are assigned these duties.

#### 2. Customs Service

The Customs Office of Investigations investigates a wide variety of violations of Customs and related laws including, but not limited to, smuggling of merchandise such as diamonds or jewelry, fraudulent invoicing, currency and neutrality violations. Fraud investigations currently account for approximately 25 percent of their case load with the remainder in currency, neutrality and other categories. Although the Customs Special Agents are prohibited from investigating drug smuggling, the Customs Patrol has adopted a limited investigative mode and provides some direct support to DEA on narcotics cases.

### 3. Drug Enforcement Administration

DEA is the lead agency for all Federal drug investigations. DEA supports cooperative efforts in foreign countries which are designed to reduce the availability of illegal drugs, such as the eradication of illicit opium and the disruption of the flow of illegal drugs in international traffic. DEA is responsible for operating a national drug intelligence system and is charged with providing information on drug smuggling to the border law enforcement agencies.

Drug arrests and seizures made by inspectors or patrol officers are referred to DEA investigators who take custody of the violators and drugs, initiate appropriate follow-on investigations and prepare the case for criminal prosecution. In cases where the Federal system will not accept the case for prosecution, DEA or Customs may attempt to secure a prosecution in state courts.

### 4. Interagency Considerations

The current U. S. policy on drug trafficking requires a full range of supply reduction activities, from eradicating the source of the drug at its overseas origin, disrupting the transportation or processing systems which bring it to the U. S. in a more refined form and destroying distribution networks within the U. S. DEA is designated the lead agency to implement the Federal drug strategy. Other Federal agencies responsible for border law enforcement are required to pass their drug smuggling cases to DEA for further investigation and prosecution.

The creation of DEA in 1973 was justified largely on the basis of the then existing conflict over the drug smuggling investigations in the U. S. Customs Service and the domestic drug conspiracy investigations of the Bureau of Narcotics and Dangerous Drugs (BNDD). It was alleged that Customs and BNDD were unable to work together. The intent of the 1973 reorganization was to make DEA responsible for all drug investigations, with Customs retaining responsibility for border interdiction. Customs disagrees with the current policy regarding drug investigations.

On most smuggling violations, Customs exercises investigative jurisdiction over the entire process. However, Customs investigators are not permitted to pursue drug smuggling investigations. Therefore, Customs has a strong desire to resume investigation of drug smuggling to maintain the continuity of the Customs overall effort in the belief that it will enhance the availability of drug smuggling information for use at the border itself.

FINDINGS - INVESTIGATIONS

1. The principal border control functions are inspection and patrolling. Investigation is an important supporting activity in responding to seizures and developing information. However, investigators have many other responsibilities which are less directly tied to the principal border control functions. Border management should be organized around the principal control functions with investigations organized to provide the best possible support consistent with other priorities.
2. Customs disagrees with the relative priorities assigned to drug trafficking investigations versus drug interdiction at the border. Customs' principal mission is border interdiction. DEA is responsible for developing Federal drug enforcement strategy and programs and for handling high level drug conspiracy cases. The different perspectives result in some conflict between the two agencies.
3. As long as the U. S. has a single purpose agency charged with the overall drug control mission, that agency should have the principal voice in determining the most effective approach to drug trafficking investigations. Therefore, any change in Customs' responsibility for domestic drug smuggling investigation should be contingent on DEA's agreement.
4. The Review Team found wide disagreement regarding current CPO/DEA relationships. Some Customs representatives felt that the current CPO/DEA working arrangements are a significant improvement in the relationship between drug interdiction and drug investigation. Others felt that the total responsibility for drug smuggling should be in Customs.
5. If the current National priority given to drug trafficking investigations is changed or DEA should cease to exist in its present form or role, consideration should be given to restoring Customs authority to pursue drug smuggling investigations.
6. A significant potential for reducing the impact of new illegal aliens on the domestic economy exists in expanding the investigative effort aimed at the interstate conspiracies which transport the smuggled aliens from the border crossing location to their ultimate destination in the U.S. Additional investigative resources should be committed in this area.

## E. SUPPORT FUNCTIONS

In addition to the operating functions, there are a number of direct support activities which are vital to effective border management. The physical facilities (buildings, inspection areas, etc.), computer systems, and communications systems form the operational support base for border law enforcement.

1. Facilities: Physical facilities in many areas were observed to be inadequate. Many major land border crossings on both the Northern and Southwestern borders process a high volume of passenger and cargo traffic through facilities that are not designed to facilitate the flow of traffic and do not provide adequate space for secondary inspections. Emphasis on construction of standard port facilities, such as the one at Nogales, Arizona, could enhance the inspection function. Additional ports of entry could be opened to distribute the workload. However, political pressures to protect the economies along current entry routes have restricted management decisions.

Several major airports have recently undertaken efforts to remodel the international arrival areas to improve the passenger and baggage processing cycle. For example, the Seattle/Tacoma International Airport provides separate levels for Immigration and Customs processing. The smooth flow of passengers provides a valuable assist to the inspection process.

Observations at other locations supported the problem perceived by the study team. In Dallas, for example, the physical layout of the airport inspection area was viewed as small and cramped. Problems concerning airports, land border crossings and detention center facilities were noted at other locations. In addition, inadequate facilities at Montreal and Vancouver hampered effective Customs inspection at these preclearance locations. Passenger control, baggage control and ramp security are all viewed as problem areas in the preclearance facilities in these Canadian cities.

Summary: Most of the physical facilities provided for border operations are inadequate to meet current workloads. A high priority should be given to improving and expanding the facilities to provide both better service and more effective law enforcement.

2. Computer and Telecommunications Systems: Each of the principal agencies operates its own computer system. The DEA and Customs systems are modern and capable of meeting the requirements of these agencies. INS is in the process of expanding their computer system with some procurement action currently underway. The agency budget for computer procurement and operations for Fiscal Year 1977 were:

Customs	\$24.0 million
DEA	18.1
INS	8.2
TOTAL	<u>\$50.3 million</u>

A brief description of the systems follows:

(a) Customs

With almost 900 terminals located throughout the United States and at preclearance sites, the Treasury Enforcement Communications System (TECS) gives the greatest user coverage of the systems reviewed. In addition to an information storage and retrieval capability, TECS has a real-time enforcement administrative message switching capability, an intelligence function and interfaces to several other enforcement systems. TECS provides information to and receives information from several other agencies in the Federal community, e.g., ATF, IRS, DEA, and the Coast Guard. Department of State and the National Central Bureau of Interpol also use TECS. The principal use of TECS is to query the names of passengers arriving at airports, and license plate numbers of vehicles entering at land ports of entry. TECS provides a number of specialized systems for aircraft inspection reporting, vessel violation profiles, and currency violations. The hardware used for the TECS system also supports the Customs Activity Reporting (CLEAR) System which includes several statistical reports.

In addition to TECS, Customs also operates administrative computer support systems and is developing an automated merchandise processing system.

(b) DEA

The Narcotics and Dangerous Drugs Information System (NADDIS) is composed of centralized automated files on some 660,000 narcotics traffickers, a secure nationwide computerized telecommunications network which supports approximately 190 terminals.

While not a computer system, the El Paso Intelligence Center (EPIC) is an interagency sector intelligence center where six Federal agencies work toward a common goal -- a more secure U.S./Mexican border. They use all available information systems including TECS, NADDIS, NCIC, etc. The EPIC objective is to provide a complete and accurate picture of drug trafficking and alien and contraband smuggling along the Southwestern border of the United States. Working under DEA leadership, INS, FAA, Customs, Coast Guard, and ATF, render direct and immediate services to enforcement officers of the member agencies for border interdictions, seizures, arrests and/or prosecutions. EPIC provides timely information directly to Headquarters and field elements of participating law enforcement agencies. The processing and dissemination of this intelligence also contributes to strategic analyses by member agencies.

(c) INS

Currently, INS has limited computer capability. The INS system is largely a Headquarters support system which is rapidly developing agency-wide support capabilities. However, there is no INS equivalent of either TECS or NADDIS.

INS has devoted considerable systems design effort in recent years to plan a modern computer support system. INS' most promising development is the Alien Documentation, Identification and Telecommunications System (ADIT). ADIT will replace the 17 existing editions of the alien registration receipt and border crossing cards concurrent with the development of similar documents by the Visa and Passport Offices. The new cards contain fraudulent document control features which, when used in the automated ADIT System, are virtually counterfeit-proof and unalterable. When fully implemented on a nationwide basis in 1981, ADIT will consist of an alien ID card plus automated card and visa readers at approximately 200 U. S. ports of entry; telecommunications lines; mini-computers and automated access from field locations to the massive documentation for files which INS is legally responsible.

3. Radio Communications Systems: The U.S. Border Patrol, the Customs Patrol and the Drug Enforcement Administration all have radio communications systems. The telecommunications capabilities described in the preceding section supplement commercial and government telephone lines. The radio system is designed primarily to provide communication with mobile units. All agencies are interested in complete area coverage because of the need to maintain contact with the individual law enforcement officer both to give instructions and to provide for the safety of the individual officers. Therefore, each agency has an area radio system with repeaters located at appropriate locations to relay radio signals.

The Immigration and Naturalization Service, utilizing VHF radio equipment, has the only nationwide radio system of all border agencies. INS maintains a network of 340 radio base stations along U.S. borders and at the offices in the interior U.S. All INS districts, all Border Patrol Sectors, all ports of entry and suboffices are tied into this nationwide system.

The U.S. Customs Service, utilizing VHF radio equipment covers the U.S. borders everywhere except along certain sections of the Canadian border. For area coverage in these locations, there is a system to monitor INS frequencies. Customs plans to expand its own system to include this area.

The Drug Enforcement Administration, utilizing UHF radio equipment, maintains a radio network which supports the operating offices.

Customs Patrol and the Border Patrol have the most obvious need to communicate directly with each other. Even though the radios are compatible, the assigned frequencies are different and the mobile radios cannot communicate between patrols. At some locations, the field unit may call its communication center and the message is relayed by phone to the communications center of the other agency who relays it on its own radio system to the intended receiver. At some locations both INS and Customs acquire "scanners" so they can monitor each other's transmissions at the base stations and relay the message to the intended receiver.

Neither Customs nor the Border Patrol can communicate with DEA because VHF and UHF systems are incompatible. However, the need for routine radio communications between the patrols and DEA does not appear to be as important as the need for direct communication between mobile patrols.

4. Other Support Systems: R&D, Laboratory Support, Technical Equipment Program and Training: All investigative agencies have developed support programs to enhance enforcement effectiveness and provide more efficient operations and improved delivery of service. Research and development, laboratory support, use of technical equipment, and training are essential tools in improving the effectiveness of law enforcement. To minimize duplication, agencies with common or related objectives coordinate their "support" activities.

(a) Research and Development: Research and development supports investigation, interdiction, intelligence or regulatory programs and policy development and evaluation. Two categories of programs exist -- those resulting in hardware developments; and those providing data and analysis relative to policy or procedural development.

Hardware research and development programs include the requirements analysis, systems design, fabrication and test and evaluation of technical equipment required (1) to meet immediate specific operational needs, and (2) to meet long-term requirements of a general nature. Other research and development programs include: analytical studies primarily consisting of the application of systems analysis, operations research and social and behavioral sciences techniques to identify problem areas and recommend solutions.

Many of the projects have applications in other Federal, state and local law enforcement and drug abuse control organizations; consequently, research and development is coordinated with other agencies having similar functions. Examples include coordination between DEA, the U. S. Customs Service and the Department of Defense interdiction sensing devices and research on methodologies to assess abuse potential of drugs with Food and Drug Administration and the National Institute on Drug Abuse.

(b) Laboratories:1. Customs

The Customs Service has laboratories in each of its nine regions, at Headquarters and in Puerto Rico. The labs are equipped to analyze samples of all merchandise entering the United States. Analysis of merchandise is essential since tariffs often depend on the component parts of the imported commodity.

Prior to DEA's becoming responsible for drugs, the Customs laboratories analyzed all seizures of drugs made by Customs officers and testified in Federal and State courts as to their findings. Customs laboratories continue to analyze samples of significant heroin and cocaine seizures made by Customs officers. Additional analysis of these seizures is done in DEA laboratories. Customs also analyzes drug seizures made by Customs officers when the Federal Government declines prosecution or when prosecution is accepted by state or local agencies.

2. DEA

The primary purpose of DEA's eight laboratories is to analyze drug evidence in support of the prosecution cases. The evidence analysis also provides a potential for linking suspects to achieve conspiracy indictments and providing strategic intelligence on the nature of illicit traffic.

Much of DEA's strategic intelligence is based upon laboratory analysis. Also, DEA supports state and local agencies when they need assistance to prepare drug cases for prosecution.

(c) Technical Equipment Programs:1. Customs:

The Customs Technical Equipment Program is working to expand surveillance of air smugglers and to develop Regional Communication Centers which will cover the entire Nation. The expansion of computer facilities is also part of the program. Customs is now using mobile radar, night vision devices, forward looking infrared devices and ground sensor systems to track smuggling suspects. Customs R&D effort is geared toward support of the Customs Air Interdiction Program and operation of ports of entry.

2. DEA

DEA's Technical Equipment Program is designed to identify, develop and/or provide required advanced technical investigative equipment, and is managed by the Technical Operations Division with several field area technical operations groups who insure availability, utilization, maintenance and training in the use of technical equipment. In addition to radio and other communication systems and devices, technical equipment includes vehicle position location and tracking systems and a remote multi-spectral opium poppy sensor system.

3. INS

The Immigration Technical Equipment Program includes their nationwide radio communications system.

In support of its border interdiction program, Immigration has installed extensive systems of commercially designed and procured ground sensors which are tied into the radio base stations through a series of repeaters. Minicomputers are being used in a number of Border Patrol sectors to record, analyze and verify signals transmitted to the base station by the unattended ground sensors.

(d) Training:1. Customs:

Customs maintains its own training academy for inspectors, patrol officers, import specialists, and other Customs personnel. CPO's and Special Agents also receive training at the Federal Law Enforcement Training Center at Glynco, Georgia.

2. INS

The training academies at Glynco, Georgia, conduct basic and journeyman programs for all INS officers including Border Patrol agents, immigration inspectors, criminal investigators, detention and deportation officers and naturalization examiners.

3. DEA:

DEA's National Training Institute (NTI) conducts a full range of agent and support training to provide U. S. and foreign law enforcement officers with the drug law enforcement skills.

REVIEW TEAM FINDINGS - SUPPORT SYSTEMS

1. Facilities -- High priority should be given to improving and expanding the physical facilities at ports of entry to provide better services and more efficient enforcement.
2. Computer and Telecommunication Systems -- The systems developed by each agency appear to be appropriate for that agency's use. However, increased effectiveness could be realized through joint use of existing capabilities.
3. Radio Communications Systems -- If two separate land patrol forces are continued, the mobile VHF radios currently in use should be modified or replaced to provide direct radio communication between patrol elements operating in the same area.
4. Other Support Systems -- Some basic duplication exists, but there are no major advantages in consolidation unless there is a merger of the parent agencies.

F. INTELLIGENCE SUPPORT

Other policy review efforts are addressing the intelligence function in detail. Therefore, this section will address only the relationship of intelligence to border enforcement activities.

Border interdiction intelligence consists of two types of information which are reflective of the differing missions and attitudes of the various agency's interests in controlling the borders:

- Major trafficking networks or conspiracies which deal in the high priority drugs (heroin and cocaine) and with the smuggling of aliens from foreign areas into the interior of the United States.

- Activities within the local border area aimed at interdiction of narcotics and other contraband, illegal entrants and those smugglers who assist aliens in crossing the border itself.

### 1. National Intelligence

The major alien and narcotic trafficking network intelligence (National level) is aimed at disrupting and eliminating major trafficking rings wherever it is possible and where the greatest impact can be achieved. This intelligence effort supports crop eradication in foreign areas, foreign prosecution of narcotics violators, and domestic prosecution of major traffickers in both aliens and hard narcotics. Although some of the resulting cases may be terminated with an interdiction at the border to avoid exposing confidential informants and investigative methods, this National intelligence is not generally supportive of the alien or narcotic interdiction function at the borders. DEA concentrates its resources on national level intelligence.

### 2. Local Intelligence

In the border areas, however, the situation and the information required to deal with it are quite different. Border area smugglers trade in anything which is profitable and which provides the least risk, such as aliens, marihuana, parrots and pinto beans. Border area smugglers build effective supply and distribution networks on the basis of these relatively "safe" commodities. Border area smugglers are directly affected by successful interdiction efforts. High-level international drug traffickers normally do not participate directly in the border activity and, consequently, are insulated from the effects of successful interdiction.

The local intelligence required for the interdiction function is normally gathered by the Border Patrol, the Customs Patrol and DEA through their daily contacts with the local population. Local persons and businesses have proved to be a valuable source of local interdiction intelligence.

### 3. EPIC

To coordinate the collection, analysis and dissemination of border-related intelligence, DEA, with the cooperation of INS, formed the El Paso Intelligence Center (EPIC) which was described earlier in this paper. All intelligence information gathered by the DEA and Border Patrol relating to marihuana, narcotics, alien smugglers, fraudulent documents, etc., is processed through EPIC for analysis and dissemination to the appropriate agency. Customs does not believe that DEA assigns a high enough priority to the collection of intelligence to support the border interdiction function. It is, therefore, Customs' view that EPIC, under DEA management, is of limited utility to the principal border management agencies, and, to be effective, EPIC must be under the control of the principal border management agency.

#### FINDINGS - INTELLIGENCE SUPPORT

1. All intelligence gathered in the border area should be processed through a central location and tied into the communications and intelligence systems of all concerned agencies. The most logical "clearing house" for this intelligence function is the El Paso Intelligence Center (EPIC).
2. EPIC will never be fully capable of providing adequate information for border interdiction until Customs, as a principal border enforcement agency, is also a major user of the analysis capability of the Center. Customs should participate in the management of EPIC and reconsider the potential benefit of EPIC's border interdiction information function for use by Customs officers.
3. If a border management agency is created, EPIC is a logical resource to be utilized by the border management agency and should provide border interdiction information as well as supporting DEA's drug investigative requirements.

#### G. NON-BORDER FUNCTIONS

In addition to those functions performed at the border, there are functions which, although performed in the interior, are natural extensions of border operation. Those functions performed by INS include such areas as adjudications, naturalization, investigations, detection and deportation, and certain other functions performed by the inspectors and Border Patrol Officers. Customs, however, by virtue of its mission, focuses its resources almost exclusively on the border and border-related activities. The preponderance of DEA's resources are allocated to non-border areas.

For a more detailed description of non-border functions, see Appendix G.

## CHAPTER 4

PROBLEMS AND ISSUESA. INTRODUCTION

Over the past five years, Federal efforts to stop illegal drug trafficking have received a high priority through Federal attention and budget increases. Similarly, the illegal alien problem and its impact on the U.S. economy is causing a great deal of concern in both the Congressional and the Executive branches of our government. Border control is an important part of the solution to both of these National problems.

This report addresses overall border management and what can be done to improve border control. The preceding chapters describe the organizations and functions which contribute to the complexity of border operations. The wide variety of responsibilities create a challenge to management in balancing service to the public with effective law enforcement.

In the midst of this complexity, it is difficult to address individual problems. What is a significant problem at a major airport may have no relevance to a small northern land port. A multitude of examples can be collected to support either side of any discussion regarding border operations.

The review process has been designed to identify those problems which are having the greatest impact on overall effectiveness and to propose solutions which will improve border management. The review is not intended to solve all border problems, but to provide a framework within which problems can be solved as they occur.

Following a problem identification phase, problems were grouped into categories and used as the basis for discussion during field visits. The principal categories were:

- The magnitude of border problems.
- Duplication of effort.
- Lack of cooperation and coordination.
- Inadequacy of border management resources.
- Service to the public.
- Inadequacy of intelligence.
- Border policies and priorities.

Specific problems associated with these categories are discussed throughout the report. The organizational implications have been included in the options in the following chapter.

During the analysis of problems, two areas were identified as the major obstacles to effective border control. Both issues are appropriate for Executive Office consideration as beyond the control of any single agency or department.

ISSUE 1 -- Lack of coordinated border management.

ISSUE 2 -- Overlap and duplication of effort.

Two other areas were considered as having a serious impact on border interdiction, but are directly associated with National policy and priorities regarding drug law enforcement; drug investigations and drug intelligence. The Federal strategy and relative priorities given to these two areas are the subject of other policy reviews. Therefore, this report only summarizes the border perspectives. Their impact on border interdiction is described in the preceding chapter.

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ISSUE 1

ISSUE: THE LACK OF COORDINATED BORDER MANAGEMENT

Effective border control is an important part of insuring the economic and social well-being of the United States. Yet, the Federal effort to control the borders is not a coordinated activity. Various responsibilities are vested in eight agencies in seven departments. Current border management policy exists only in the form of separate laws, regulations and operating priorities of the various agencies with border management responsibilities.

Problem Resolution:

Each of the border agencies is responsible for a specific part of border control and each agency pursues its own mission, sometimes in competition with the other Federal border agencies and interests. When conflict between agencies appears, there is no effective mechanism to resolve the problem. Even though interagency agreements exist in writing, the operating problems continue along the borders.

Flexibility:

The current organizational structure of border agencies creates a lack of flexibility in responding to crisis and difficulty in providing a coordinated interdepartmental response to new or existing threats. When a major problem or a crisis situation grows beyond the control of the responsible agency, it generates a lengthy process of study, Executive Office decision, Congressional consideration and eventual commitment of new resources to the agency most concerned with the problem. More flexibility in management would encourage timely use of all existing Federal border resources before new resources are considered.

New Approach:

The unique characteristics of the border area and the increasing interest in border control suggest a broader approach to management of our border resources. The expanded use of the term "border management" in itself suggests a more appropriate view of border requirements. A long range plan for border management is needed to set overall operational and budget priorities.

FINDINGS:

The Review Team found that two levels should be addressed in improving coordination, operating management and policy direction.

1. Eliminate the basic cause of lack of operational coordination by consolidating the principal border functions in one agency. By reducing the requirement for interagency and interdepartmental coordination, agency operating policies will be more representative of the total Federal interests.
2. Provide a continuing overview mechanism within the Executive Office to develop a long-range border management plan and necessary policies to insure that border operations are supportive of all Federal programs.

ISSUE 2ISSUE: OVERLAP AND DUPLICATION OF EFFORT

Findings of overlap of responsibilities and duplication of effort are the common theme in previous studies of border operations. This review also identified overlap and duplication in both the operating and support functions and attempted to assess the resulting impact on effectiveness.

Several factors were considered in determining effectiveness. The obvious need for economy and efficiency was balanced with the observation that the differing perspectives of a variety of specialities may enhance successful detection of illegal activities. Duplication of effort was considered in the light of reported resource deficiencies by the principal border enforcement agencies. Both INS and Customs reported a lack of personnel, equipment and other resources required to perform their respective missions. The Review Team found it difficult to determine the degree of resource shortage because both agencies have duplicate functions and support structures, e.g., inspection, patrol, and investigation; computer systems, radio systems, boats, aircraft, vehicles, etc. It is not possible to make a definitive judgment on overall resource shortages because of the existing duplication. Therefore, observations regarding resources shortages are based on inability to meet workload requirements.

Likewise, the total amount of illegal activity taking place is unknown and makes the determination of "adequacy" particularly difficult. It was evident that considerable illegal activity is continuing to take place despite a high level of effort by the current Federal border enforcement force. Following is a summary of the Review Team's observations in each functional area.

Inspections:

a) At land ports of entry, Immigration inspectors and Customs inspectors jointly man the primary inspection area. Differences in inspection priorities and duplication of management structure were observed. While duplication of inspection personnel was evident, the workload was sufficiently large to suggest that the duplication is not, in itself, inefficient.

There are informal local agreements regarding the ratio of Customs inspectors to INS inspectors assigned at primary inspection points. Shortages of inspectors

resulted in an undesirable ratio or balance between primary and secondary inspection and, in one case, caused a major part of the facility to be closed.

Part of the illegal alien problem is attributed to lack of adequate Immigration inspection, particularly on the Southwest border. Further, lack of Customs inspectors to fully man secondary inspection was identified as a serious shortcoming in detecting smugglers. Both problems appear to be resource sensitive, but one contributes directly to the other. When INS cannot meet the desirable 50/50 ratio in staffing primary inspection of vehicles, Customs inspectors are diverted from secondary to fill the gap. Therefore, both conditions exist; understaffing of Immigration interests and of Customs secondary. Increasing the number of INS inspectors would contribute to the solution of both problems by restoring a balanced staffing of primary inspection and releasing Customs inspectors to do secondary inspections.

The dual management structure complicated local policy and operating decisions. Various attempts have been made to consolidate management of inspection by alternating responsibility between INS and Customs, but the basic problem remains.

Consolidation of inspection responsibility at land ports would allow better utilization of the existing inspection force and eliminate the duplication in management structures. However, continued availability of qualified specialists would be required for all areas of secondary inspection.

b) At most airports of entry there is a two-step passenger inspection configuration; Immigration followed by Customs. Elimination of the duplicative management structure and the potential efficiencies in a consolidated inspection force could improve airport inspection. A single-stop inspection process would be the likely outcome of a merger of inspection forces. Again, the need for specialized secondary inspectors would not be eliminated by consolidation. However, consolidated management could include procedures which would insure availability of specialists.

c) At sea ports of entry, overlap and duplication of inspection efforts is apparent. Customs has responsibility to board vessels for the purpose of checking cargo manifests and ship's papers. Immigration and Naturalization Service inspectors board vessels to ascertain the Immigration status of the crew and/or passengers. Also, Agriculture

inspectors board vessels and check the food lockers, cargo manifests and garbage control. A single inspection service could perform all ship inspections.

#### Patrol:

The most obvious example of overlap and duplication of effort was observed in the patrolling of the land borders between the ports, particularly along the Southwest border. Customs Patrol officers and INS Patrol officers cover the same territory. The Customs Patrol interdicts drugs and other contraband. The Immigration Border Patrol apprehends illegal aliens. Both use similar methods of patrol by uniformed officers and intercept persons in the vicinity of the border. Both use sophisticated technology such as sensors and night vision devices to detect intruders. Each patrol was observed to pursue the mission of his respective agency with little regard for cooperation with the other.

Consolidation of responsibility and resources for patrolling would eliminate the overlap and duplication of effort with the land patrol function and should improve overall effectiveness.

#### Investigation:

DEA, INS and Customs all have criminal investigators. Each agency uses these special agents to investigate violations of laws which they enforce. As a general observation, the duplication of investigative staff does not create inefficiency.

However, there are allegations of fragmentation of drug smuggling investigative responsibilities. The issue focuses on the relative priority of border interdiction compared to the National priority on narcotics trafficking investigations. As stated earlier, this policy question is addressed in a separate report on Drug Law Enforcement.

#### Air Surveillance and Patrol:

The Customs Air Program uses seized and purchased aircraft, augmented by military type gap-filler radar to detect and intercept smugglers of narcotics and other contraband. INS uses light aircraft to support its ground operations through surveillance of the actual border. DEA uses aircraft in support of its investigations. The use of aircraft provides both operational support and visible deterrence.

There is little overlap or duplication of effort in the various aspects of the air activities. Each agency uses its aircraft in a different mission orientation. The geographic dispersion of the aircraft suggests that consolidation of air support or maintenance activities does not appear to offer either significant savings or increased effectiveness.

#### Support Functions:

The support functions are generally duplicated in each agency. It appears that each of the border agencies will continue to develop their own systems with duplicative management structures and processes.

In the absence of consolidation of agencies, the consolidation of support functions is unlikely to be successful. The history of lack of cooperation between border agencies mitigates against a central support activity. As an example, the joint use of the Customs computer support system has been recommended for several years. The agencies have not been able to get together on this obvious solution. INS is developing its own computer support system and current efforts to force joint use of a Customs system are not likely to produce a solution acceptable to both agencies.

However, if agencies are consolidated, significant potential exists for greater efficiency and effectiveness in consolidation of the following support functions:

- computer support systems
- radio communications systems
- telecommunications systems
- training activities
- research and development activities

The El Paso Intelligence Center (EPIC) is an intelligence support activity designed to integrate the information data bases of DEA, Customs, INS, FAA, the Coast Guard, and other agencies, and provide a clearinghouse service to meet border enforcement needs. The potential exists for significant improvement in intelligence support if all border agencies integrate the full use and support of EPIC into their operations.

Other Considerations:

Secondary Inspection: Another factor considered was the absence of conflict when one set of personnel have independent duties, but operate in support of the primary function. For example, there was no conflict attributed to the specialized inspectors who normally do not work in primary inspection (Agriculture, Public Health, Fish and Wildlife). Several factors contribute to this lack of conflict; very small numbers of personnel present, clearly defined and specialized duties, and physical separation from the massive workload of primary inspection.

The Review Team felt that the continued need for specialized inspectors and the existence of other responsibilities outside of inspection combined with the absence of conflict provided sufficient justification to set aside these smaller contingents of specialized inspectors from considerations of consolidation. In the long term, a consolidated border management agency would be able to accommodate the requirements for specialized inspectors by establishing appropriate career fields within its inspection service.

Other Activities: In reviewing the operating problems in border management, inefficiency and conflict inevitably involved physical presence. Where patrol officers or inspectors have similar responsibilities and operate in the same facility or same geographic area, the opportunity for conflict is greatest. Where agencies have similar responsibilities but operate apart from each other in different areas or in a different element, the problems are greatly reduced.

The primary example of operating in a different element is the U.S. Coast Guard. The current interagency relationships and the support provided by the Coast Guard to other law enforcement agencies were judged to be satisfactory. Further, the Coast Guard may enforce Customs laws because every officer of the Coast Guard is empowered, by statute, with the authority of a Customs officer.

FINDINGS:

1. Overlap and duplication were noted in the functions of patrolling the land borders between ports of entry and in the inspection process at ports of entry. Elimination of this condition would enhance overall effectiveness.

2. Some support activities are duplicative but are not, in themselves, likely candidates for consolidation. However, consolidation of the principal agencies would allow consolidation of support activities.

3. Universal duplication of effort in each function was not found. For example, the port security function of the Customs Patrol at seaports was not duplicated by another agency. However, each port of entry had a dual management structure of both INS and Customs managers. In some larger ports, there is an added management structure in the Agriculture inspection force.

4. A merger of the principal border enforcement agencies would significantly reduce overlap and duplication of effort and greatly enhance the overall effectiveness of border operations. It would allow management greater flexibility in responding to peak workloads and to immediate crises. A single border management agency would also allow consolidation of management and support functions which should create significant savings.

## CHAPTER 5

OPTIONSINTRODUCTION

The purpose of this chapter is to set forth a range of options identified by the Review Team as the most viable alternatives for achieving more effective border management. The objective in the selection of options is to be more responsive to current needs and have inherent flexibility to adjust to future needs.

The policy findings discussed in the preceding chapter should serve as general guidelines for any border management organization. The options selected range from additional resources within the existing organizational structure to a major reorganization. For example, additional resources should be allocated to reinforce selected functions even if a reorganization option is selected. In summary, the options are:

- OPTION 1 - No change in organization. Budget priority to selected functions.
- OPTION 2 - Limited consolidation involving specific functions.
- OPTION 3 - Creation of a multi-purpose border agency (INS and Customs)
- OPTION 4 - Creation of an expanded multi-purpose border agency (INS, Customs and Coast Guard)

A detailed discussion of each option follows.

OPTION 1

NO CHANGE IN ORGANIZATION. EXISTING AGENCIES  
 CONTINUE TO PERFORM THEIR CURRENT DUTIES.  
 ADDITIONAL BUDGET PRIORITY GIVEN TO SELECTED  
 FUNCTIONS.

DISCUSSION OF OPTION 1

This option provides direct additional resources to meet specific needs identified during the review. In response to current National problems of aliens and drugs, there is a need for additional border resources to strengthen the inspection, patrol and air interdiction functions. This approach continues the policy of applying resources to the specific commodity or function that is deficient and responding directly to critical areas such as the illegal alien and drug smuggling problems. Budget and other resource decisions should give priority to the following:

1. Add INS and Customs inspectors to meet expanding workloads and provide for increased level of secondary inspections.
2. Increase the number of U.S. Border Patrol (INS) officers to improve the interdiction and deterrence capabilities between the ports of entry on the Southwest and Northern borders.
3. Increase the force of INS investigators to conduct interstate conspiracy investigations of alien smuggling rings.
4. Expand the capability of the Customs Air Interdiction Program to detect and intercept smuggling attempts by air.
5. Expand Customs participation in the management and use of the border intelligence center (EPIC).

ADVANTAGES

- . Adds resources in areas of greatest potential for effectiveness.
- . Provides additional resources to specific problem areas.
- . Permits agencies to continue emphasis in area of specific expertise.

- . Enhances the deterrent effect of more visible enforcement.
- . Least disruptive of all options in that existing organizational structures are not changed.

#### DISADVANTAGES

- . Does not consider border management as a total package.
- . Continues a form of crisis management focusing on current problems.
- . Does not eliminate existing overlap and fragmentation of effort.
- . Continues duplicative management and support structures.
- . Higher budget priority does not insure better use of existing resources which may be available in other activities.
- . Does not correct the continuing interagency competition and lack of coordination.
- . Little probability of improved management or procedures.

OPTION 2LIMITED TRANSFER AND CONSOLIDATION OF  
SPECIFIC FUNCTIONS AND RESPONSIBILITIES.DISCUSSION OF OPTION 2

This option provides for substantial increase in effectiveness through consolidating responsibilities and resources for the key border enforcement functions. While this option would not result in a decrease in the number of border agencies, it would minimize jurisdictional and geographical overlap by focusing one agency on a particular aspect of border management activities. This option would result in some short-term disruption but it would provide more flexibility in meeting workloads. The major candidates for consolidation and transfer under this option are:

- . Responsibility and resources committed to the inspection function at all ports of entry could be transferred to either INS or Customs.
- . Responsibility and resources committed to the patrol function on the land borders between ports could be transferred to either INS or Customs.

ADVANTAGES

- . Provides a single manager responsible for each of the key border functions.
- . Minimizes disruption, since existing agencies would continue.
- . Assigns responsibility to a single agency to focus attention and expertise within each functional area.
- . Eliminates duplication in local management structure.
- . Permits some flexibility in that agencies would have broader responsibilities within each function.
- . Eliminates the source of existing competition and lack of cooperation within the principal operating functions.

DISADVANTAGES

- . Does not view border management in its entirety.
- . Would not completely eliminate competition between agencies.
- . Creates high probability of conflict over how well the single manager is performing services for the other agency.
- . Continued duplication on part of the management structure.
- . Specific emphasis and expertise could be lost for those functional and commodity responsibilities transferred into the other agency.
- . Would create some personnel turbulence and disruption during changeover.
- . Likely to receive intense opposition from unions currently representing inspectors and patrol officers.
- . Has been tried and failed on several previous occasions because of special interest opposition.

OPTION 3

## CREATION OF A MULTI-PURPOSE BORDER MANAGEMENT

## AGENCY INCLUDING INS AND CUSTOMS

DISCUSSION OF OPTION 3

Option 3 represents a major change from the existing structure. It would provide greater management flexibility in the use of existing resources and would allow the consolidation of the inspection and patrol functions included in Option 2. Option 3 would result in fewer Federal agencies with the transfer of functions and resources into a consolidated multi-purpose agency. All agencies which have border enforcement responsibilities were considered in developing this option. For reasons discussed in the preceding chapter, this option sets aside consideration of Agriculture, Public Health, Fish and Wildlife and supporting agencies in favor of correcting the fundamental problem of the overlap and duplication between the two principal border enforcement agencies, INS and Customs. If these two agencies were transferred into a new border management agency, it would provide the basic foundation for a full service organization which might expand later to include secondary inspection functions performed by such agencies as the Fish and Wildlife Service, Agriculture, and Public Health.

Option 3 focuses on the transfer of all functions and personnel of INS and Customs, as well as the management of the border support function within the El Paso Intelligence Center. Consideration of Option 3 included:

1. Which agencies and functions should be involved.
2. How such a transfer would be handled to minimize opposition and turbulence associated with the organizational changes.
3. Which Cabinet department should be responsible for the new agency.

Many of the current problems are tied closely to the existing organizations. The border agencies have a long history of service to the United States. Tradition should not be lost through merger of one into the other. Any reorganization effort should provide for the continuation of special expertise where necessary to enforce specific laws and regulations.

The Review Team selected the following set of agencies and conditions to be the most practical approach to improving effectiveness through reorganization:

1. INS and Customs resources and functions should be joined together under single management. Management of the border interdiction portion of the El Paso Intelligence Center (EPIC) should be assumed by the single border management agency.
2. Rather than specify a date certain for the disestablishment of INS and Customs, the consolidation should be accomplished over a specified period of time and under the control of the single manager ultimately responsible for the new organization. Accordingly, the reorganization should provide for an umbrella management structure to direct the new organization and for a special transition staff within the new agency to accomplish the reorganization
3. As previously stated, the reorganization should not be considered as a merger of INS into Customs or vice versa. It should be considered as creation of a new agency with the virtues of both organizations. Along these lines, a proposed name for the new agency might be the U.S. Customs and Immigration Service.
4. Both Customs and INS should continue their current organizational structure at the transfer. Priorities for internal reorganization and consolidation should be established and a target date should be specified for the initial consolidation of selected functions. The following functions should be considered by the new agency for early consolidation:
  - A. Primary inspection at all ports.
  - B. Patrolling of the land borders.
  - C. Operational support functions, particularly communications and computer systems.
  - D. Management structures and administrative support.
5. The new Director should be required to report to the President and to the Congress at the end of 18 months on the accomplishments during the transition period and the plan for the next phase.

6. In determining the appropriate Cabinet department for a consolidated border enforcement agency, the most likely candidates are the Department of Justice and the Department of the Treasury. The review suggests that the principal considerations should be the size and nature of the border presence, the relative strength of each agency's ties to its current department, the relative contribution to control over entry and the potential impact on the revenue function.

Viewing Option 3 and an appropriate implementation process as a package, the advantages and disadvantages are:

ADVANTAGES

- . Provides central management for principal border enforcement functions.
- . Eliminates existing overlap, duplication and fragmentation of effort.
- . Recognizes the interrelationships of border management functions; i.e., inspection, patrol, revenue collection and support services.
- . Responds to current problems of interagency coordination, competition and parochialism.
- . Provides flexibility of a multi-purpose organization in responding to a variety of both transitory and long-term problems.
- . Provides opportunity to provide better services to the public.
- . Better utilization of Federal resources.
- . Reduces the number of Federal agencies.
- . Does not disrupt those areas which were not identified as problems, e.g., Agriculture, Coast Guard, etc.

DISADVANTAGES

- . Possible reduction in effectiveness during reorganization period.
- . Generates some personnel turbulence particularly at mid-level and senior management as duplicate organizations are merged.
- . Larger organization may present more complex internal management problems.
- . Change may be opposed by various special interest groups.

OPTION 4

CREATION OF AN EXPANDED MULTI-PURPOSE  
 BORDER MANAGEMENT AGENCY WHICH INCLUDES  
 INS, CUSTOMS, AND THE U.S. COAST GUARD

DISCUSSION OF OPTION 4

Option 4 is an expanded version of Option 3 which provides a more comprehensive border management agency. It goes beyond control over entry to consolidate management of the major Federal resources involved in control of the borders and U.S. waters forming the perimeters of the United States.

As in Option 3, agencies with minor presence and support responsibilities are set aside. Options 3 and 4 both provide for the elimination of overlap and duplication between INS and Customs. Option 4 greatly expands the size and responsibilities of the new organization to include the broad responsibility of the Coast Guard for the seas surrounding the United States. Currently, the Coast Guard is responsive to the support requirements of border law enforcement agencies and coordinates directly with the agencies involved. However, border law enforcement was found to be a relatively small portion of the Coast Guard's total responsibilities.

Option 4 requires the same considerations as Option 3 for implementation regarding INS and Customs. It assumes that the Coast Guard would remain a separate entity within the border management agency to facilitate its transfer for national security purposes in time of war. A logical alternative to Option 4 might be to include the U.S. Coast Guard in the same department as the new border management agency. Assuming an appropriate implementation process, Option 4 presents the following advantages and disadvantages.

ADVANTAGES:

The advantages described in Option 3 also apply to the expanded multi-purpose border management agency. The principal advantages which would result from such a consolidation are:

- . Places Federal responsibility for the entire perimeter of the U.S., both borders and U.S. waters, in a single organization.

- . Likely to enhance the priority of the border law enforcement role within the U.S. Coast Guard.
- . Significant increase in the total amount of resources within the border management agency.
- . Possible elimination of separate Customs Marine Patrol activities.

DISADVANTAGES:

The disadvantages identified under Option 3 would also apply if the U.S. Coast Guard were included. Additional disadvantages are:

- . Increased emphasis on border law enforcement could detract from the safety and other non-law enforcement responsibilities of the U.S. Coast Guard.
- . The large size of the Coast Guard and its broad range of responsibilities could detract from the desired border law enforcement orientation of the remainder of the border management agency.

## CHAPTER 6

CONCLUSIONS AND RECOMMENDATIONSA. GENERAL

As the last step in the process of developing this report, the preceding chapters were furnished to the involved agencies and departments for review and comment. Upon receipt of the comments, they were given careful consideration and appropriate changes were made to insure that the report accurately reflects the intent of the Review Team.

The responses from the departments and agencies are attached as appendices to this report. They are included in their entirety with the exception of the remarks from the Department of Agriculture. The Agriculture comments were in the form of notations on the original draft and have been incorporated in the final report.

The comments acknowledge the existence of overlap and duplication and the need for some consolidation of effort. However, the comments reflect different opinions regarding which Cabinet department should receive the new agency. Further, other questions are raised regarding Federal law enforcement in general which are beyond the scope of this review.

The President's Reorganization Project in the Office of Management and Budget has the ultimate responsibility for developing reorganization plans in conjunction with the overall reorganization study of the Federal Government. Therefore, this report is intended to provide OMB with a current evaluation of and recommendations regarding border management. The Office of Drug Abuse Policy will assist OMB in developing any specific reorganization plan related to this review. Additionally, the report will be distributed to the participating departments and agencies and will be used in developing a new Federal drug abuse strategy.

B. CONCLUSIONS OF THE REVIEW TEAM

The Review Team discussed the entire set of comments received from the departments and agencies. The objective of a long-term solution to observed problems of lack of central management, overlap of responsibilities, and duplication of effort in border management was reaffirmed and the Review Team findings are:

1. The current organizational structure was determined to be the underlying cause of the majority of current operating problems. Therefore, the solution to existing border management problems lies in a revised management structure which can achieve maximum effectiveness with available resources, respond to changing priorities, and provide adequate border control as well as better service to the public.

2. Any major change in organization must be planned to provide clear responsibility for the result. The need for long-term effectiveness was weighed against potential disruption in on-going efforts. The first phase of any proposed reorganization should be directed at correcting the fundamental problems underlying the entire area of border management. From this basic foundation, border management should evolve toward further improvements in effectiveness and efficiency.

3. The basic causes of lack of coordinated border management can be eliminated by consolidating the principal border functions in one agency. By reducing the requirement for interagency and interdepartmental coordination, agency operating policies will be more responsive to the total Federal interests. It would also allow consolidation of selected management and support functions which should create significant savings.

4. The Coast Guard should not be included within a consolidated border management agency. However, the option of including the Coast Guard in the same department was not eliminated from consideration. The President's Reorganization Project has indicated that further consideration of the relative priorities of the Coast Guard's law enforcement functions may be warranted.

5. A continuing overview mechanism should be established within the Executive Office to develop a long-range border management plan and necessary policies to insure that border operations are supportive of all Federal programs. The overview mechanism would also be useful during the transition period for any reorganization effort.

6. In addition, there should be immediate action to increase resources available to the functions of inspection, patrol of land borders and adjudication.

C. RECOMMENDATIONS

The Review Team makes the following recommendations:

- A multi-purpose border management agency should be created by consolidating INS and Customs in a new agency (Option 3).
- An appropriate reorganization plan should be developed by the President's Reorganization Project to include placement of the consolidated border management agency in a Cabinet department consistent with overall government reorganization planning.
- The emphasis and direction of the reorganization planning should be to provide the optimum organization for long term effectiveness in overall border control. This approach enhances control over all the border threats (drugs, aliens, loss of revenue, gun smuggling, etc.).
- Consolidation of the agencies and functions should be achieved through an umbrella management concept. The reorganization plan should provide a set of initial priorities, but allow the new Director some flexibility in determining the internal structure of the new agency. The following functions should receive high priority for early consolidation.
  1. Primary inspection at all ports.
  2. Patrolling of the land borders.
  3. Operational support, particularly communications and computer systems.
  4. Management structure and administrative support.

## APPENDIX A

UNITED STATES CUSTOMS SERVICE

The United States Customs Service of today is a dynamic organization, characterized by a burgeoning workload, a professional workforce, and an increasingly wide and more complex range of responsibilities. It is a relatively large and a widely dispersed organization, performing a diversity of functions which profoundly impact the travelling public, the importing and exporting community, and the health and welfare of American business and the general public. Additionally, its annual collections of over \$5 billion contribute significantly to the National revenue.

Customs Organization

The Customs Service is comprised of approximately 15,000 employees assigned to over 300 offices located throughout the United States and at various overseas locations. A major reorganization in 1965 - 66 resulted in a significant decentralization of management control by establishing nine regional offices, overlaying a regional structure upon existing district offices which previously had reported directly to Headquarters. Today there are 45 districts which supervise the activities of 303 ports-of-entry located at airports, seaports and land border crossings. Additionally, we have Customs Attaches and Representatives at ten foreign offices and Customs Military Advisors in four countries.

Several factors, including: the wide geographic dispersal of the organization; the requirement that enforcement and operational programs be coordinated among the several offices; the scope and complexity of functions performed; and the requirement that policies and laws enforced by Customs be consistently applied; have presented formidable difficulties in assuring effective management and control of Customs activities. In response to this challenge, in recent years Customs has implemented several management improvements designed to enhance communication, consistency, coordination, and cooperation among Customs managers. These innovations have included the restructuring of field activities to conform to common geographic boundaries; the collocation of Principal Field Officers in the same building in the regional headquarters city and the institution of regular meetings among them; the initiation of annual conferences of neighboring regions for discussion of inter-regional enforcement and operational programs; and the increase of emphasis on face-to-face meetings between key headquarters and field managers.

Customs Mission and Functions

The mission of the Customs Service is to collect the revenue from imports and to enforce Customs and related laws. Customs administers the Tariff Act of 1930, as amended, and other Customs laws. Additionally, at ports-of-entry, Customs administers over 400 statutory or regulatory requirements for 40 other agencies. Among the specifically assigned responsibilities are: properly assessing and collecting Customs duties, excise taxes, fees, and penalties due

on imported merchandise; interdicting and seizing contraband, including narcotics and illegal drugs; processing persons, baggage, cargo, and mail; administering certain navigation laws; detecting and apprehending persons engaged in fraudulent practices designed to circumvent Customs and related laws; protecting American business and labor by enforcing statutes and regulations such as the Antidumping Act, countervailing duty law, copyright, patent, and trademark provisions, quotas, marking requirements for imported merchandise, etc.; cooperating with, and enforcing regulations of, numerous other Government agencies relating to international trade, including collection of import and export data for compilation of international trade statistics; and enforcing requirements of other agencies for protection of the welfare and security of the American people, including automobile safety and emission control standards, counterfeit monetary instrument prohibitions, electronic product radiation and radioactive material standards, flammable fabrics restrictions, pet quarantine regulations, and other food and drug and hazardous substance prohibitions. At the border, Customs represents other agencies, eliminating the need for these agencies to provide inspectional personnel.

The activities performed by Customs in executing these responsibilities call for increasingly sophisticated operational and enforcement techniques and the application of a wide variety of skills and disciplines. Utilization of modern communications and computer technology enable Customs Inspectors and Import Specialists to efficiently and effectively process the growing numbers of travellers and volume of merchandise entering the United States each year. Built-in safeguards and follow-up regulatory audits by Customs Auditors assure that facilitation of merchandise processing does not increase the opportunity for fraud. Application of state-of-the-art technology and equipment, including operation of sophisticated enforcement communications systems, assures integration of inspection and control; air, land, and sea patrol; and investigations functions in an all-out attack on smuggling of narcotics and other prohibited articles and on frauds against the revenue. This effort involves coordination of such diverse activities as laboratory analysis; classification and valuation of merchandise; inspection of passengers; baggage and cargo; technical investigation; aircraft and watercraft operation; and police-type patrol.

#### Customs External Involvements

Customs has an extensive involvement with other Government agencies, with outside commercial and policy organizations and trade associations, and with international organizations and foreign Customs services.

In carrying out its revenue collection and enforcement functions, Customs maintains working relationships with numerous agencies including the International Trade Commission; the Internal Revenue Service; the Bureau of Alcohol, Tobacco, and Firearms; the Department of State; the Federal Bureau of Investigation; the Drug Enforcement Administration; the Coast Guard; the Federal Aviation Administration; and state and local officials. As a consequence of its inspectional presence at ports-of-entry, Customs has been

charged with responsibility for enforcing, regulating, controlling, investigating, and reporting functions for other agencies, most notably the Immigration and Naturalization Service, the Public Health Service, and the Department of Agriculture.

In processing cargo, carriers, and persons, Customs maintains daily contact with the public, with importers, Customhouse brokers, importers' associations, freight forwarders, chambers of commerce and the media.

Customs emphasis on coordination and cooperation carries over into ever growing international involvements. As a member of the Customs Cooperation Council, Customs works for the simplification and harmonization of worldwide Customs procedures. Customs has ten foreign offices for the purposes of providing liaison with foreign Customs services and advise to potential exporters to the United States, and for conducting foreign inquiries related to fraud investigations, general smuggling, illegal export violations, and currency or neutrality violations. Under the auspices of the Cabinet Committee on International Narcotics Control, Customs provides enforcement training to foreign Customs officers, and U. S. Customs Advisors provided assistance and share expertise with host country customs services. Customs also participates on the Cabinet Committee on Terrorism, assisting in the development of programs to enhance international cooperative efforts to combat terrorism. The Commissioner regularly meets with heads of foreign customs services, and as a result, Customs has entered into several bilateral cooperative agreements with the services of the countries.

#### Importance of the Customs Program

Customs programs have a significant impact on international trade and travel; on international narcotics control and the smuggling of contraband; on the national revenue; and on domestic industry, agriculture, public health, and the environment.

Regarding trade policy, Customs provides expert advice on tariff matters and on the formulation and drafting of trade policy, agreements, and legislation to House and Senate Committees, to the Department of State, and to the International Trade Commission. Customs also works as a member with the Customs Cooperation Council to simplify and harmonize Customs procedures throughout the world. Customs continues to aggressively support passage of the Customs Modernization and Simplification Act which is aimed at facilitating international trade and travel through institution within U. S. Customs of modern, automated, business procedures in merchandise, revenue, and passenger processing; and modern auditing techniques.

Foreign Customs training programs - both here and abroad, international exchange of narcotics and other enforcement information, and especially close working relationships with our Mexican and Canadian counterparts have paid off in increased narcotics enforcement effectiveness worldwide.

Customs makes a significant contribution to the national revenue, collecting over \$5 billion annually in duty, taxes, and fees on imported merchandise and in penalties.

Customs performs a significant service to domestic business and industry through the administration of tariff laws and the enforcement of over 700 quotas. Customs also enforces statutes and regulations related to patent, copyright, trademark, and marking requirements. Additionally, the Service enforces antidumping and countervailing duty regulations, conducting investigations which protect against domestic sales of foreign merchandise at less than fair value. Import statistics collected by Customs and issued by the Bureau of Census are used in negotiating trade agreements protective of American industry and labor.

Finally, the Customs Service, in enforcing the myriad provisions of law on behalf of 40 Federal agencies performs services which safeguard American agriculture, public health, and the environment. These laws and regulations relate to such things as pest and plant and animal disease control, meat and other food product restrictions, drug and hazardous substance control, public health requirements for entering the country, water pollution standards, electronic product radiation standards, radioactive material restrictions, auto safety and emission control standards, flammable fabric restrictions, arms and explosive prohibitions, pesticide restrictions, counterfeit coins, currency reporting requirements and endangered species and wildlife protective measures.

#### Workload

In the 15 month period from July 1, 1975, through September 30, 1976, the U. S. Customs Service cleared 102,110,962 aircraft, vessels, and land carriers; inspected 353,598,729 persons; processed 26,611,919 merchandise entries; collected \$6,369,607,621 with a return rate of \$100 for each \$6.60 expended; made 30,241 seizures of narcotics and dangerous drugs with a value of \$770,724,906; and made 86,480 seizures for other violations with a value of \$188,015,455. In addition, 654 special agents conducted 27,145 investigations.

The magnitude of those accomplishments is heightened when specific areas of Customs workload are compared with the resources available to process that work. For example, the 102,110,962 carriers and the 353,593,729 persons were cleared and inspected with a force of only 4,020 Customs inspectors: a ratio of one inspector to every 25,400 carriers and 87,000 persons; 96,000 miles of border were patrolled by a force of 1,426 officers.

## Customs Response

In an effort to meet this increasing workload, the Customs Service has initiated the following programs which employ advanced technology and sophisticated methods for deploying scarce resources and manpower:

### . Customs Accelerated Passenger Inspection System (CAPIS)

The Customs Accelerated Passenger Inspection System (CAPIS) is designed to increase passenger facilitation while providing maximum revenue protection and optimal enforcement against the introduction of narcotics, dangerous drugs, and other articles into the United States in passenger baggage.

The higher processing rate of CAPIS results in better utilization of manpower and inspectional facilities, since more passengers are able to move into and out of the area in a given time frame. Preliminary study further indicates that enforcement also improves when the TECS query coupled with intensive examination aspects of the system are utilized.

### . Fraud Investigation Program

Current indications are that fraud violations -- as just one component of the burgeoning white-collar crime problem confronting the U.S. -- are on a sharp upswing. Investigations, to date, have disclosed an increasing number of major fraud cases involving country of origin violations, undervaluation, dumping, etc., committed by large, multinational corporations with multimillion dollar revenue losses to the Government. The enactment of the Trade Act of 1974 is expected to only accelerate this trend. In short, an increase in fraud violations is expected to carry through FY 77 as a problem of national significance.

### . Cargo Security

In 1971, the Customs Service established a Cargo Theft Prevention Program to curb losses from international cargo in Customs custody. Customs regulatory authority, and the close proximity of Customs personnel to such cargo placed Customs in a unique position to make a major contribution to the reduction of theft and pilferage.

The program implemented by the Customs Service is designed to:

1. Minimize thefts from international cargo in Customs custody at ports of entry and its movement in-bond.
2. Combat organized crime involvement in cargo theft and smuggling.

. Container Program

To increase our protection against smuggling, a servicewide program of selective examination of high-risk house-to-house and pier-to-house container shipments has been in operation since March 1975. Mobile inspection/examination teams make their examinations at importers' premises or at other designated examination sites requested by the importer or his agent.

. Sector Communications Systems and Regional Communications Centers

The Sector Communications Systems have proven to be a valuable asset in providing administrative, tactical, and strategic support to the Customs enforcement mission. They have vastly enhanced the effect of both TECS and the products of the Enforcement Systems Development and Evaluation Program. They have also afforded our officers the degree of mobility and safety which is essential to permit them to cover the thousands of miles of borders and coast lines and hundreds of designated ports of entry.

Within the past two years, Customs has collocated the regional management team in each of its nine regions in accordance with the recommendation of a study to improve the efficiency and the effectiveness of the Customs Service. Subsequently, it was decided that further efficiency could be obtained by providing each regional management team with a total law enforcement communications support facility in the form of a Regional Communications Center. These centers will contain complete radio and message center facilities; will serve as an integral part of the enforcement activities of the region; will serve as the focal point for all regional intelligence gathering and dissemination; and will provide duty officer support to the entire regional management team.

. Automated Merchandise Processing System (AMPS)

The Automated Merchandise Processing System (AMPS) is an ongoing program designed to improve nationwide the Customs Service supervision and control of \$120 billion of imported merchandise entering the United States each year and collections of over \$5 billion of duties and taxes. This program consists of a variety of process improvements to many fundamental Customs procedures, together with the application of modern computer and communications technology to entry and revenue processing. Implementation of AMPS is enabling Customs to meet the demands of increasing workload and responsibilities with limited resources while increasing operating efficiency.

. Treasury Enforcement Communications System

TECS has been in operation since late 1969. Originally developed to provide an automatic lookout and message-switching capability for Customs, its success has fostered its overall development into a comprehensive Treasury Enforcement Communications System (TECS).

. Regulatory Audit

The Regulatory Audit Program is designed to implement a Customs compliance by selectivity approach. This approach is in contrast to physically examining and individually processing each importation. Under the Regulatory Audit Program, our limited resources are concentrated on the high payoff, high-risk transactions, and depend largely on importers and international carriers to voluntarily comply with our requirements.

. Integrated Interdiction:

- Tactical Interdiction

To protect the thousands of miles of borders, Customs has implemented a tactical interdiction approach which employs enforcement intelligence and mobility to place our units in the right spot at the right time. On the land borders, especially the Southwest border, Customs employs an effective electronic ground sensor surveillance system for monitoring activity in remote areas, mobile sensor reaction teams, sophisticated communications systems, and a highly trained staff of Customs patrol officers. Along the sea borders, Customs has implemented a marine interdiction program to curb smuggling by small boats and private yachts as well as to combat smuggling by vessels in international trade, which is the regular tactic employed by smugglers to evade detection.

- Air Support Program

In response to the escalating level of smuggling by private aircraft across the nation's border, especially the Southern border, the Congress in 1969, authorized the establishment of a Customs Air Support Program.

Technologically, Customs has made enormous strides since acquiring eight surplus military aircraft in 1969. In addition to constant improvements in airborne radar and Forward Looking Infrared (FLIR) capabilities, both used for detecting and tracking suspect aircraft, Customs has developed an all-important support system to assist the air interdiction units. The supporting systems include the Treasury Enforcement Communications System (TECS), the Private Aircraft Reporting System (PAIRS), and the recent breakthrough in implementing an interagency agreement with the military and the Federal Aviation Administration for long-range radar coverage.

To deal with the multitude of problem related to interdicting air smuggling, Customs has undertaken a systematic approach to effectively diminish the inherent advantages enjoyed by the air smuggler.

- Detector Dog Program

The Detector Dog Program is an integral part of the overall Customs tactical interdiction program which concentrates on drug smuggling. The program was developed to meet a requirement for an effective low unit cost method of screening incoming mail, cargo and vehicles. Detector dogs were first introduced to the U.S. Customs Service on a wide scale in September 1970, and were initially trained only in the detection of marijuana and hashish. Since then, their training has been extended to the detection of heroin and cocaine and they have become an integral part of the total Customs enforcement effort. Detector dog teams, consisting of a dog and handler, are assigned and utilized at Customs international mail facilities, cargo docks and terminals, at international airports, where they screen unaccompanied baggage and cargo, and at border and seaports, screening cargo, unaccompanied baggage, ships and other carriers.

- Neutrality Program

Customs has assigned a top priority to stopping the illegal import and export of arms and munitions across this nation's borders. Arms smuggling during the past year has been linked to the IRA and organized crime groups in this country as well as others.

Customs has deployed additional patrol officers, special agents, and inspectors throughout Southwest border areas to counter this traffic -- and dramatic results have been achieved. Over 41,000 guns, implements of war, and other weapons were seized during FY 76 with an appraised value in excess of \$300,000.

- Contraband Detection Systems

Customs enforcement programs call for the timely implementation of technological advancements such as the electro/chemical narcotic vapor detection. This instrument was recently developed and is in the process of field testing and evaluation.

Customs has developed a pilot model of the vapor detection apparatus that detects the major prohibited drugs -- heroin, cocaine, hashish, and marijuana -- and in addition detects explosives commonly used by today's terrorists. Several configurations have been developed which allow the basic detectors to efficiently examine passengers, baggage, and mail parcels.

- Private Aircraft/Yacht Reporting System

In order to respond to the enforcement problems resulting from private aircraft clandestinely entering the United States from areas south of the United States, special requirements and procedures were instituted to control such aircraft.

A similar system, but directed at private yachts, is now operating in the Florida-Gulf area. A major weakness of this reporting system is the statutory 24-hour grace period permitted private yachts before reporting. An immediate reporting requirement would greatly improve our effectiveness against smuggling by private yachts.

- Vessel Violation Profile System

The Vessel Violation Profile System (VVPS) was developed to maintain complete and accurate records on the activities of commercial vessels. All violations or suspected violations of law and/or regulation as well as intelligence and lookout data on such violations fall within the scope of VVPS. Sources of information contained in a vessel record include Search and Seizure Reports, Penalty Notices, Memorandum of Information Received, and Reports of Investigation. Active liaisons are maintained with other Federal agencies and with foreign governments for the purpose of obtaining data from report documents which is input at Customs Headquarters. Customs officers may directly input information of immediate importance such as lookouts or positive search reports on vessels engaged in coastwise movements.

- Currency Program

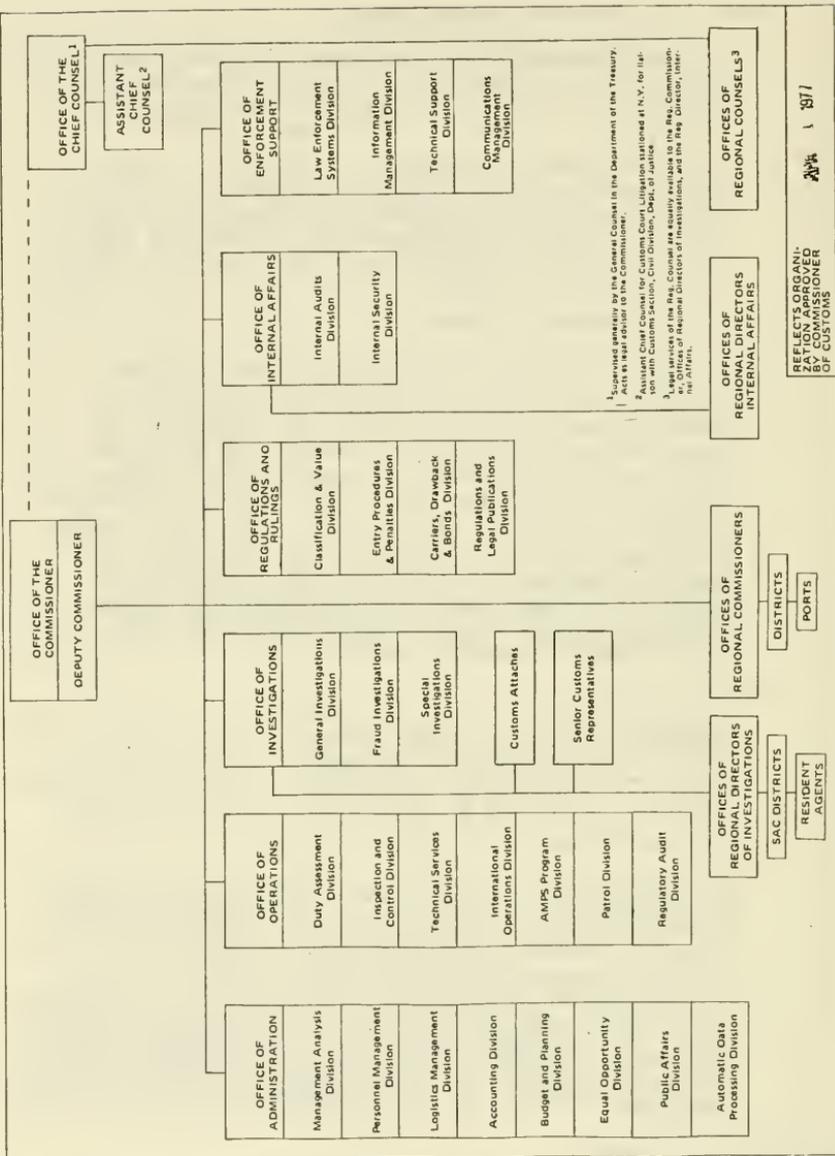
Since money is the single common denominator to all smuggling actions -- narcotics trafficking, arms and munitions, boats, autos, aircraft, and general merchandise -- Customs has launched a major effort to aggressively enforce the Currency & Foreign Transactions Reporting Act against the illegal import or export of currency and monetary instruments.

The intensified enforcement of the Currency Act may be one of this country's most powerful weapons against narcotics traffic and all other forms of smuggling. This view was reinforced in a recent Presidential message to Congress in which it was noted that tremendous amounts of money are illegally taken out of the country each day, either to purchase drugs or to transfer profits made by selling drugs, to safe and secret bank accounts abroad. The White House Domestic Council's White Paper on Drug Abuse also recommended that Customs adopt this strategy to provide lateral support to DEA in a coordinated attack against major traffickers.

Organization and Budget

Customs appropriation for FY 77 was \$359,190,000. The attached chart depicts the Customs organizational structure.

UNITED STATES CUSTOMS SERVICE  
ORGANIZATION CHART



REFLECTS ORGANIZATION APPROVED BY COMMISSIONER  
A-11 1/57

## IMMIGRATION AND NATURALIZATION SERVICE

Background

The Immigration and Naturalization Service (I&NS) is responsible for administering and enforcing the immigration and nationality laws of the United States to insure that persons entering into or remaining in the United States are entitled to do so. The immigration and nationality laws have been structured to encourage the flow of temporary visitors across our borders, promote family reunification, supply skills and knowledges which are lacking here, and continually revitalize the United States with infusions of people yearning to participate in the economic and social freedom we enjoy. Because our resources are limited and because our population can accommodate only a small portion of those who wish to come, Congress placed limitations on the numbers which may be admitted for permanent residence and provided for a system of controls on those who come temporarily to insure that they depart from the U.S. within the time period authorized.

In the past fifteen years, the problem of illegal immigration has grown far beyond the capabilities of the present staff of I&NS to handle it. Decades ago the problem of illegal aliens was largely confined to the agricultural sectors of the border areas. Today illegal aliens have spread throughout the United States in large numbers taking jobs in factories, construction, and service industries, as well as in agriculture. They are found in New York, Chicago, Detroit, and Seattle as well as in the South-west border area. The current illegal alien population has been estimated at 6 to 8 million persons with more than one million additional illegal aliens being added annually. With a current force of 9,473 people and \$245 million, I&NS has apprehended almost one million illegal aliens and refused admission at ports to almost another million in the last fiscal year, while continuing to provide benefits and services.

Resources

Because of increasing national awareness of and concern about the growing illegal alien problem in the United States, I&NS, since 1973, has received significant increases in resources.

Fiscal Year	1973	1974	1975	1976	1977
Positions	7,682	7,982	8,082	8,832	9,473
Dollars(000)	137,484	155,186	181,320	213,609	244,615

Mission and Organization

The Immigration and Naturalization Service (I&NS) has the dual mission of providing services and benefits to the public and enforcing the law, primarily against illegal entry into the country and violation of status

after legal admission. Specifically, this includes the inspection of persons to determine their admissibility into the U.S.; adjudication of requests for benefits under the law; prevention of illegal entry into the U.S.; investigation, apprehension, and removal of aliens in this country in violation of law; and the examination of applicants wishing to become citizens through naturalization. To respond to this dual mission, I&NS has organized into the three major functional areas of Enforcement, Examinations and Management. (See attached organization chart.) I&NS has a central office, four regional offices, 34 districts in the U.S., three districts in foreign countries and 21 Border Patrol sectors. Nine of the sectors are on the Southwest land border, one in the San Joaquin Valley, two on the Gulf and Florida coasts, and nine on the Northern border.

### Functions

There are two major I&NS functions of a service nature: Adjudications and Naturalization.

### Adjudications

I&NS must make decisions on some 31 different types of applications for benefits under the immigration laws. These include applications by aliens temporarily in the United States who desire extension of their authorized stay, a change from one temporary status to another, or an adjustment to permanent resident status; applications for certain documents required by law; requests filed by a prospective employer, or by an alien's close relative who is a citizen or permanent resident of the United States to permit the alien to immigrate to this country; and many others.

### Naturalization

In recent years approximately 200,000 persons annually have been granted U.S. citizenship. At proceedings held in Federal and State courts, Service officers make recommendations for the granting or denial of citizenship following interviews and background checks of persons who have applied and have met the legal requirements.

I&NS officers also must pass upon applications for Certificates of Citizenship from persons who claim to have acquired U.S. citizenship through one of several ways: birth abroad to citizen parents; through the naturalization of one or both parents, or through marriage, prior to September 22, 1922, to a U.S. citizen. I&NS has four major functions of an enforcement nature: Inspections, Border Patrol, Investigations, and Detention and Deportation.

## Inspections

Operating at air, land and sea ports of entry into the United States, immigration inspectors examine each person seeking admission to the United States to determine if he is admissible under the immigration laws. This is the first contact an applicant for admission has with a representative of the Government of the United States. The immigration inspectors must conduct their inspections quickly enough so that the entry of U.S. citizens, bonafide immigrants, tourists, and other nonimmigrants is facilitated. At the same time they must be able to identify and reject aliens who are not admissible under the law, such as terrorists and other criminal elements. They must be especially alert for the increasing number of aliens who seek to enter this country ostensibly as temporary visitors or students, with the actual intention of remaining here permanently and working in violation of the law. They must also be alert to the increasing use of fraudulent and counterfeit immigration and identity documents, and false claims to United States citizenship.

Several levels of alien control programs are geared to the vital port inspection function. Border crossers are screened prior to the issuance of their identity cards, and the border crossing privilege may be cancelled if violations are found during inspections or after entry when encounters are made with Border Patrol or investigative personnel. Individual controls regarding length of stay and permission to work are placed upon approximately seven million nonimmigrant visitors each year. Annual address report and change of address reporting requirements follow the alien residing in the United States until he becomes naturalized or departs.

## Border Patrol

The United States Border Patrol, founded in 1924, is an elite corps of highly trained, uniformed officers which guards our land borders and Gulf and Florida coasts between ports of entry with the primary mission of preventing the entry of persons without inspection and detecting and apprehending those who have eluded our first line of defense. These officers are trained extensively not only in immigration and criminal law but also in the Spanish language. The Border Patrol operation involves the gathering of information in adjacent foreign areas, actual watch of river, land and coastal border, check of transportation, traffic check on highways leading from the border, observation by aircraft, and checks of farms, ranches and in industries in the border area. The Patrol also handles criminal prosecution of immigration law violators it apprehends, and, in some cases, handles similar criminal violations arising at ports of entry.

The smuggling of aliens has become a lucrative business, posing a threat to efforts to reduce the flow of illegal aliens and resulting in a heavy traffic in human flesh. Apprehension of smugglers and smuggled aliens has increased dramatically in recent years, but large profits associated with alien smuggling continue to generate increased activity.

Because of the extensiveness of our border (6,000 miles of land border, plus over 2,000 miles patrolled along the Gulf and Florida coasts) and the limited number of agents, the Border Patrol must employ sophisticated technology to extend the effectiveness of its officers and give it mobility, good communication and illegal entry detection capabilities. To this end the Border Patrol operates fixed wing aircraft and helicopters, a complex and sensitive remotely controlled sensor system, a communication system linking the entire border, and repair and maintenance facilities for vehicles, radios, and electronic equipment. Border Patrol agents, while pursuing their primary mission of immigration law enforcement, also apprehend violators of other laws and intercept millions of dollars worth of narcotics, arms, ammunition and other contraband and identify and apprehend vendors and purchasers of fraudulent documents on which to base claims to legal status or U.S. citizenship, either for illegal immigration or other border related illegal activities.

### Investigations

I&NS employs approximately 900 criminal investigators who conduct case work investigations involving fraud and other violations of immigration law, and also apprehend illegal aliens in the cities and elsewhere away from border areas. Among the Investigators functions is the detection of complex fraudulent schemes to circumvent the immigration laws. These include sham marriages to citizens or lawful residents of the U.S. and the use of altered, forged, counterfeit or fraudulently obtained visas, passports, birth certificates, and other documents. Investigators also develop material used in prosecution involving violation of the immigration and nationality laws and related statutes such as those relating to the making of false statements in immigration or naturalization matters; the unlawful bringing in, transporting or harboring of aliens; and the making of false claims to citizenship. In addition to performing these functions at interior locations, criminal investigators are stationed at selected northern and southern ports of entry to respond to suspected criminal violations disclosed during the inspection process.

### Detention and Deportation

The Detention and Deportation division supports the Border Patrol and Investigations by controlling apprehended aliens from the time of apprehension through removal from the United States. This is accomplished through an extensive alien detention, transportation and removal network.

### Other Functions

I&NS has numerous other functions which are interwoven into the fabric of our major service and enforcement programs. These include an extensive records and public information program; exclusion and deportation hearing programs; the intelligence program; the Alien Documentation, Identification and Telecommunication (ADIT) program and others.

### Interagency Cooperation

Border management and control is a complex operation involving a large number of federal, state and local. It is basically an enforcement activity to control the passage of people and goods of all types in accordance with laws and regulations. Agencies involved in the border management and control functions have consistently been faced with the problems of limited resources and budgets, making interagency cooperation for effective border enforcement a necessity.

The Immigration and Naturalization Service, the Drug Enforcement Administration and the U.S. Customs Service, the three key agencies having principal roles in law enforcement in the border area, face common problems and cooperate closely for effective border control.

### I&NS/Customs

I&NS Inspections coordinates its primary inspection operations with Customs at land border ports of entry where Immigration and Customs officers are cross designated, to perform both functions. Interaction is taking place between Customs and I&NS in the development of the I&NS Alien Documentation, Identification and Telecommunications System. A Memorandum of Understanding was signed by I&NS and Customs in April 1975.

### I&NS/DEA

I&NS coordinates closely with DEA in exchange of mutually responsive intelligence data and in some joint field operations. Drug seizures and relating apprehensions by Border Patrol agents, and I&NS investigators, are turned over to DEA for disposition. I&NS inspectors turn over drug seizures to Customs at the ports. These seizures are then turned over to DEA by Customs. Operational agreements have been in force since November 29, 1973.

I&NS and DEA share operational duties for the El Paso Intelligence Center (EPIC), an interagency center which collects, analyzes and disseminates information regarding drug trafficking and illegal alien activity along the U.S. borders. I&NS maintains all narcotics trafficking lookouts at ports for EPIC. EPIC participants also include Customs, FAA, ATF and Coast Guard.

### I&NS/FBI

I&NS Inspections and Investigations cooperate with the FBI relating to smuggled criminals and potential subversives and terrorists, and maintain thousands of FBI lookouts at ports of entry and I&NS offices at their request.

I&NS/State and Local Agencies

Local law enforcement agencies account for the greatest number of non-I&NS illegal alien apprehensions. Therefore, both Investigations and Border Patrol coordinate their activities with these agencies for maximum efficiency in border enforcement.

I&NS/ATF

I&NS Investigations and Border Patrol cooperate with the Bureau of Alcohol, Tobacco and Firearms when violations within the jurisdiction of that agency are encountered.

Accomplishments

In the face of evermounting pressure from the flood of illegal aliens who wish to gain entry into the United States and continuing shortages of personnel, the Immigration and Naturalization Service has responded with increasingly sophisticated technology coupled with time-proven skills to stem the flow. Even though I&NS apprehends and prevents entry of almost two million illegal aliens a year, it is estimated that an additional million evade our defenses at and between ports and join the illegal alien population which is currently estimated at six to eight million, with three to four million employed. Because of the severe impact that this population has on unemployment, I&NS has targeted its interior operations on illegal aliens holding well-paying jobs.

As a by-product of I&NS's enforcement efforts to intercept all persons entering the U.S. across the land borders between the ports of entry and as a result of our presence in primary inspection at ports of entry, I&NS intercepts large quantities of marijuana, narcotics, dangerous drugs and other contraband.

While pursuing its enforcement mission, I&NS must also devote significant resources to providing services and benefits to those persons entitled to them. To this end, more than one million adjudications are completed annually, more than 200,000 naturalization applications are completed, more than 25,000 Certificates of Citizenship are issued, and more than 8 million requests for information are answered. I&NS has also been involved in various refugee programs, the most recent being the resettlement of approximately 150,000 Vietnamese and Cambodians.



## DRUG ENFORCEMENT ADMINISTRATION

## I. BACKGROUND:

On July 1, 1973, the DEA was established under the provisions of Reorganization Plan # 2. DEA was charged with the responsibility of enforcing and implementing the Controlled Substances Act of 1970. These duties encompass the investigation and suppression of the illegal importation and domestic trafficking in illicit controlled substances and the licensing and regulation of the pharmaceutical industry in the U.S.

The President's Reorganization Plan # 2 of 1973 merged the Bureau of Narcotics and Dangerous Drugs (BNDD), the Office of Drug Abuse Law Enforcement (ODALE), the Office of National Narcotic Intelligence (ONNI), the drug investigative and intelligence functions of the Bureau of Customs and a major segment of the White House Office of Science and Technology. BNDD had been created by Reorganization Plan # 1 (1968) which merged the Federal Bureau of Narcotics (FBN) and the Bureau of Drug Abuse Control (BDAC). The reorganization and creation of DEA continued trends to consolidate the Federal drug investigative efforts within the U.S. Department of Justice.

The cornerstone of DEA's authority and responsibility is the Controlled Substances Act (CSA) of 1970. This act incorporated the provisions of more than 55 previously-existing Federal narcotic and dangerous drug laws; it provides a comprehensive framework for the regulation of certain narcotic and non-narcotic psychotropic drugs in order to reduce the illicit diversion of these substances to non-medical or non-scientific users; and it provides the Attorney General with the express authority to enforce its provisions. DEA is the lead Federal agency charged by law with responsibility for investigations pertaining to narcotic and dangerous drug violations.

## II. MISSION:

DEA's mission is to enforce the U.S. drug laws and to bring to justice those organizations and principal members of those organizations involved in illicit drug activities. (An illicit drug activity is one that involves the cultivation, manufacture or distribution of drugs appearing in or destined for the U.S. illicit market).

DEA also provides information, technical assistance, and guidance to its state, local and foreign counterparts and other Federal and international organizations.

Specifically, the DEA:

1. Investigates and prosecutes major drug violators;
2. Regulates the legal manufacturing and distribution of controlled substances;
3. Manages a national narcotic intelligence system;
4. Under the guidance of ODAP and the State Department, operates all programs associated with drug law enforcement officials in foreign countries;
5. Coordinates and cooperates with state and local agencies in investigations of drug offenses;
6. Supports the overall drug suppression effort with training, enforcement expertise, intelligence, research, science/technology and other activities;
7. DEA cooperates with the United Nations, Interpol and other organizations with mutual interests in international drug control-suppression interests.
8. Coordinates and supports non-enforcement activities designed to reduce drug availability.

### III. RESOURCES:

During Fiscal Year 1977, DEA will carry out its mission using a total appropriation of \$168,263,000 and complement of 4,365 employees, 2,117 of which are criminal investigators (172 stationed in foreign countries). DEA is an organization consisting of a national office and 13 domestic regions with an accompanying 94 district offices. In addition, there are six foreign regions supporting some 62 foreign district offices which represent DEA in 40 foreign countries.

### IV. FUNCTIONS:

These resources are deployed in a broad, multi-faceted attack on the channels and individuals supplying narcotics and dangerous drugs to the illicit market in the United States. The DEA effort is worldwide, with stress on eliminating the sources of illicit drugs and disrupting the highest levels of the traffic, through

intelligence gathering/dissemination and law enforcement actions. The Drug Enforcement Administration has adopted as a management tool, a program designed to evaluate, target and immobilize significant narcotic traffickers operating throughout the world. This system assesses traffickers and their organizations on a geographical/quantitative/qualitative format and ranks violators numerically as to their relative importance within a specified drug category. A Class I violator being the most significant - a Class IV the least important. G-DEP provides DEA with a means by which resource allocations can be prioritized and subsequently evaluated.

In carrying out its functions, DEA works to accomplish the following:

1. Limitation of cultivation/production of legitimate but abuseable pharmaceuticals to those quantities required for the practice of medicine.
2. Elimination of illicit cultivation/production on a global basis of narcotics and dangerous drugs.
3. Disruption of international routes and foreign staging areas prior to the entry of narcotics into the smuggling pattern aimed at the United States.
4. Disruption of organized efforts to smuggle narcotics and dangerous drugs through the United States ports and borders by means of coordinating intelligence acquired through overseas operations with domestic law enforcement investigations.
5. Suppression of the domestic traffic in controlled substances, whether produced in the United States or illicitly imported from abroad.
6. Cooperation with state and local law enforcement agencies to insure a continuity of enforcement actions at all levels of narcotic trafficking activity.

To engage successfully in such programs conducted in diverse geographic areas requires an array of techniques that must be employed selectively and flexibly. Additionally, DEA maximizes its strength by drawing upon foreign law enforcement agencies in the international fight against narcotics.

The following approaches are illustrative of the methods used to immobilize major traffickers and their organization structures:

1. Substantive cases, in which detailed investigation of a subject's modus operandi, surveillance of his operation activities, the recruitment of knowledgeable informants and undercover approaches which lead to the arrest of the trafficker and seizure of evidence of narcotics trafficking.
2. Conspiracy cases, in which the elements of past narcotics trafficking are carefully delineated and substantiated through documentary evidence and testimony.
3. Task Force approaches which combine the resources available at all levels of Federal/State/local law enforcement agencies which then interact and impact narcotic trafficking at all levels of activity.
4. Special projects and central tactical units which are used to provide flexibility in striking at major identified groups, as these organizations generally transcend the established regional boundary jurisdictions - domestic and foreign.

Abroad, where DEA has no jurisdictional authority, additional methods are employed such as:

1. Providing timely and accurate operational intelligence which permits foreign narcotic enforcement agencies to interdict and suppress controlled substances.
2. Providing substantive and documentary evidence obtained by DEA in the United States which enables foreign governments to prosecute source of supply narcotic traffickers in their respective countries.
3. Providing training, technical assistance and other resources to aid foreign countries in enforcing and suppressing the narcotic traffic.
4. Upon the request of host countries assists in investigations to the extent possible under operational agreements and guidelines.

These techniques require several essential support activities including:

1. An intelligence program and data base which permits exchange of DEA information with other Federal, state, local and foreign law enforcement agencies.

2. Training programs for domestic and foreign law enforcement officers at the DEA Headquarters as well as regionally in the U.S. and overseas. These programs assist these officers in raising their individual and collective levels of enforcement and intelligence expertise and familiarizing the officers with the mission and resources capabilities of DEA. These programs also enhance DEA's working relationships with state and local officers and assist foreign countries in developing cooperative techniques and enforcement methodologies.
3. A network of forensic laboratories and other scientific programs which support not only the DEA enforcement and intelligence programs, but also those of cooperating foreign and domestic narcotics law enforcement agencies.

#### V. COORDINATION:

Drug control, being the multi-faceted endeavor that it is, requires not only the efforts of DEA, but also the cooperation of many other agencies, including foreign, state and local police; the Departments of State, Treasury, Transportation, Agriculture, and Health, Education and Welfare; and other agencies within the Department of Justice.

DEA interfaces with foreign police under the auspices of the State Department by providing these agencies with intelligence and guidance. DEA works closely with the State Department's Narcotic Control Coordinators who are assigned to the U. S. embassies in nations that either produce drugs or are used as transit points in the international drug traffic. The most comprehensive foreign cooperative drug control program is the joint program with Mexico. DEA has developed, expanded and improved the Mexican effort to eradicate illicit poppy cultivation and fully supports the Mexican drug investigative efforts.

DEA domestic cooperative efforts involve:

1. U.S. Customs Service. Narcotics intelligence is exchanged between DEA and the U.S. Customs Service at the field level, DEA provides monthly to Customs, a computer tape with all new information on DEA Class I, II and III violators. In most DEA Regions, a Customs Patrol Officer is assigned to the Regional Intelligence Unit. DEA narcotics intelligence is designed to assist the U.S. Customs Service in their interdiction of illegal drugs at or between the U.S. ports and borders. DEA operational agreements in this regard have been in force since December 11, 1975. DEA in turn responds to Customs narcotic interdictions at or near our U.S. ports and borders.

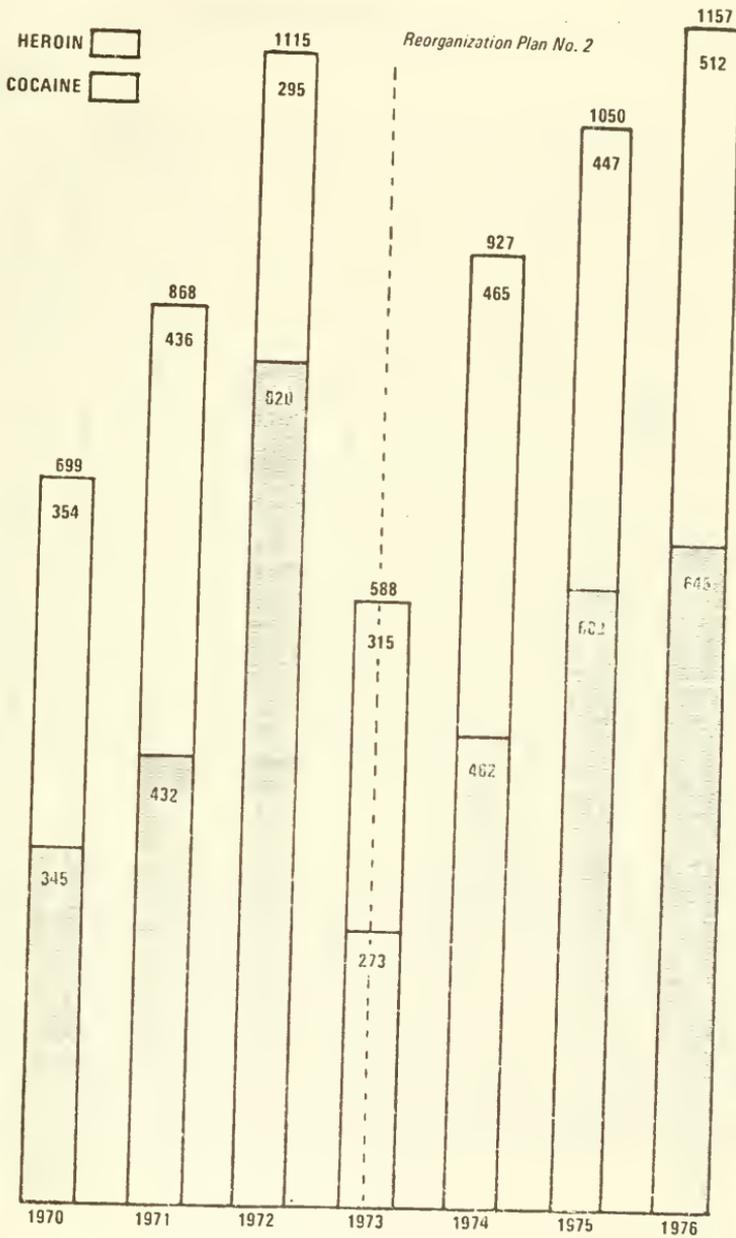
2. Internal Revenue Service (IRS). The IRS has agreed to devote resources against major narcotics violators. Since signing the Narcotics Trafficker Tax Program agreement in July 1976, DEA has been providing the IRS listings of high-level drug violators, and meetings have been conducted by members of both agencies at the field level. IRS prosecutions and investigations have proceeded with increased efforts and results.
3. Federal Bureau of Investigation (FBI). DEA agents question their informants not only on matter pertaining to drug trafficking activities, but also other violations of Federal law such as bank robberies, terrorism, etc. This information is then forwarded to the FBI. In addition, DEA submits names and pertinent data of all DEA Class I drug fugitives to the FBI for their assistance in apprehensions.
4. Immigration and Naturalization Service (INS). The DEA coordinates closely with INS not only by exchanging mutually-responsive intelligence, but also by responding to notices of drug seizures and apprehensions effected by the INS. Operational agreements have been in force since November 29, 1973.
5. EL Paso Intelligence Center (EPIC). This joint center is comprised of full-time Watch participation from DEA, INS, and Coast Guard. Liaison/coordination with Customs, FAA, ATF is accomplished by representatives assigned to EPIC. This center collects, analyzes and disseminates information regarding drug movement and illegal alien activity along the border, e.g., EPIC produces 1,115 copies of a weekly bulletin of which 335 go to Customs. The center is currently expanding its intelligence exchange with foreign intelligence services as well as domestic state law enforcement organizations.

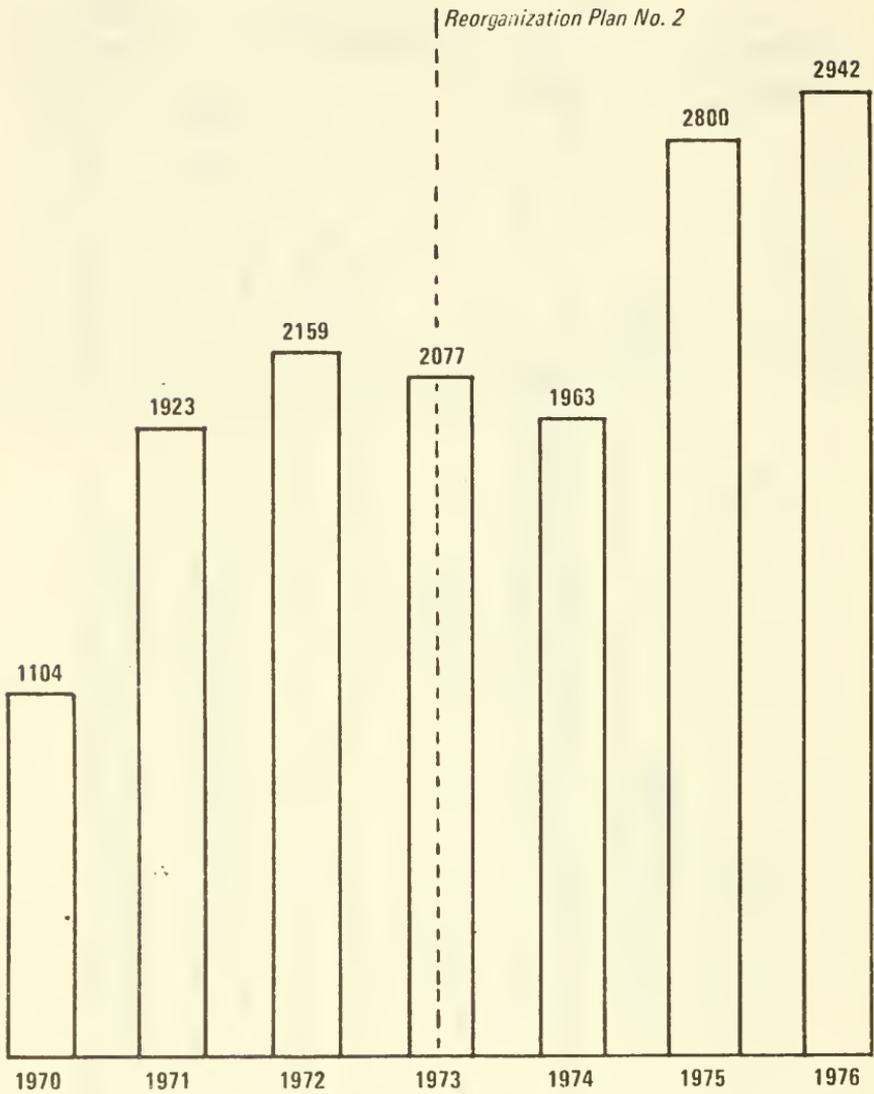
DEA, INS and Customs participate in the Interagency Drug Intelligence Group/Mexico thus providing INS and Customs access to all investigative reports (DEA-6's) that relate to Mexican narcotics activity. INS and Customs are being requested to participate in the newly formed Asian Heroin Working Group. Participation in these groups permits joint products. These programs are designed to provide strategic and tactical intelligence on a timely basis to aid and assist the interdiction agencies in performing their duties and responsibilities.

## VI. ACHIEVEMENTS:

DEA functions within a worldwide social, economic, and political system in which the variable performance of other governments and agencies greatly affect the application of DEA's enforcement efforts, and the total impact on the U.S. supply reduction efforts. Certain objective statistical measures of performance may be cited which either directly or indirectly reflect the value of the agency's activity. It is of utmost importance that the quality and strategic significance of the application of DEA's efforts be understood in connection with the interpretation of these statistical measures. Therefore, it is necessary to consider the significance of the violators arrested and not simply their number. It is necessary to consider the strategic significance of eradication efforts in Mexico and other countries which have an impact on the overall supply and availability of illicit drugs in the U.S. Finally, it is important to realize the foreign drug enforcement efforts reflect the training, expertise, and stimulus provided by DEA personnel with the diplomatic assistance of the Department of State.

## DEA FEDERAL DOMESTIC NARCOTIC REMOVALS (lbs.)



**DEA FEDERAL DOMESTIC HEROIN ARRESTS\***

\*1970 & 1971 data includes cocaine; heroin alone not available.

U.S. Coast GuardBACKGROUND

The Coast Guard is the nation's primary maritime law enforcement agency. It is the only federal agency with plenary jurisdiction over all violations of federal laws upon the high seas and waters over which the United States has jurisdiction. These waters include the internal waters of the United States; the 3 mile territorial sea; the 12 mile contiguous zone for customs and immigration; the 200 mile fisheries conservation zone; and the high seas beyond the territorial sea. 14 USC 2 states that the Coast Guard shall enforce or assist in the enforcement of all applicable Federal laws upon the high seas and waters subject to the jurisdiction of the United States and under 14 USC 89 the Coast Guard may make inquiries, examinations, inspections, searches, seizures, and arrests to enforce those laws. For such purposes, commissioned, warrant, and petty officers may at any time go on board any vessel subject to the jurisdiction, or to the operation of any law of the United States, address inquiries to those on board, examine the ship's documents and papers, and examine, inspect, and search the vessel and use all necessary force to compel compliance. The section goes on further to outline the authority to arrest persons and seize the vessel if a breach of the laws of the United States has occurred. In addition to the authority outlined above, sections 14 USC 143 and 19 USC 1401(1) designate Coast Guard commissioned, warrant, and petty officers as "officers of the customs." Under 14 USC 141 the Coast Guard may, when so requested by proper authority, utilize its personnel and facilities to assist any Federal agency, State, Territory, possession, or political subdivision thereof, or the District of Columbia, to perform any activity for which such personnel and facilities are especially qualified. The Coast Guard may also avail itself of the facilities and personnel of the organizations listed above.

MISSIONS

The Coast Guard has several primary missions and most Coast Guard facilities, vessels, and aircraft are multi-mission: a buoy tender on an Aids-to-Navigation mission may conduct law enforcement boardings of pleasure craft and fishing vessels; an aircraft on pollution patrol may also be looking for suspect vessels. In like fashion, a Marine Inspector checking a vessel's seaworthiness may uncover a customs violation.

Enforcement of Laws and Treaties. The objective is to protect and preserve the natural resources and national interest on or under the territorial waters, contiguous zone, and special interest areas of the high seas by all appropriate means including the enforcement of

international agreements and Federal laws except for those relating to pollution, traffic control and port and vessel safety. This includes but is not limited to the enforcing of federal laws and international agreements related to fisheries, the protection of marine mammals, the exploitation of natural resources, and the smuggling of narcotics and illegal aliens.

Port Safety and Security. This mission is to safeguard the nation's waterways, port facilities and vessels, persons, and property in the vicinity of the ports from accidental or intentional destruction, damage, loss or injury. It is also to protect the navigable waters and adjacent shore areas of the United States, and the adjacent resources from environmental harm.

Search and Rescue. The purpose of this mission is to minimize loss of life, injury, and property damage by rendering aid to persons and property in distress on, over, and under the high seas and waters under the jurisdiction of the United States. This includes cooperation with other governmental organizations (Federal, State, and local) to carry out activities in the international sphere where appropriate in furthering national policy, and to assure efficient utilization of public resources.

Marine Environmental Protection. The purpose is to maintain or improve the quality of the marine environment. Also of major concern is to minimize the danger caused by pollutants discharged into the marine environment by endeavoring to provide efficient, coordinated, and effective action in response to the discharges of oil or hazardous substances into the waters of the coastal area.

Commercial Vessel Safety. The objective is to minimize deaths, personal injuries, and property loss or damage associated with vessels and other facilities engaged in commercial, scientific or exploratory activity in the marine environment. This is pursued through the administration of federal laws, the development and enforcement of Federal standards, and implementation of international agreements.

Boating Safety. The purpose is to minimize the risk of loss of life, personal injury, and property damage associated with the use of recreational boats to provide the boaters with maximum safety in the nation's waterways. In addition, Coast Guard boating safety personnel conduct liaison with the States, train State personnel, and coordinate Federal/State programs to assist effective State participation in boating safety programs.

Military Preparedness. The objective is to maintain the Coast Guard as an effective and ready armed force which is prepared for and immediately responsive to assigned tasks in time of peace, war, or national emergency.

Ice Operations. The purpose is to facilitate U.S. maritime transportation, scientific research, and other activities in the national interest. This is accomplished by providing icebreaking service on icebound domestic waters and in polar regions of interest to the United States, and by providing assistance to other governmental agencies in the prevention of flooding caused by ice accumulation.

Marine Science Activities. The objective is to conduct the International Ice Patrol; to improve marine environmental measurement and prediction in furtherance of the Search and Rescue, Marine Environmental Protection, Ice Operations, and other Coast Guard programs; and to assist other Government agencies and non-Federal scientific organizations in support of national marine science objectives.

Aids to Navigation. The purpose is to facilitate the safe and expeditious passage of marine traffic in coastal areas, inland waterways, and harbors in order to enhance the utility of national waterways for commercial, recreational, public, and private users. In addition, this program is to provide a continuous, accurate, all-weather position fixing capability for marine and air traffic.

#### ORGANIZATION

The Coast Guard is organized into twelve districts which encompass all 50 states, U.S. territories, and possessions. East Coast and Gulf districts are under the operational control of Commander, Atlantic Area, while West Coast districts are under the operational control of Commander, Pacific Area. Within each Coast Guard district, the District Commander controls all operations. If operations cross district boundaries, the cognizant Area Commander normally assumes operational control. The locations and areas of responsibility of the Area and District commands are depicted on the chartlet attached.

#### RESOURCES

Personnel. The Coast Guard as of 31 March 1977 had 37,068 military and 6,532 civilian personnel to carry out and support Coast Guard operations.

Vessels. The Coast Guard has 253 cutters over 65 feet in length and approximately 1800 smaller vessels.

Aircraft. The Coast Guard has 24 air stations located throughout the country and Puerto Rico to provide aviation assets in support of Coast Guard operations. There are 55 fixed wing aircraft (C-130, HU-16E, C-131) and 115 helicopters (HH-52A, HH-3F).

Shore Units. The Coast Guard has Bases, Marine Safety Offices, Depots, Port Safety Stations, Search and Rescue Stations, and various other shore units throughout the country. These units are located in major ports and other areas along our maritime borders. Most of these units have offshore and harbor patrol craft which engage in law enforcement and other missions.

#### OPERATIONS

The following is a summary of Coast Guard maritime law enforcement operations:

1. Operations in the Southeast U.S. including the Atlantic, the Gulf of Mexico and the Caribbean:

a. Surface Law Enforcement Patrol (SURLEPAT) - These surface patrols are conducted by a single vessel, either a 210' medium endurance cutter or an 82' patrol boat, and are primarily conducted in the Florida Straits - Windward Passage area and in the waters surrounding Puerto Rico. Vessel traffic is reported and law enforcement boardings are conducted.

b. Multi-Unit Law Enforcement Patrol (MULEPAT) - This is a multi-unit version of SURLEPAT that usually consists of a 210' medium endurance cutter, with helicopter embarked, and one or more 82' patrol boats supported by land-based aircraft. They patrol various areas of interest such as Mona Passage, Windward Passage, etc., based on available intelligence information.

c. Yucatan Patrol (YUCPAT) - This is a random scheduled patrol conducted by a 210' medium endurance cutter with helicopter embarked. The patrol is in the Yucatan channel and vessel traffic is monitored and law enforcement boardings are conducted.

d. Airborne surveillance flights are conducted on a random schedule to detect violations and report on any suspect vessel activity. The flights utilize rotary and fixed wing aircraft and are concentrated along the Southeast and Gulf coasts of the United States, Puerto Rico, and the isolated cays of the Bahama Islands.

e. There have been some very successful multi-agency (primarily Customs, DEA and Coast Guard) operations in the Gulf of Mexico and Caribbean areas.

2. Operations along the West Coast of the United States and Hawaii:

a. The Coast Guard's law enforcement efforts are being emphasized in the Southern California area and the Hawaiian Islands. Effective

liaison has been established in these areas with appropriate law enforcement agencies, local and federal.

b. West Coast Coast Guard Districts, including Hawaii, have scheduled random patrols utilizing 82' and 95' boats and small patrol craft from local stations. The patrols will monitor vessel traffic and conduct law enforcement boardings.

c. Airborne surveillance flights, similar to those conducted off the Southeast United States, are also planned.

3. The Coast Guard fully supports and participates in the El Paso Intelligence Center (EPIC). The intelligence provided by EPIC has resulted in several major seizures by the Coast Guard.

4. Summary of vessels seized and value of narcotics and other dangerous drugs confiscated.

<u>Calander Year</u>	<u>Vessels</u>	<u>Street Value of drugs</u>
1973	4	4,085,000
1974	11	33,251,400
1974	7	34,804,525
1976	25	133,134,265

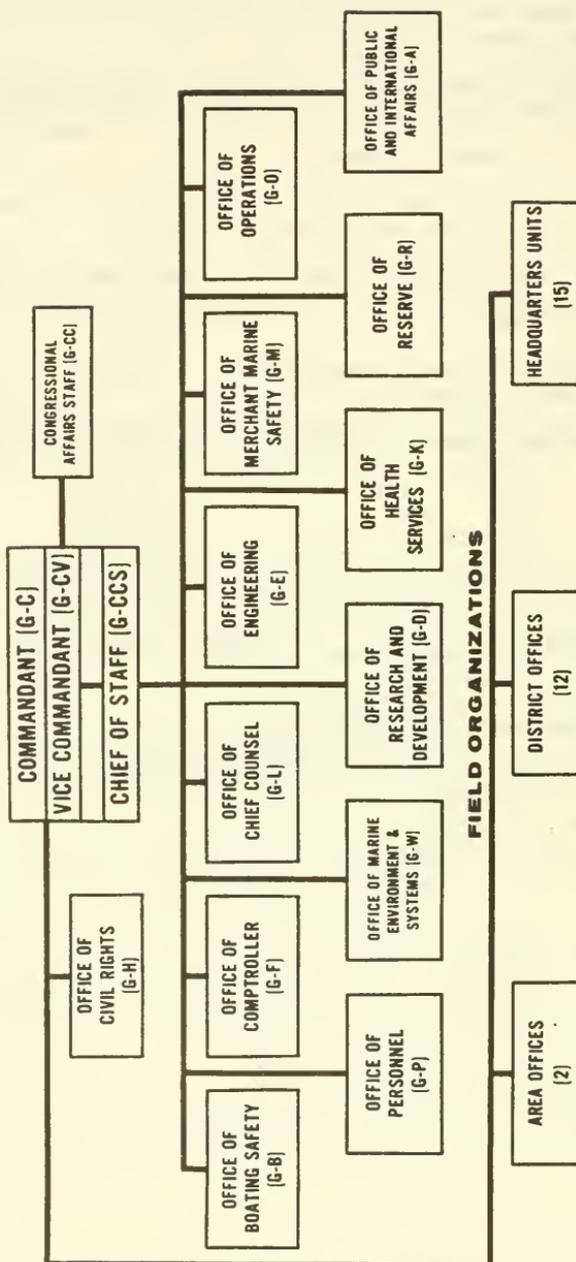
#### BUDGET

The FY 78 Coast Guard budget is presently in the Congressional stage and in part is as follows:

Total Requested      \$1,348,012,000

Of this total, \$874,261,000 is for Operating Expenses which includes \$92,494,000 for Enforcement of Laws and Treaties.

**DEPARTMENT OF TRANSPORTATION  
U.S. COAST GUARD ORGANIZATION**





NON-BORDER FUNCTIONSIntroduction

The agencies involved in border management perform certain functions which, although performed in the interior, are natural extensions of the border operation. The following synopsis reflects some of these activities involving INS, DEA and Customs. In addition, significant functions performed by the United States Coast Guard, although border related, are not law enforcement oriented. These activities are detailed in the description of the U.S. Coast Guard contained in Appendix F.

INS

The following represents a description of those INS functions performed at interior locations and their relationship to the border.

1) Inspections: The inspections function is principally a border operation. With few exceptions, the Immigration Inspector at the port of entry creates a record of admission on every alien who enters the U. S. This record is the basis for future investigation if the alien fails to comply with his stay limit, and is used in determining eligibility for other immigration benefits.

In some cases, the inspection may be deferred to an INS district office to allow time to secure additional information before deciding on the alien's admissibility. The alien is instructed to report there at a later date to present the additional information to the examining Inspector. Similarly, refugees must present themselves to an INS district office for further inspection and permanent admission to the U. S. two years after their parole or "conditional" entry at the port.

2) Adjudications: Applications or petitions for benefits under the Immigration and Nationality Act are regularly adjudicated by Immigration. Applications for Mexican border crossing cards, replacement cards and for permission to go more than 25 miles beyond the border are considered border functions because they are filed and adjudicated by INS at border ports of entry.

The bulk of adjudications for other types of benefits, however, are routinely processed in the interior in INS district offices. A large volume of adjudication work is done by inspectors at air, land and sea ports of entry during standby time available between peak workloads. This administrative work is also performed during night shifts, at airports between flights, and at low-volume ports of entry.

3) Naturalization: Naturalization is a function conducted exclusively in the interior. Subsequent to immigration to the U.S. and the satisfaction of specified time and qualitative requirements, an alien may apply for naturalization at INS district offices. Descendants of naturalized citizens in turn may become eligible for derivative citizenship. Therefore, the file on the newly naturalized citizen may be the starting point for continued immigration and naturalization.

4) Border Patrol: Although most of the functions of the Border Patrol are directly related to the border, other functions such as city patrol, transportation check and farm and ranch checks are done beyond the immediate border location. For instance, some Border Patrol sectors and stations have no direct border responsibility but maintain back-up operations to apprehend aliens illegally in the U.S. Anti-smuggling efforts of the Border Patrol are directed at border area alien smugglers and on the interdiction of trafficking rings at the border.

5) Investigations: The INS investigations program is conducted primarily in the interior. Although INS investigators are stationed in a few of the Southern land border ports of entry to handle cases of document fraud, most are stationed in district offices throughout the U.S. Their function in the interior is to investigate cases of fraudulent, subversive, criminal immoral, or narcotic actions by aliens; to investigate suspect aliens seeking benefits through the adjudications and naturalization processes; and to conduct area control operations, where, in response to leads, they apprehend aliens illegally in the U.S. Whereas border anti-smuggling operations are conducted by the Border Patrol, in the interior, investigation of alien/narcotics smuggling rings which recruit aliends abroad and transport them to the interior of the U.S., are conducted by the INS investigators.

6) Detention and Deportation: The detention and deportation program in INS district offices supports both border and interior operations. There are three INS detention facilities and a staging area along the Southwest border. Many aliens apprehended at the border or denied entry at the ports are held in these detention facilities pending hearings, prosecution, or expulsion.

Border detention facilities are also used to support interior enforcement operations. Mexican aliens apprehended through Border Patrol back-up or interior investigative operations are bussed from locations such as Albuquerque, Denver, and Chicago, to these border facilities where they are detained. INS also operates a detention facility in New York City which is utilized by the INS interior enforcement efforts, primarily in the Northeast. In other areas of the interior where INS detention facilities are not available, apprehended aliens are held in state or local detention facilities.

7) Immigration Judges: Immigration Judges are responsible for presiding over administrative hearings both in the border area and in the interior. All aliens found to be inadmissible to the U.S. at a port of entry or determined to be illegally in the U.S. in the border area or in the interior, are entitled to a formal exclusion or deportation hearing. Judges are located in the interior in several of the larger INS district offices and travel extensively to other interior and border locations to conduct hearings.

8) Records: With few exceptions, a record is kept of all formal INS contacts with or regarding the alien. These records together form a single file on the alien which is used to establish eligibility, deportability, or any other subsequent process within the Service. These files are maintained in the INS district in which the alien lives.

9) Summary: INS can be considered as both a border and an interior operating agency. The district offices and four regional offices provide both the overall management and act as operating centers for these interior functions. INS believes that the management of the alien is a continuum from the time he states an intent to come to the United States until he has departed or becomes a naturalized citizen, because an alien's eligibility for benefits or liability to deportation often depends on actions taken prior to or at the time of admission to the U.S. The records maintained on the individual are the supporting documents for all phases of the alien's involvement with Immigration. The records provide a connecting link for the entire process. Therefore, significant problems would be created if the border functions and the interior functions were in different agencies.

#### DEA

The mission and functions of the Drug Enforcement Administration focuses its resources on domestic enforcement (including investigations, intelligence, regulatory and compliance and a number of support activities) and foreign initiatives (principally enforcement support, intelligence and training). The current thrust of DEA's operations is to immobilize major traffickers and organizations with particular emphasis on conspiracy investigations.

Because of DEA's focus on investigations and penetrations of drug trafficking networks, border support activities are viewed as important, but subordinate to DEA's principal mission. Therefore, the preponderance of DEA's resources are allocated to non-border areas.

#### CUSTOMS

In contrast to the DEA, Customs mission and functions focus its resources almost exclusively on the border and border-related activities of the Customs Service which can be classified as a non-border function is the adjudication process of the Customs Court.

The Customs Court provides a mechanism for resolution of disagreements or appeals to Customs determinations and rulings. This adjudication process is a direct result of Customs operations at the borders.

THE DEPUTY ATTORNEY GENERAL  
WASHINGTON, D.C. 20530

August 24, 1977



Peter G. Bourne, M.D.  
Director  
Office of Drug Abuse Policy  
The White House  
Washington, D. C. 20500

Dear Dr. Bourne:

By letter of August 8, 1977, you solicited the views of the Department of Justice on the draft report of the Border Management and Interdiction Review Team. We appreciate this opportunity for review and comment.

The responses of the Drug Enforcement Administration and the Immigration and Naturalization Service are attached. In addition, the Department of Justice wishes to convey several points.

The report, in our view, does not go far enough in the development of alternatives to the present organization. It falls short in analysis of the central questions which are (1) where in the government a new border management agency should be located, and (2) precisely what portions of existing agencies would make up the new agency.

This study was initiated because drug enforcement was identified as a high priority. On pages 74 and 75 the draft states that the revenue collection function, traditional departmental support, and the relative size of enforcement activities are most relevant to determining the organizational placement of a new agency. We do not agree.

Placement should be based on eliminating fragmentation and competition which in the past have led to inefficiency. The central findings of the ODAP study revolve around this issue and therefore the proposed solutions should proceed from it.

The Department of Justice is charged with the enforcement of the federal drug and immigration laws. It follows that consolidation of border management functions should be in the Department of Justice. This would permit the Attorney General to direct the full range of drug control and immigration activities. Any other placement would simply perpetuate present problems of fragmentation.

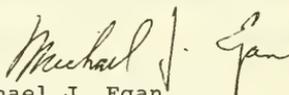
Until such a discussion of alternatives takes place, we do not believe the scope of the study has been sufficiently developed to warrant a reorganization decision. A full examination of enforcement issues is underway by the President's Reorganization Project of OMB. The ODAP study will provide useful preliminary materials for that review. When completed, the Attorney General expects to comment further before any proposal on these matters is submitted to the President.

Thank you.

Sincerely,



Peter F. Flaherty  
Deputy Attorney General



Michael J. Egan  
Associate Attorney General

Attachments

cc: Bert Lance, Director, Office of Management and Budget  
F. Treadwell Davis, President's Reorganization Project



## THE DEPUTY SECRETARY OF THE TREASURY

WASHINGTON, D. C. 20220

August 22, 1977

Dear Dr. Bourne:

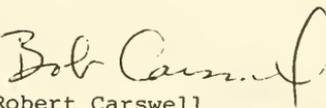
Thank you for transmitting the draft report of the Border Management and Interdiction Review Team with your letter dated August 8, 1977 to us for our views and comments.

The Customs Service is providing to you under separate cover its comments on the report. We have reviewed those comments and in general are in agreement with the concerns expressed therein although we believe it is premature for us to endorse a particular option. We also believe it would be premature to address the question of which department should supervise consolidated border agency enforcement. The resolution of that issue should await not only a decision as to whether there should be a border management agency but also the results of your study on Drug Law Enforcement and OMB's overall law enforcement agency study. Those studies will necessarily have to face issues that go well beyond the scope of this report but that clearly have a bearing on the question, e.g. whether all or most law enforcement activity should be concentrated in one department, whether investigative and prosecutorial functions should be consolidated under one department, whether law enforcement activities associated with collection of revenues should be supervised separately from enforcement of general criminal statutes, how the non-border enforcement activities of the agencies here involved will be supervised, etc.

I might also emphasize that regardless of how the overall question of consolidation is resolved, the present structure of intelligence collection and dissemination pertaining to border interdiction must be changed. Quite apart from whether there is any valid distinction between

national and border intelligence, the fact is that the Customs Service is not now receiving adequate intelligence whether that judgment is made on an historical basis or on a current, qualitative basis. There is every reason to believe that inadequate intelligence has adversely impacted drug interdiction at the border, and any reorganization must address this inadequacy.

Sincerely,

A handwritten signature in cursive script that reads "Bob Carswell". The signature is written in dark ink and is positioned above the printed name.

Robert Carswell

Dr. Peter G. Bourne  
Director  
Office of Drug Abuse Policy  
The White House  
Washington, D.C. 20220



OFFICE OF THE SECRETARY OF TRANSPORTATION  
WASHINGTON, D.C. 20590

ASSISTANT SECRETARY  
FOR ADMINISTRATION

August 22, 1977

Peter G. Bourne, M.D.  
Director  
Office of Drug Abuse Policy  
The White House  
Washington, D.C. 20500

Dear Dr. Bourne:

I am forwarding for your consideration the Department of Transportation (DOT) response to the draft Border Management and Interdiction Study. In view of your request for comments from the United States Coast Guard (USCG), we have included in this reply the views of the Commandant.

As a matter of general comment upon the entire study, some significant policy, management and organizational problems affecting Federal border law enforcement activities were identified. Specifically, the problem seems to be the numerous cases of jurisdiction overlap and duplication of effort between the United States Customs Service and the Immigration and Naturalization Service (INS).

Neither option one nor option two offer a lasting solution to the problem. While additional resources, as suggested in option one, may help stem a particular crisis it is precisely this approach which seems symptomatic of the problems the review team identified in their analysis. Option two also would be an inadequate solution. By transferring and consolidating the inspection and patrol functions it only partially addresses the problem. This approach is also similar to the reorganization plan of 1973 which was met with intense union and Congressional opposition and consequently was never implemented.

The proposed creation of a multi-purpose border management agency (option three) including Customs and INS is a solid, viable approach to the problem. We endorse it. An opportunity would be created for the rationalization of functions and the elimination of duplication and overlap between the two principal border agencies. In addition to the advantages delineated in the report, the two agencies should no longer work at cross objectives but instead enjoy a cross-fertilization that should have a positive effect on the quality of understanding and the efficiency of the new organization. Except for political sensitivity, I see no reason why the State Department's Visa and Passport Offices should not be included in this option. They are integrally related to the efficacy of any border management effort.

We take vigorous issue with the proposed expansion of option three to include the U.S. Coast Guard in a border management agency or in the same Department as the new agency. The body of the draft report does not supply the kind of closely reasoned and well documented argument needed to provide substance for this proposal. For example, not only do chapters three and four not cite any functions, problems, or issues involving the USCG which could be improved by transfer from DOT, but on the few occasions the USCG is mentioned at all, its present role in support of border law enforcement is judged to be responsive, appropriate and satisfactory. On page 76, option four frankly appears as a "solution searching for a problem" which has not been defined in the rest of the report.

The rationale for establishing a Department of Transportation in 1966 was to provide Cabinet-level direction to the development of a full range of cohesive national transportation policies and programs. The USCG, with its operational, regulatory and many of its law enforcement functions directly involved in transportation and facilitation, was an obvious candidate for inclusion in the new Department.

Since its transfer, Congress has given the USCG increasingly greater responsibility in transportation safety-related functions. Tab A briefly summarizes these legislative actions. It should be noted that this increased involvement in transportation safety missions was not obtained at the expense of the law enforcement program. In fact, the law enforcement budget has grown from 2.2 percent of the total USCG operating expense budget in FY 1969 to 11.1 percent in FY 1977. The most significant portion of this growth, however, represents increased activity in enforcement of maritime laws for which USCG does not share responsibility with border management agencies; i.e., protection and preservation of natural resources on or under the territorial waters, contiguous fisheries zone and special interest areas of the high seas. Tab B provides a detailed analysis of the various advantages and disadvantages attributed to option four.

In conclusion, we strongly recommend that option four be eliminated from the draft report. At the same time we give our strong endorsement to option three. The inclusion of option four in the report only obfuscates the problems and issues identified by the ODAP review team. Option three is clearly the most viable current solution to the Nation's border management problems.

*Edward W. Scott, Jr.*  
Edward W. Scott, Jr.

Enclosures

SUMMARY OF MAJOR LEGISLATION AFFECTING COAST GUARD PROGRAMS  
SINCE TRANSFER TO THE DEPARTMENT OF TRANSPORTATION

1. National Environmental Policy Act (1970)

Aimed at reducing the dangers of environmental damage, this Act dictated Coast Guard involvement in the preparation of Environmental Impact Statements for internal projects, and in reviewing similar statements submitted by other agencies.

2. Water Quality Improvement Act (1970) - Federal Water Pollution Control Act (1972 Amendments)

Enacted to provide effective emergency response to pollution incidents, this legislation is the basis for Coast Guard participation in the National and Regional Response Teams. On-scene commanders for individual pollution incidents are provided, and regional contingency plans are prepared which encompass Coast Guard areas of responsibility. The National Strike Force, consisting of the Atlantic, Pacific, and Gulf Strike Teams, equipped with specialized pollution control equipment, provides a Coast Guard ready response force for rapid control and cleanup of pollution incidents.

3. Federal Boating Safety Act (1971)

In promoting safety on the water, this Act empowers the Coast Guard to prescribe standards for the manufacture and construction of pleasure boats and associated equipment. Existing regulatory authority for controlling the use of boats and their equipment was given added flexibility and extended to permit Coast Guard termination of voyages involving unsafe operating practices. Flexibility was also added to the provisions for administering the boat numbering system to facilitate reciprocity by states and encourage increased state participation through a financial assistance program.

4. Vessel Bridge to Bridge Radiotelephone Act (1972)

The Coast Guard is empowered by this Act to administer and enforce regulations requiring approaching vessels to maintain radio contact for communicating their intentions, thereby reducing the risk of collision.

5. Ports and Waterways Safety Act (1972 - Title 1)

Aimed at the prevention of damage to vessels, structures and water or water resources, this Act authorized establishment of the Vessel Traffic System and granted broad Coast Guard authority for the regulation of vessel movements in restricted or hazardous waters. Provisions for the regulation of dangerous cargo and establishment of limited access and safety zones were included.

6. Marine Protection, Research, and Sanctuaries Act (1972 Amendments)

Coast Guard involvement in the Ocean Dumping Program stems from this Act. Surveillance and enforcement of current regulations are carried out to prevent unlawful dumping and transportation for dumping in U.S. waters. Protection of marine sanctuaries is provided by charging the Coast Guard with enforcement responsibility for individual sanctuary regulations.

7. Oil Pollution Act (1973 Amendments)

Under this Act, the Coast is authorized to inspect for and report violations of high seas pollution regulations such as bilge pumping, ballast discharge, or tank cleaning.

8. Marine Mammal Protection Act (1973)

The authority of the Coast Guard under Title 14, U.S. Code permits enforcement of the provisions of this Act. Assistance is furnished to the Department of Commerce in the form of occasional surveillance flights and transport of National Marine Fisheries Service personnel engaged in marine mammal protection. Such support is generally provided in conjunction with activity involving enforcement of Inter-American Tropical Tuna Convention regulations where an incidental porpoise catch is anticipated.

9. Intervention on the High Seas Act (1974)

This Act provides the authority for Coast Guard intervention to control or eliminate oil pollution hazards to the U.S. environment stemming from high seas casualties involving foreign vessels. This Act provided the basis for Coast Guard response to the Argo Merchant incident. In the near future this Act may be amended to include hazardous substances other than oil.

10. Deepwater Ports Act (1974)

This legislation provides the authority for the Coast Guard to oversee the licensing, design, ownership, construction, and operation of deepwater port facilities. A license has recently been issued for the construction of a deepwater port facility in the Louisiana offshore area.

11. Fishery Conservation and Management Act (1972)

A new scheme for control of U.S. fishery resources was introduced by this legislation. Based on sound management and conservation principles, FCMA regulations provide strict control of fisheries stock and limit the types and quantities of fish which may be harvested by foreign vessels. The Act established a 200-mile fishery conservation zone and assigned enforcement responsibility to the Coast Guard and National Marine Fisheries Service. Air and surface patrols and a comprehensive boarding program are used to ensure compliance with FCMA regulations.

## ANALYSIS OF OPTION 4

The specific advantages cited in the draft report as applying to Option 4 are:

- a. Places Federal responsibility for the entire perimeter of the U.S., both borders and U.S. waters, in a single organization.
- b. Likely to strengthen the law enforcement role of the U.S. Coast Guard (USCG).
- c. Significant increase in the amount of resources available to the border management agency.
- d. Possible elimination of separate Customs Marine Patrol activities.

Analysis of these cited advantages, however, does not demonstrate that any clear benefits would accrue from the adoption of Option 4. In particular:

- a. Consolidation of border management responsibility is an advantage only if cooperation among separate agencies has proven inadequate and overlap and duplication of efforts would be reduced. This is not so in the case of the USCG. Indeed, the draft Report states that the USCG role in support of border law enforcement is judged to be responsive, appropriate and satisfactory (see pp. 30 and 65). Since Option 4 states the USCG must be continued as a separate entity, the law enforcement functions could not be consolidated with those of the Immigration and Naturalization Service (INS) and Customs. It should also be reemphasized that the USCG is multi-mission in every sense and have no operational resources identified solely with the support of narcotics and drug interdiction.
- b. Option 4 implies that the USCG's role in law enforcement has been unduly constrained by its location in the Department of Transportation (DOT). An analysis of the growth of the Enforcement of Laws and Treaties (ELT) since FY 69 (with DOT input) demonstrates that such an assumption is fallacious. Table 1 compares the growth of the operating expense budgets for ELT and for the USCG as a whole in fiscal year dollars. The fact that ELT has grown at an average rate of 35.5% compounded annually over the past eight years, while the total USCG operating expense budget has grown at a rate of only 10.8% clearly indicates that DOT location has not been an undue constraint on the law enforcement role of the USCG.
- c. There would be no significant net increase in resources available for border management resulting solely from the transfer of the service to the new agency since USCG total mission requirements would transfer as well. Any increased commitment of existing USCG resources to border management duties could be accomplished only at the expense of other USCG

mission areas since no excess USCG resources exist. Note again in the draft Report that the current level of border management law enforcement services provided by the USCG is judged to be responsive, adequate, and satisfactory; the need for more USCG-type resources has not been identified.

- d. It may prove possible to eliminate the Customs Marine Patrol without transferring the USCG from DOT. Rather than reorganization of the Executive Branch, the first step towards this goal should be the initiation of working level discussions between the sub-cabinet level agencies involved.

The specific disadvantages cited as possibly applying to Option 4 are:

- a. Safety and other non-law enforcement responsibilities of the USCG could be adversely affected by over-emphasis of law enforcement.
- b. Because the majority of the USCG's responsibilities are non-law enforcement, they could detract from the law enforcement orientation of the remainder of the border management agency.

Analysis of these possible disadvantages indicates that they are all too probable.

- a. "Advantage" c. cited above indicates the members of the study team already regard the non-law enforcement portions of the USCG budget as a central pool from which resources could be reprogrammed to deal with the "real" work of the border management agency.
- b. Assuming that the new agency consisted of the USCG, INS, Customs, and 10% of the Drug Enforcement Agency (DEA), (i.e., the El Paso Intelligence Center (EPIC)), its budget would be (in millions of FY 78 dollars):

CG	1,400
Customs	359
DEA	17
INS	244
	<u>2,020</u>

More than 60% of the new agency's total budget would be devoted to non-border management missions including the safety and facilitation of waterborne transportation, marine environmental protection and military preparedness. The wide variety of Congressional interest and public and private pressure groups to which the agency would be expected to respond would be of a magnitude and diversity more commonly associated with a department than a sub-cabinet agency.

TABLE I

1	2	3	4	5	6
YEAR	<sup>1/</sup> ELT OE \$ (OOO's)	<sup>2/</sup> % OF FY 69	CG OE \$ (OOO's)	% OF FY 69	ELT \$ AS A % OF TOTAL OE \$
FY 69	8,194	100	368,943	100	2.2
70	9,690	118	409,981	111	2.4
71	10,603	129	449,446	122	2.4
72	17,859	218	491,028	133	3.6
73	25,091	306	548,361	149	4.6
74	29,355	358	584,504	158	5.0
75	47,640	581	653,053	177	7.3
76	64,975	793	702,308	190	9.2
77	93,222	1138	838,383	227	11.1

<sup>1/</sup> Enforcement of Laws and Treaties

<sup>2/</sup> FY 69 is the base year or 100% of Column 2. Subsequent years represent increased percent from base year.



## DEPARTMENT OF STATE

Washington, D. C. 20520

August 23, 1977

MEMORANDUM FOR DR. PETER G. BOURNE  
THE WHITE HOUSE

Subject: Draft Report of the Border Management  
and Interdiction Review Team

We have reviewed the draft report of the Border Management and Interdiction Review Team. It is a highly commendable and incisive report that focuses on the problem areas and offers reasonable solutions.

We agree with the report's emphasis on the two basic issues of lack of coordinated border management and the overlap and duplication of effort. Concerning the four options offered for solution, we agree with Option Four recommending the creation of an expanded multi-purpose border management agency. It offers many more advantages and optimal resolution of the problems described in the report. Our second preference would be Option Three.

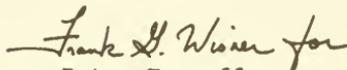
The following are suggestions for minor changes in wording that might be considered:

Page 17 -- under the definition of the role of DEA, suggest the elimination of the words: "...at the national and international level ...." This would avoid the issue of ODAP and State performing the direction and coordination for the international program, which is not really relevant to this study.

Page 35 -- We suggest that the third sentence of the first paragraph should read: "DEA is responsible for developing Federal drug enforcement strategy and programs and for handling high-level drug conspiracy cases within the U.S." This would avoid the problem of questioning the responsibility of ODAP and State to direct the international program. Next line should begin: "The different ....."

Annex C (V) paragraph 2 -- suggest the elimination of the sentence concerning overseas narcotics control coordinators. They are State personnel, not DEA, and the sentence gives a misleading impression.

The team deserves high praise for the yeoman service it has performed in putting together the report and its recommendations.

  
Peter Tarnoff  
Executive Secretary



DEPARTMENT OF THE TREASURY  
U.S. CUSTOMS SERVICE  
WASHINGTON



August 23, 1977  
REFER TO

The Honorable  
Peter B. Bourne  
Director, Office of  
Drug Abuse Policy  
Old Executive Office Building  
Washington, D. C. 20503

Dear Dr. Bourne:

We appreciate this opportunity to comment on the draft report of the Border Management and Interdiction Review Team. The review team, under the guidance of ODAP, is to be complimented for this fine effort. We believe that the study has already shown positive results in the emergence of the term "border management." The now common use of this term in the federal community represents a new generation of thinking in regard to border activities and has served to focus attention not upon a single or possibly transitory issue, but rather upon the identification of long term solutions for a variety of border related problems.

In our opinion, several points contained in the report do require further clarification. Initially, however, we believe it essential to again offer our perspective of the approach required to improve the overall effectiveness of border management. Since the inception of this study, we have suggested that creation of a single border management agency would eliminate the duplication and overlap existing in the current federal response to border activities. Therefore, it was gratifying to note that two and possibly three options presented in the report could result in the creation of a single border management agency.

The review team has been both comprehensive and realistic in the array of options presented for consideration. In addition, we agree with their assessment that these options are not mutually exclusive. It is, therefore, difficult to totally eliminate any of the alternatives presented. However, we favor the approach in option three as we believe it could be implemented within a relatively short timeframe, with a minimum of opposition and organizational disruption. This option would provide the border management agency sufficient time to determine the functions to consolidate while enabling consolidation of certain duplicative functions to occur immediately. We feel this is a logical and well reasoned approach to significantly increasing the effectiveness of border management.

O-1

As a resolution to the current fragmented approach to border management, we believe option one, if it were to be considered the only action taken, is undesirable. This option is contrary to the principles we attribute to a total border management system. It is this type of fragmented approach to border problems that has led to the overlap, duplication, and ineffectiveness that characterize border management today. Increases in resources for patrol and inspection may be required, but this action by itself would tend to perpetuate existing problems while resulting in only a marginal increase in enforcement effectiveness.

We do not view option two as a viable proposal as presently written. If rewritten, however, to recognize that direct border functions such as patrol, inspection, revenue collection and certain support services form an integrated system that should be located in one agency, while retaining non-border functions in the other agency, it could provide for a flexibility in implementation not available in the other options.

Option four, like three, provides for a single border management agency and presents the possibility of enhancing the perimeter defense of the nation through increased utilization of the Coast Guard. In the event this option is supported by either ODAP or OMB, we suggest that the Coast Guard be maintained as a separate entity outside of the border management agency but within the same department.

Also, we concur with the study team's criteria for the selection of the cabinet level department to host the new agency. In our view, the Department of Treasury most nearly meets these criteria and that, further, in Customs, Treasury has a multipurpose agency that already manages and meets the enforcement requirements of a number of other federal agencies. Border law enforcement is inextricably tied to collection of revenue (\$5 billion in 1976). The problems and administrative strictures associated with this intermixture have been dealt with in Treasury for many years, not only in Customs but in the Internal Revenue Service and the Bureau of Alcohol, Tobacco and Firearms. We, therefore, suggest that Treasury is the most appropriate department to assume these functions.

As previously stated, for the most part, the report is thorough and accurate in the assessment of the present state of border management. However, we suggest that the following points require clarification before the report is finalized:

- There is only passing reference to the investigative and intelligence requirements in support of the border management function. As you know, it is Customs position that overseas intelligence collection, border interdiction and follow-up investigations of all contraband smuggling, including narcotics, are integral and inseparable parts of the same process. While we recognize that ODAP is addressing the narcotics intelligence and investigative functions in

separate studies, it is our contention that the Border Management Study should specifically address this question as a major issue as follows: "Can the border management agency achieve optimum efficiency in border interdiction if the investigative and foreign intelligence functions reside outside the border management agency?"

- We believe that the conclusion that consolidation of the support functions should not be attempted if no merger of border agencies is achieved should be reconsidered. Of particular concern is the area of computers and telecommunications systems. Several instances of successful interagency cooperation including the FBI's National Crime Information Center and the Treasury Enforcement Communications System refute this conclusion. These systems have resulted in substantial savings while significantly increasing federal law enforcement effectiveness. We believe failure to recommend a consolidation of these systems, regardless of merger possibilities, would be a significant oversight.
- The assessment of the patrol and inspection functions contain certain inaccuracies or omissions that should be clarified. For example, the difference between the tactical deployment of the Customs Patrol and the Border Patrol is not adequately described. Also, the assertion that additional INS inspectors alone would significantly improve the interdiction effort is, we believe, fallacious.

Further amplification of our position is continued in the attachment to this letter.

We wish to once again express our appreciation for the opportunity to participate in this study effort. If you wish to discuss the study or our comments in further detail, please do not hesitate to call.

Sincerely,

*Robert E. Chasen*

Commissioner of Customs

Enclosures

## The Inspection Function

While the report is quite comprehensive, it does not adequately articulate the close relationship of the inspection function to the cargo processing and revenue collection functions. The functions are essential components of the overall Customs concept and are inextricably related to the collection and protection of the revenue.

The Customs Inspector, during the merchandise examination process, identifies critical elements required by the Import Specialist in determining the proper classification, value and rate of duty to be applied to imported goods. The importance of the inspection function is further magnified by the impact which the control of carrier and goods and the collection of trade statistics have upon international relationships through trade agreements and the balance of payments.

In addition, the inspection function should not be viewed as an activity which can be easily divided into two distinct and unrelated parts: the inspection of cargo versus the inspection of persons. Quite the contrary is true. The demands of both cargo and passenger processing upon the inspectional workforce dictate an extremely high degree of flexibility in the utilization of available manpower. Customs Inspectors do not function in a stable work environment, but are utilized over a wide range of inspectional activities and locations which encompass a great diversity of the duties required to process both cargo and persons.

In view of the need for a dynamic, flexible and versatile inspectional workforce, we have some concern over the efficacy of the remedy suggested by the report to overcome the perceived deficiencies in the inspectional workforce; specifically, to increase the number of INS inspectors for primary inspections to release Customs inspectors for secondary inspections. The logic behind this suggestion may be fallacious, for, as this and other studies recognized, inspectors of the various agencies tend to concentrate upon the duties related to the mission by their parent agencies and pay less attention to the requirements of other agencies. Consequently, the staffing of the primary inspection activity largely with INS inspectors would have the effect of increasing the number of referrals for secondary inspections, without regard to criteria that might enhance the interdiction effort, resulting in the overloading of the Customs inspectional workforce and thereby diminishing the effectiveness of the total inspection function.

We feel that a better solution to problems of the inspection function lies in the single agency approach, where an integrated inspectional workforce, adequately trained and under the direction of a single manager would produce maximum efficiency, effectiveness and economy.

## The Patrol Function

A significant issue raised by the report relates to the overlap and duplication of effort in the patrolling of land borders between ports of entry, particularly along the Southwest Border.

While it is true that Customs and INS operate in the same border areas, the tactics of the Customs Patrol and the INS Border Patrol differ considerably. In attempting to intercept illegal aliens, the INS Border Patrol protects specific areas of the border which are well known crossing points. Routine patrols and a "laying in" at the points of crossing are common tactics. In contrast, the Customs Patrol employs a tactical interdiction approach which features a highly mobile patrol force supported by sophisticated and highly developed electronic sensor and detector systems, a widely deployed computer-assisted intelligence network, and a nationwide direct communications system. The time, place and mode of the smuggler are extremely unpredictable. Consequently, the Customs interdiction force is geared to responding to intelligence, both tactical and strategic, and to sensor alerts. Because we have determined that protecting an area as extensive as the Southwest Border against the illegal intrusion of smugglers by routine patrols and static border watches is ineffective, we continue to emphasize the tactical interdiction approach.

Insofar as overlap and duplication are concerned in the deployment of unattended ground sensors, we wish to point out that INS sensor fields are generally located near ports of entry where most illegal alien crossing occur, while Customs sensor fields are deployed much further away from ports where the majority of smuggling activity occurs.

These distinctions are drawn not to refute the issue that overlap and duplication does exist, but to explain certain differences that should also be recognized in the report.

## The Investigation Function

As the report discloses, Customs and DEA view the priorities assigned to the combatting of drug trafficking from different perspectives. While DEA operates over the entire spectrum of the anti-narcotics effort, Customs is restricted to the interdiction of narcotics at the border.

The conflicts which the Study Team perceived to exist between Customs and DEA are not simple conflicts engendered by the uncooperative attitudes of two agencies sharing the responsibility for preventing the introduction of illegal narcotics into the U. S. The conflicts stem from the efficacy of the concept of a single agency being charged with the overall Federal drug control mission, including the responsibility for determining the most effective approach to the combatting of drug trafficking by all agencies having a role in the Federal drug law enforcement effort.

Reorganization Plan No. 2 had the effect of disrupting the Customs narcotics law enforcement effort. That effort, prior to the reorganization, was a continuum which included the investigation of cases abroad, interdiction at U. S. borders and related follow-up investigations. The reorganization constructed barriers and created gaps along the continuum by placing the investigators in one agency and the interdiction force in another. The result has been that the investigators are functioning with less than total involvement by the interdiction force, while the interdiction force is handicapped by the lack of a closely coordinated investigative capability.

We believe that it is important to address this aspect of the investigation function and, in addition, to express the Customs view that any border management agency must be authorized to conduct the investigations necessary for the support of its mission whether these investigations involve illegal aliens, fraud, currency violations, neutrality, export control, narcotics or other forms of smuggling, or any other violations which are within the scope of the border management agency's responsibility.

Note: The data on page 32 should be corrected to indicate that approximately 25 percent of the case load is fraud and the balance on all other investigative categories.

## Support Systems

The information contained in page 38 concerning Customs support systems and cost data should be amended. The cost information is not limited to the TECS system but relates to total computer costs incurred by Customs. The attached proposed insert explains the various programs involved.

CUSTOMS	\$ 24.0
DEA	\$ 10.2
INS	\$ 8.2
Total	\$ 42.4 million

A brief description of the systems follows:

(a) Customs

TECS: With 900 terminals in the U. S. and foreign preclearance sites, the Treasury Enforcement Communications System (TECS) is operational 24-hours-a-day, 7-days-a-week providing lookout information on passengers and vehicles; an automated index to Customs central enforcement files on persons, vehicles, aircraft, vessels and companies; an intelligence function; an administrative message capability and enforcement management information. TECS interfaces with NLETS, CLETS and NCIC, as well as provides services to ATF, IRS, DEA, Coast Guard, Department of State and INTERPOL.

Administrative Computer Support: These systems provide, through on-line, batch and dispersed processing capabilities, centrally controlled at the Headquarters Computer Center, revenue, appropriations and reimbursable charges, accounting, property, vehicle and legal case inventories, space management, resource utilizations, position management, personnel and payroll, and fraud investigations services.

AMPS: Customs is developing an Automated Merchandised Processing System (AMPS), to be fully implemented by FY 1981, which will provide modernized entry and appraisement processing of commercial entries. The first phase of the system has been installed at a number of major ports and is based on a nationwide computer supported telecommunications and data processing system, implemented through a cost effective modular operating plan.

(b) DEA: The Narcotics and Dangerous Drug Information System (NADDIS)

APPENDIX P

UNITED STATES DEPARTMENT OF JUSTICE  
 IMMIGRATION AND NATURALIZATION SERVICE  
 WASHINGTON, D.C. 20536

PLEASE ADDRESS REPLY TO

OFFICE OF THE COMMISSIONER

AND REFER TO THIS FILE NO

CO 235-P

Dear Doctor Bourne:

This refers to your request of August 8, 1977, for comments on the draft report of the Border Management and Interdiction Review Team.

I want to express my admiration and congratulations to you and the team for producing a comprehensive and balanced study of an extremely complex set of interrelated federal programs.

Before commenting on the "OPTIONS" chapter, which is the core of the report, I want to emphasize the immediacy of providing a solution to the immigration problems facing the nation. The President, in his message to Congress of August 4, 1977, underscored the urgency of seeking remedies, which included a substantial increase in resources. These should not be delayed by a possible prolonged evolution of a reorganization plan.

The increasing workloads of the Service, such as the enormous growth of air traffic, and the predictable new additions to the workload stemming from the President's determination to control illegal immigration, require a timely and significant addition of personnel, as your report states.

OPTION 1 - NO CHANGE IN ORGANIZATION. EXISTING AGENCIES CONTINUE TO PERFORM THEIR CURRENT DUTIES. ADDITIONAL BUDGET PRIORITY GIVEN TO SELECTED FUNCTIONS.

This option responds to the President's concern regarding illegal immigration by recognizing the necessity of adding a substantial number of enforcement personnel to the Immigration Service. In his message to Congress, the President proposed such an increase, and your report parallels the recommendations of the Cabinet Committee in this regard.

I agree with the report's statement of the advantages and disadvantages of Option 1. However, many of the disadvantages might be overcome by a sub-option which stressed coordination among the agencies. An increase in resources, although necessary to meet present workloads, does not in itself guarantee cooperation. I believe that explicit and detailed interagency agreements that clearly define the roles of the

agencies involved in border management would go a long way towards resolving the present problems. One obvious and exemplary arrangement is the El Paso Intelligence Center (EPIC) which could be expanded to satisfy most of the needs of DEA, Immigration, and Customs.

Incidentally, the notion in the report's FINDINGS on page 51, that the only way to persuade the Customs Service to utilize EPIC would require their being put in charge of it, does a disservice to that agency. Their reluctance to support and benefit from this centralized border intelligence center could not spring from so base a motive, but must stem from some other, and presumably more lofty, perception on their part. But this is the type of dispute that could be resolved by an Administration-mandated set of interagency agreements.

Similar agreements in areas such as facilities management, communications, and computer support would simplify border management.

#### OPTION 2 - LIMITED TRANSFER AND CONSOLIDATION OF SPECIFIC FUNCTIONS AND RESPONSIBILITIES.

As your report notes, the major candidates for transfer are the patrol and inspection functions. The Service views the two as complementary and therefore inseparable.

The issue, as I view it, revolves around which cabinet department, Justice or Treasury, takes on the sole responsibility for patrolling the borders and inspecting arriving persons.

Using the sound management principles of single direction and concentration of force, logic would dictate that the Attorney General take on these functions, since the Department of Justice is responsible for both drug enforcement and immigration enforcement. The transfer of these functions to Justice would end the present split of drug enforcement responsibilities between Justice and Treasury, strengthen immigration response to the threat of illegal entry, and eliminate all the disadvantages cited regarding duplication of effort, divided management, and ineffective utilization of resources.

Another basic reason for such a transfer to Justice involves the relation of agency programs to border management. The Immigration Service is unique in that all its nonborder activities are inextricably tied to the entry of persons at ports or through the borders. As stated in your report, the immigration programs of adjudicating petitions and applications, naturalization, investigations, and immigration records, all of which are administered away from border activities, are nevertheless rooted in the actions taken and the records created in border management operations. Thus, where inspections go, adjudications must follow. In contrast, as your report also states, the Customs border functions relating to the entry of persons are self-contained, beginning and ending at the border. The transfer of these limited-impact functions would not be disruptive, since the revenue collection program of cargo inspection and control would remain undisturbed in the Customs Service.

Conversely, the transfer of the inspection and patrol functions to Treasury, as proposed in the ill-fated Reorganization Plan Number 2 of President Nixon, would only serve to deepen the split in drug enforcement responsibility, create an equally intolerable split in responsibility for administering the immigration law, and simply multiply and intensify all those problems and issues regarding the lack of single direction and the scattering of resources.

In sum, the only logical course under this option for effective drug enforcement and immigration programs, is the consolidation and transfer of resources for patrol and inspections into the Department of Justice.

#### OPTION 3 - CREATION OF A MULTI-PURPOSE BORDER MANAGEMENT AGENCY INCLUDING INS AND CUSTOMS.

This option could provide an answer to the lack of single direction and the dispersal of resources, and it also dissolves the threat of separating related immigration activities from border operations.

This option would not be disruptive of immigration law administration in the long-run. It is also attractive in that it could carry out a stated goal of the President to eliminate overlap and duplication in federal programs by consolidating agencies and reducing their number. It is, however, the most politically sensitive in that it will cause major changes in the spheres of influence of special interest groups.

The option has one potential pitfall relating to the heart of the whole study: effective drug enforcement. The key, as in Option 2, is what cabinet department receives the new agency. If the Justice Department takes it, there will be single direction and concentration of resources in the federal drug enforcement program. If the Treasury Department takes it, the current split in drug enforcement, with all attendant problems, will remain. The solution really rests on where the Drug Enforcement Administration is located. If it is in the same department as the new border management agency, drug enforcement will benefit. If it is in a different department, this option does not solve any of the present problems relating to the lack of single direction or duplication of effort in the drug enforcement effort.

Your report contains an obvious bias towards Treasury by stating that the principal considerations in selecting the appropriate department should include such things as revenue collection and relative size. If the collection of money were the deciding factor in supporting law enforcement, then the Social Security Administration should absorb the FBI, or Internal Revenue should run the Bureau for Prisons. And bigness does not necessarily equate with competence. New York has never been named an All-American City, while Rockville, Maryland has achieved that honor three times.

It would be more appropriate to focus on factors such as Immigration's required bi-lingual competence for border officers, its unique long term experience as the sole patrol force on the Mexican border, its people-oriented programs as contrasted to thing-oriented programs of Treasury, and its interlocking program arrangements with the staffs of the US Attorneys.

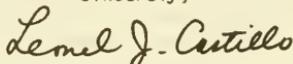
OPTION 4 - CREATION OF AN EXPANDED MULTI-PURPOSE BORDER MANAGEMENT AGENCY WHICH INCLUDES INS, CUSTOMS, AND THE US COAST GUARD.

I believe the disadvantages of merging a para-military organization into a federal law enforcement agency outweigh any of the apparent advantages.

Overall, the implementation of any of the first three options, with the restricting conditions I have noted, would be of considerable benefit to the administration of both immigration policy and drug enforcement policy.

Thank you for soliciting our views on these important national issues, and I commend you and the review team for a job well done.

Sincerely,



Leonel J. Castillo  
Commissioner

The Honorable  
Dr. Peter G. Bourne  
Director  
Office of Drug Abuse Policy and  
Special Assistant to the President  
Old Executive Office Building, Room 424  
Washington, DC

Enclosure



UNITED STATES DEPARTMENT OF JUSTICE  
DRUG ENFORCEMENT ADMINISTRATION  
Washington, D.C. 20537

August 24, 1977

Dr. Peter G. Bourne  
Director  
Office of Drug Abuse Policy  
The White House  
Washington, D.C. 20500

Dear Dr. Bourne:

I appreciate the opportunity to comment on your August 5, 1977, Border Management and Interdiction Review. In my opinion, the significant narcotics investigations are neither border, nor international, nor domestic; they transgress all three areas. What the Federal drug investigative function needs most is stability and a Government-wide commitment, not major changes in responsibility or jurisdiction.

In general, we are quite impressed with the border review team effort, the logic of the draft, and the fact that you have clearly focused on the two most pressing border management issues. We endorse the requirement for coordinated border management, and the need to minimize overlap and duplication of our border effort.

In our opinion, options two, three and four are responsive and could resolve the major issues. Option two appears to satisfy an immediate requirement to improve the inspection and patrol functions without undue disruption of the current border effort. Options three and four represent a comprehensive, long-term, organizational response with a high potential for improved border effectiveness. Ultimately, we must recognize the very real requirement to dedicate additional resources to the border effort.

While I am not prepared to endorse a specific option or combination thereof, I will observe that the majority of the nation's border problem is of an enforcement nature; therefore, I feel that the enforcement aspects of border management must

be weighed heavily when selecting the appropriate Departmental placement of a new consolidated border enforcement agency. The Attorney General is the Chief Law Enforcement Officer of the United States.

The report seems to reflect a U.S. Customs frustration regarding the adequacy of the drug investigative and intelligence support to the Government's border interdiction effort. We believe that much of the controversy associated with drug interdiction centers on its relative priority within the overall U.S. drug supply reduction strategy. The role of border drug interdiction is essential; however, its relative importance must be placed in juxtaposition with the value of programs aimed at removing the foreign source, financing, etc., and the disruption of drug trafficking systems. Border interdiction is a deterrent to drug smuggling; it is a defensive rather than an offensive strategy. Its effectiveness, however, is handicapped by the need to expeditiously process a tremendous volume of cargo, passengers, baggage, and vehicles.

I also believe the report's perception of the El Paso Intelligence Center is oversimplified. EPIC now functions as a key element in DEA programs for managing and maintaining a national narcotics intelligence system, and it should be retained by the agency responsible for that system. The draft's limited view of EPIC as a processor of border intelligence may arise from its artificial separation of intelligence into two categories, namely, national and local. This divides what is actually a continuum of drug intelligence programs which monitor the interactions of violators involved in producing, processing and moving drugs into and through the United States. The report concludes that high-level traffickers are not involved at the border, and further concludes that border area intelligence should be assembled and processed independently of "national" intelligence. This assessment avoids the reality that major traffickers are located in or operate from border cities, and it fails to recognize that investigations and analyses of these and related targets clearly support interdiction operations at our borders and ports of entry.

EPIC currently supports the investigative efforts of all DEA field offices and, in an increasing mode, it supports state narcotics intelligence organizations. In fact, DEA looks forward

to the day when every state has some narcotics intelligence capability supported through EPIC. Finally, we believe that EPIC's capability to provide information for border interdiction will be increased if and when Customs becomes a major participant.

In summary, DEA has a vested interest in border management in that it plays an important role in the U.S. drug supply reduction effort. DEA recognizes its responsibility to support border narcotic interdiction and to exercise its lead agency responsibility to ensure the maximum effectiveness of the U.S. border enforcement effort. Narcotics interdiction at our U.S. ports and borders is a most complex and difficult task. Its deterrent value must be increased to present a high-risk barrier to the international drug traffickers and their organizations. An organizational response that will bring about such a deterrence has the support of DEA.

Sincerely,



Peter B. Bensinger  
Administrator

ILLEGAL ENTRY AT UNITED STATES-MEXICO BORDER—MULTIAGENCY ENFORCEMENT EFFORTS HAVE NOT BEEN EFFECTIVE IN STEMMING THE FLOW OF DRUGS AND PEOPLE

(Comptroller General's Report to the Congress, December 2, 1977)

DIGEST

Mexico is the principal source or transit country for illicit drugs and illegal aliens entering the United States. Law enforcement activity along the United States-Mexico border is a large part of the Nation's domestic and international effort to contain these problems.

Controlling the movement of people, aircraft, boats, and vehicles along this 2,000-mile open-land border is complex and difficult. It requires what has not yet been achieved—a comprehensive, coordinated effort by all Federal law enforcement agencies.

If Federal law enforcement activities along the border were better planned, coordinated, integrated, and executed, more control could be maintained. Instead, separate Federal agencies carry out their specific missions with limited consideration for the activity of the others. This produces separate but similar lines of effort that dilute border coverage and control, with little consideration given to overall border security.

Federal Government expenditures to improve border control have nearly doubled since fiscal year 1971. About \$142 million was spent in fiscal year 1976.

The principal agencies involved are the Custom Service, Immigration and Naturalization Service, and the Drug Enforcement Administration. Other agencies having an interest in controlling the Southwest border are the Federal Bureau of Investigation; Bureau of Alcohol, Tobacco, and Firearms; Department of Defense; Federal Aviation Administration; Coast Guard; Department of Agriculture; and Public Health Service.

A COMPREHENSIVE STRATEGY IS NEEDED

Since the Federal Government has not developed an integrated strategy or an overall border control plan to determine what it intends to accomplish with its various agency law enforcement resources:

Costly overlapping and poorly coordinated enforcement continues to exist.

Border forces do not intercept significant quantities of heroin and cocaine. The Customs Service and the Immigration and Naturalization Service seize only about 2 percent of the heroin estimated to come from Mexico. The Drug Enforcement Administration—including seizures made in Mexico near the border—accounts for an additional 4 percent.

Border drug apprehensions involve the small-time operator, courier, or user and seldom lead to the identification and conviction of important drug traffickers or to the immobilization of trafficking organizations.

The Federal Government is apprehending increasing numbers of illegal aliens (over 600,000 in 1975), but believes that for each illegal alien caught, at least two others get through. The border is a revolving door.

Too little is known about how most drugs enter the country to make decisions on how to respond. Available intelligence suggests that heroin, cocaine, and dangerous drugs are being smuggled through the ports-of-entry. However, inspector staff-power at major United States-Mexico ports has remained about the same or decreased, while patrol forces away from the ports have increased.

The agencies involved have stated that recent improvements have been made in some of these areas.

Illegal entry into the United States is more than just a serious enforcement problem. Illicit drugs and the influx of illegal aliens are considered to have enormous adverse social cost. Estimates of the annual cost to counter drug-related crimes, lost productivity, treatment, and prevention range from \$10 billion to \$17 billion. The toll of broken homes and ruined lives is incalculable. Estimates on illegal aliens in the United States range up to 12 million. Illegal aliens cause a wide variety of economic and human difficulties, including lost tax revenues, increased social welfare costs, and greater competition for available jobs. Recent appraisals by the Congress and administration of the nature and extent of the drug abuse and immigration problems show conditions are worsening.

*Aliens*

It is generally acknowledged that reliable estimates of the illegal alien population in the United States do not exist. An Immigration and Naturalization Service contractor estimated that about 5.2 million of the 8 million illegal aliens he believes are in the United States are Mexican nationals. Most illegal aliens apprehended are Mexican—about 89 percent. The number of illegal Mexican aliens apprehended increased from about 29,700 in fiscal year 1960 to over 680,000 in fiscal year 1975. The illegal entry of Mexicans increased after 1965 when the U.S. Government did not renew a 22-year-old agreement with the Government of Mexico that had allowed Mexicans to seek farm jobs in this country legally (Bracero program).

*Drugs*

U.S. authorities estimated that in 1971 drugs flowing from and through Mexico represented 20 percent of the heroin, 90 percent of the marihuana, and 80 percent of the illicit dangerous drugs (amphetamines and barbituates) consumed in the United States. In September 1976 officials estimated that during 1975—

Eighty-nine percent (5.2 metric tons) of the heroin reaching the United States came from poppies grown in Mexico,

Seventy-five percent (2,700 tons) of the marihuana coming into the United States originated in Mexico,

One-third of Colombian cocaine (4 to 5 tons) passed through Mexico, and  
One-third of the dangerous drugs (16 million dosage units) entered from Mexico. Much of this was believed to represent diversions from U.S. exportations.

Although the U.S. Mission and the Mexican Government have intensified the eradication effort in Mexico to reduce the amount of Mexican heroin available for smuggling into the United States, little attention has been given to the intelligence needs of border enforcement agencies. The U.S. Mission needs to design a program for developing information to assist in intercepting smugglers at the border (ch. 4). While certain steps can be taken, such as helping Mexico develop its capability to provide actionable intelligence, the Mexican Government is the key to any real success. Improved effectiveness in stopping smugglers at the border is dependent upon the priority and commitment of the Mexican Government to supporting law enforcement activities on both sides of the border. Indications are that the Mexican Administration is giving an increased commitment to the area.

## RECOMMENDATIONS TO AGENCIES

GAO recommends that:

(1) The Director of the Office of Management and Budget prepare an annual analysis on law enforcement along the United States-Mexico border. Such an analysis would bring together the separate budget requests of the various border enforcement agencies to facilitate integration of agencies' plans, programs, resources, allocations, and accomplishments. The analyses should be included with the agencies' appropriation requests.

(2) The Director of the Office of Management and Budget and the Director, Office of Drug Abuse Policy, together with the Attorney General, Secretary of the Treasury, and the other Department heads having responsibility for border law enforcement should develop an integrated strategy and comprehensive operational plan for border control. This plan should consider the various alternatives for managing border operations ranging from the present management structure to single-agency management.

(3) The Office of Management and Budget should coordinate closely with responsible congressional committees legislation needed to accomplish the proposed plan.

(4) The Secretary of State should require the U.S. Mission in Mexico to expand the Narcotics Control Action Plan to include program goals and specific objectives for supporting border interdiction efforts.

## RECOMMENDATIONS TO THE CONGRESS

Because of the problems discussed in the report, the appropriate congressional committees or subcommittees should hold oversight hearings to evaluate past performance and provide guidance for future activities. To diminish the incentive to smuggle drugs across the border, the Congress can help by legislating the following:

Expand the jurisdiction of Federal magistrates to encompass most misdemeanors, e.g., minor drug offenses, especially marihuana.

Appropriate funds for additional U.S. magistrates to be appointed in the Southwest border area.

Establish criminal penalties for pilots who fly without a valid certificate.

The Office of Management and Budget and the Department of Justice, the Treasury, and State generally agreed with GAO's findings and recommendations. The various departments support the conclusion that the absence of a Federal Government integrated strategy and an overall border control plan has resulted in overlapping, duplication, and poorly coordinated enforcement activities. Detailed comments are discussed on pages 68 to 73.

#### FEDERAL GOVERNMENT STRATEGY

Regretably, it is unlikely our Nation will ever eliminate drug and illegal alien problems.

Federal strategy to curb the extent and impact of drug abuse in the United States has become multifaceted, recognizing the link between education, treatment, rehabilitation, law enforcement, and research. It consists of a variety of domestic and international efforts to reduce the supply of and demand for illicit drugs. No single approach available to Government can minimize the social cost of drug addiction. Supply reduction efforts attempt to disrupt the entire chain of production and distribution through eradicating crops in illegal growing areas abroad, interdicting illicit shipments, arresting and jailing important traffickers, and seizing and confiscating the equipment and fiscal resources needed to operate trafficking networks.

One of the major themes of the Federal strategy is that there should be more selectivity and targeting of Federal efforts. Federal policy gives priority to reducing both the supply of and demand for drugs which inherently pose a greater risk to the individual and to society. Additionally, priority law enforcement is to be given to high-level trafficking networks rather than "street-level" activities.

United States policy to prevent illegal immigration emphasizes border enforcement rather than apprehension of illegal aliens after settlement. Massive deportation of illegal aliens already in the United States is considered both inhumane and impractical.

#### MEXICO—MAJOR SOURCE OF SUPPLY

Mexico is the major source or transit country for illicit drugs and illegal aliens entering the United States. U.S. authorities estimated that in 1971 drugs flowing from and through Mexico represented 20 percent of the heroin, 90 percent of the marihuana, and 80 percent of the illicit dangerous drugs (amphetamines and barbiturates) consumed in the United States. In September 1976 officials estimated that during 1975:

Eighty-nine percent (5.2 metric tons) of the heroin reaching the United States came from poppies grown in Mexico,

Seventy-five percent (2,700 tons) of the marihuana, coming into the United States originated in Mexico,

One-third of Colombian cocaine (4 to 5 tons) passed through Mexico, and

One-third of the dangerous drugs (16 million dosage units) entered from Mexico. Much of this was believed to represent diversions from U.S. exportations.

Our report, "Opium Eradication Efforts In Mexico: Cautious Optimism Advised," cited the inadequate bases supporting the estimates that were made of the quantity of Mexican heroin reaching the United States and the continuing need to develop meaningful data.

It is generally acknowledged that reliable estimates of the illegal alien population in the United States do not exist. An Immigration and Naturalization Service (INS) contractor, however, estimated that about 5.2 million of the 8 million illegal aliens he estimated are in the United States are Mexican nationals. Most illegal aliens apprehended are Mexican—about 89 percent. The number of illegal Mexican aliens apprehended increased from about 29,700 in fiscal year 1960 to over 680,000 in fiscal year 1975. The illegal entry of Mexicans increased after 1965 when the U.S. Government did not renew a 22-year-old agreement with the Government of Mexico that had allowed Mexicans to seek farm jobs in this country legally (Bracero program).

## UNITED STATES-MEXICO BORDER

Efforts within Mexico provide the first opportunity to interdict illicit drug trafficking by working with the Government of Mexico to minimize exports to the United States. The second opportunity to interdict drug traffic and the first to apprehend aliens is at the U.S. border. Other potential border-related law enforcement problems are the smuggling of firearms, stolen property, and stolen vehicles into Mexico. In some communities along the United States-Mexico border, crimes committed by and against border crossers is causing increasing concern.

Our previously mentioned report on opium eradication efforts in Mexico points out that progress has been made by the Government of Mexico in attacking the source of heroin—the opium poppy. This progress has resulted, in part, from substantial U.S. funding; however, we cautioned that future success would require continued upgrading of the narcotics control capabilities of the Mexican Federal Judicial Police (MFJP)—Mexico's narcotics agents—and the continuing commitment by the Government of Mexico toward this end.

Control of the border is basically a problem of controlling the movement of people, vehicles, aircraft, boats, and goods. While there are other agencies which have an interest in controlling the Southwest border (e.g., Federal Bureau of Investigation (FBI); Bureau of Alcohol, Tobacco, and Firearms (ATF); Department of Defense; Federal Aviation Administration (FAA); Coast Guard; Department of Agriculture; and Public Health Service), the principal agencies involved in law enforcement are the Customs Service (Customs), Immigration and Naturalization Service, and the Drug Enforcement Administration (DEA).

The INS includes the U.S. Border Patrol, port-of-entry inspectors, and investigators, whose primary responsibility is to prevent the illegal entry of persons into the United States or to apprehend and return illegal entrants. Customs, from a law enforcement standpoint, has the primary responsibility of preventing contraband from entering the United States and of detecting and apprehending smugglers. Customs also includes patrol officers, port-of-entry inspectors, and investigators. DEA is the single Federal agency charged with the responsibility for investigations pertaining to narcotics and dangerous drug violations.

## OBSERVATIONS AND SUGGESTIONS FOR IMPROVING BORDER LAW ENFORCEMENT

Since the early 1970s administration studies, in addition to our reports, have made suggestions for improving Federal efforts to reduce drug abuse and illegal immigration. Recently, separate Domestic Council task forces have presented reports on these issues to the President. With the emergence of Mexico as the major source of illicit drugs and illegal aliens, the Southwest border has received Executive and congressional attention. Appendix I presents a summary of the studies and reports which identified problems between Federal border enforcement agencies. Included were recommendations to improve cooperation/coordination and to reduce costly overlapping. While some of these recommendations have been implemented, the essential characteristics of the problems remain.

## SCOPE OF REVIEW

Our review was primarily directed toward an analysis of the activities and resources of Federal agencies having direct, indirect, and supporting responsibilities for law enforcement along the United States-Mexico border.

We reviewed policies, procedures, practices, correspondence, and documentation relating to each agency's approach, as well as studies which have been made on the problems of border control. Data was compiled regarding illegal aliens in the United States; Mexican narcotics production and transshipping estimates; illegal alien apprehensions; the seizure of drugs, equipment, and material used in smuggling; and arrest of drug smugglers. Additionally, we examined and analyzed agencies' files relating to selected drug interdiction cases.

*Locations visited*

Our review was conducted at—

Department of State, DEA, INS, U.S. Attorney, Customs, Coast Guard, and FAA Headquarters offices in Washington, D.C.;

The U.S. Embassy in Mexico City and DEA's Mazatlan District Office; and

Various regional and district offices of these Federal agencies in the Southwest area of the United States.

### Case analyses

Our findings and conclusions are based, in part, on an analysis of drug interdiction cases. At the locations visited, we reviewed (1) all sea and air interdiction cases for calendar year 1975 and (2) port-of-entry and land patrol interdiction cases for the last quarter of calendar year 1975 involving heroin, cocaine, dangerous drugs, or one kilogram (1000 grams or 2.2 pounds) or more of marihuana, as follows:

	San Ysidro/ San Diego, Calif.	Nogales/ Tucson, Ariz.	El Paso, Tex.	Laredo, Tex.	Total
Port of entry.....	101	34	44	121	200
Land patrol:					
Customs.....	11	41	8	21	81
INS.....	6	28	17	8	29
Customs:					
Air patrol.....	27	29	23	39	68
Marine patrol.....	10				10
<b>Total.....</b>	<b>155</b>	<b>132</b>	<b>72</b>	<b>59</b>	<b>418</b>

<sup>1</sup> Because of the small number of interdiction cases at the Laredo port of entry, we added 4 cases from the quarter ended Sept. 31, 1975, and 7 cases involving less than a kilogram each of marihuana. Deleting these 11 cases leaves 10 cases applicable to the 15 Laredo seizures shown in the table on p. 312.

<sup>2</sup> Period covered July 2, 1975, through May 31, 1976.

<sup>3</sup> Customs Air Support Branch located in San Antonio, Tex.

### CONTROL PROBLEMS AND RESOURCES ASSOCIATED WITH ENFORCEMENT AT THE SOUTHWEST BORDER

Controlling the border is essentially a task of controlling the movement of people, vehicles, aircraft, and goods. This is difficult at any border, but characteristics of the Southwest border complicate the job. The United States has resisted "sealing off" the 2,000-mile land border with Mexico and has maintained, with modifications, an essentially open border for several reasons:

Large expenditures would be required to effectively control the border. The MITRE Corporation in 1973 estimated it would cost \$300 million to implement a system 85-percent effective in intercepting illegal entrants crossing between ports-of-entry.

United States/Mexico relations have been good and are based upon friendliness and cooperation.

The United States desires to facilitate the flow of legitimate traffic.

Enforcement agencies have deployed their officers and equipment at and between various ports-of-entry in an attempt to more effectively secure the border. Difficulties and limiting factors are discussed below.

#### Ports-of-entry

The magnitude of commerce and travel, and the necessity to facilitate their flow, places constraints on the counter-measures available and practical for interdiction at ports-of-entry. The increasing tremendous volume of legitimate traffic serves to limit enforcement efforts necessary to detect contraband. During the 6-year period from fiscal year 1971 through fiscal year 1976, about 804 million people, 247 million vehicles, and 441 thousand aircraft were inspected in the Southwest border area. At major land ports such as San Ysidro, California, during peak traffic, an inspector has an average of 30 seconds to determine if a vehicle, its passengers, and baggage should be allowed to enter, or be given a more thorough examination which could take an hour or more.

During Operation Intercept in 1969, all persons and vehicles crossing the border were stopped and subjected to thorough inspection. This action demonstrated that more than a cursory search by inspectors at the ports-of-entry brings forth a great deal of public outcry and displeasure. More drugs were seized, but the increased time requiring to pass through the ports-of-entry resulted in long waiting lines of pedestrians and vehicles on the Mexican side of the border. Faced with long lines, many tourists complained bitterly and many others did not cross into Mexico. Merchants on both sides of the border complained.

*Nonport-of-entry*

The border area between the ports-of-entry is relatively unpatrolled and the heavy traffic along the border helps conceal illegal entry.

*Ground mode.*—Only 2 percent of the entire Southwest border (40 miles) offers sufficient topographical barriers to make illegal land crossings unlikely. The patrol forces are able to cover about 10 percent, or one patrolman for every 10 miles of the border at any given time.

*Air mode.*—Aircraft can easily cross into the United States. DEA has estimated that there are up to 150 illegal flights per day across the Southern border (San Diego, California to Miami, Florida). The Southwest includes thousands of square miles of land containing abandoned or little-used airstrips, dry lake beds, and isolated roads where light aircraft can land. Southern California has about 53,000 active pilots and the three busiest general aviation airports. FAA and military radar coverage exists over portions of the United States/Mexico border, but sufficient limitations exist that aircraft, especially low-flying aircraft, run little risk of detection.

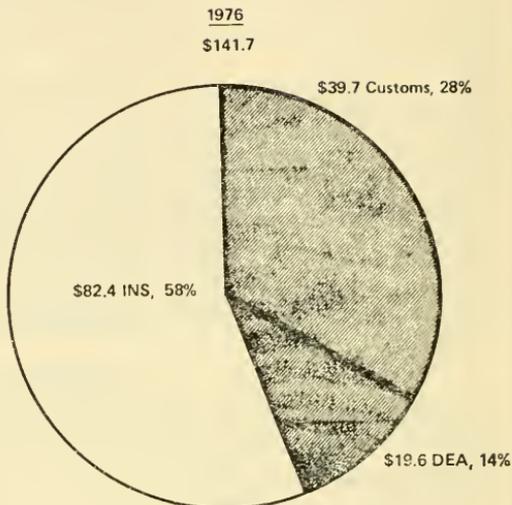
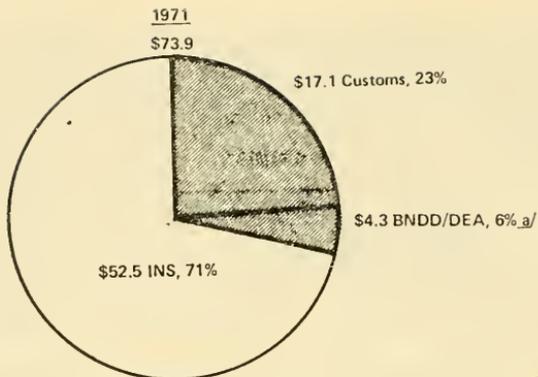
*Boat mode.*—The majority of the 500,000 small craft registered in the State of California, which includes about 3,500 yachts with long-range capability, are located in Southern California. There are three major harbors in Southern California and more than 15 small boat harbors which dot the coastline between San Diego and San Luis Obispo. In San Diego, where 300 to 400 pleasure vessels depart or arrive on a Saturday, Sunday, or holiday, there are over 120 miles of waterfront, and it is only 10 miles for the entrance of San Diego Bay to Mexican waters. Limited law enforcement resources result in virtually no monitoring of small boat activity on a day-to-day basis and regulations governing small boat reporting are very lenient. Only vessels landing in Mexico or making contact with another boat in Mexican waters (an extremely difficult thing to prove) are required to report their arrival to Customs within 24 hours.

RESOURCES <sup>1</sup>

Difficult control problems exist at the Southwest border, as evidenced by the fact that most illicit drugs and illegal aliens enter the United States over this border. The estimated Federal investment for law enforcement in that area has nearly doubled since fiscal year 1971.

The following chart illustrates the mix and general purpose for which these expenditures were made.

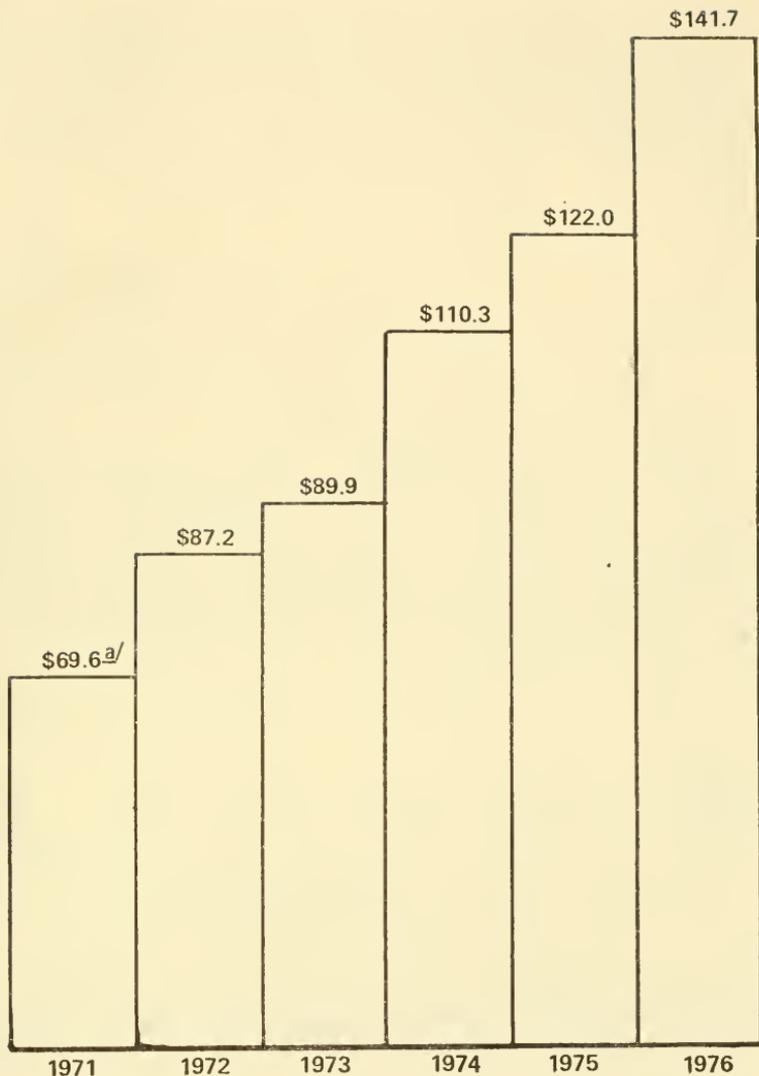
<sup>1</sup> Because of the varying geographic boundaries of the various agencies, differing accounting systems, and incomplete documentation, the dollar figures and statistics presented in this chapter and the drug seizures in the following chapter do not represent a precise accounting for resources allocated to the Southwest border. The estimates were prepared by the agencies and, therefore, should represent a reasonable approximation of such resources.



 29% in 1971 and 42% in 1976 spent for narcotics and contraband control

Customs, INS, and BNDD/DEA Expenditures  
Fiscal Years 1971 and 1976  
(dollars in millions)

<sup>a</sup> Since BNDD/DEA cost estimated for fiscal year 1971 unavailable, fiscal year 1972 cost for BNDD/DEA was used.



Customs, INS, and Bureau of Narcotics  
and Dangerous Drugs (BNDD)/DEA Expenditures  
(millions)

<sup>a</sup> No cost for BNDD/DEA was included since such data was unavailable. BNDD/DEA estimated cost for 1972 was \$4.3 million.

Not only did the expenditures change dramatically during this period, but also the purpose for which they were being expended. During 1971, INS spent 71 percent of the total funds in this area to control the entry of illegal aliens, while only 29 percent of the funds was being spent to control illegal drugs and other contraband. By 1976, INS' expenditures had dropped to 58 percent of the enforcement funds being spent by these agencies.

A breakdown of estimated INS, Customs, and DEA resources for various categories follows.

SOUTHWEST BORDER RESOURCES, FISCAL YEAR 1976

	Staff power	Planes	Boats	Vehicles	Detector dog teams <sup>1</sup>	Sensors
INS.....	2,988	24	0	1,469	0	988
Customs.....	2,055	47	11	736	48	355
DEA.....	664	11	3	493		
Total.....	5,707	82	14	2,698	48	1,343

<sup>1</sup> A detector dog team consists of a dog handler and a detector dog.

<sup>2</sup> This represents the number of INS personnel stationed at the Southwest border during the 1st half of 1976.

From fiscal year 1971 through 1976, the Customs, INS, and DEA estimated number of personnel deployed along the Southwest border increased by 1,355 (31 percent) from 4,352 in 1971 to 5,707 in 1976. The increased personnel were distributed as follows: 668 or 52 percent perform a patrol operation, 267 or 21 percent perform the inspection operations, 188 or 15 percent perform an investigation function, while 232 or 17 percent perform a support function. The number and functional mode of operation of the personnel, from 1971 to 1976, are shown on the following table.

Operation	Staff power	
	1971	1976
Inspection.....	1,028	1,295
Patrol.....	1,351	2,019
Investigation.....	683	871
Support.....	1,290	1,522
Total.....	4,352	5,707

<sup>1</sup> Since 1971 estimates were not available for BNDD/DEA, 1972 estimates were used.

LIMITED SUCCESS IN ACHIEVING FEDERAL OBJECTIVES

The Federal strategy for drugs gives priority to high-level trafficking networks and those drugs which inherently pose a greater risk to the individual and society. For aliens, the highest priority is prevention of illegal entries. The substantial Federal investment for enforcement at the Southwest border has had only limited success in achieving these objectives.

Border forces interdict only a small quantity of the estimated heroin and cocaine entering the United States from Mexico. Most seizures are marihuana.

Border drug apprehensions seldom involve high-level traffickers.

Although apprehensions of illegal aliens have increased, more are successful in getting into the United States than are prevented from entering.

These areas are discussed in greater detail below.

Limited seizures of "high risk" drugs

In fiscal year 1976, Customs and INS seized about 2 percent of the heroin, less than 1 percent of the cocaine, and 10 percent of the marihuana estimated to come from or through Mexico. When DEA seizures (including seizures made in Mexico) are added total Southwest border area drug seizures by the three agencies for fiscal year 1976 represented about 6 percent of the heroin, 3 percent of the cocaine, and 13 percent of the marihuana estimated to come from Mexico. The following table shows fiscal year 1976 Southwest border area seizures by agency.

DRUG SEIZURES<sup>1</sup> AT THE SOUTHWEST BORDER—FISCAL YEAR 1976<sup>2</sup>

[In pounds]

	Heroin	Cocaine	Marihuana
Customs.....	199	10	337, 759
INS <sup>2</sup> .....	10	53	205, 178
Interdiction seizures.....	209	63	542, 937
DEA.....	512	176	145, 060
Total.....	721	239	687, 997
Mexican narcotics production and transiting estimates 1976 <sup>3</sup> .....	11, 400	8, 000	5, 400, 000

<sup>1</sup> Drug seizures are presumed to be 100 percent pure, although the purity of border seizures are significantly less.

<sup>2</sup> INS was able to supply seizure statistics for the 1st 6 mo of fiscal year 1976. The quantities shown in the chart and the percentages shown on p. 13 assume that seizures during the last 6 mo were identical to those of the 1st 6 mo.

<sup>3</sup> Estimates of drugs flowing to United States from and through Mexico are shown as 100 percent purity.

As can be seen from the above table, the most significant accomplishment of seizures at the United States-Mexico border has been in reducing the quantity of marihuana entering the United States. This reduction, however, only accounted for about 13 percent of the estimated amount of marihuana coming from Mexico.

#### *Where are drugs being interdicted?*

Our work along the United States-Mexico border, and that of the Domestic Council Drug Abuse Task Force on the Southern border, shows that most heroin, cocaine, and dangerous drugs are interdicted at ports-of-entry, while most marihuana by volume is interecepted away from the ports-of-entry.

*Heroin.*—The overwhelming majority of heroin interdictions, in terms of frequency as well as volume, are at ports-of-entry. To illustrate, in fiscal year 1976, 216 of the 233 heroin seizures along the Southwest border were at ports-of-entry. The Domestic Council's analysis of a recent 18-month period for the entire Southern border showed that 98 percent of heroin seizures (by volume) were at ports, with 94 percent brought into the country by autos, trucks, or van/campers.

*Cocaine.*—Like heroin, most cocaine is interecepted at ports-of-entry. Unlike heroin, cocaine is rarely seized at land ports, which explains the low percentage detected along the Southwest border. The Domestic Council Task Force analysis showed that 97 percent of the cocaine seized was at other than land ports-of-entry, with more than half seized from scheduled airlines and another 32 percent coming in aboard boats along the Southern border.

*Marihuana.*—By far, in terms of both frequency as well as volume, marihuana is the controlled substance being interdicted at the border. It is most frequently detected at the land ports-of-entry in small quantities, which seldom exceed several hundred kilograms. The Domestic Council analysis showed that 74 percent of the marihuana interdicted has been between ports-of-entry. Overall, autos and trucks accounted for 87 percent, airplanes 7 percent, and vessels 6 percent of the seized marihuana along the Southern border.

#### *Apprehensions seldom involve major traffickers*

The overwhelming majority of persons crossing the border in possession of drugs who are apprehended by Customs and INS, are:

Drug users bringing in a small quantity of a controlled substance for personal consumption.

Small-time operators, amateurs, couriers, or low-level members of drug trafficking organizations who are considered expendable.

Overall, DEA data shows that less than 2 percent of the interdictions referred from INS and Customs involved major violators, and approximately three-fourths were marihuana violators. Our analysis of cases in California and Arizona showed a similar percentage of major violators were apprehended by ground/sea patrol forces or port-of-entry inspectors. However, major violators constituted 21 percent of marihuana smugglers apprehended by Customs Air Support Branches (ASB).

National priorities and DEA efforts have shifted toward those drugs with the potential for causing the highest social cost, and away from low-level violators.

DEA has complained that a significant portion of its agents' time (30 percent) was being spent on border interdiction cases referred by Customs and INS that involved smalltime marihuana smugglers. DEA officials and Assistant U.S. Attorneys advised us that border interdiction cases seldom lead to the identification of important drug traffickers or the immobilization of traffickers organizations. About 8 percent of the arrestees in the cases analyzed by us in Arizona and California led to the identification of major violators.

*More illegal aliens enter successfully than are apprehended*

Apprehension of illegal aliens has increased tremendously. The following table, based on INS's data, demonstrates this increase.

INS APPREHENSIONS OF ALIENS ENTERING WITHOUT INSPECTION—MEXICAN BORDER

	California-Arizona	New Mexico-Del Rio	Laredo-Gulf	Total
1964	4,791	8,415	9,927	23,133
1965	11,026	11,023	8,714	30,763
1966	26,877	19,156	12,204	58,237
1967	38,539	24,916	14,577	78,032
1968	63,554	35,782	18,221	117,557
1969	78,399	53,816	30,884	163,099
1970	112,123	81,093	47,640	240,856
1971	132,786	108,270	72,736	313,792
1972	170,277	132,910	90,028	393,215
1973	285,389	149,194	111,078	545,661
1974	382,126	181,986	123,454	687,566
1975	398,688	160,938	102,371	661,997

Although these apprehension figures seem impressive, officials estimate that for each person apprehended while illegally entering the country, at least two others manage to get through. Border officials have said that the number of persons who illegally cross the border without apprehension may be substantially higher.

The following case helps to illustrate the magnitude of the problem. In April 1977, at one border crossing point, 2,897 illegal aliens were apprehended in a 36-hour period. An INS assistant regional commissioner estimated that an equal number of illegal aliens successfully entered the United States at this crossing point during the same period.

Many aliens apprehended are repeaters; some have been apprehended as many as 10 times. Our previous reports, the Domestic Council's Committee on Illegal Aliens preliminary report dated December 1976, and other studies have attested to the "revolving door" nature of the border. To illustrate, the Domestic Council report states: "Presently the border is a revolving door \* \* \* We repatriate undocumented workers on a massive scale \* \* \*. The illegals cooperate by agreeing to voluntary departure and significant numbers promptly re-enter. It is not unusual for an illegal to undergo multiple apprehensions and re-entries for there are no serious deterrents."

When one considers the many points along the United States-Mexico border that can be used by aliens to enter the United States, it becomes apparent that the attempt to prevent illegal entries at the border, by itself, will not solve the illegal alien problem.

BORDER NEEDS AN INTEGRATED STRATEGY AND OVERALL CONTROL PLAN

Federal border law enforcement agencies face a complex and most difficult task that requires a comprehensive, coordinated effort by all segments of the border law enforcement community. Each agency should be expected to use its limited resources to achieve optimum results. Efforts to date, however, have not reached this goal because:

The Executive Branch of the Federal Government has not developed an integrated strategy or a comprehensive border control plan to consider all aspects of the problem and establish clear, measurable objectives indicating what it intends to accomplish with the various law enforcement resources. A plan of this type is critical because of the many agencies with overlapping responsibilities.

Costly overlapping and poorly coordinated enforcement activities and support systems exist.

Little is known about how most drugs enter the country. High priority is being given to improve the situation. Available intelligence and seizure statistics indicate that most of the heroin, cocaine, and dangerous drugs are smuggled through the ports-of-entry. However, inspector staffpower at major United States-Mexico ports has remained about the same, or decreased, while patrol forces away from the ports have increased.

This chapter discusses the opportunity and need to strengthen law enforcement at the border under the major areas of intelligence support and law enforcement operations.

#### INTELLIGENCE

##### *Intelligence for border law enforcement—too little known*

Resource deployment and border law enforcement effectiveness (significant arrests and seizures) depend upon the quality and quantity of information (intelligence) available to enforcement decisionmakers. The hordes of legitimate traffic in the vicinity of the border and passing through ports-of-entry make it extremely difficult to identify smugglers. Quality intelligence concerning the activities of smugglers, in combination with mobile air, water, or ground interception systems, is considered to be the best tool to improve interdiction results, short of total surveillance and interception coverage.

Information on how drugs enter the country is not adequate for making decisions on how to respond. The Domestic Council's Drug Abuse Task Force, in its draft report on the Southern border, supported this position. The report pointed out that "the single greatest area of deficiency, or in a more constructive sense, the area which has the greatest opportunity for improvement, is the drug intelligence function."

##### *DEA's efforts to improve intelligence*

Under Reorganization Plan No. 2, DEA was tasked with providing nationwide drug intelligence. DEA is currently working on this task and some improvements have been made; but problems still exist. To illustrate, DEA has developed a preliminary Mexican Heroin Trafficking Model which describes the methods and routes used in transporting Mexican heroin from the poppy-growing areas to U.S. cities. Many of these suspected heroin trafficking routes are probably used for smuggling cocaine and marihuana manufactured in and transited through Mexico. Although DEA suspects the routes and methods, little factual data exists to reliably establish the amount of illicit narcotics smuggled across the Southwest border. DEA supplies interdicting agencies with very little actionable intelligence necessary for successful operations along the borders. When it has provided such information, the successes have been significant.

In our report entitled "Federal Drug Enforcement: Strong Guidance Needed," dated December 18, 1975, we recommended that DEA place increased emphasis on the gathering of intelligence information to assist border law enforcement in catching smugglers at U.S. ports and borders. The Chairman of the working group of the Domestic Council's Drug Abuse Task Force for the Southern border said that DEA needs to reorient its agents to the intelligence function, especially outside of the country.

##### *Border Intelligence Center—a step forward, but problems still remain*

In September 1974 the El Paso Intelligence Center (EPIC) was established by DEA at El Paso, Tex., to provide an overall intelligence picture of drug trafficking and/or smuggling by land, sea, or air between Mexico and the United States. This mission was to be accomplished by accumulating raw intelligence, analyzing this data, and providing tactical intelligence to agencies with border enforcement responsibilities. Plans were for a joint effort between DEA, INS, and Customs.

In the early stages of EPIC's development, progress was slow due to lack of support and agency resistance. Initially, only INS and DEA placed personnel at EPIC, but more recently other Federal agencies have begun to support EPIC. Current participants are Customs, ATF, Coast Guard, and FAA, with increased DEA and INS commitment. Recent progress supports the desirability of a single border intelligence center, but there are problems.

##### *Agencies commitments and views*

In the early stages, the 20 DEA employees at EPIC devoted their efforts to building an intelligence data base and answering queries received from law enforcement personnel seeking current intelligence data on narcotics suspects and

vehicles under surveillance for illegal drug trafficking. The initial personnel included three analysts whose time was devoted to preparing a weekly brief. This brief contained current trends, patterns, and statistical data relating to narcotics smuggling. Little time was left for other analysis of drug trafficking.

DEA now has 35 positions and most of the new positions were placed in the Analysis Section. With the increase in personnel, the Analysis Section is currently developing information and issuing reports in such areas as the exchange of arms and/or vehicles for narcotics; organized crime influences and narcotics trafficking organizations; alien-smuggling organizations; use of fraudulent documents by traffickers; and organized smuggling via land and commercial aircraft, ocean-going vessels, and small vessels. The Analysis Section reviews the EPIC lookouts<sup>1</sup> to determine the degree of success being achieved.

Initially, INS staffing at EPIC consisted of a deputy director, secretary, and a special agent. Currently, INS has 14 people at EPIC. The air intelligence and inspection program, the fraudulent document center, and the anti-smuggling program of INS have been transferred from Yuma, Arizona, to EPIC. INS is now in a better position to assess the impact of EPIC on its performance. The Justice Department said that "INS is the largest user of EPIC and EPIC has proved to be a very effective law enforcement tool for INS purposes."

FAA officials have found EPIC to be an effective tool for providing appropriate information concerning aviation. FAA has an arrangement with DEA to have all aviation intelligence handled through EPIC. FAA has one representative at EPIC.

ATF is very supportive of EPIC according to ATF officials. Participation in EPIC provides ATF with a larger data base of useful intelligence with a minimum investment. Since its involvement in EPIC, ATF has made more arrests and developed more cases. ATF currently has one representative at EPIC.

The Coast Guard informed us it relies heavily on intelligence provided by EPIC and Customs. The information is in the form of vessel lookout lists. The Coast Guard generates some intelligence on its own which it transmits to EPIC. The Coast Guard feels EPIC is very beneficial because its vessels can and do make real time requests concerning suspicious vessels. Usually, EPIC will respond to the Coast Guard vessel by the time boarding takes place. The Coast Guard has one representative at EPIC and plans to add four more.

Unlike the other participants in EPIC, Customs is critical of EPIC because it feels that to a great extent EPIC duplicates the Treasury Enforcement Communication Systems (TECS), and TECS fulfills Customs' needs. Customs presently has two representatives at EPIC. TECS and other agencies' intelligence support systems are discussed in detail on pages 308 through 311.

#### *EPIC's operations and results*

The heart of EPIC is the Watch Operation Section and the Analysis Section. The Watch Operation Section operates on a 24-hour, 7-day week schedule in order to support ongoing field investigations being conducted by Federal, State, and local law enforcement agencies.

Since EPIC became operational, users seeking information have steadily increased. In January 1975 EPIC received 429 inquiries. During May 1976 about 6,750 inquiries were received seeking information on suspects, aircraft, vehicles, fraudulent documents, smuggling, and related items. This increased volume suggests growing reliance on the system by user agencies.

Each of the participating agencies has given EPIC access to its pertinent data base. The TECS and DEA's Narcotics and Dangerous Drugs Information System (NADDIS) are accessible through computer terminals installed at EPIC. Lookout information received at EPIC, pertaining to individuals, vehicles, aircraft, and vessels that are suspected of participating in smuggling ventures, is placed in each participating agency's information system if relevant. This sharing of information among the agencies has facilitated arrests and seizures.

Our analysis of EPIC lookouts for a 4-month period between December 1, 1975, and March 31, 1976, that were placed in the TECS, INS, Coast Guard, and FAA systems disclosed the following:

<sup>1</sup> A lookout is an alert communicated to EPIC by an agent and usually consists of a name, an automobile registration or license plate number, or an aircraft number to help EPIC intercept violators and the vehicles they use.

	<i>Results of lookouts</i>
Lookouts placed.....	1, 155
Response to lookouts.....	153
Arrests.....	42
Seizures:	
Marihuana..... kilograms.....	4, 529
Hashish..... grams.....	794
Heroin..... grams.....	18, 871
Cocaine..... grams.....	7, 320
Jewelry.....	\$600
Aircraft.....	10
Vessels.....	1
Vehicles.....	9

EPIC lookouts placed in October 1976 have provided agencies with information which resulted in five seizures yielding 51.5 pounds of brown heroin, 2 pounds of cocaine, 298,650 mini-amphetamines, and 35 tons of marihuana.

The Chief, Watch Operation Section, stated that recently there has been a noticeable increase in requests for information from EPIC by the Mexico City region. In October 1976 the region submitted 158 inquiries to EPIC seeking information and through EPIC placed 30 lookouts with TECS and 1 with INS.

#### *A problem—too little intelligence from Mexico*

Our work in Mexico showed that little information was being developed within Mexico to improve interdiction efforts at ports-of-entry and other locations along the Southwest border. Intelligence-gathering efforts within Mexico were geared to the eradication campaign and known trafficking operations within Mexico. Tactical and operational intelligence to support border law enforcement was a low priority item within the U.S. Mission, with limited cooperation from the Government of Mexico.

In June 1976 the U.S. Mission was developing little information to assist in intercepting drugs at the border. The Narcotics Control Action Plan (NCAP) for Mexico—the basic planning document for implementing and evaluating the bilateral program—while encouraging the development of drug intelligence capability with the Government of Mexico for incountry enforcement activity, was silent regarding the gathering and exchanging of interdiction-related narcotics information to assist border enforcement personnel.

Copies of all investigative reports that DEA agents develop dealing with opium poppy cultivation and trafficking organizations are forwarded to EPIC. Specific initiatives to monitor vehicle, boat, and aircraft traffic have occurred to a limited degree.

With the exception of several informants paid to monitor the movement of vehicles, aircraft, and boats suspected of transporting narcotics from the Mexican mainland through the Baja peninsula to Southern California, the DEA's Mexico City Regional Intelligence Unit's information forwarded to assist in intercepting drugs at the border consisted of responding to inquiries from EPIC, and occasionally obtaining data from Mexican officials on U.S. registered boats and aircraft traveling in Mexico. These actions have not provided the type of tactical intelligence necessary to identify specific shipments, or traffickers' plans, which could be acted upon by border enforcement agents.

The Chief, Analysis Section, at EPIC stated that he believes the Analysis Section receives all intelligence developed by the Mexico City region. This official said that the Analysis Section receives monthly reports, teletypes, and DEA records of investigation pertaining to arrests and seizures made by Mexican officials. He commented that EPIC needs information developed from debriefings of informant contacts, but the Mexico City region furnishes only about eight of these debriefings a month. He attributes the lack of debriefing intelligence to the fact that DEA agents in the Mexico City region are not involved in enforcement and case work, but primarily devote their efforts to liaison, training, and intelligence activities. It is very difficult for an agent to develop a contact when he is not involved in enforcement work.

The same official stated that the Analysis Section receives additional intelligence pertaining to Mexico from suspects that are arrested for possession of narcotics when entering the United States. This type of intelligence is a poor source of information because the violators are usually couriers transporting the narcotics and have little, if any, information about the smuggling operation.

*Mexico's intelligence efforts need to be encouraged*

An intelligence unit within the MFJP has been established. The unit is considered by DEA to be poorly staffed, inadequately trained, and reluctant to work with the DEA intelligence unit. None of the three MFJP agents trained in the United States for intelligence work were working in the unit. Although the need exists for more accurate and actionable intelligence, we noted no planned program to assist this unit in developing its capabilities through NCAP funding.

The sharing of intelligence information developed by the Mexican agents, which could benefit border interdiction efforts, has seldom occurred. During our visit to the U.S. Mission in Mexico during June 1976, we were informed that the MFJP and DEA had established a procedure for the exchange of information. We noted, however, that for the period November 25, 1975, through May 24, 1976, DEA's regional intelligence unit had forwarded 64 memorandums regarding drug intelligence to their Mexican counterparts, but had received responses to only 3.

DEA officials were able to identify only one instance where intelligence obtained within Mexico from the MFJP resulted in a significant border interdiction seizure. This example clearly shows the potential benefits when the MFJP provides tactical intelligence:

On January 17, 1976, a confidential informant told the MFJP that a blue and white Ford pickup truck bearing Arizona license XXXXX was enroute to Chicago, Illinois, with about 14 kilograms of heroin. The heroin was believed to be hidden in the door panels, and possibly in the drive shaft. The MFJP was unable to locate the vehicle within Mexico and an all-border lookout was placed in EPIC. When the vehicle was stopped and searched at the Hidalgo, Texas, port-of-entry, 14 kilograms of heroin were found. Two defendants were arrested.

The need to encourage cooperative programs with the Government of Mexico to improve effectiveness in stopping the shipment of illicit drugs is discussed in chapter 5.

*A long-time problem—opportunities to consolidate and share intelligence support systems*

Federal agencies operating in the border area have, over the years, developed their own systems and data bases to provide tactical, operational, and strategic intelligence<sup>1</sup> to support their basic enforcement missions. At the present, there are four separate data systems (three automatic and one manual) supporting enforcement efforts. These systems have unique aspects, designed to be responsive to the individual missions of the agencies. At the same time, to varying degrees, the systems contain elements and capabilities that are markedly similar, the primary differences being in the agency's orientation or intended use. The present or planned intelligence support systems of Customs, INS, and DEA are examples outlined below.

TECS operated by the Customs Service, is the principal means of disseminating intelligence information to inspection and enforcement personnel at border crossing points, airports, seaports throughout the country. The predominant element of the system is a computerized operational suspect-file, housed in San Diego, Calif., which is linked to some 900 terminals located at major ports-of-entry, including 100 terminals located at land crossings along the Southwest border. The types of information contained in the system on individuals are:

Name, race, sex, height, weight;

Date and place of birth;

Address information; and

Such identifying numbers as social security, driver's license, passport, National Crime Information Center, license plate(s), and aircraft.

TECS presently contains approximately 485,000 records of which 220,000 or 45 percent are narcotics case records. TECS has access to the National Law Enforcement Telecommunications System (NLETS) and the FBI's National Crime Information Center (NCIC).

The data system currently being used by INS is the Lookout Book System. This contains phonetically arranged names of persons for whom INS has estab-

<sup>1</sup> Strategic intelligence—provides the situation overview and the magnitude of the problem. It is essential for the formulation of broad policy and strategy. Operational intelligence—provides an overview of the modes of operation, traffic patterns, and principal personalities involved in the illegal operations at the border. Tactical intelligence—provides the identification of specific traffickers and their methods of operation.

lished a "lookout." Persons listed in this system include immigration offenders; fugitives sought by the FBI, other Federal agencies, and State and local enforcement agencies; and suspected subversives and/or espionage agents whose names have been furnished by the State Department, Department of Defense, and the intelligence agencies. Although this is a manual data retrieval system, it is highly accessible and it requires an average of only about 5 to 12 seconds for an experienced officer to locate a name.

In fiscal year 1976 INS began development of an Alien Documentation, Identification and Telecommunication (ADIT) system. ADIT involves the replacement of all existing INS-issued alien registration receipt and border crossing identification cards with a computer readable card which cannot be easily counterfeited or altered. In addition to the identification cards, the system will consist of an automated central data base and operational remote access terminals. Eventually the system will include automated card readers for validations at approximately 200 ports-of-entry. Initially, the central data base is to be an ADIT/master index file, later interfacing with other INS data files for computer-aided enforcement and service functions. Plans provide for installation of the access terminals at primary and secondary inspection areas, district offices, regional offices, and border patrol stations.

Narcotics and Dangerous Drugs Information System (NADDIS) was designed by DEA to further investigations of drug violators. NADDIS is an operational automated retrieval system that provides biographical information on known violators and references to case files. The data includes:

The trafficker's residence, phone number, and such identifying characteristics as height, weight, and age;

The drug involved and the level of the case;

The trafficker's passport data, vehicle, boat, and aircraft numbers; and

The trafficker's associates.

Like TECS, NADDIS has access to the FBI's NCIC criminal data files.

As previously mentioned, DEA is developing another computerized intelligence system, called Pathfinder I. The principal objective of Pathfinder I is to provide DEA with a totally integrated and centralized system for the automated storage, retrieval, and analysis of all sources of information relevant to illicit drug activities, as well as other types of criminal activity of interest to enforcement agencies. The Pathfinder I data base consists of subjects, organizations, vehicles, aircraft, and vessels relevant to illicit drug activities.

Pathfinder is the first of five phases in DEA's National Narcotics Intelligence System which is supposed to be completed and fully operational in 1981. Phase 2 is to combine the scattered data bases within DEA—Drug Abuse Warning Network (DAWN), System to Retrieve Information from Drug Evidence (STRIDE), Ballistics, and NADDIS. These data bases are to be combined under one system so that the analyst can derive indicators or patterns of activities from a consolidated base. Phase 3 will include the data bases external to DEA, such as TECS and NCIC. Phase 4 will see the complete fusion of all data bases under a master system, and Phase 5 will see the completion and full utilization of the National Narcotics Intelligence System.

According to a DEA official, the system may not completely replace other data bases (NADDIS, DAWN, etc.); however, a committee has been formed to look into the possibility.

#### *Intragovernment suggestions for improved utilization of intelligence support systems*

In commenting upon the intelligence function as an integral part of the overall narcotics supply reduction program, the Domestic Council Drug Abuse Task Force, in its September 1975 White Paper on Drug Abuse, observed that the problem of inadequate information storage and retrieval capability is complicated by the existence of four separate automatic data processing systems. The task force recommended an analysis of these systems be conducted, perhaps by OMB, with a view toward integration or at least improved interface.

In a 1973 report, the MITRE Corporation, after an analysis of the data elements and uses being made of the TECS and NADDIS intelligence support systems, concluded that the potential for duplication appears to have developed in Federal drug law enforcement intelligence data processing operations. Duplication could be avoided with the use of a common data base, common equipment, and compatible data accessing techniques. MITRE felt that, with the formation of DEA, certain functions accomplished by these systems could be combined to avoid unnecessary duplication.

The Domestic Council Committee on Illegal Aliens, in its December 1976 report, suggests that INS, Customs, and DEA jointly develop and share automatic data processing (ADP) and telecommunications. The report states that it appears feasible that ADIT could use the existing Customs ADP and communication network.

The INS Manager for ADIT advised us that interface with TECS and EPIC is envisioned. INS and Customs personnel have had several meetings to exchange thoughts on the development of the ADIT and TECS systems. As of January 1977 there had been no contact with DEA. No specific steps have been taken, since ADIT is not far enough into the design phase. He was only vaguely aware of the report by the Domestic Council Committee. He felt that INS' needs are unique, and TECS does not presently have inherent capabilities to fully satisfy ADIT requirements. Furthermore, he felt it could cost as much or more to upgrade TECS than to develop a separate system. However, no analysis or study has been done to confirm or deny this. On November 3, 1977, Justice told us that ADIT automated system design had just now been completed to the point where meaningful consideration of alternatives for implementation can be realistically evaluated. Plans for a joint ADIT/TECS experiment are currently being discussed.

The Commissioner of Customs advised us in December 1976 that if current plans are carried through, all arriving travelers at airports and seaports, including returning citizens, will be queried in ADIT, "a computerized lookout system similar to the already in-place and operating TECS." He felt that only a single system was needed and TECS could easily incorporate an index to the alien information data base without degrading response time, as is currently accomplished with the TECS/NCIC interface. His staff studied the possibility of incorporating these requirements, and found no real obstacles to implementation of a unified system. He suggested that: "Under a single agency inspection system, each screening location would have a terminal to access simultaneously the complete file of all relevant enforcement information. A similar arrangement would be used under any system of single stop inspection; in essence, any agency inspector in primary could use the system. Obviously, compared to current plans, a jointly used system offers significant reductions in resource outlays for computers, related telecommunication systems, and possibly inspector processing time. The net effect would be greater facilitation, more effective enforcement and a leveling of governmental costs."

Customs believes that EPIC is unresponsive to its intelligence needs and duplicates many systems previously available. Customs believes that EPIC should be located at Washington Headquarters rather than El Paso, since it is serving as a national, rather than a Southwest border, information center.

Consistent with the concept of centralized collection of intelligence resources at Washington, Customs supported the creation of the Interdepartmental Intelligence Group-Mexico (IDIG-M), located at DEA Headquarters. In March 1977, however, Customs reassigned one of their three IDIG-M analysts back to Customs Headquarters after DEA and INS downgraded their commitment to the IDIG-M function. In a March 1977 letter to DEA, Customs stated the following: "EPIC and IDIG-M remain two separate efforts to deal with the Mexican narcotic problem, but even though they are under the leadership of DEA, neither communicate to combine their efforts. This division of effort into two ineffective units is doing nothing to aid Customs. If the IDIG concept cannot be realized, Customs will have no alternative but to continue withdrawing our representatives next from EPIC followed by more from IDIG-M."

A Domestic Council Task Force member also expressed concern about EPIC. OMB believed that EPIC's charter, or mandate, has been ambiguous and expansive in its mission, and that EPIC should be reexamined to determine its objectives. The Council member feels that EPIC is best at performing a "watch function" for DEA and as a clearinghouse for law enforcement information. According to a former OMB official, currently with the Office of Drug Abuse Policy, major constraints on EPIC functioning as a focal point for coordinating border enforcement activities are:

EPIC can only have a limited scope because all of the analysis of intelligence data must take place in Washington, where comprehensive case files and the computer capability actually are located.

EPIC will never be a focal point for coordinating border enforcement activities because of Customs nonacceptance of the role of DEA and DEA leadership as EPIC. OMB does not see any prospects for improvement in either area in the near future and, consequently, does not recommend any expansion of EPIC.

In commenting on our report, OMB agreed with the thrust of this official's analysis, but did not entirely share his convictions about the future of EPIC.

Justice did not agree with these opinions. In its opinion, EPIC precludes the need for comprehensive Washington files for anything other than background data since it concentrates on the analysis and dissemination of fresh intelligence—less than 30 days old. Furthermore, Justice believes EPIC is presently an effective clearinghouse for border intelligence and its effectiveness could be amplified if utilized by all border agencies. It stated that in an effort to enhance DEA/Customs Operations, the Administrator of DEA and the Commissioner of Customs have scheduled a series of meetings to develop improved cooperation between the agencies and thereby increase Federal drug enforcement effectiveness. As a result of these meetings, Justice believes the OMB's view that Customs is unwilling to accept DEA's role in EPIC appear to be premature.

Treasury said EPIC's limitations are not the result of inadequate participation or duplication with TECS but are caused by the limited intelligence available in the system. Treasury stated that the lack of intelligence is a result of DEA's belief that border interdiction plays a relatively insignificant role in its overall narcotics supply reduction strategy.

#### OPERATIONS

Smugglers enter the United States by four modes: through ports-of-entry; by boat into coastal areas between ports-of-entry; on foot or by vehicle between ports-of-entry; or over the border by air. Law enforcement efforts and selected support systems directed at countering illegal crossings are discussed below.

##### *Ports-of-entry interdiction—difficult but possible*

Border enforcement officials told us the majority of hard narcotics smuggled across the Southwest border comes through the ports-of-entry. Nearly all heroin seizures are made at these locations. The port-of-entry is probably the best border location for interdicting hard narcotics—the smuggler must at least present himself for inspection. Nevertheless, the drug interdiction task, even at the ports-of-entry, is extremely difficult—like looking for a needle in a haystack.

Little impact has been made on the amount of hard drugs estimated to come from Mexico. During fiscal year 1975 and 1976, Customs seized 262 pounds of heroin in 439 seizures at the Southwest border, including 405 at ports-of-entry. Of these, 11 seizures were in excess of one kilogram.

##### *Ports-of-entry resources*

Before crossing the border into the United States, vehicles and pedestrians are stopped at the primary inspection lanes where only the most cursory inspections of vehicles, persons, or baggage are conducted. The primary inspectors are responsible for determining whether a vehicle and its occupants or a pedestrian should be referred to the secondary inspection area for a thorough examination. Customs and INS share the responsibility for staffing the primary lanes. For example, INS inspectors staff 5 of the 10—out of a total of 24—vehicle inspection lanes at San Ysidro, California, which are usually open. Across the Southwest border, INS maintains a 37-percent presence, with a 50-percent presence at some ports such as El Paso.

As discussed in chapter 2, traffic coming through the ports and overall border expenditures have both increased in recent years. But there is still a shortage of inspectors at the four ports that we visited along the Southwest border. Inspector staffpower has a significant impact on the thoroughness of inspections performed at a port-of-entry. According to Customs officials, additional inspection personnel were necessary to adequately staff the primary and secondary inspection areas. For example, the facilities at San Ysidro were not fully utilized because of a shortage of inspectors. Although the port had 24 primary lanes and 70 secondary inspection spaces, they were not always used. We were told that one of the two secondary inspection areas, with 35 spaces, was never used on Monday through Friday.

In El Paso, Texas, there was a shortage of 12 primary lane inspectors. The District has had to sacrifice enforcement to move traffic. Special enforcement programs dictated by Headquarters have not been performed, since El Paso lacked the resources to carry them out. Secondary inspection personnel were used in the primary inspection area to process vehicular traffic in a timely manner. Primary inspectors were reluctant to refer many vehicles to the secondary, despite suspicions, because of the lack of inspection personnel. At the Laredo, Texas, port-of-entry there were 11 inspector vacancies. While the Customs force continued to decrease in size, the workload increased.

*Detection aids—few with limited success*

Judgment of the inspector is a critical ingredient in drug interdiction. The only detection aids available to assist the inspectors at the ports-of-entry are TECS data and trained detection dogs.

The value of TECS for port-of-entry drug interdiction is limited because it is keyed to vehicle license numbers. Justice informed us that unless a "hit" is made or the vehicle referred to secondary inspection, the remaining information in TECS will not be queried. Inspectors are instructed not to rely on TECS data because there are many ways it can be circumvented.

The majority of Customs research and development efforts to improve border interdiction is aimed at between-ports airborne detection devices and ground sensor systems. About one-third of Customs research expenditures through fiscal year 1976 was to develop and test devices that detect drugs being smuggled into the United States through ports-of-entry. The Domestic Council's Drug Abuse Task Force recommended high priority be given to the development of improved technical equipment to detect easily concealed drugs. Efforts to control smuggling through the use of contraband detection devices and "sniffer dog" teams will be expanded during fiscal year 1978.

Detector dogs are an effective time-saving drug interdiction aid—dog teams are responsible for 27 percent of the narcotic seizures made by Customs. Nationwide, in fiscal year 1976, the dogs screened over 21 million units of cargo, mail, and arriving carriers. Their efforts resulted in the seizure of: 71.8 pounds of heroin, 93.4 pounds of cocaine, 4,260.6 pounds of hashish, 52,954 pounds of marihuana, and 2,914,574 units of dangerous drugs.

One seizure at the San Ysidro port-of-entry accounted for 30.75 pounds, or 43 percent, of the total heroin seized in fiscal year 1976. In this instance, an INS inspector referred a vehicle and its driver to the Customs' secondary inspection area. A detector dog alerted his handler to the back seat. The seat was removed and the heroin was found. A dog team can search a vehicle for drugs in about 5 minutes, while it might take an inspector 30 minutes to assure himself that no contraband is secreted in the vehicle. Effective use of the dogs, however, is dependent on the skill of primary inspectors, since the dogs are only used in secondary inspections. In addition, Customs officials told us that although the dogs are trained to search for all types of drugs, the dogs usually detect marihuana.

Customs and other officials believe much of the hard narcotics which comes through the ports is packaged and inserted into the human body, and therefore is extremely difficult to detect. Detector dogs are not used to search people, and inspectors are reluctant to perform intensive personal searches because of the difficulties involved. For example, Customs officials at San Ysidro are seldom successful in locating a medical facility or doctor willing to participate in these personal searches. Consequently, such searches are rare.

Intelligence data available to inspectors is very limited. Most port-of-entry drug seizures are "cold busts," that is, not based on prior information. Customs and INS officials continue to assert that one of their greatest needs is better intelligence data on the operational modes of smugglers. A study done for DEA concluded in 1974 that the volume of entries into the United States from Mexico is so great that narcotics seizures will not occur in any significant numbers unless there is hard tactical intelligence available to inspectors concerning the movements of illegal drugs.

*Results—few drugs are seized*

During fiscal years 1975 and 1976, the San Ysidro, Nogales, Laredo, and El Paso ports-of-entry accounted for about 75 percent of the total number of heroin seizures made at the Southwest border. The hard narcotic interdiction cases, and those involving one kilogram of marihuana or more, at these four major ports for the last 3 months of calendar year 1975 are summarized below.

## DRUG SEIZURES

Ports of entry	Heroin		Dangerous drugs		Cocaine		Marihuana		Other Number of seizures
	Number of seizures	Quantity (grams)	Number of seizures	Quantity (5 gram units)	Number of seizures	Quantity (grams)	Number of seizures	Quantity (kilo- grams)	
San Ysidro.....	26	3,493	9	1,063,530	16	1,732	59	2,684	4
Nogales.....	5	384					28	1,971	1
El Paso.....	1	10,206	25	714	1	57	33	916	4
Laredo.....			8	353	3	2			4
Total.....	32	14,083	42	1,064,597	20	1,791	120	5,571	13

It is evident that enforcement at the ports-of-entry is having little effect on the tons of heroin and other drugs entering the United States from Mexico.

*Land patrols between ports-of-entry—two separate yet similar activities*

The vast areas between the ports-of-entry along the southwest border and the limited resources available to prevent illegal entry demand that available resources be deployed in a manner to gain optimum results. The INS Border Patrol and the Customs Patrol have overlapping roles for control of illegal movements across the land borders between the ports. Poor coordination and cooperation between the Customs and INS border patrols, as well as costly overlapping facilities, cause conflict, tension, and marginal results.

The Customs Patrol and the Border Patrol face many common problems, use many common tools, and follow the same methods while pursuing their individual enforcement targets and goals. The agencies maintain separate border stations, sensor equipment, communication networks, and other support systems.

The enforcement strategies of the Border Patrol and Customs Patrol recognize that neither has the resources to cover the vast land area between ports-of-entry. To maximize interdiction, both agencies use ground patrols, air patrols, sensor equipment, and surveillance at known crossing points. The patterns of illegal entry result in concentrations of each agency's patrol officers in the same high-volume crossing areas.

*Results achieved*

Working in close proximity to the border, the Customs Patrol, whose primary interest is drugs and other contraband, often apprehends illegal aliens and the INS Border Patrol apprehends drug smugglers. The success of both in drug interdiction has overwhelmingly been with marihuana; the amount, as well as frequency of heroin, dangerous drugs, or cocaine seizures have been negligible. Customs and INS patrol officers express the opinion that heroin, dangerous drugs, and cocaine pass through, not between, the ports-of-entry. Our case analyses and other data support this observation. Almost without exception, Customs Patrol's interdictions of controlled drugs, other than marihuana, involved smugglers who originally entered through a port-of-entry.

At the four locations along the border, we analyzed 140 controlled drug interdiction cases of the two patrols during the last 3 months of calendar year 1975. Our analysis showed that 133 cases, or 95 percent, involved marihuana, of which 45, or 34 percent, were abandoned marihuana seizures without arrests. The following table shows the results of the interdictions made by the two patrols.

Locations	Drug seizures			Total
	Marihuana	Heroin	Other	
<b>Nogales:</b>				
Border patrol.....	28		1	29
Customs patrol.....	38	4	1	43
<b>San Ysidro:</b>				
Border patrol.....	6			6
Customs patrol.....	11			11
<b>El Paso:</b>				
Border patrol.....	17		7	24
Customs patrol.....	7	1		8
<b>Laredo:</b>				
Border patrol.....	6	1	3	10
Customs patrol.....	20		4	24
<b>Total.....</b>	<b>133</b>	<b>6</b>	<b>16</b>	<b>155</b>
<b>Percent.....</b>	<b>86</b>	<b>4</b>	<b>10</b>	<b>100</b>

<sup>1</sup> Represent seizures totaling 20,357 kilograms of marihuana, of which 6,763 kilograms, or 33 percent, were abandoned, with no arrests made.

<sup>2</sup> Represent seizures totaling 330 grams of heroin, with 1 of the seizures accounting for 211 grams, or 64 percent.

*Coordination and cooperation of activities between ports-of-entry*

In April 1975 the Commissioners of Customs and INS signed a Memorandum of Understanding mandating "full cooperation between the two Services." As stated in the memorandum, this cooperation includes: Common communication channels, immediate exchange of information, immediate alerting of the other as to projected operations, coming to the other's assistance whenever called, exchange of intelligence, and performing the other's duties capably and professionally whenever so designated.

At the locations visited, we noted some communication at the management level, but limited coordination and cooperation at the working level. The patrol officers rarely work together, and we could not identify any joint operation between the patrols. Competition and animosity between the patrols continue to occur, causing tension and near confrontations. The following observations are illustrative.

Customs and INS patrolmen are unable to communicate directly with each other in the field because of incompatible radio systems which operate on different frequency ranges.

Remote sensors are deployed in close proximity to each other, and neither of the patrol forces know exactly where the other's sensors are located. The sensors are monitored at separate sites, with each agency unaware of the activity being detected by the other.

We accompanied the Border and Customs Patrol officers on patrols and observed the officers using essentially the same interdiction tools and techniques. Their knowledge of the other agency's patrol activities was limited to what they had observed while on patrol. To illustrate, at one location, we traveled the same roads along the border and were shown the same smuggling routes where both patrols had implanted sensors, but neither knew the exact locations of the others' sensors. They patrolled routinely until sensor alerts indicated smuggling activity. When it occurred, the patrolman drove to a predetermined spot, waited until the intruding vehicle appeared, stopped the vehicle, detected marihuana, and arrested the smuggler.

Patrol officers could not recall a single example of a joint operation or of assistance to one agency by the other on an as-needed basis, even though both agencies complained of insufficient staffpower. To illustrate, while waiting and watching with a Customs Patrol officer at a border canyon where a sensor hit occurred, the supervisory patrol officer told us that lack of personnel would perhaps cause them to miss the intruder. Right after he made this statement, an INS Border Patrol car cruised slowly by our position, but no attempt was made to contact it and ask for assistance.

The Chief Border Patrol agent in El Paso, Texas, stated that Customs will sometimes place a sensor right behind a Border Patrol sensor. The Customs Patrol Director said relations with the Border Patrol were terrible. He cited this example: In April 1976, near Columbus, N. Mexico, after a Customs aircraft responded to a sensor hit which disclosed nothing, Customs relayed the negative result to the Border Patrol. According to the Customs Patrol official, the Border Patrol disregarded this information, dispatched an automobile to the scene, and was overheard on the radio to say: run the Customs people off the road, if necessary, to arrive there first. In a memorandum dated April 14, 1976, regarding this instance, a Border Patrol pilot stated that Customs Patrol had responded with two aircraft and, until a false alarm was reported, a Customs Patrol vehicle was following the Border Patrol vehicle to the site of the sensor. This memorandum stated it was apparent that Customs responded to the sensor alarm by monitoring the Border Patrol frequency. The Treasury told us this problem was resolved shortly after it was identified.

#### *Customs air interdiction—Cost, use, and results*

Air interdiction forces have had some success in apprehending smugglers using aircraft to cross the border. The results to date, however, are considered marginal.

DEA and Customs have speculated for years that heroin and other hard narcotics are smuggled into the United States by privately owned aircraft. Even though great potential exists to smuggle heroin by aircraft, air interdictions as well as analyses of aircraft crashes within Mexico and along the United States-Mexico border substantiate that marihuana is the commodity commonly being smuggled by aircraft. There is no evidence available which indicates that large shipments of heroin or other hard narcotics are being smuggled by private aircraft across the border.

We were unable to identify a single smuggling case where an aircraft known to have crossed the United States-Mexico border had other than traces of hard narcotics aboard. To illustrate, during calendar year 1975 the single Customs air program case along the border involving a substantial amount of heroin was not an air smuggling case. The heroin was seized at the El Paso International Airport after being smuggled through a port-of-entry, then delivered to the airport for further shipment into the interior of the United States.

Implementing an effective program aimed at preventing drug smuggling by aircraft is difficult because, as described in chapter 2, a smuggler using an aircraft

has many advantages that interdiction forces may be unable to counter. While DEA and INS have air resources deployed along the Southwest border, Customs has assumed the operational role of detecting and interdicting smugglers using aircraft.

The aircraft deployed by INS are not capable of air-interception type operations. These aircraft operate at low altitudes and at slow speeds in support of Border Patrol ground activities. Similar aircraft are operated by Customs in support of Customs Patrol ground operations.

#### *Customs air interdiction—Cost, use, and results*

Since 1971 Customs has spent \$25 million on aircraft and radar for the air interdiction program. In fiscal year 1976 salary costs, excluding overtime, for the four Southwest border Air Support Branches were about \$1.3 million.

Customs has requested large increases in its air program including a jet aircraft and two twin-engine turboprop planes. In a response to the Southern Border Drug Abuse Task Force, Customs estimated that at the very minimum an additional \$29.3 million in resources was required to adequately mount an effective war on the smugglers who utilize aircraft.

The Domestic Council Southern Border report cited the Customs air program as being only marginally effective, and OMB reduced the portions of Customs' fiscal year 1977 budget request for additional aircraft and support equipment. Customs could not show OMB how the additional aircraft would give significant results. Based on airplane crash data, OMB believed that primarily marijuana, the lowest drug priority, was being smuggled by air.

Routine patrol and surveillance, as well as support of special operations, characterize Customs use of aircraft. During our review we noted that the majority of the aircraft flight hours and missions were for:

Patrol/search: Routine border or port patrol not involved in a specific case.  
Surveillance: An aircraft is called in on a case or potential case for intelligence gathering purposes.

Other: Any type of mission or utilization not otherwise categorized, such as liaison missions (most of which are contacts with fixed based operators).

During fiscal year 1975 only 1.4 percent of the flight hours at the Tucson ASB, and 5.5 percent at the San Diego ASB, were for interception/apprehension where an aircraft was called in to assist in arrest or seizure.

Our followup of drug interdiction cases at the ASBs along the Southwest border for calendar year 1975 showed that very few major drug interdictions were made, and virtually all involved marijuana. The table below summarizes these activities.

CUSTOMS ASB DRUG CASES, CALENDAR YEAR 1975

ASB branch	Total cases	Marihuana only		Other cases		Arrests
		Cases	Kilo—grams seized	Number	Type and quantity	
San Diego.....	127	21	4,760	2	1 trace, cocaine, 1 trace amphetamine, 97 kg marihuana.	53
Tucson.....	29	29	13,422			88
San Antonio.....	9	9	519			10
El Paso <sup>4</sup> .....	3	2	365	1	2.4 kg heroin.....	8
Total.....	68	61	19,057	3		159

<sup>1</sup> Includes 4 cases where no drugs were seized.

<sup>2</sup> Includes 6 cases where 1 kilogram or less was seized.

<sup>3</sup> Includes 3 cases where less than 1 kilogram was seized.

<sup>4</sup> Statistics for El Paso are for period July 1, 1975, through May 31, 1976.

<sup>5</sup> The heroin seized did not come from Mexico aboard an aircraft; it was delivered to the suspect's aircraft at the El Paso International Airport.

#### *DEA aircraft operation*

DEA's annual operating cost for the air program is about \$2 million. The program's basic mission is to support enforcement operations. Air-to-surface surveillance flights account for the majority of the missions, about 60 percent. Increasing numbers of pilots and aircraft are being devoted to special operations, particularly Operation Trizo, the opium eradication campaign in Mexico.

A recent DEA evaluation of air operations disclosed that, overall, the air program is meeting its basic objectives, both domestically and in foreign operations, but, as presently structured and supported, is accomplishing its mission through

"makeshift" techniques in the absence of planned programs encompassing aircraft procurement, utilization, maintenance, safety, pilot training, and career development. In discussing problems pertaining to the air program's operations, the evaluation report questioned the program's involvement in gathering intelligence data, as that function duplicates, to a large measure, the Customs air interdiction role and has, to date, borne limited accomplishments. While DEA pilots are special agents, they are nonproductive from an investigative standpoint since they neither develop nor conclude investigations. The DEA evaluation team found that (1) pilots' involvement in undercover capacity is minimal—less than 10 percent of total air missions, (2) pilots do not testify in court, do not write surveillance reports, and rarely are involved in arrest situations, and (3) in all instances of air-to-surface surveillance, pilots are accompanied by a special agent who serves as radio operator, observer, and the recorder of facts.

Eleven of DEA's 39 aircraft are stationed along the United States-Mexico border with many in close proximity to, and having similar capabilities of, Customs aircraft. DEA, Customs, and INS have separate aircraft maintenance and support facilities.

*Marine drug interdiction—some success, but increased cooperation and program integration are needed*

Customs, DEA, and the U.S. Coast Guard all have roles in preventing drug smuggling by vessel. These agencies have had some success in stopping marihuana smuggling by vessel. Several large interagency marihuana seizures have been made in cooperation with State and local enforcement personnel. Generally, however, marine enforcement efforts have rarely resulted in hard narcotics seizures in other than user amounts, and have not been effectively planned and integrated.

Interdicting drug smugglers on water is difficult, as discussed in chapter 2. Intelligence data, the key ingredient to any interdiction effort, seldom has been available. Occasional joint operations and routine interdiction and enforcement activities characterize the marine operations of enforcement agencies in the Southern California area. Customs and DEA vessels seldom have been operated.

#### *Customs*

The Customs Marine Support Branch in San Diego, California, with 13 patrol officers and three vessels, made 10 marine drug interdictions during 1975. Seventeen middle- and lower-level violators were arrested. In two of the cases, no arrests were made—abandoned loads of marihuana were found. The Marine group seized 2,315 kilograms of marihuana and 14 grams of heroin.

A marine drug interdiction made during 1975 is summarized below to illustrate the operation mode of the Marine Support Branch: While investigating marine smuggling activities at a local marina in January 1975, Customs Patrol officers (CPOs) observed a boat being launched. Immediately after launching the boat, the tow vehicle and trailer departed the area, arousing the suspicions of the CPOs. After further inquiry disclosed that the boat had been the subject of a Harbor Police report nearly 4 months earlier, the CPOs decided to maintain surveillance, and an additional CPO was called in to help. When the boat departed the marina, a Customs airplane was called in to assist in surveillance. The boat was observed from the air to enter Mexican waters and return to San Diego Bay, where a search of the vessel yielded one-half ounce of heroin, 300 kilograms of marihuana, a small amount of hashish, and a "hash" pipe.

The Marine group did not use a vessel during the interdiction.

Vessel utilization and value data are shown in the following table.

SAN DIEGO CUSTOMS MARINE-SUPPORT-BRANCH, VESSEL VALUE AND UTILIZATION DATA, JANUARY 1975 THROUGH JUNE 1976

	Number of days						Approximate value
	Patrolling results		Training	Maintenance	Other <sup>1</sup>	Not used	
	Positive	Negative					
38 ft Bertram.....		125	7	14	25	376	\$110,000
26 ft Livesay.....	5	98	2	52	17	373	23,500
16 ft Nauset <sup>2</sup> .....				1	13	351	4,300
Total.....	5	223	9	67	55	1,100	137,700

<sup>1</sup> Testing and demonstration to visitors.

<sup>2</sup> Does not include data for January 1976, through June 1976.

The San Diego Customs Marine Support Branch participated in four special operations between October 1974 and November 1976. The last two operations involved DEA and the Coast Guard, as well as other Customs units. The marine involvement in these operations was limited primarily to picket line duty and intelligence gathering activities, which resulted in a small number of marine drug interdictions. These interdictions all involved marihuana. Operation Star Trek, the longest operation, was held from September 20 through November 11, 1975. Customs, DEA, and the Coast Guard were involved in the marine segment of the operation, utilizing 11 vessels and 1 aircraft. Their combined efforts resulted in one drug interdiction which was the result of a Coast Guard search and rescue mission. They arrested one suspect and seized 296 kilograms of marihuana. Three of these special operations are discussed in greater detail on pages 46 to 49.

#### *DEA uncertain of its role*

The DEA San Diego district office has one agent assigned part-time to marine drug enforcement. The district office has two vessels, a 36-foot Uniflite and a 24-foot Wellcraft. The Uniflite, valued at about \$70,000, was used only about 54 hours during 1975, and 29 of those hours occurred in January. The Wellcraft, valued at about \$8,000, has never been used by DEA because needed repairs have not been made. This vessel was seized by DEA in Miami, Florida, and transferred to San Diego in July 1975 at a cost of \$3,000, which included a boat trailer. As of April 1977 funds had not been authorized by headquarters to make the repairs.

DEA's marine program could be improved by increased Headquarters direction and development of clearly defined objectives and operational modes. The following example illustrates the need for such improvement:

The DEA Assistant Administrator for Enforcement stated in a memorandum dated April 23, 1975, to the Los Angeles, Miami, and New Orleans regional directors, that an "in-depth" evaluation of DEA's boat program had been conducted. DEA concluded that five vessels transferred from Customs at the time of the reorganization did not adequately meet DEA's investigative mission. He further stated that DEA would offer these vessels to other government agencies and either put seized vessels into service or rent vessels when needed. The Assistant Administrator, however, issued another memorandum dated May 12, 1975, to all domestic regional directors regarding DEA policy on water craft. As a result of his evaluation, he wrote, "we have determined there is a definite utility for water craft in the accomplishment of DEA's mission." The vessels were retained by DEA.

In February 1976 in an interview with GAO, the Acting Chief, Special Enforcement Programs, said that the DEA boat program is considered an on-going active enforcement tool. The original "in-depth" evaluation consisted only of a few telephone calls. Following the issuance of the Assistant Administrator's first memo, the Acting Chief and others visited the sites of the boats and concluded that the vessels were needed in the DEA enforcement effort. The Acting Chief told us that "the boats in DEA are more or less like fire engines. That is, they may sit for long periods of time unused, but occasionally you really need one."

In a March 1975 memo, a San Diego DEA official wrote concerning the marine program that "guidelines for sufficient enforcement are undefined and ineffective." As late as May 1977, it was recognized by the DEA official in charge of the marine program in San Diego that "DEA continues to ignore its responsibilities of initiating marine intelligence and follow-up investigation \* \* \*." Thus, according to this official, DEA is failing to support combined Customs/DEA/Coast Guard efforts.

#### *Coast Guard*

The Coast Guard in recent years has emphasized marine law enforcement as a primary mission, including the interdiction of illicit narcotics.

The 11th Coast Guard District's area of responsibility along the California coast extends from the Santa Maria River to the Mexican border. The Chief of Operations said that the increased emphasis was in response to what the Coast Guard perceived as an increase in smuggling by vessel. He said the District can dedicate men and equipment for a period of time; beginning May 18, 1976, they maintained a vessel on law enforcement patrol 24 hours per day at least 85 percent of the time. As of November 1976 this patrol had not resulted in a single drug interdiction. Coast Guard officials attributed this to their not receiving the kind or amount of intelligence data needed. The District's participation in a recent joint operation was much less than in a similar operation a year earlier. The Coast Guard is essentially operating its own program because of its own law enforcement responsibilities.

Unclear understanding of whether the Coast Guard or Customs has primary jurisdiction on marine narcotics interdiction has led to some problems. To illustrate, Customs officials told us the Coast Guard has requested that local police in an oceanside community with whom Customs had been maintaining liaison furnish the Coast Guard rather than Customs any information regarding suspect vessels.

#### *Joint operations—limited coordination*

The White Paper on Drug Abuse recommended that a program be developed for more effective border control and that Customs, DEA, and the U.S. Border Patrol vastly improve their coordination of activities along the border, including joint task force operations.

Since September 1975 when the White Paper was issued, there have been three intensified interdiction operations along the United States-Mexico border. These were to be cooperative and coordinated efforts among various Federal agencies and were aimed at more effective border control. During these Customs-initiated operations, FAA and the Department of Defense were to provide air radar support. There was nominal or no coordination among the enforcement agencies. Interdiction results were varied; some large seizures of marihuana were made but heroin seizures were disappointing. Marihuana represented the overwhelming majority of drugs seized. These operations are discussed below.

#### *Texas-Mexico border*

Operation Diamondback, a joint operation along the Texas-Mexico border, was to augment Customs resources with those of other Federal enforcement agencies in an effort to achieve maximum effectiveness in interdiction capabilities. The DEA, Border Patrol, Coast Guard, and FAA were to be equal partners, and by integrating their efforts the interdiction function was expected to be more efficient. The operation was conducted for a 37-day period beginning on April 20 and ending May 26, 1976.

In evaluating the program, the participants reported lack of planning, coordination, cooperation, and information/intelligence. Some of the observed problems were:

Fundamental planning and coordination of the operation never got out of the idea stage. The decisionmaking process was very poor due to confusion as to who had the authority and responsibility for directing actions. In essence, the land, sea, and air units were going their separate ways.

An incorrect assumption was made that the area to be covered during the operation had FAA and North American Air Defense Command (NORAD) radar coverage.

Personnel to maintain/operate the mobile radar units and staff the Tactical Command Post were insufficient and improperly qualified.

Intelligence data to field units from a headquarters or command level was nonexistent.

The INS Border Patrol had no involvement in the operation except for being notified at the implemental stage. DEA's participation was limited to agents accompanying Customs agents into the interior of Mexico to record the names/identification numbers of suspect vessels and aircraft. A Customs Patrol official pointed out that one possible source of intelligence would have been to have the Customs liaison office at EPIC provide analyses in advance of the operation, with updates during the operation.

In a memorandum to Customs the Coast Guard stated that, "this operation was rushed into execution with little or no planning at the field level and consequently was fraught with many flaws." Customs ASB and Customs Patrol officials considered the air and sea operations a failure; no arrests or seizures were made. Total drug seizures from other operational modes were: 13,013 pounds marihuana and 402,134 5-grain units of dangerous drugs.

#### *California and Arizona-Mexico border*

Customs initiated two interagency operations along the California and Arizona-Mexico border, Star Trek I and II. Star Trek I was held in late 1975 and Star Trek II about a year later.

Star Trek I was to involve DEA, Coast Guard, FAA, and the Air Force. DEA was to provide intelligence data. INS was not mentioned in Customs' operation plans and did not participate. The intensified day and night, land, sea, and air operation lasted 52 days. It was aimed primarily at interdictions between port-of-entry. The temporary duty personnel and equipment assigned to the operation were deployed accordingly.

Some large marihuana seizures were made by the Customs Air Support Branches. The marine enforcement groups made only one marihuana seizure; that resulted from a Coast Guard search and rescue mission rather than the special operation. Most of the cocaine was seized away from the United States-Mexico border by the Los Angeles District Customs inspectors, while the overwhelming majority of the heroin and dangerous drug seizures were made at land ports-of-entry.

Customs noted that a weakness of the operation was the scant information provided by DEA, especially regarding the Arizona-Mexico border area. The El Paso Intelligence Center was not asked to support Star Trek I, according to the EPIC Director. There were only two telephone calls received by EPIC from Star Trek personnel during the 52-day operation.

Drug seizures were: 46,141 pounds marihuana, 81 pounds hashish, 90.7 pounds cocaine, 2.5 pounds heroin, and 1,540,861 5-grain units of dangerous drugs.

Star Trek II was a 40-day operation, to be supported by DEA, FAA, Air Force, and the Coast Guard. Cooperation among the enforcement agencies was poor and the lack of intelligence data regarding drug smuggling was still a major weakness. Customs reported receiving only three pieces of intelligence from DEA which resulted in seizures.

In May 1976 the Coast Guard initiated its own law enforcement patrol program. The Coast Guard participation in the Star Trek II operation was much less than in Star Trek I. There were no joint patrols using Customs and Coast Guard boats, planes, and other equipment. Customs Patrol officers were aboard Coast Guard vessels occasionally during the operation. The Officer-in-charge of Operations, 11th Coast Guard District, said the Coast Guard followed its own patrol program and operated independent of Customs. Customs was advised to call if support was needed, but no such requests were received during Star Trek II.

As in Star Trek I, primarily marihuana was seized. Inspectors at ports-of-entry intensified their operations to coincide with Star Trek II. The quantities of different narcotics seized mostly exceeded those of Star Trek I. The first significant seizure of Star Trek II was made by a mobile task force of Customs inspectors assigned to a small port in Arizona.

Drugs seized during Star Trek II were: 33,294.8 pounds marihuana, .15 pounds hashish, 11.38 pounds cocaine, 4.53 pounds heroin, and 4,946 5-grain units of dangerous drugs.

#### CONCLUSIONS

Control of the United States-Mexico border is a complex and difficult task that requires a comprehensive, coordinated effort by all segments of the Federal law enforcement community.

Over the past few years the Congress, executive branch, and we have issued reports dealing with efforts to control illegal entry of people and things into the United States. Studies by the Congress and the executive branch have delineated the policy and direction that such a program should take and the areas of operation that should be improved. The predominant recurring theme of these reports and studies is the need for greater coordination and cooperation among the various agencies having enforcement responsibilities in this area.

While some recommendations have been implemented, the essential characteristics of the problems remain. Separate agencies with different orientations continue to identify the best activities to meet their missions with limited consideration for the activity of others. This had led to the development of separate but similar lines of effort that continue to dilute border coverage and impact. Little consideration is given to overall border security.

We believe that sound management principles and the inherent difficulties of multiagency cooperation call for an integrated Federal law enforcement strategy and a comprehensive border control plan. A specific plan is needed to assure that all responsible agencies are pursuing established goals and that operational responsibilities for specific missions are established. The objective of the plan should be to obtain maximum border security with available resources by minimizing unnecessary duplication and overlapping. Such a plan, in our opinion, should include single-agency management and responsibility. For example, law enforcement interdiction at every port-of-entry in the country should be handled by one agency, whether it be Customs or INS. The same would apply to interdiction by (1) land, (2) sea, or (3) air at points away from the ports-of-entry. Single-agency management was recommended in our report, "A Single Agency Needed To Manage Port-Of-Entry Inspections—Particularly At U.S. Airports," dated May 30, 1973. We envision that single-agency management would include the au-

thority and responsibility for the development and maintenance of all support activities, including a single automated lookout system. Besides managing the day-to-day operations of the ports-of-entry, the agency would be responsible for the research and development of all new techniques and devices to improve detection of people, drugs, and other contraband entering illegally.

Two critical elements to devising and operating such a plan would be:

A comprehensive analysis of the various border law enforcement agencies' total resources to facilitate integration of the various missions into the overall Federal strategy. Such an analysis would permit identification of areas of overlapping operations and duplicative equipment.

A study of the various alternatives for managing border operations ranging from the present management structure to single-agency management.

Federal investment in law enforcement activity along the Southwest border has been increasing steadily over the years, but has had only a minor impact on the alien and drug problems. Law enforcement agencies continue to seek additional funds, without clear support as to meaningful results or impact. For example, we concur with OMB's position that Customs' air interdiction has only been marginally effective and has not justified additional aircraft and support equipment requested.

#### RECOMMENDATIONS TO AGENCIES

As an initial step to strengthen law enforcement at the border, we recommend that the Director, Office of Management and Budget, prepare an annual analysis on law enforcement along the United States-Mexico border. Such an analysis would bring together the separate budget requests of the various border enforcement agencies to facilitate integration of agencies' plans, programs, resources, allocations, and accomplishments. An essential element of the analysis should be a statement of strategies and milestones to show the most important results intended to be accomplished over a period of time (e.g., 1, 2, or more fiscal years) with the resources requested from the Congress. This analysis should be provided to the Congress with the agencies appropriation requests. In concert with this analyses, we recommend that OMB and ODAP, together with the Attorney General, Secretary of the Treasury, and other Department Heads having responsibility for border law enforcement, develop an integrated strategy and comprehensive operational plan for border control. This plan should consider the various alternatives for managing border operations ranging from the present management structure to single-agency management. Also, OMB should coordinate closely with responsible congressional committees as to legislation needed to accomplish the proposed plan.

#### RECOMMENDATIONS TO THE CONGRESS

The plans and programs of the Department of Justice, Department of the Treasury, and other departments responsible for securing our border are subject to authorization by a variety of appropriations and legislative committees within the Congress. Because of the problems discussed in this report—Federal agencies, having separate statutory responsibilities, competing for limited resources where complex long-term national problems of drug abuse and aliens, come together at the border with Mexico—we recommend that the appropriate congressional committees or subcommittees hold oversight hearings to evaluate past performance and to provide guidance for future activities. OMB, ODAP, and agency action in carrying out our recommendations should provide the data needed for evaluating the problem and determining what legislation is needed.

#### OPPORTUNITIES FOR IMPROVING THE DETERRENT EFFECT OF BORDER LAW ENFORCEMENT

Improved interdiction capability can do little by itself to deter smuggling unless the penalties imposed outweigh the benefits derived. Opportunities exist to diminish the incentive to smuggle drugs into the United States by expanding the jurisdiction of Federal magistrates, selectively enforcing existing administrative sanctions, and encouraging enforcement improvements in Mexico.

#### OVERVIEW OF THE EFFECT OF CRIMINAL AND ADMINISTRATIVE SANCTIONS

The Federal Government has criminal and administrative sanctions to punish drug smugglers. These include forfeiture of conveyances used to smuggle narcotics, administrative fines levied by the Customs Service, suspension or revocation of air smugglers' pilot licenses by the FAA, and prosecution of the smuggler by

the U.S. Attorney. Our review of drug smuggling cases made by Federal law enforcement agencies along the Mexican border showed:

Most drug smugglers caught bringing in greater-than-user quantities of controlled substances are prosecuted, but few are major violators.

Forfeiture of conveyances used to smuggle narcotics can be easily avoided or minimized by the experienced smuggler.

Penalties and fines are seldom levied against drug smugglers and, when levied almost always go unpaid.

Revocation or suspension of a smuggler's pilot license seldom occurs.

To evaluate the action taken following a drug interdiction at the locations visited, we reviewed (1) all sea and air interdiction cases for calendar year 1975 and (2) port-of-entry and land patrol interdiction cases for the last quarter of calendar year 1975 involving heroin, cocaine, dangerous drugs, and one kilogram or more of marihuana.

#### *Who is being prosecuted and convicted?*

Many more violators are apprehended than prosecuted for bringing illegal drugs across the border.

Individuals apprehended while smuggling small quantities of drugs into the United States, often for personal use, comprise by far the largest category of those apprehended. The overwhelming majority of these are not prosecuted. They are rarely detected away from ports-of-entry, account for over half the drug interdictions, and usually do not meet the U.S. Attorney's criteria for prosecution. To illustrate, interdictions in the category which were not prosecuted represented about 60 percent of the port-of-entry interdictions at San Ysidro and Nogales during the last quarter of calendar year 1975. During the period January through August 1976 about 780 or three-fourths of Customs and INS interdictions in the San Diego area were in this category and were not prosecuted by the U.S. Attorney. In the majority of these cases the persons apprehended paid fines in lieu of forfeiting automobiles. Pedestrians, if not prosecuted, are released without penalty.

Most smugglers caught bringing in greater-than-user quantities of illegal drugs are prosecuted. Seven out of every ten cases in our sample involved marihuana only, with those involving other illegal drugs almost exclusively associated with ports-of-entry. Almost without exception, the air, sea, and land cases involved marihuana. As shown on the following chart, in the cases we reviewed, 69 percent of those arrested were indicted; of those indicted whose cases were completed at the time of our review, 84 percent had been convicted.

	Arrest cases reviewed	Smugglers			
		Arrested	Indicted	Pending	Convicted
Port of entry.....	117	169	96	10	76
Nonport of entry:					
Land patrol.....	53	82	59	2	50
Air patrol.....	48	141	114	21	70
Sea patrol.....	8	17	15	2	13
Total.....	226	409	284	35	209

The 209 convicted smugglers received the following criminal penalties:

<i>Criminal penalties</i>	<i>Number of smugglers</i>
Length of prison term (months):	
Up to 6.....	60
7 to 12.....	23
13 to 24.....	33
25 to 48.....	19
49 to 60.....	10
61 and over.....	4
Subtotal.....	149
Probation.....	46
Federal Youth Correction Act—indeterminate sentence.....	8
Fines <sup>1</sup> .....	1
Other <sup>2</sup> .....	5
Total.....	209

<sup>1</sup> 13 convicted smugglers received fines in addition to prison sentences.

<sup>2</sup> Convicted but sentencing unknown.

### *Expanding the use of magistrates can help*

Although there has been a shift in priorities to the higher level trafficking networks and to drugs which pose a greater risk to society, the Federal law enforcement community is left with the problem of enforcing laws against small-time smugglers. The problem is particularly acute for marihuana interdictions made along the Southwest border. One way to increase the risk of prosecution for these lower-level violators would be to expand the trial jurisdiction of U.S. magistrates. At present there are no Federal narcotics statutes with penalties low enough to allow the case to be heard before a magistrate.

Under existing law the U.S. District Courts may designate U.S. magistrates to try and to sentence persons accused of certain minor offenses for which the penalty "does not exceed imprisonment for a period of 1 year, or a fine of not more than \$1,000, or both." It is the view of the Judicial Conference of the United States that there are a number of misdemeanors in the United States Code not presently included in the term "minor offense" which could properly be tried by U.S. magistrates. These include the illegal possession of drugs (21 U.S.C. 841(b)). The Conference believes that an increase from \$1,000 to \$5,000 in the magistrates' jurisdiction for minor offenses, while retaining certain exceptions presently enumerated in the statute, would provide a beneficial expansion and would thereby relieve U.S. district judges of some of the burden in handling minor crimes which are misdemeanors. In our prior report, "The U.S. Magistrates: How Their Services Have Assisted Administration of Several District Courts; More Improvements Needed" (B-133322), September 19, 1974, the benefits of expanding the authority of and increasing the use of magistrates was discussed. The report recommended that the Congress consider modifying the Federal Magistrates Act to expand the magistrates' trial jurisdiction to include most misdemeanors. Legislation introduced into the 94th Congress to accomplish this was not enacted. Legislation to expand magistrates authority has been introduced in the current session, however (H.R. 7493, S. 1612, and S. 1613).

Sixty-six percent or 137 of the 209 convicted smugglers received criminal sentences of 1 year or less, which is within the existing misdemeanor authority of magistrates. However, these cases were precluded from being prosecuted before magistrates because the maximum penalties (fines) that could have been imposed under the indictments exceeded their trial jurisdiction. Yet, a fine was imposed in only 14 cases, with three of these above \$1,000.

The expanded use of magistrates could significantly reduce the amount of time U.S. Attorneys, public defenders, investigators and apprehending officers spend on each case. It could relieve (1) the dilemma U.S. Attorneys face along the Southwest border when a violator does not warrant felony prosecution and (2) the U.S. District Court's time spent on first-time apprehension of couriers or narcotics users attempting to support their habit. U.S. Attorneys believe the latter merits punitive action beyond mere confiscation of vehicles used to smuggle drugs. Even greater savings could result at locations along the border such as Calexico, California, where the nearest Federal court is 125 miles away in San Diego while a U.S. magistrate is located in El Centro, California, only 18 miles from Calexico.

#### PROSECUTION OF BORDER INTERDICTION CASES IN MEXICO CAN BE EFFECTIVE

Turning back selected border interdiction cases to Mexican enforcement officials has been a successful alternative to Federal prosecution in the United States. In some cases, investigation by Mexican enforcement officials led to the identification and arrest of major drug suppliers when the cases were considered to hold little followup potential on the United States side of the border. The use of this technique, however, has been confined to a small number of interdiction cases. Continued or increased use of the turnback procedure can help solve prosecution problems. To turn a case over to Mexican authorities, the smuggler must be a Mexican citizen residing in Mexico. If a vehicle is involved, it must be registered in Mexico.

In Arizona, the U.S. Attorney has given DEA blanket authority to turn drug cases over to Mexico. DEA officials believe the turnback procedure is a good enforcement tool, although there are at least two problems. First, few MFJP agents have been assigned along the border, and frequent turnover of personnel has hampered the continuity needed for effectiveness. Second, Customs said it has no authority to turn a seized vehicle over to the Mexican officials who need it to prosecute a case.

In the San Diego District five drug interdiction cases were turned back to Mexican enforcement officials during January and February 1976. The potential of the turnback procedure is illustrated by one of these cases:

A Mexican citizen was arrested at a port-of-entry attempting to smuggle small amounts of heroin and cocaine into the United States. After questioning the subject regarding his source without success, DEA turned him over to the MFJP who persuaded him to cooperate and lead them to his source of supply. The supplier was also induced to cooperate, and further investigation led to a higher-level supplier. In total, four suspects were arrested: one Class I, one Class II, and two Class III. Another Class I suspect escaped. This investigation enabled the MFJP and DEA to disrupt a trafficking organization they had previously been unsuccessful in penetrating. Prior to these arrests, DEA had planned a task force solely to combat the same organization; the turnback case made the task force unnecessary.

The U.S. Attorney's Chief, Criminal Division, Southern District of California, told us that this alternative to prosecution in U.S. Federal Court has resulted in a decrease in the number of people willing to become "mules" (couriers) who smuggle drugs across the California/Mexico border.

#### SEIZURE OF VEHICLES AND AIRCRAFT HAS LITTLE DETERRENT VALUE

Conveyances used to smuggle drugs may be seized and forfeited in accordance with the provisions of 19 U.S.C. 1595a. The Customs Service can seize smuggling conveyances and forfeit them administratively if the value is less than \$2,500. Conveyances having a value of \$2,500 or more must be forfeited judicially.<sup>1</sup>

For smuggling cases involving very small amounts of drugs (excluding heroin and cocaine), Customs Headquarters has developed guidelines for mitigating vehicle forfeitures down to a \$100 to \$300 fine, where the District Director of Customs is satisfied the drugs were not intended for resale. With few exceptions, these guidelines were being adhered to at the ports-of-entry where we followed up the disposition of small smuggling cases.

For cases involving larger amounts of drugs, Customs generally was successful in forfeiture actions where the apprehended smuggler was the owner of the vehicle. The following table summarizes drug-related vehicle seizures at the four border sites we visited:

Vehicles	Number	Percentage
Forfeited.....	192	59
Returned with mitigated penalty.....	46	14
Returned without penalty.....	63	19
Pending or disposition unknown.....	26	8
<b>Total vehicles seized.....</b>	<b>327</b>	<b>100</b>

Of the 63 vehicles returned without penalty, at least half were returned to a rental agency, lienholder, or other legal owner not implicated in the case. The other vehicles were returned for various reasons, i.e., the car belonged to a passenger or driver who appeared uninvolved, the smuggler cooperated with authorities, or criminal prosecution was dropped.

The Customs Service was much less successful in forfeiture actions against seized aircraft used in smuggling drugs. Our analysis of 56 aircraft seized in drug related cases by the four Customs Air Support Branches showed that only 6, or 11 percent, were forfeited and 28, or 50 percent, were returned without penalty:

Aircraft	Number	Percentage
Forfeited.....	6	11
Returned with mitigated penalty.....	9	16
Returned without penalty.....	28	50
Pending or disposition unknown.....	13	23
<b>Total aircraft seized.....</b>	<b>56</b>	<b>100</b>

<sup>1</sup> In our report "Drugs, Firearms, Currency, and Other Property Seized by Law Enforcement Agencies: Too Much Held Too Long" (GGD-76-105, May 31, 1977), we recommended that the Congress raise the limit of administrative forfeitures.

Of the 28 aircraft returned without penalty, about 80 percent were returned to a legal owner not implicated in the case. The remaining aircraft were returned for various reasons, including insufficient evidence or owner cooperation with authorities.

It is unlikely that the seizure of a conveyance will deter drug smuggling for three main reasons:

The smuggler often uses a conveyance in which he has little or no financial interest such as a rented, borrowed, or heavily financed vehicle or aircraft. If it is seized, the smuggler has lost little.

Automobiles used by smugglers often are old and of little value. For instance, the average age of the 90 vehicles seized at San Ysidro during a 3-month period was 8 years.

The value of smuggled drugs is so high that possible loss of a conveyance is viewed as a cost of doing business.

#### ADMINISTRATIVE PENALTIES—SELDOM LEVIED AND ALMOST ALWAYS UNPAID

Title 19 of the United States Code contains several statutes which provide Customs the authority to administratively fine persons transporting illegal narcotics into the country. Most of these statutes were not being used to penalize apprehended drug smugglers at the locations we visited. In a small number of instances, penalties were levied against marihuana smugglers using aircraft, but were rarely collected.

A listing of the statutes and circumstances under which penalties can be applied against drug smugglers is presented in appendix II. In short, any person who fails to report arrival from a country, or fails to declare acquired possessions, can be fined by Customs.

Customs Headquarters was unable to tell us whether the various statutes were being used to penalize drug smugglers.

Customs official stated that the statutes were being used, but could not tell us if they were being used against drug smugglers. At the district office level, where the penalties are issued, we found that most of the administrative sanctions are routinely excluded from consideration for the following reasons:

Few of the smugglers apprehended have the potential to pay or offer a reasonable prospect of collection due to incarceration or having assets well concealed.

Substantial time and effort are involved in Customs attempting to collect when such penalties have been levied.

As a last resort, if an individual refuses to pay Customs, the penalty case is referred to the U.S. Attorney, who places low priority on penalty collections because of the limited collection possibilities.

We did find assessment of administrative penalties in marihuana smuggling cases involving aircraft, but our analysis of 27 fines issued against smugglers disclosed only 2 instances where the fines were collected. All of the fines related to one or both of the following types of violations.

#### *Navigation penalty*

Private pilots must report to Customs or the Federal Aviation Administration at least 15 minutes prior to entering U.S. air space along the Southwest border and must land (unless exempted) at a designated airport for Customs inspection. Any pilot violating Customs aircraft reporting requirements is subject to a penalty of \$500 for each of the three sections of the regulation violated or a maximum penalty of \$1,500 (United States Code, Title 49, Section 1474 and Sections 6.2 and 6.3 of the Customs Regulations).

Our case analysis showed that this penalty is often issued by the Customs District Director but is seldom paid. Of 23 penalties issued at a dollar value of \$29,000 a total of \$800 had been collected in two cases.

#### *Failure to manifest merchandise*

United States Code, title 19, section 1584, Falsity or Lack of Manifest, provides for a \$500 penalty for failure to produce a manifest of merchandise on any vessel or vehicle bound to the United States. Failure to manifest can result in a penalty equal to the value of the merchandise not manifested. If the merchandise includes narcotics, the master of the vessel or person in charge of the vehicle is liable for a penalty of \$50 for each ounce of heroin, morphine, cocaine, isonipicaine, or opiate; \$25 for each ounce of smoking opium or marihuana; \$10 for each ounce of crude opium.

We found that only one of the five Customs district offices visited was using this penalty. That district was restricting its use to pilots of aircraft smuggling marihuana across the border. The other districts felt that the statute could not be applied to smuggling by aircraft. A Customs headquarters official informed us that while there is some statutory doubt as to whether these penalties can be levied, Customs has on occasions used this authority. This official further stated that due to the severity of the penalties under section 1584, such penalties are considered relatively meaningless because of the difficulty in making collections.

We noted four such cases where a district levied penalties against pilots smuggling marihuana. The penalties issued averaged \$258,000. The size of these penalties, however, made the U.S. attorneys reluctant to accept these cases for collection for the practical reason that they were considered impossible to collect.

The U.S. attorney in Arizona is against the arbitrary assessment of penalties in aircraft violations involving narcotics smugglers, especially when there is not reasonable prospect of collection due to incarceration, lack of assets, etc.

#### FAA REGULATIONS—LITTLE EFFECT ON AIR DRUG SMUGGLERS

FAA has two regulations to penalize pilots involved in drug-related offenses. FAA can suspend or revoke the pilot's certificate of anyone who knowingly carries drugs in an aircraft, a violation of Federal Aviation Regulation (FAR) 91.12. The FAA can also suspend or revoke the pilot's certificate of anyone convicted of violating any Federal or State narcotics statute under FAR 61.15. Without a valid certificate, an air smuggler is prohibited from piloting any aircraft, rented or otherwise. FAA can also move against suspected air smugglers for safety violations, such as flying without lights, carrying fuel in the cabin area, or flying too low. FAA's primary reason for taking any of these actions is to improve air safety. The FAA Western Regional Counsel told us there are no criminal penalties for FAR violations, only civil penalties with a maximum fine of \$1,000 per violation.

FAA has considerable latitude in administering FAR. FAA officials stated that while revocation of a certificate is "permanent," it can be appealed after a waiting period of 1 year. FAA has the authority to waive the 1-year waiting period. Appeals and reinstatement are common. FAA officials informed us that normally a pilot whose certificate has been revoked will reapply for certification (appeal) at the end of the waiting period, and proceed to obtain certification. If his certification was merely suspended, he does not have to reapply.

FAA relies on DEA to furnish names of convicted pilots before it initiates revocation proceedings. FAA Headquarters officials told us that they do not have the investigative resources to examine each allegation of drug activity prior to conviction. Accordingly, FAA revocation procedures normally require a conviction before a certificate is suspended or revoked.

During the 21-month period ended September 1976, FAA Western and Southwest Regions took action in 82 cases for drug offense under FARs 91.12 and 61.15. Action completed during this period resulted in FAA revoking 31 and suspending 11 pilot certifications. Additional cases were pending but action had not been taken.

Our analysis of 43 drug interdiction cases made by the San Diego and Tucson ASBs during 1975 showed that FAA's western Region often does not suspend or revoke the pilot's certificate of convicted narcotics violators. There were no instances of suspension or revocation for pilots knowingly carrying drugs in their aircraft. In FAA's Southwest Region we did find one case where FAR 91.12 was used to suspend an airman's certificate.

In 10, or 23 percent, of the Tucson and San Diego ASB cases, DEA did not inform FAA of the violation. Of the remaining 33 cases, only 15 reached the Regional Counsel's office, where revocation actions are initiated. No action was taken on four of these cases. Of the remainder, FAA revoked six and suspended one. Action remained pending on four cases as of December 1976.

We identified several other factors which explain why the FAA Western Region seldom took action against the drug smugglers:

FAA was not carrying out existing procedures to insure that reported violations are investigated and forwarded to the Regional Counsel in a timely manner.

FAA is reluctant to use FAR 91.12, which does not require a conviction, because it could be difficult to prove that the pilot knew drugs were in the aircraft.

Interpretations made by Administrative Law Judges of the National Transportation Safety Board discourage the Regional Counsel from taking some actions. In cases where the pilot appeals revocation or suspension, the Regional Counsel believes that the Judges give the appellant the extreme benefit of doubt.

Because FAA seldom takes action against drug smugglers, applicable regulations have little deterrent effect. The following case illustrates the problems within the existing system:

An FAA-certified pilot was arrested on May 31, 1974, for smuggling 400 pounds of marihuana. On January 23, 1975, the pilot pled guilty to possession of a controlled substance for sale and the smuggling charge was dismissed. On March 12, 1975, the pilot received a sentence of 10 days in jail, 3 years probation, and a \$1,000 fine. On November 4, 1975, the pilot's certificate was revoked because of the May 1974 arrest. On November 14, 1975, he again was arrested for smuggling marihuana by aircraft. On December 3, 1975, FAA, unaware of the November 1975 arrest, held a revocation appeal hearing based upon the May 1974 arrest. The revocation was reduced to a 6-month suspension retroactive to November 10, 1975. Therefore, the pilot did not possess a valid certificate at the time of the second arrest.

On March 1, 1976, the Regional Office was informed about the November 1975 arrest. On March 11, 1976, the Regional Office requested a district office to investigate the second violation. We inquired on November 3, 1976, about the status of the pilot's certificate. We were informed that the district office was not aware of the Region's request and thus the incident had not been investigated. The Chief of the Investigation Branch informed us that probably nothing could be done regarding the November 1975 arrest because 1 year had passed and it was the policy of the Regional Counsel not to proceed on old cases.

Officials cited their lack of criminal sanctions as another reason for the ineffectiveness of FAA regulations against drug smugglers or any other violators.

#### IMPROVED BORDER NARCOTICS CONTROL NOT LIKELY WITHOUT INCREASED UNITED STATES-MEXICO COOPERATION

The capability of the United States to deal with the flow of drugs crossing the Southwest border depends not only on an organized coordinated effort among U.S. law enforcement agencies and the judicial system, but also upon the cooperation of the Mexican Government in disrupting the production and shipment of illicit drugs. The U.S. international narcotics control program relies heavily upon the Government of Mexico.

During our visit to the U.S. Mission in Mexico City in June 1976, we discussed the status of narcotics enforcement activities with DEA regional office personnel and U.S. Mission officials. U.S. officials in Mexico see the opium poppy eradication program as the top priority activity there because it eliminates heroin at the source. Other enforcement action and intelligence-gathering are considered secondary to the eradication program.

Our report, "Opium Eradication Efforts in Mexico: Cautious Optimism Advised," points out that progress has been made by the Mexican Government in attacking the source of heroin—the opium poppy. This program has resulted, in part, from substantial U.S. funding; however, we cautioned that future success would require continuing improvements and commitment by the Mexican Government to upgrade its narcotics control capabilities.

Besides the increased attention given to the eradication program within Mexico, enforcement and information gathering capabilities must also be improved if narcotics control efforts are to have an overall impact within Mexico and at the Southwest border. The need for tactical and operational intelligence on narcotics traffickers, as well as the narcotics distribution system, is particularly acute in view of the reality that without it our border resources are largely wasted. DEA agents stationed in Mexico are becoming more dependent on their Mexican counterparts to carry out investigative and intelligence-gathering operations. This has resulted from two factors—the Government of Mexico's reluctance to increase the presence of U.S. agents operating within Mexico, particularly those associated with drug intelligence-gathering, and the restrictions placed on DEA agents by the International Security Assistance and Arms Export Act of 1976 (P.L. 94-329) which prevents DEA from directly participating in any drug arrest action. Any effective activity within Mexico must therefore rely on increased Mexican commitment and cooperation. The problem of too little intelligence data from Mexico to assist border enforcement agencies was discussed in chapter 4, beginning on page 18.

Mexico has a 500-person Federal police force which is charged with enforcing all Federal statutes. Since 1974 when we issued a report<sup>1</sup> on this subject, Mexico

<sup>1</sup> "Effort to Stop Narcotics and Dangerous Drugs Coming From and Through Mexico and Central American," GGD-75-44, Dec. 31, 1974.

has expanded the size and improved the MFJP enforcement capabilities. According to the Drug Enforcement Administration, MFJP is being improved by new recruits who are now required to have 2 years of college training and have attended and graduated from a formal training academy established by the Attorney General. The MFJP's first formal drug enforcement training class was completed at the institute in the fall of 1975. Four additional classes had been completed by the time of our visit in June 1976.

The total staffpower devoted to enforcement activities is not currently sufficient or experienced enough to deal with the magnitude of the narcotics problem in Mexico. Over half of the MFJP officers are committed to the year-round eradication campaign, leaving less than 250 officers to enforce all other Federal laws throughout Mexico. Effective law enforcement is still inhibited by the corrupting influence wealthy traffickers have held. Attempts to overcome poor working conditions (e.g., lack of equipment, below subsistence income, and poor job security) have had some success.

#### CONCLUSIONS

Criminal prosecution and enforcement of existing administrative sanctions are limited as an effective deterrent because of the large profits involved, the nature of the violators being apprehended, and the ease with which penalties can be avoided by the experienced smuggler.

Expansion of the jurisdiction of Federal magistrates could enable them to handle minor narcotics cases now required to go before a U.S. District Judge. This would ease the overburdened District Court system with about the same deterrent effect.

Administrative penalties could be used more effectively by the FAA against pilots smuggling illicit drugs by aircraft. While FAA actions are not the primary penalties to discourage drug smugglers, the revocation of a pilot's certificate is a viable tool for crippling or inconveniencing the operation of an illicit trafficker. FAA's enforcement of regulations could be strengthened if criminal sanctions were established for pilots who fly without a valid certificate.

The U.S. Mission and the Mexican Government have intensified the eradication effort in Mexico to reduce the amount of Mexican heroin available for smuggling into the United States, but with little attention given to the intelligence needs of border enforcement agencies. The U.S. Mission needs to design a program for developing information to assist in intercepting smugglers at the border (ch. 4). While certain steps can be taken, such as helping Mexico develop its capability to provide actionable intelligence, the Mexican Government is the key to any real success. Improved effectiveness in stopping smugglers at the border is dependent upon the priority and commitment of the Mexican Government to supporting law enforcement activities on both sides of the border.

#### RECOMMENDATIONS TO AGENCIES

The Administrator of DEA should assure that FAA is advised of all arrested persons who are pilots.

The Secretary of Transportation should direct the FAA Administrator to:

Establish an effective system to insure that reported violations are investigated and adjudicated in a timely manner.

Clarify use of existing regulations to insure that all available sanctions are considered for use in deterring drug smugglers.

Rigorously apply administrative sanctions against air smugglers.

The Commissioner of Customs should evaluate the use being made of administrative fines and penalties and develop guidelines to restrict their use to cases where there is a reasonable possibility of collecting the penalty.

The Secretary of State should require the U.S. Mission in Mexico to expand the narcotics control action plan to include program goals and specific objectives for supporting border interdiction efforts. Emphasis should be placed on encouraging the Mexican Attorney General to (1) develop information which could be of use in Mexican as well as U.S. interdiction efforts and (2) strengthen enforcement by Mexican forces along the border with full-time drug enforcement officers.

#### RECOMMENDATIONS TO THE CONGRESS

The Congress can help by legislating the following:

Expand the magistrates' jurisdiction under the Federal Magistrates Act to encompass most misdemeanors, e.g., minor drug offenses, especially marijuana.

Appropriate funds for additional United States magistrates to be appointed in the Southwest border area.

Establish criminal penalties for pilots who fly without a valid certificate.

## AGENCY COMMENTS AND OUR EVALUATION

The OMB, the Departments of Justice, Treasury, and State generally agreed with our findings and recommendations. The various departments and OMB were supportive of the conclusion that the absence of a Federal Government integrated strategy and an overall border control plan has resulted in overlapping, duplication, and poorly coordinated enforcement activities. Their comments are discussed below. The Department of Transportation's comments are included as appendix VII.

## OFFICE OF MANAGEMENT AND BUDGET

OMB informed us (see app. III) that a study of border management and interdiction conducted under the direction of ODAP was near completion. OMB suggested we consider adjusting our recommendation that an integrated strategy and comprehensive operating plan for border control which considers various alternatives for managing border operations be developed to reflect this action.

The ODAP report issued on September 7, 1977, identified as the major obstacles to border control the lack of coordinated border management and overlap and duplication of effort. ODAP's report proposes a wide range of alternatives consistent with the above recommendation and recommends transitional actions that should be taken to improve border management. This report points out the need to establish an overview mechanism to develop a long range border management plan and policies to insure border operations are supportive of all Federal programs. Although we believe this effort is a significant first step in carrying out our recommendations, the Congress and the administration must now resolve the most difficult questions of revising the management structure, reorganizing border organizations, and developing an overall border control plan to resolve the problems discussed in our report. Until these actions are completed, we do not believe the intent of this recommendation will be met.

OMB agrees with our observation that border interdiction alone will not solve the illegal alien problem, and pointed out that the President submitted a proposal to the Congress on August 4, 1977, dealing with undocumented workers. This proposal would:

Make unlawful the hiring of undocumented aliens with enforcement by the Justice Department against those employers who engage in a "pattern or practice" of such hiring.

Increase significantly the enforcement of the Fair Labor Standards Act and the Federal Farm Labor Contractor Registration Act, targeted to areas where heavy undocumented alien hirings occur.

Substantially increase the resources available to control the Southern border and other entry points.

Promote continued cooperation with the governments which are major sources of undocumented aliens.

The proposal is viewed by the President as an interim step. He has directed the Secretary of State, the Attorney General, and the Secretary of Labor to begin comprehensive interagency study of existing immigration laws and policies. These actions are consistent with our recommendation that the Congress and the administration work together to totally reassess U.S. immigration policy presented in our October 1976 report titled, "Immigration—Need To Reassess U.S. Policy" (GGD-76-101).

## DEPARTMENT OF JUSTICE

Justice said our findings and recommendations were compatible with its current philosophy. (See app. IV.) Justice supported our recommendation to the Congress to expand the jurisdiction of Federal magistrates and appropriate funds for appointing additional magistrates to the Southwest area. Justice also believes our recommendation to establish criminal penalties for pilots to fly without a valid certificate has merit, although it believes that sufficient legal means already exist to prosecute them.

Justice stated that the report concentrates heavily on drug interdiction efforts, with only passing references to all other Federal border responsibilities. Justice cited the following examples:

The discussion on ports-of-entry resources ends with the statement that "While the Customs force continues to decrease in size, the workload increases." No mention is made of INS inspection manpower requirements and workload. Obviously, this omission contributes to an incomplete view of border operation problems.

The section of the report which discusses detection aids concentrates on drug interdiction and states that "Judgement of the inspector is a critical ingredient in drug interdiction." This is an accurate statement and applies equally to the detection of mala fide applicants for admission. However, no section of the report deals with the skills required to meet border threats other than drugs.

The discussion regarding the overlapping roles of the Border Patrol and Customs Patrol between ports-of-entry measures their achievements only in terms of drug interdiction. No mention is made of the superior numerical presence and equipment support of the Border Patrol.

Consequently, in Justice's opinion, the report does not provide the comprehensiveness of border activities necessary to develop a truly "integrated strategy or an overall border control plan" which the report says is needed. Our report was not intended to accomplish this goal. Our intent was to complement and expand the areas not covered in the numerous previous studies dealing with border enforcement cited in appendix I. In our opinion, these reports along with this report, when considered in total, support the need for an intragated strategy and an overall border control plan. We have recommended that OMB, in conjunction with ODAP and the affected agencies, perform the comprehensive study of border activities to develop an integrated strategy and comprehensive plan for border control. Most Departments involved recognized the need for this.

Our report commented on the fact that DEA supplies little actionable intelligence necessary for successful operations along the borders. Justice informed us that DEA recognizes the need to integrate its investigative and control strategy with the strategies of INS and Customs. Justice stated that, in addition to border interdiction intelligence being supplied by EPIC, a new intelligence-collection school for special agents has been initiated and Customs patrol officers are now being assigned to posts of duty at DEA regional offices for coordination purposes. Justice stated that our report was critical of intelligence-gathering and exchange in Mexico by Mexican and U.S. agencies. Justice informed us in Mexico City, the staff has been expanded from one agent/supervisor and one collection agent to nine professional personnel and that the Regional Office has taken steps to strengthen and broaden DEA's and Mexico's collection of border interdiction intelligence.

Regarding our comments on the inability of the Border Patrol and Customs Patrol to communicate with each other, Justice said a more accurate presentation would state that: "\*\*\* in most areas, the radio base stations of both patrols are equipped with commercial scanners which allow each patrol base station to monitor the frequencies of the other and immediately retransmit messages to mobile units."

Our work and that of the ODAP task force indicates that the use of scanners is not nearly as extensive as these comments indicate.

#### DEPARTMENT OF THE TREASURY

The Department of the Treasury stated (see app. V) that our report correctly singles out the absence of an integrated strategy or an overall border control plan which has resulted in overlapping, duplication, and poorly coordinated enforcement activities. It pointed out that an overall review of border management, being performed by the various agencies involved in border management under the direction of the Office of Drug Abuse Policy, should provide a basis for improving the effectiveness of border enforcement activities. The Department further pointed out that it recently concluded a U.S.-Mexican Customs-to-Customs agreement designed to increase cooperation between the Customs Service and the exchange of information in suppression of Customs' offenses, including the smuggling of narcotics, guns, and other contraband.

Treasury stated that our comment that one-third of the Customs research and development funds are used for drug detection systems may give a distorted picture of the relative importance placed on drug detection aids at ports. It said that detection devices used between ports are extremely expensive and funding levels do not indicate proportionate priorities. Treasury listed current and planned research related to port interdiction. Although we agree that expenditures are not the sole indicator of proportionate priorities, in our opinion, it is a significant indicator. This is especially true if one is to determine where the most significant results will be achieved for dollars expended.

In commenting on our observation concerning the placement of sensors, Treasury maintains that INS sensor fields are generally located near ports-of-

entry, whereas Customs sensor fields are deployed much further away from ports. This was not the case at the locations visited. Both INS and Customs officials stated that despite agreements to this effect, traffic patterns result in sensor as well as patrol activity of both agencies being located in close proximity to each other, and neither of the patrol forces knows exactly where the other's sensors are located. We did not attempt to make a detailed analysis of sensor locations along the entire border.

The Treasury commented that INS and Customs did not have similar interdiction strategies as the report implies. Our report is not an attempt to present the strategies of the agencies but their operating mode. We found that in attempting to achieve the most significant results, in the absence of tactical intelligence, each agency's patrol generally concentrated on the same high-volume crossing areas.

The Treasury questioned whether heroin seizures by the air program is a significant measure of its usefulness and effectiveness. The Treasury believes that such a view overlooks the importance of the air program in the Customs overall border interdiction effort as well as the inadequacy of intelligence from all sources, on how the bulk of heroin actually enters the country.

The intent of our report was to give an indication of the measurable benefit being achieved at the border. While it is not possible to measure the deterrent effect, the continual readily available supply of drugs in the United States indicates it has little if any significant effect on reducing the supply of heroin and other drugs.

We agree with the Treasury that there is a need for a balanced border interdiction approach. The primary point of our report is that without an integrated strategy or overall border control plan, overlapping agency jurisdictions make an efficient and effective interdiction approach difficult, if not impossible. Our report is intended to show that the use of aircraft along the border was ineffective. It presents the information that should be used in determining the need and cost effectiveness of air operations.

#### DEPARTMENT OF STATE

The Department of State informed us (see app. VI) that it agrees with the recommendations contained in this report and supports the thesis that an integrated strategy for border control is needed. The Department agreed with the specific recommendation to the Secretary of State that the U.S. Mission in Mexico be required to expand the narcotics control action plan to include program goals and specific objectives for supporting border interdiction efforts.

The State Department commented that the increased commitment of the new Mexican Administration has resulted in greater cooperation and exchange of intelligence data. It outlined joint planning efforts with the Mexican Government and improvements in intelligence operations that have taken place since completion of our audit work in Mexico. These joint planning efforts are expected to increase Mexican effectiveness in controlling narcotics along the United States-Mexican border.

#### OBSERVATIONS AND SUGGESTIONS FOR IMPROVING BORDER LAW ENFORCEMENT

DECEMBER 1972—GENERAL ACCOUNTING OFFICE

(Heroin Being Smuggled Into New York City Successfully, B-164031(2))

Conflicts between Customs and BNDD arose about the question of jurisdiction over the control of narcotics smuggling. The operating level of cooperation and coordination called for in guidelines approved by the President to settle the jurisdictional dispute have not been fully realized. GAO pointed out emphasis should be placed on devising methods of improving coordination in the day-to-day, case-by-case operations of local offices of both agencies.

MAY 1973—GENERAL ACCOUNTING OFFICE

(A Single Agency Needed To Manage Port-of-Entry Inspections—Particularly at U.S. Airports, B-11489S)

Fragmented approach to inspections did not allow a more efficient and effective inspection system to develop. Four Federal agencies were engaged in inspecting entrants to the United States: (1) Public Health Service, Department of Health, Education, and Welfare; (2) Immigration and Naturalization Service, Depart-

ment of Justice; (3) Bureau of Customs, Department of the Treasury; and (4) Animal and Plant Health Inspection Service, Department of Agriculture. Benefits of single-agency management included: Development of a single inspection system; uniform administrative policies and procedures; improved scheduling, planning, and coordination; elimination of duplication; and reductions in space and staff requirements and inspection time.

GAO recommended that the Director, Office of Management and Budget, in cooperation with the Attorney General and the Secretaries of Health, Education, and Welfare; Agriculture; and the Treasury should implement single-agency management of port-of-entry inspections.

OCTOBER 1972 THROUGH DECEMBER 1973—MITRE CORP.

(System Concept for Drug Interception: United States/Mexican Border Narcotics Interdiction Technology Research and Development Program)

In a series of reports the MITRE Corp. defined and evaluated technical and procedural concepts which would significantly improve the capability of the United States to stop the flow of illegal drugs entering the United States from Mexico. These reports addressed the problems of low-flying aircraft crossing anywhere over the border, and ground vehicles and people crossing the border between and through ports-of-entry. Means of detecting and intercepting this traffic were identified, and technical feasibility, cost and effectiveness of the preferred concepts were estimated. MITRE concluded that the technology was available to support an effective detection and intercept system, and that procedural changes will considerably simplify the system complexity with minimum impact on the legal international traveler. The proposed approach including the design and implementation of an intercept system for the Mexican border was estimated to cost about \$300 million and take 10 years to implement.

JUNE 1974—OFFICE OF MANAGEMENT AND BUDGET

(Identical letters, dated June 5, 1974, to the Attorney General and the Secretary of the Treasury)

The Director, OMB informed the Attorney General and the Secretary of the Treasury of OMB's conclusions in its analysis of Federal law enforcement along the Southwest border. This analysis pointed out continuing competition, conflicts and overlaps in functions, and duplication of expenses in multiagency operations.

OMB outlined a strategy for principal border agencies together with necessary implementing steps. The "management strategy" OMB proposed was that a single agency should be responsible for each element of routine border enforcement: Ports, between ports, air, and sea. OMB believed the single-agency approach represented the only feasible approach to ensure an adequate line of enforcement targeted on priorities of drugs, illegal aliens, and general contraband. OMB felt that hard narcotics (heroin) was being smuggled through ports-of-entry and marihuana between ports-of-entry.

DECEMBER 1974—COMMITTEE ON GOVERNMENT OPERATIONS

(Law Enforcement On The Southwest Border (Problems Of Coordination Between Immigration and Naturalization Service and Customs Service) House Report No. 93-1630)

The problems of enforcement duplication and competition along the Mexican border, as outlined in the OMB study and suggested plans of action, were studied by the House's Legislation and Military Operations Subcommittee, Committee on Government Operations. The OMB plan was not approved by this Committee.

The Committee felt the plan was not supported by a convincing analysis and that more work was needed before a solution could be found to the border situation.

SEPTEMBER 1975—DOMESTIC COUNCIL DRUG ABUSE TASK FORCE

(White Paper on Drug Abuse)

The Task Force pointed out that "Under Reorganization Plan 2 (of 1973), a distinction is drawn between investigative functions and interdiction functions with respect to narcotics enforcement efforts . . . Unfortunately, the distinction

between interdiction and investigation was not precise in the legislation. This ambiguity has led to jurisdictional disputes among enforcement agencies, and the resulting interagency rivalry and lack of coordination have hampered supply reduction efforts. . . .” The Task Force recommended that the President direct the Attorney General and the Secretary of the Treasury “. . . to settle jurisdictional disputes between DEA and Customs by December 31, 1975, or to report their recommendations for resolution of the matter to the President on that date.”

This paper also contained many other recommendations for improving Federal drug abuse programs including, in particular a recommendation that a program be developed for more effective border control, and that Customs, DEA, and the U.S. Border Patrol vastly improve their coordination of activities along the border, including joint task force operations. The task force also recommended that CCINC be instructed to discuss cooperative programs with the Government of Mexico.

DECEMBER 1975—GENERAL ACCOUNTING OFFICE

(Federal Drug Enforcement: Strong Guidance Needed (GGD-76-32))

Federal drug law enforcement efforts have for years suffered from problems of fragmented organization and resulting interagency conflicts. Efforts to resolve the problem have not been successful.

GAO endorsed the recommendation in the Domestic Council's September 1975 report calling for a settlement of the jurisdictional disputes between DEA and Customs. GAO felt, however, especially in light of the failure of a prior agreement brought about by a Presidential directive, that establishing such agreements will not solve the problem. GAO pointed out that it was questionable whether such agreements will ever work without a clear delegation of authority to someone acting on behalf of the President to monitor adherence to guidelines and tell agencies what is expected of them.

SEPTEMBER 1976—DOMESTIC COUNCIL DRUG ABUSE TASK FORCE

(Report on the Southern Border (Secret))

A report for the President, containing numerous recommendations for improving interdiction, domestic enforcement and the program within Mexico to control trafficking along the Southern border (United States-Mexico border and the Gulf Coast).

OCTOBER 1976—GENERAL ACCOUNTING OFFICE

(Immigration—Need To Reassess U.S. Policy (GGD-76-101))

U.S. Immigration problems as discussed in this summary of six prior GAO reports are severe. This summary deals with matters ranging from an inability to control large-scale illegal entry to an inequity in the existing immigration law which unfairly allows illegal entrants to later obtain immigration benefits while bona fide immigrants are denied early admission.

GAO mentioned pending legislation which contained a provision to deter employers from hiring illegal aliens by making it unlawful to knowingly employ them. Since this legislation, if enacted and enforced, would remove a major economic incentive which attracts illegal aliens, GAO recommended that the Congress favorably consider these provisions.

The seriousness of our immigration problems dictates a need for early correction. GAO also recommended that the Congress work with the Administration to totally reassess U.S. immigration policy.

DECEMBER 1976—DOMESTIC COUNCIL COMMITTEE ON ILLEGAL ALIENS

(Preliminary Report—Domestic Council Committee on Illegal Aliens)

A comprehensive discussion of the policy issues raised by the illegal alien problem contained both immediate and long-term recommendations including, in particular, that U.S. enforcement policy continue to emphasize prevention of illegal entry rather than apprehension of illegal aliens after settlement. The Committee also recommended that INS continue to place emphasis on evaluation techniques, process studies, and simulation models that offer the prospect of improving the current deployment of resources. In striving to achieve this goal, the Committee recommended that INS should take full advantage of the wide range of technical services that are available within the Federal Government. To illustrate,

the Committee pointed out that "some joint automatic data processing and telecommunication development and sharing between INS, Customs Service and DEA has a wide range of potential benefits. Some INS and Customs personnel at field offices around the country are frequently co-located; the use of remote ADP terminals and the development of a common communication network could result in significant cost savings; it appears feasible that INS' alien documentation, identification and telecommunication system could use the existing Customs Service's ADP and communication network."

UNITED STATES CODE: TITLE 19—ADMINISTRATIVE PENALTIES AVAILABLE TO CUSTOMS

19 U.S.C. 1534 Establishes penalties for failure to manifest (invoice) merchandise upon entering U.S. Applies to masters of vessels and those in charge of vehicles. No penalty if Customs officer is satisfied that failure to invoice was inadvertent (e.g., clerical error).

If any of merchandise not invoiced was heroin, etc., then specific monetary penalties established per ounce. Such penalties may constitute a lien against the vehicle or vessel. However, no penalty is imposed if the vessel is a common carrier and the master, owner, and any other officer knew nothing about the contraband being on board, nor should they have known.

19 U.S.C. 1439 Imposes a duty upon the master of a vessel to deliver a copy of the manifest to a designated Customs officer immediately upon arrival and before entering the vessel. "Entry" is a process by which the master must perform a variety of tasks as outlined in 19 U.S.C. 1434 (American Vessels) and 19 U.S.C. 1435 (Foreign Vessels).

19 U.S.C. 1453 Prohibits the landing of merchandise or baggage from a vessel or vehicle without a permit. Violation will result in penalty equal to the value of the merchandise and subject it to forfeiture. If the value exceeds \$500, the vessel or vehicle is likewise subject to forfeiture.

19 U.S.C. 1454 Prohibits landing of passengers without a permit—\$500 penalty/passenger.

19 U.S.C. 1469 A failure to report arrival of vessel or vehicle, or proceeding further inland without a permit, is punishable by a penalty of \$100/offense. Any merchandise in such vessel or vehicle which is not declared is subject to forfeiture, as well as the vessel or vehicle. The master or person in charge is subject to and additional penalty of the value of the merchandise. Where passengers are involved, a possible additional penalty of \$500/passenger.

19 U.S.C. 1585 Where a vessel or vehicle arrives in, and then departs, from the U.S. without making a report of arrival or complying with entry procedures, or if any merchandise is landed before such report of entry, the master of a vessel is subject to a \$5,000 penalty and the person in charge of a vehicle is subject to a \$500 penalty. The vessel or vehicle is also subject to forfeiture.

49 U.S.C. 1509 (a) Navigation laws generally do not apply to seaplanes or other aircraft.

(b) Grants authority to Secretary of the Treasury to designate ports of entry for aircraft, to assign Customs officers to these ports, and by regulation to apply Customs laws to aircraft.

(c) Grants authority to Secretary of the Treasury to improve laws and regulations relating to entry and clearance of vessels to aircraft.

(d) Grants authority to Secretary of Agriculture to apply to aircraft the laws governing animal and plant quarantine, etc.

(e) Allows Government agencies the authority to acquire space in airports through GSA.

Customs Regulation 6.10 (19 CFR) Applies to aircraft arriving from Canada and Mexico (contiguous countries) the Customs laws relating to vehicles.

Applies to aircraft arriving from any other place the Customs law relating to vessels.

EXECUTIVE OFFICE OF THE PRESIDENT,  
OFFICE OF MANAGEMENT AND BUDGET,  
Washington, D.C.

Mr. VICTOR L. LOWE,  
Director, General Government Division,  
General Accounting Office, Washington, D.C.

DEAR MR. LOWE: We have reviewed the draft of the proposed report entitled "Illegal Entry at United States-Mexico Border—Multiagency Enforcement

Efforts Have Not Been Effective in Stemming The Flow of Drugs and People," received under cover of your letter of July 19, 1977.

Early in this administration the Office of Drug Abuse Policy (ODAP), in coordination with the Office of Management and Budget (OMB), initiated three interagency studies of the problems and issues discussed in your draft report. The final report of the first of these—the Border Management and Interdiction study—will be issued by August 31, 1977. Since the product of the Border Management and Interdiction study will be a "plan [which considers] the various alternatives for managing border operations ranging from the present management structure to single-agency management," you might wish to reconsider the wording of your second major recommendation. Otherwise, it may appear to the reader that the General Accounting Office is recommending actions that are already completed.

The second ODAP study is a comprehensive review of drug law enforcement and the third is an analysis of narcotics intelligence. The two studies will be completed shortly after your report is issued, and we will wait until then to comment on the substance of our secondary recommendations.

The administration agrees with your observation that "the attempt to prevent illegal entries at the border will not solve the illegal alien problem" (p. 20). I believe your final report will be more complete if it contains an outline of the comprehensive proposals on undocumented aliens which President Carter submitted to Congress on August 4, 1977.

Thank you for giving us the opportunity to comment on the draft of your forthcoming report.

Sincerely,

W. BOWMAN CUTLER,  
*Executive Associate Director for Budget.*

U.S. DEPARTMENT OF JUSTICE,  
*Washington, D.C.*

Mr. VICTOR L. LOWE,  
*Director, General Government Division,  
U.S. General Accounting Office, Washington, D.C.*

DEAR MR. LOWE: This letter is in response to your request for comments on the draft report entitled "Illegal Entry at United States-Mexico Border—Multi-agency Enforcement Efforts Have Not Been Effective in Stemming the Flow of Drugs and People."

We have reviewed the draft report and generally agree with the findings and recommendations. Overall we find them to be compatible with current Department philosophy. It is also worthy of note that the Office of Drug Abuse Policy is currently addressing the border problem and will undoubtedly deal with many of the same areas of concern expressed in the GAO report.

The Department supports the recommendations to expand the jurisdiction of Federal magistrates and appropriate funds for appointing additional magistrates to the Southwest area. We have found that the trial of cases before Federal magistrates greatly reduces the time spent on each case by U.S. Attorneys, public defenders, and apprehending officers, and also reduces the volume of cases processed in U.S. District Courts. In fiscal year 1976, the Border Patrol and Investigations Divisions disposed of over 7,000 cases before the Federal magistrates. Any proposal to increase the number of magistrates should be coordinated with the United States Marshals Service and the Bureau of Prisons to determine the need for additional detention facilities.

The recommendation to establish criminal penalties for pilots who fly without a valid certificate has merit. However, we believe that sufficient legislative authority exists for the prosecution of unlicensed smugglers who operate by means of small aircraft.

After reading the report, we were somewhat disillusioned in terms of the scope of the study. According to the title, the report is presumed to address the issue of "Multiagency Enforcement Efforts Have Not Been Effective in Stemming the Flow of Drugs and People." Although the report makes reference to the many agencies with border responsibilities and the three principal agencies with border presence, the report concentrates heavily on drug interdiction efforts, with only passing references to all the other Federal border responsibilities. The apparent decision to study drug interdiction efforts has focused the report on the successes, failures, operations and interfaces of the Customs Service, the Federal agency charged with drug interdiction at the borders, and has dealt with the other principal border enforcement agencies, the Immigration and Naturalization Service

(INS) and the Drug Enforcement Administration (DEA), only as they impact on the Customs drug interdiction mission. This narrow approach to a study of border law enforcement presents an incomplete view of border operations and results in several areas of the report presenting incomplete or misleading information. It does not provide the comprehensiveness of border activities necessary to develop a truly "integrated strategy, or an overall border control plan" which the report says is needed. The following paragraphs focus on the misconceptions that have resulted from a strictly drug-oriented approach and provide updated information and developments which have occurred since the time of the review.

The strategy of apprehending illegal entrants at or near the border is far more cost effective than attempting to locate and remove aliens from interior locations. The ultimate solution to the problem of illegal entry is dependent on the establishment of deterrents. However, in spite of deterrents, illegal entry across the border will continue as long as the push-pull factors, created by the economic differences between the United States and Mexico, exist.

Page 23 of the report comments on the shortage of actionable intelligence which DEA provides to interdiction agencies. DEA recognizes the need to integrate its investigative and control strategy with the strategies of INS and Customs in order to increase the successfulness of operations along the borders and at ports-of-entry. Efforts are being made to fulfill this need and accomplishments toward this objective have taken place in some areas. In this regard, a new intelligence-collection school for special agents has been initiated. At the present time, five schools have been held and 60 agents have been trained. We would also like to point out that in the past DEA provided, and will continue to provide interdiction intelligence in the form of profiles in the El Paso Intelligence Center (EPIC) Bulletin and in other publications. These profiles of drug smuggling patterns offer a significant interdiction potential to alert border inspectors. Customs patrol officers are also now being assigned to posts of duty at DEA regional offices for coordination purposes.

The discussion on page 26 states that since the inception of EPIC the number of users seeking information has increased and that this increased volume suggests growing reliance on the system by user agencies. The recent addition of more analysts to the EPIC staff, the continued increasing participation by law enforcement agencies, the specialized training of DEA agents and the expanded intelligence effort in the Mexican interior have resulted in greater seizures of heroin. A seizure of 32.7 pounds of brown heroin was made at the border crossing in Eagle Pass, Texas, in August of this year. At approximately the same time, an initial seizure of 23 pounds of heroin made at Del Rio, Texas, led to an additional 17 pound seizure and the arrest of three members of an important family in Chicago involved in drug trafficking.

The discussion of intelligence-gathering efforts within Mexico, which begins on page 27, was critical of intelligence-gathering and exchange in Mexico by Mexican and U.S. agencies. Since GAO visited DEA's Regional Intelligence Office (RIO) in Mexico City during June 1976, the staff has been expanded from one agent/supervisor and one collection agent to include nine professional personnel. The RIO has taken steps to strengthen and broaden DEA's (as well as Mexico's) collection of border interdiction intelligence. Land, sea, and air surveillance programs have been expanded to provide much broader coverage using Mexican officials as principal collection agents with back-up systems employing informant networks. A phased approach is being implemented whereby principal seaports, airfields, and vehicle routes are initially targeted for monitoring. As the program progresses, it will be expanded to cover all major transportation facilities in Mexico. The RIO has also been involved in efforts to upgrade Mexico's intelligence function. Assistance has consisted of developing recommended organizational charts, training clerical and analytical staff, and providing a preliminary data base.

In the discussion of Intelligence Support Systems on page 31, the report refers to the Treasury Enforcement Communication System (TECS) and states that "TECS, operated by the Customs Service, is the principal means of disseminating intelligence information to inspection and enforcement personnel at border crossing points, airports, and seaports throughout the country." It should be pointed out that the only TECS query made at the land crossing primary terminal by the inspector is the license plate of the vehicle entering the U.S. from Mexico. Unless a "hit" is achieved or the vehicle is referred to secondary inspection for some other reason, the remaining information in TECS will not be queried. Operational intelligence will be of little value if a license number is not included.

The report of the Domestic Council Committee on Illegal Aliens is mentioned on page 34 in reference to the Alien Documentation Identification and Telecommunication System (ADIT). The comment in the Domestic Council Committee report "that it appears feasible that ADIT could use the existing Customs ADP and communications network" is premature. ADIT system requirements could be provided in a stand-alone mode or in combination with existing systems. However, the ADIT automated system design is just now completed to the point where such implementation alternatives can be realistically evaluated.

Another portion of the discussion on Intelligence Support Systems on page 35 quotes the Commissioner of Customs as referring to the ADIT system as "a computerized lookout system similar to the already in-place and operating TECS." Until early 1977 many Customs personnel thought ADIT to be no more than "a computerized lookout system." Through multiple presentations to Customs, the system has been explained to be much broader in scope—encompassing volume ID card issuances, nationwide computerized document validation, and access to multiple INS data files. One aspect of the system is its ability to search a portion or subset of the complete set of "lookout book" type data. Immediate plans do not call for query of all arriving travelers at U.S. ports via ADIT, but in the future consideration should be given to reading all travel documents presented at ports-of-entry. We agree that the future should include joint INS/Customs planning for interface of data and communications as justifiable. ADIT has just now reached the point of automated system design where meaningful consideration of alternatives for implementation can be addressed. Plans for a joint ADIT/TECS experiment are currently being discussed.

In an effort to enhance DEA/Customs operations, the Administrator of DEA and the Commissioner of Customs have scheduled a series of meetings to develop improved cooperation between the agencies and thereby increase Federal drug enforcement effectiveness. As a result of the initial meeting held on September 7, 1977, the Commissioner of Customs recognized that DEA's mission of developing major conspiracy cases that have far-reaching impact on trafficking organizations precludes any diversion of personnel specifically to support the interdiction of individual cases of smuggling at the border. The Commissioner also recognized that improved cooperation and liaison should be encouraged rather than arbitrary non-acceptance of respective agency missions. The Administrator of DEA and the Commissioner of Customs have demonstrated current commitments to ensure that both agencies are given maximum opportunity to fulfill their respective roles. Thus the views of the Office of Management and Budget that Customs is unwilling to accept DEA's lead role in EPIC appear to be premature.

Within this context, we would like to point out that while border interdiction is a deterrent to drug smuggling, it is a defensive rather than an offensive strategy. DEA's priorities will continue to stress programs to reduce drug cultivation and production, immobilize major traffickers through conspiracy investigations, and reduce the profitability of drug trafficking.

The discussion on ports-of-entry resources ends on page 40 with the statement that "While the Customs force continues to decrease in size, the workload increases." No mention is made of INS inspection manpower requirements and workload. Obviously, this omission contributes to an incomplete view of border operation problems.

The section of the report on pages 40-42 which discusses detection aids concentrates on drug interdiction and states that "Judgment of the inspector is a critical ingredient in drug interdiction." This is an accurate statement and applies equally to the detection of mala fide applicants for admission. However, no section of the report deals with the skills required to meet border threats other than drugs.

The discussion on pages 42-43 regarding the overlapping roles of the Border Patrol and Customs Patrol between ports-of-entry measures their achievements only in terms of drug interdiction. No mention is made of the superior numerical presence and equipment support of the Border Patrol. It should also be noted that much of the direct competition between the patrols which the report outlines has been mitigated by agreements at the local level.

Page 45—The section referring to the inability of the Immigration Border Patrol and the Customs Patrol to communicate with each other should be amended to add the following sentence:

"However, in most areas, the radio base stations of both patrols are equipped with commercial scanners which allow each patrol base station to monitor the frequencies of the other and immediately retransmit messages to mobile units."

We appreciate the opportunity to comment on this draft report. Should you have any further questions, please feel free to contact us.

Sincerely,

KEVIN D. ROONEY,  
*Assistant Attorney General for Administration.*

GAO notes: (1) Page numbers cited in this appendix may not correspond to page numbers in the final report. (2) Deleted comments relate to suggested changes that have been made in this report.

DEPARTMENT OF THE TREASURY,  
*Washington, D.C.*

Mr. VICTOR L. LOWE,  
*Director, U.S. General Accounting Office,*  
*Washington, D.C.*

DEAR MR. LOWE: The draft report entitled, "Illegal Entry at United States-Mexico Border—Multiagency Enforcement Efforts Have Not Been Effective in Stenning the Flow of Drugs and People," forwarded to the Secretary on July 19, 1977, has been carefully reviewed and we concur generally with the assessment of the problem.

The report correctly singles out the absence of an integrated strategy or an overall border control plan which has resulted in overlapping, duplication and poorly coordinated enforcement activities.

Currently, the Department of the Treasury, together with the U.S. Customs Service; the Department of Justice, together with the Immigration and Naturalization Service and the Drug Enforcement Agency; and the Department of Transportation are involved in an overall review of border management being conducted under the direction of the Office of Drug Abuse Policy. The results of this review should provide a basis for improving the effectiveness and efficiency of border enforcement activities referred to in the subject report.

In the course of this review, Treasury and Customs have advanced recommendations which go beyond the scope of the report as presently drafted. We would be pleased to discuss them with you or your staff.

In other interdepartmental meetings, and most recently in preparation for the U.S.-Mexican Consultative Mechanism, Treasury repeatedly advocated a greater commitment of Mexican resources, with the objective eventually of "DeAmericanizing" the narcotics program in Mexico. Specifically, we have recommended that Mexico should (a) develop an improved intelligence capability to exchange information on the illicit movement of narcotics and guns (b) move against the major trafficking organizations; and (c) step up interdiction and anti-smuggling efforts on the Mexican side of the border, including the involvement of Mexican customs' enforcement resources. The recently concluded U.S.-Mexican customs-to-customs agreement is designed to increase cooperation between the customs services and the exchange of information in the suppression of customs offenses, including the smuggling of narcotics, guns and other contraband.

U.S. Customs Service comments relating to specific sections of the draft report are attached with the view of clarifying the contents.

Sincerely,

JAMES J. FEATHERSTONE,  
*Deputy Assistant Secretary, Enforcement.*

Attachment.

#### U.S. CUSTOMS SERVICE COMMENTS RELATING TO THE DRAFT REPORT

The report states that there is a need for more and better intelligence for border law enforcement and the concomitant requirement for more timely and cost effective dissemination of this intelligence (pp. 22 ff). The effectiveness of Customs border enforcement efforts is dependent on advanced information and we have repeatedly supported any decision that will result in the generation and dissemination of more useful and effective intelligence. The development and implementation of an integrated strategy and comprehensive operational plan for border control, will go far in solving the problem of supplying needed intelligence to appropriate border enforcement officers.

The GAO conclusion that current intelligence support data systems could be consolidated to provide a single more comprehensive and cost-effective information dissemination system receives our full support. As indicated, U.S. Customs conducted a study and concluded that the INS Alien Documentation, Identifi-

cation and Telecommunication (ADIT) System could be incorporated within the existing Treasury Enforcement Communications System (TECS). Plans to proceed are dependent upon INS concurrence. (Note: p. 31—should be amended to show 900 TECS terminals.)

In the report (Chapter 4, pp. 28 ff) several areas that required improvement, were identified, viz. (1) resources for border inspection and patrol; (2) development and application of drug detection aids; (3) cooperation between Customs Patrol and INS Border Patrol; (4) air and marine interdiction programs, and (5) joint operations. The comments which follow are intended to amplify some of these issues.

#### RESOURCES FOR INSPECTION AND PATROL

Lack of border enforcement resources, in a period of increasing workload and drug smuggling from Mexico, is a major problem. In the five year period 1971-76, for example, Customs Mexican border inspector positions increased by 25 percent. During the same period, however, key workload indicators increased even more rapidly. The numbers only provide part of the story. Increased smuggling attempts involving sophisticated tactics magnify the problem; and Mexico has become the principal source for heroin entering this country. Therefore, we agree with the GAO conclusion that more resources are required at the Mexican border ports.

#### DRUG DETECTION AIDS

The Treasury Department and the U.S. Customs Service place a high priority on the development of technological support systems to increase the effectiveness of border enforcement. The comment on page 40 of the draft report, which states that only one third of the Customs research and development funds are used for drug detection systems, as opposed to between ports technological systems (e.g. airborne and ground sensor systems), is misleading. Airborne and ground sensor systems are extremely expensive compared to drug detection systems, and the relative funding levels do not indicate proportionate priorities. The following are examples of technological support systems being considered or in use by the Customs Service for the interdiction of illicit narcotics.

Customs developed an electro-mechanical sniffer which is currently being tested at selected ports of entry;

X-ray systems have been used in mail branches for years and cargo and tire x-ray systems are now undergoing development and field test;

Neutron backscatter devices are being evaluated for detection of secreted drugs;

Hand-held infrared thermal viewers for detection of "hot spots" created by secreted drugs have been tested;

Closed circuit television systems at ports of entry have aided in identifying drug smugglers; and,

In addition to increasing the number of detector dog teams in the field, tests and studies are being conducted on breeding, rearing and training detector dogs.

#### COOPERATION BETWEEN PATROL UNITS

A significant issue raised in the chapter on Operations relates to the overlap of mission, resources, and tactics between the Customs Patrol and the INS Border Patrol (pp.42 ff) and the resulting apparent jurisdictional conflicts and lack of cooperation between these two groups (pp. 44 ff). These points of general reference should be noted:

INS sensor fields are generally located near ports of entry where most illegal alien crossings occur; Customs sensor fields are deployed much further away from the ports where smuggling activity occurs.

INS and Customs do not have similar interdiction strategies as the report implies. In attempting to intercept illegal aliens, the INS Border Patrol protects specific areas of the border which are well-known crossing points. Routine patrol and a "laying in" at the point of crossing are common tactics. In contrast, the Customs Patrol has employed a tactical interdiction approach. The crossing points and the time of crossing the border are not predictable. Therefore, Customs units are geared to responding to intelligence, both tactical and general, and sensor alerts. To protect an area as extensive as the Southwest border against smuggling by routine patrols would be largely ineffective. The use of the tactical interdiction approach has permitted Customs to employ its scarce resources most efficiently.

In those instances where the Customs Patrol arrests illegal aliens or INS uncovers smuggling, the other agency is usually immediately notified.

## AIR INTERDICTION

The report emphasizes the lack of heroin seized by the air program as the significant measure of its usefulness and effectiveness. We believe, however, that such a view overlooks the importance of the air program in the Customs overall border interdiction effort, as well as the inadequacy of intelligence from all sources, on how the bulk of heroin actually enters the country.

In our view the intelligence that heroin smuggling at the Southwest border occurs almost exclusively at the ports of entry is not entirely supportable. Customs has made every effort to determine the routes and methodologies in an effective manner. During August/September 1975, a special operation along the border was conducted using intensified inspection of vehicles by detector dog teams. Some 35 teams were detailed to the border for a period of 2 months. Operating in conjunction with inspectors, who were also focusing on heroin smuggling, thousands of vehicles were thoroughly searched. The results were disappointing. Very little heroin was uncovered, indicating either that heroin is not being smuggled through ports of entry and established traffic routes, or, as Customs believes, smugglers adjust their operations to encounter the least possibility for detection over all possible points of entry, routes, and times.

Customs continues to direct its resources against heroin smuggling at and between ports of entry on the Southwest border. Because heroin seizures represent only a fraction of the estimated 6 to 8 metric tons coming from Mexico annually, we are convinced that the Customs assessment of the situation is correct; no one knows how, when, or where heroin is being smuggled into the United States; and that smugglers vary their methods, points, and times of entry. Customs also feels that the mobile tactical interdiction strategy is the most effective means for combating smuggling, and that strategy supported by adequate tactical intelligence, will disrupt smuggling operations and bring illegal traffickers to justice.

The Customs enforcement posture is strongest within the ports. A full-scale inspection system, supported by TECS, detector dogs, and secondary search areas, is operating at each of these ports on the Southwest border. Our inspector force is experienced, highly motivated, and trained in detecting potential smugglers. Unquestionably, the risk potential for a smuggler is greater at these ports than in the vast areas between the ports, or in the use of aircraft to penetrate the border.

To effectively combat this smuggling of narcotics and other contraband, a balanced border interdiction approach is required which combines improved enforcement at the ports as well as between ports, and against air and boat smuggling. The greatest effectiveness against the smuggling of contraband is achieved through the deterrent effort. So attribute a low rate of seizure to the ineffectiveness of an interdiction tactic, e.g., air interdiction, without considering other factors such as lack of intelligence and the deterrent factor is at best questionable.

The Draft report's views on the effectiveness of Customs Air Interdiction, although accurate statistically for the time period analyzed, do not reflect the increasing potential in Customs aircraft detection capability. During fiscal year 1976 substantial progress was made in improving or acquiring the elements of the interdiction program necessary to achieve maximum productivity. The North American Air Defense Command, and also the Federal Aviation Agency, have extended the agreements enabling Customs to utilize the long-range ground radars of those agencies. Discussions with the Air Force concerning the Airborne Warning and Control System (AWACS), which could ultimately provide the most complete radar detection and tracking capability possible along our borders, have also recently been undertaken.

An additional problem facing the Customs Air Program, but not alluded to in the Draft Report, is the condition and quality of the aircraft available for interdiction. Customs has been almost completely dependent upon the Department of Defense for its source of interdiction aircraft. The light aircraft supplied to Customs since 1971 were military surplus, generally outmoded and already requiring extensive maintenance to keep them operational. Since these aircraft have been phased out of the active inventory, maintenance becomes even more difficult and costly. To increase effectiveness against the full-range of smuggler aircraft, it is essential to replace these old and obsolete military aircraft.

## JOINT OPERATIONS

The Operations Section also raises the issue of lack of coordination in joint operations. The planning for a major joint operation is complex. Much has been

learned from past mistakes. In the future extensive planning will precede the operation, covering all facets of coordination, resource allocation, intelligence, etc. Currently under review is a planning document outlining the procedures for controlling all such operations.

## OTHER ISSUES

Customs endorses the GAO recommendation to expand the use of U.S. magistrates in the prosecution of lower level drug violators. Customs has already instituted administrative penalties for seizures of small amounts of marihuana. However, most cases must await prosecution in Federal, State, or local courts. If magistrates could be used in lower level violator cases, the risk of prosecution would increase and more serious cases would receive quicker action.

The final issue concerns the imposition of administrative penalties in lieu of criminal prosecution. Customs Circular ENF-4-0:1:PP, dated May 27, 1976, provided guidelines for imposing administrative penalties on pedestrians crossing the border found to be carrying marihuana or hashish. This may have resulted in the situation noted by GAO at San Diego. Under the circular, pedestrians are subject to a mitigated civil penalty, in addition to forfeiture of the drugs. The guidelines contained in the circular as follows:

Penalty	Amount of marihuana	Hashish
\$25 .....	1 oz or less .....	7 g or less.
\$50 .....	Up to 0.5 lb. ....	Up to 0.5 oz.
\$75 .....	Up to 1 lb. ....	Up to 1 oz.
\$100 .....	Up to 2 lb. ....	Up to 2 oz.

If the amount of drugs carried exceeds those specified, the penalty is cumulative. The penalty also applies to passengers on common carriers and in vehicles.

At the time of the GAO study the Circular had only been recently issued and many of Customs Districts were not prepared to fully implement this action. There has been an increasing number of administrative penalties throughout the country. Collections, although varying widely by locations, are generally also improving.

GAO note: (1) Page numbers cited may not correspond to page numbers in the final report.

DEPARTMENT OF STATE,  
Washington, D.C., August 2, 1977.

Mr. J. K. FASICK,  
Director, International Division,  
U.S. General Accounting Office, Washington, D.C.

DEAR MR. FASICK: I am replying to your letter of July 19, 1977, which forwarded copies of the draft report: "Illegal Entry at United States-Mexico Border—Multiagency Enforcement Efforts Have Not Been Effective in Stemming The Flow of Drugs and People."

The enclosed comments were prepared by the Deputy Senior Advisor for International Narcotics Matters.

We appreciate having had the opportunity to review and comment on the draft report. If I may be of further assistance, I trust you will let me know.

Sincerely,

DANIEL L. WILLIAMSON, JR.,  
Deputy Assistant Secretary  
for Budget and Finance.

Enclosure.

GAO DRAFT REPORT: "ILLEGAL ENTRY AT UNITED STATES-MEXICO BORDER—MULTIAGENCY ENFORCEMENT EFFORTS HAVE NOT BEEN EFFECTIVE IN STEMMING THE FLOW OF DRUGS AND PEOPLE"

The Department of State agrees with the recommendations made in the GAO Report and supports the thesis that an integrated strategy for border control is needed. The Department further agrees with the specific recommendation of the report that the U.S. Mission in Mexico should expand the narcotics control action plan to include program goals and specific objectives for supporting border interdiction efforts, and design a program for developing information to assist in inter-

cepting smugglers at the border (see iii and Chapter 4). Since the report was written and the authors of the report made their visit to the Mission in Mexico City in 1976, the Embassy has been developing joint planning with the Mexican Government directed at the achievement of these objectives.

A Mission narcotics strategy paper more comprehensive than the narcotics control action plan was prepared in December 1976, which proposed common United States-Mexico drug control goals for the long-run period and described general steps to reach the agreed upon goals, including greater emphasis on interdiction. This paper is being revised to reflect the increased commitment and efforts of the new Mexican Administration. Additionally, the Embassy is carrying on negotiations with the Mexican Attorney General's office to develop a cooperative, rational and realistic Mexican program of goals of the new Mexican Administration for the full six-year period of the new Administration. Consideration of appropriate resource levels of the United States Government and the Mexican Government in order to carry out the long-range program, to meet required time frames and develop mutual evaluation criteria, is part of this planning exercise. The joint planning approach is expected to increase Mexican effectiveness in controlling narcotics along the U.S.-Mexican border. It should also promote the development of needed intelligence and its exchange between the two governments.

Following are specific comments relating to selected areas of the report that need clarification, qualification, or classification:

Pg. 27: The last sentence on Page 27 states that the Government of Mexico provides limited cooperation in the development and exchange of narcotics intelligence with the U.S. Mission. In view of the increased commitment of the new Mexican Administration, this statement should be revised to reflect more positively on the Mexican efforts in intelligence cooperation.

Pg. 28: The comments in the first paragraph on Page 28 concerning the lack of development and exchange of narcotics intelligence is out of date, in view of actions that have taken place later in 1976 and 1977 within the Mission to strengthen this part of the program.

Pg. 29: The last paragraph criticizes Mexican efforts in the narcotics intelligence field. This statement is no longer considered valid, in view of the Mexican Attorney General's actions in reorganizing his narcotics intelligence effort. The same applies for the last statement on Page 29, in which consultations between the Mission and the Attorney General's office have focused on needed assistance for developing Mexican capability in narcotics intelligence.

Pg. 30: We suggest that the report use more recent data concerning cooperation on specific exchanges of intelligence between DEA in Mexico and the Attorney General's office.

WILLIAM B. GRANT,  
*Deputy Senior Advisor for  
International Narcotics Matters.*

OFFICE OF THE SECRETARY OF TRANSPORTATION,  
*Washington, D.C., November 3, 1977.*

MR. HENRY ESCHWEGE,  
*Director, Community and Economic Development Division,  
U.S. General Accounting Office, Washington, D.C.*

DEAR MR. ESCHWEGE: I am forwarding for your consideration the Department of Transportation (DOT) response to the draft report "Illegal Entry at United States-Mexico Border."

As a matter of general comment on the entire study, some significant policy, management and organizational problems affecting Federal law enforcement activities on the southwest border were identified. Specifically, the problem seems to be numerous cases of jurisdiction overlap and duplication of effort between the United States Customs Service and the Immigration and Naturalization Service (INS). However, the report does have several shortcomings both in its approach and substance.

One of the report's recommendations would have the Director, Office of Management and Budget (OMB) and the Director, Office of Drug Abuse Policy (ODAP) together with the Attorney General, Secretary of the Treasury, and other department heads having responsibility for border law enforcement, develop a "plan" and "strategy" for border control. This recommendation has already been implemented as the President's Reorganization Project has circulated for comment a set of options to be forwarded to the President for better managing the entire border. These options were developed from an ODAP study on border management.

As the report indicates, any border interdiction effort relies heavily on intelligence support; the need for more and better intelligence is basic to good border management. However, the report does not aggressively pursue the major shortcoming of the El Paso Intelligence Center (EPIC).

The report also states that mere revocation or suspension of a pilot's license has little deterrent effect on air drug smuggling. While this may be a valid observation, it is not a profound analysis of the enforcement problem of interdicting air drug smugglers. The lack of effectiveness of current efforts should more appropriately center around the tactical methods (or lack of) employed by the Customs and DEA air-interdiction operations. At the present time, proposals to amend Title VI of the Federal Aviation Act to include criminal sanctions against pilots who knowingly and willingly engage in illegal activities as crew members of a U.S. civil aircraft without appropriate and valid pilot certificates are under review within DOT.

The GAO report concludes the marine drug interdiction program has had some success but there is a need for increased cooperation and program integration. However, the report fails to mention that the Customs Patrol has primary responsibility for the interdiction of smuggling attempts along the water borders of the United States. The U.S. Coast Guard, as one of several primary missions, supports the marine drug interdiction effort. It should be noted that the ODAP/OMB study judged Coast Guard support of these efforts to be satisfactory and responsive.

In conclusion, the Department of Transportation role in border law enforcement is one of support. While these activities are a relatively small percentage of the FAA and Coast Guard operations, we place a high priority on their performance. We expect to continue this support with a view toward assisting the drug interdiction efforts to our maximum capability.

Sincerely,

EDWARD W. SCOTT, Jr.

PRINCIPAL OFFICIALS RESPONSIBLE  
FOR ADMINISTERING ACTIVITIES  
DISCUSSED IN THIS REPORT

Tenure of office  
From                      To

DEPARTMENT OF JUSTICE

ATTORNEY GENERAL OF THE UNITED STATES:

Griffin B. Bell	Jan. 1977	Present
Richard L. Thornburgh (acting)	Jan. 1977	Jan. 1977
Edward H. Levi	Feb. 1975	Jan. 1977
William B. Saxbe	Jan. 1974	Feb. 1975
Robert H. Bork, Jr. (acting)	Oct. 1973	Jan. 1974
Elliot L. Richardson	May 1973	Oct. 1973
Richard G. Kleindienst	June 1972	Apr. 1973
Richard G. Kleindienst (acting)	Feb. 1969	Feb. 1972
John N. Mitchell	Jan. 1969	Feb. 1972

ADMINISTRATOR, DRUG ENFORCEMENT ADMINISTRATION:

Peter B. Bensinger	Feb. 1975	Present
Peter B. Bensinger (acting)	Jan. 1975	Feb. 1975
Henry S. Dogin (acting)	June 1974	Jan. 1975
John R. Bartels, Jr.	Oct. 1973	May 1974
John R. Bartels, Jr. (acting)	July 1973	Oct. 1973

COMMISSIONER, IMMIGRATION AND NATURALIZATION SERVICE:

Leonel Castillo	Nov. 1976	Present
Leonard F. Chapman, Jr.	Nov. 1973	Nov. 1976
James F. Green (acting)	Apr. 1973	Nov. 1973
Raymond F. Farrell	Jan. 1962	Apr. 1973

DEPARTMENT OF THE TREASURY

SECRETARY OF THE TREASURY:

W. Michael Blumenthal	Jan. 1977	Present
William E. Simon	May 1974	Jan. 1977
George P. Shultz	June 1972	May 1974
John B. Connally, Jr.	Feb. 1971	June 1972
David M. Kennedy	Jan. 1969	Feb. 1971

COMMISSIONER, U.S. CUSTOMS SERVICE:

Robert E. Chasen	July 1977	Present
G. R. Dickerson (acting)	May 1977	July 1977
Vernon D. Acree	May 1972	Apr. 1977
Edwin F. Rains (acting)	Feb. 1972	May 1972
Myles J. Ambrose	Aug. 1969	Feb. 1972

Tenure of office  
From                      To

DEPARTMENT OF STATE

SECRETARY OF STATE:

Cyrus Vance	Jan. 1977	Present
Henry A. Kissinger	Sept. 1973	Jan. 1977
William P. Rogers	Jan. 1969	Sept. 1973
Dean Rusk	Jan. 1961	Jan. 1969

EXECUTIVE OFFICE OF THE PRESIDENT

DIRECTOR, OFFICE OF MANAGEMENT  
AND BUDGET:

James T. McIntyre, Jr. (acting)	Sept. 1977	Present
Bert Lance	Jan. 1977	Sept. 1977
James T. Lynn	Feb. 1975	Jan. 1977
Roy L. Ash	Feb. 1973	Feb. 1975
Caspar W. Weinberger	June 1972	Feb. 1973

DIRECTOR, OFFICE OF DRUG ABUSE  
POLICY:

Peter Bourne	Jan. 1977	Present
Mazie Pope (acting)	Mar. 1976	Jan. 1977

DEPARTMENT OF TRANSPORTATION

SECRETARY OF TRANSPORTATION:

Brock Adams	Jan. 1977	Present
William T. Coleman, Jr.	Mar. 1977	Jan. 1977
John W. Barnum (acting)	Feb. 1975	Mar. 1977
Claude S. Brinegar	Feb. 1973	Feb. 1975
John A. Volpe	Jan. 1969	Feb. 1973

FEDERAL AVIATION ADMINISTRATION

ADMINISTRATOR:

Langhorne M. Bond	May 1977	Present
Quinton S. Taylor (acting)	Mar. 1977	May 1977
John L. McLucas	Nov. 1975	Mar. 1977
James E. Dow (acting)	Apr. 1975	Nov. 1975
Alexander Butterfield	Mar. 1973	Mar. 1975
John H. Shaffer	Mar. 1969	Mar. 1973

U.S. COAST GUARD

COMMANDANT:

Admiral Owen W. Siler	May 1974	Present
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## REORGANIZATION OPTIONS RELATED TO BORDER MANAGEMENT

(This paper is a draft option document circulated to knowledgeable individuals and groups for their comments and suggestions. It does not constitute the recommendation of any option by the President's Reorganization Project, December 14, 1977)

## BACKGROUND

A number of serious social and economic problems facing the United States today converge at our national borders and bring into sharp focus a fundamental question of control. On the one hand, concern over narcotics, illegal aliens and the smuggling of contraband argues for strict border controls to enforce Federal laws. On the other hand, concern for encouraging travel, tourism and trade—in keeping with this Nation's democratic principles—argues for border controls more likely to reduce inconvenience, delay, and economic loss.

The problems of border control are intensified because of the immensity of the activities involved. Almost 300 million people and 80 million vehicles legally cross our borders each year. Enormous volumes of cargo annually pass through United States' ports of entry. Representing the bulk of \$250 billion in import and export trade, 160,000 vessels arrive at United States' seaports annually carrying 3 million crewmembers and passengers. Customs duties collected on imports alone exceed \$7 billion each year. Twenty million persons and huge volumes of air cargo arrive annually on 350,000 commercial, military and private flights. At the same time, tons of narcotics and related substances are smuggled into the country each year. In recent years Mexico has become the chief source of heroin smuggled into the United States. One and a half million persons are apprehended annually as they attempt to enter the country illegally. Smuggling of all forms of contraband and aliens appears to be increasing. Problems related to border activities are the source of growing concern to the Hispanic and other American communities along our borders and the source of serious potential conflict with our international neighbors.

Effective control of the United States' borders has a direct impact on a wide range of government programs, including narcotics control, alien regulation, contraband smuggling, and protection of the economic, health, and agricultural interests of the United States. This option paper assumes that improved control of the national borders could benefit the many Federal domestic programs which are linked to border activities.

Historically, border control has been exercised by the agencies charged with enforcing each separate substantive law and its related domestic program. At one time separate border inspections were conducted by the Public Health Service (now of the Department of Health, Education, and Welfare); the Department of Agriculture; the Immigration and Naturalization Service (of the Department of Justice); and the United States Customs Service (of the Treasury Department). Today at many United States ports of entry separate and largely uncoordinated inspections are made by the Immigration and Naturalization Service (INS) and the U.S. Customs Service (Customs). The same duplication of effort occurs in conducting patrols between ports of entry where entirely separate patrol forces are maintained by the INS and Customs. It is not clear that this duplication is necessary or beneficial.

The effect of such a commodity-oriented system for performing identical border functions, including inspection and patrol, has been waste and inefficiency, not only in the performance of the functions, but also in the need to acquire separate systems and facilities to support these functions, such as telecommunications and computer hardware. Fragmentation of border control efforts has also meant a lack of overall planning, with the present disjointed organizational structure resulting all too often in the lack of any overall policy for managing the borders.

In September, 1977, the Office of Drug Abuse Policy (ODAP) completed a review entitled "Border Management and Interdiction—An Interagency Review." The President's Reorganization Project cooperated in the ODAP study, and concurs with its basic finding that adoption of a concept of a total "border management" is necessary to solve the organizational problems identified, and to implement President Carter's announced initiatives in response to the problems of drug abuse and undocumented aliens. The conclusion, that some organizational changes in Federal border activities are required is also supported in a report released by the General Accounting Office on December 2, 1977, and in a recent position paper prepared by a unit of the American Federation of Government Employees.

Prior to the submission of any recommendations to the President by the Reorganization Project, this option paper is being circulated in draft form to interested persons and groups in order to allow comment and advice from knowledgeable persons inside and outside of the Federal Government.

#### GENERAL FINDINGS

The President's Reorganization Project has made the following tentative findings:

(1) The United States borders are under increasing pressure from a flow of illegal narcotics and drugs, undocumented aliens, and contraband such as guns and stolen vehicles. A number of community leaders along the Southwest border report a thriving commerce in guns and other property stolen in the U.S. and exchanged for narcotics in Mexico.

(2) Serious problems of overlap, duplication of effort, and lack of coordination exist between the two principal agencies involved at the land borders, Customs and INS.

These problems significantly hamper effective border control. In one instance, persons on patrol in the two major patrol forces on the border cannot directly communicate with each other because they use different radio frequencies. In another instance, inspection forces which are located virtually side-by-side at international airports rely on separate systems—the one manual; the other fully automated—to identify know or suspected violators, many of whom may be dangerous. Preliminary efforts are only now being made toward integrating these systems.

(3) In concentrating on its border enforcement responsibilities to prevent illegal entries, INS has been unable to devote sufficient resources to its important nonborder administrative law functions. As the President noted in his undocumented alien message of August 4, 1977, over 240,000 alien benefit applications were backlogged.

INS appears increasingly to be faced with a serious conflict in principle in the administration of the immigration laws. First, INS is required by its interdiction mission to undertake more restrictive enforcement efforts to deter alien entry and to increase deportation. At the same time, in administering the Immigration and Nationality Act, INS must exercise extraordinary discretion in deciding sensitive issues of human rights, with both the appearance and substance of fair and evenhanded justice. Important questions of fair play and humane administration of immigration laws are directly involved, often with persons who do not speak English and who have little education. In meeting these dual responsibilities, it can be argued that INS assumes the role of police officer, prosecutor, and judge.

(4) Any effort to make land border enforcement effective without enforcement of the air and sea borders simply invites an increase of smuggling by air and sea. Current intelligence estimates indicate that some 4,000 to 5,000 illegal smuggling flights cross the Southern border each year. In the southern California area alone there are over 200,000 small boats, many of which regularly travel between Mexican and U.S. waters, while in the Miami area there are some 47,000 small craft, many of which regularly travel to the Bahamas. An air and marine interdiction capability is an important factor in any overall border management concept. At present this capability appears insufficient, with Customs attempting to obtain the resources to carry out effective border interdiction at sea and in the air. The U.S. Coast Guard, as the civilian maritime general with agency law enforcement responsibility, is empowered both with the legal authority and operating capabilities to assume a preeminent enforcement role in the waters and related air space adjacent to our borders. However, except in the Miami Region, the Coast Guard conducts few self-initiated patrols or other activities in direct support of a border enforcement mission, i.e., anti-smuggling or interdiction of drugs, contraband and undocumented aliens. Only a small percentage of Coast Guard resources is devoted to law enforcement. As a result, large sea and air gaps exist in our border defenses against narcotics, contraband, and to a lesser extent, undocumented aliens.

(5) There is substantial duplication and inconsistency in the visa application and approval activities of the State Department and the INS border admissions process.

These general findings form the framework within which the major organizational issues in the border management area should be considered. These issues are:

(1) What organizational arrangement is most appropriate for border management activities?

(2) If a border Management Agency is established, what departmental location is most suitable—Treasury or Justice?

(3) What actions should be taken to ensure that border management is supported by necessary air and marine interdiction capabilities?

(4) What actions should be taken to ensure that the visa issuance and border admission functions are consistently and effectively carried out?

In the following section, these issues are discussed more fully and alternative solutions presented together with brief outlines of their apparent advantages and disadvantages.

#### ISSUES AND ALTERNATIVES

*Issue 1.*—What organizational arrangement is most appropriate for border management activities?

#### DISCUSSION

Both Customs (Treasury) and INS (Justice) now have separate major patrol and port inspection units which perform comparable duties, operate in the same manner, often in the same location at the same time, employ similar enforcement techniques, and require the same type of support systems and facilities. As a result of past studies and the recent ODAP review, there is a general recognition that the fragmentation and duplication in the present organizational arrangement of patrol and inspection functions hinder effective border control. Among the findings of the ODAP study relevant to this issue are the following:

There is a significant duplication of management overhead between INS and Customs at most ports of entry.

The most obvious inspection problems are the duplication of effort and the management difficulties associated with duplicate inspection processes.

Levels of interagency cooperation vary, but there is a general sense of conflicting priorities and less than full cooperation between agencies (although the current Commissioners both of INS and Customs have made great efforts to encourage cooperation).

The major shortcoming in the patrolling function is the duplication of effort and lack of cooperation between the Border Patrol and the Customs Patrol on the Southwest border.

Some agency support activities are duplicative but are not, in themselves, likely candidates for consolidation. However, consolidation of the patrol and inspection functions of the principal agencies (Customs and INS) would allow consolidation of the major support activities.

The ODAP study concludes that: "A merger of the principal border enforcement agencies would significantly reduce overlap and duplication of effort and greatly enhance the overall effectiveness of border operations. It would allow management greater flexibility in responding to peak workloads and to immediate crises. A single border management agency would also allow consolidation of management and support functions which should create significant savings."

Although not commenting directly on the merits of a single border management agency, GAO, in a December, 1977, study entitled "Illegal Entry at United States-Mexican Border—Multi-Agency Enforcement Efforts Have Not Been Effective in Stemming the Flow of Drugs and People," reported similar findings:

Border forces have not intercepted significant quantities of heroin and cocaine and too little is known about how drugs enter the country.

Although increasing numbers of aliens are being caught, "the border is a revolving door."

If anything, PRP's review indicates that the findings of ODAP and GAO understate the serious extent of the problems. Duplication in some areas clearly hampers the effectiveness of either agency. Narcotics slip through ports of entry because of the confusion and delay inherent in the duplicate inspection process carried out by INS and Customs at international airports.

In proposing solutions to these problems, PRP offers for consideration the following range of organizational alternatives:

*Alternative 1.*—Make no organizational change but improve coordination and increase resources to selected functions and agencies.

To respond to mounting border problems, the following operational areas require improved interagency coordination, the infusion of added resources, or a combination of both: Customs and INS must coordinate inspection activities at ports of entry and patrol activities along the border between ports; Customs and the U.S. Coast Guard must coordinate border enforcement responsibilities

to provide an air and marine interdiction capability, and INS and State must coordinate the screening of persons seeking to enter the United States to ensure the uniform and consistent application of immigration law.

#### ADVANTAGES

Least disruptive of all options in that existing organizational structures remain unchanged.

Provides additional resources to specific problem areas.

Permits agencies to continue emphasis in areas of specific expertise.

#### DISADVANTAGES

Does not treat border management as an organizational system, but continues the fragmented approach of the past.

Continues a form of crisis management focusing only on current problems.

Continues duplicative management and support structures and overlapping responsibilities with loss of economies which could result from consolidation.

*Alternative 2.*—Combine and unify the patrol functions of Customs and INS in one department (Justice or Treasury); and the inspection functions of Customs and INS in the other department (Treasury or Justice).

This option would minimize jurisdictional and geographical overlap by focusing one agency on a specific function of border control. It would place responsibilities and resources dedicated to the inspection function in either Customs or INS with patrol responsibilities and resources assigned to the other.

#### ADVANTAGES

Responds to overlap and duplication in selected functions of border control.

Provides single-manager responsibility for discrete functions of border control.

Causes minimal disruption to existing organizational structures.

#### DISADVANTAGES

Fails to recognize the interrelationship of patrol and inspection functions to overall border management.

Continues duplicative management and support structures.

Does not provide single-manager accountability in border management.

Does not separate law enforcement functions from regulatory functions in either agency.

*Alternative 3.*—Establish a Border Management Agency in Treasury or Justice containing: (1) the patrol functions of Customs and INS in one unit; (2) the inspection functions of Customs and INS in another unit; and, (3) the remaining functions and support activities of either Customs (if in Treasury) or INS (if in Justice). The agency (Customs or INS) no longer having inspection or patrol responsibilities would retain its organizational identity in its present department, and would continue to perform its non-border regulatory functions.

This option identifies patrol and inspection as the principal border enforcement functions and recognizes the dual systems for these functions in both Treasury and Justice as the principal source of fragmentation, duplication of effort and inter-agency conflict. Alternative 3 would merge the two separate patrols into one unit and the two separate inspection forces into one unit, and place both within the same Border Management Agency. The unified patrol would continue to investigate alien smuggling rings according to the present practice of the U.S. Border Patrol. Investigations related to adjudication and other regulatory functions would continue to be performed by the present INS investigations units to support non-border regulatory functions. This option would encourage innovation in the separate regulatory functions, such as possible use of ombudsmen and local advisory councils.

#### ADVANTAGES

Provides a single manager responsible for the major functions of inspection and patrol.

Responds to existing operating problems of overlap, duplication, and fragmentation of effort by organizationally recognizing the interrelationships and interaction between the patrol and inspection functions.

Responds to current interagency problems of coordination, competition, and parochialism.

Provides opportunity for substantial gains in efficiency and effectiveness.  
Allows for separation of regulatory and administrative law functions from border enforcement functions.

## DISADVANTAGES

Would create some personnel turbulence and disruption during changeover.  
Transfers traditional enforcement functions from one department.  
Separates regulatory functions of at least one agency from enforcement functions, thereby requiring interdepartmental coordination.

*Alternative 4.*—Establish a Border Management Agency in Treasury or Justice by combining all of Customs and INS.

This alternative would provide single management of all INS and Customs functions, including those not directly related to border management. The new agency head would be responsible for designing and managing the consolidation of functions and for the ultimate performance of the new organization. Implicit in *Alternative 4* is the assumption that all Immigration and Customs functions are sufficiently related to border operations to justify their inclusion in a border-oriented agency. The consolidated agency would have broad responsibilities for both Immigration and Customs activities in the interior of the United States and overseas, as well as in the border areas.

## ADVANTAGES

Provides central management for principal border enforcement functions.  
Responds to existing operating problems of overlap, duplication, and fragmentation of effort by providing central control.

Recognizes the interrelationships of border management functions; such as, inspection, patrol, and support services.

Eliminates current interagency problems of coordination, competition, and parochialism.

## DISADVANTAGES

Would create some personnel turbulence and disruption during changeover.  
Transfers traditional functions from one department.  
Requires the transfer of a number of functions which are not directly related to border management.

Fails to distinguish regulatory or administrative law functions which might be improved by separation from border enforcement activities.

*Issue II.*—If a Border Management Agency is established, what departmental location is most suitable—Treasury or Justice?

## DISCUSSION

Because of the importance of the departmental affiliation of any Border Management Agency, this issue, though related to *Issue I*, should be considered separately.

While there is agency consensus that border control problems are serious enough to require some organizational change, there is little support for the creation of a new, independent, and separate Border Management Agency. On the contrary, the consensus is that both the Departments of Justice and Treasury have the types of personnel, organizational framework, and management capability to assume any border enforcement responsibilities that might be consolidated.

The Departments of Justice (INS) and Treasury (Customs) exercise traditional authorities which allow both to maintain a highly visible presence at the borders through uniformed inspection and patrol forces. The Justice inspection function (INS) involves the examination of persons and documents to determine admissibility of persons to the United States, focusing upon the illegal entry of aliens. U.S. citizens, who represent approximately 45 percent of those entering, must submit only to a cursory inspection by INS.

The Treasury Department devotes approximately three times more resources to inspection than the Department of Justice. The Treasury inspection function involves the inspection of all persons without regard to citizenship and applies also to general merchandise and carriers at the point of entry. Treasury is responsible for: (a) collecting appropriate duties and taxes; (b) ensuring that merchandise meets the admissibility requirements of more than 40 government agencies;

(c) ensuring compliance with navigation laws and other carrier control regulations and requirements; and (d) preventing smuggling.

Justice, through its U.S. Border Patrol, and Treasury, through its U.S. Customs Patrol, each maintains uniformed patrol forces along our borders. A Treasury Patrol force is also located at the ports of entry. As in the case of inspection, the Justice patrol force is primarily concerned with persons seeking illegal entry while the Treasury patrol force is concerned with the smuggling of contraband and the physical security of ports.

APPROXIMATE NUMBERS OF PERSONNEL INVOLVED IN THESE ACTIVITIES BASED ON FISCAL YEAR 1978 BUDGET FIGURES

	Customs	INS	Total
Inspectors.....	4,400	1,450	5,850
Patrol.....	1,500	2,200	3,700
Total.....	5,900	3,650	9,550

Both Customs and INS have either developed or have under development separate computer and communications systems to support their border operations. Treasury has an operational computer system to identify wanted or suspected Federal violators; INS does not. Customs has devoted more resources to its systems to date and has developed considerable expertise in their planning, design, implementation, and management. While INS has devoted substantial resources to computer systems development, none of its central data bases is as yet directly retrievable by computer terminals in the field.

ALTERNATIVES

*Alternative 1.*—Place the Border Management Agency within the Department of Justice.

ADVANTAGES

Locates within a single department the administrative, adjudicatory, and law enforcement responsibilities for the undocumented alien problem.

Provides for an integrated, efficient Federal effort by concentrating more border responsibilities in Justice. Justice already has primary responsibility for the principal border problems of drugs and aliens.

Facilitates coordination with the Drug Enforcement Administration.

Recognizes that Justice already maintains a strong border enforcement organization in the U.S. Border Patrol.

DISADVANTAGES

Concentrates primary law enforcement authorities in one department.

Could separate the Customs revenue collection function from other revenue functions in Treasury.

Could require transfer of a larger organizational entity (Customs) to join a smaller one (INS).

Entails the transfer of functions from a multi-purpose organization (Customs) to a single-purpose organization (INS).

*Alternative 2.*—Place the Border Management Agency within the Department of the Treasury.

ADVANTAGES

Recognizes Treasury's almost 200-year experience in some aspects of border management, its current responsibility for a range of border management functions and its traditionally strong support for border operations.

Acknowledges Treasury's present capacity in supporting the border requirements of 40 or more agencies and the adaptability of its management structure, resources, and support systems for administering border enforcement operations, including illegal alien responsibilities.

Divides major enforcement responsibilities between Treasury and Justice consistent with the constitutional precept of "checks and balances," avoiding the concentration of police power in any single agency of government.

## DISADVANTAGES

Could disrupt the continuum of the immigration process which now gives INS jurisdiction over most aspects of alien status.

Would require close interagency coordination between Treasury and Justice on drug and, possibly, alien problems.

Divides primary enforcement responsibilities between Treasury and Justice, continuing fragmentation in the Federal justice system.

*Issue III.*—What actions should be taken to ensure that border management is supported by necessary air and marine interdiction capabilities?

## DISCUSSION

The extent of the land borders and coastline—roughly 96,000 miles—provides relatively easy access to the United States by land, sea, and air. While air and marine operations presently represent secondary considerations in viewing problems of border control, they are nevertheless important ones. At present the Coast Guard and Customs play a largely undefined role in air and marine interdiction, with Customs undertaking increasingly greater program initiatives and the Coast Guard furnishing limited support in response to specific requests for assistance.

The U.S. Coast Guard is the only civilian Federal agency equipped and authorized to provide full marine and air support to civilian law enforcement agencies. The Coast Guard at one time performed all the functions of both the immigration and Customs patrols in certain coastal areas and today exercises plenary jurisdiction for enforcement of all laws both on the high seas and our inland waterways.

However, in recent years, the Coast Guard has gradually deemphasized its law enforcement role. It devotes only minimal resources to border control activities, carries no firearms on many of its vessels, and performs few regular patrol operations in proximity to the land borders of the United States. While the Coast Guard remains responsive to specific requests for assistance by other enforcement agencies, it undertakes few initiatives in performing any border law enforcement function. Its operational emphasis has clearly shifted toward programs such as search and rescue, aids to navigation, and boating safety. The Coast Guard, in short, now has no priority program, objective or strategy throughout its 12 districts for the protection of U.S. waters or coastline against entry of drugs, aliens, or the smuggling of contraband. The result has been a noticeable void in Federal maritime efforts to control the borders. To partially fill this void Customs has begun a boat and aircraft acquisition program, requiring an increasing funding level.

The issue is whether to alter the Coast Guard's mission and commit its resources to an increased role in marine and air interdiction in support of border management activities, or to increase the resources provided to either Customs or a new Border Management Agency to play such a role. A secondary but important issue is where to house the Coast Guard should the decision be taken to alter its priorities. Factors to be considered in arriving at a decision are: (1) the limited law enforcement role actually performed by the Coast Guard at present and its major responsibilities in other areas (2) the substantial duplication of equipment and resulting costs associated with building a marine and air support capability in either Customs or a new Border Management Agency; and (3) the implications of realigning a large, multi-purpose agency such as Coast Guard to support the more narrow enforcement programs of a Border Management Agency or Customs.

## ALTERNATIVES

*Alternative 1.*—Make no change in present structures or emphasis for the Coast Guard; give increased resources to Customs or a new Border Management Agency to allow development of a strong air and marine support capability for border enforcement operations.

## ADVANTAGES

Establishes and fixes accountability for border enforcement and perimeter security in one agency.

Allows Border Management Agency or Customs to acquire boats and planes with the specific type of equipment needed to support border enforcement operations.

Allows Coast Guard to continue to assist border management functions on a request basis—e.g., interception of vessels on the high seas.

Ensures that the non-border and non-enforcement missions of the Coast Guard continue to receive emphasis.

#### DISADVANTAGES

Fails to fully utilize the existing enforcement authority and plenary jurisdiction of the U.S. Coast Guard; thus, would allow further diminution of U.S. Coast Guard role in U.S. territorial waters.

Requires either Customs or new Border Management Agency to expand costly air and marine support programs.

Makes close coordination necessary between Coast Guard and another agency with expanded maritime enforcement jurisdiction to avoid overlap and duplication in enforcing U.S. laws.

*Alternative 2.*—Redefine the Coast Guard's primary operational role as one of providing high priority close support to the Customs or Border Management Agency, and leave the Coast Guard within the Department of Transportation.

#### ADVANTAGES

Avoids the need to duplicate expensive, sophisticated hardware for Customs or a separate border enforcement agency.

Preserves the relationship between Coast Guard and Transportation for carrying out maritime programs.

Allows the non-border and non-enforcement missions of Coast Guard to continue to receive some emphasis.

Avoids the disruption of an interdepartmental transfer.

#### DISADVANTAGES

Requires Coast Guard to choose between competing and sometimes conflicting priorities in meeting multimission responsibilities.

Provides for increased utilization of Coast Guard air and marine support for border management efforts to the possible diminution or detriment of other non-border, non-enforcement programs.

Presents agency conflicts over methods of deploying Coast Guard if separate departments utilize Coast Guard capabilities to support their programs.

*Alternative 3.*—Transfer the Coast Guard intact to the same Cabinet Department in which the Border Management Agency is to be located, if such an agency is established.

#### ADVANTAGES

Places Federal responsibility for all principal border functions in a single department.

Ensures a high priority for the border law enforcement role within the U.S. Coast Guard.

Significantly increases the total amount of resources available for border management functions.

Provides for the assimilation or elimination of separate Customs Marine and Air Patrol activities.

#### DISADVANTAGES

Could cause an adverse impact on other responsibilities of the U.S. Coast Guard, such as icebreaking, aids to navigation, and boating safety, if increased emphasis is placed on border law enforcement responsibilities.

Could tend to have adverse impact on the Coast Guard's morale and sense of mission, since it was transferred from Treasury to Transportation as recently as 1966.

Would seriously hamper Transportation's objective of developing an integrated maritime program.

*Issue IV.*—What actions should be taken to insure that the visa issuance and border admission functions are consistently and effectively carried out?

#### DISCUSSION

In addition to the duplication in inspection at the borders there is an added duplication created by the so called visa "dual check" system. Aliens are screened abroad during the visa application stage, and then must submit to a separate

de novo determination by INS upon arrival. (At either step of the admissions process, the person may be denied entry for identical reasons.) The result is an often inconsistent application of the immigration laws.

Prior to 1924, the dual system did not exist, and the desirability of such a system has been questioned periodically since that time. Some object to the need for a visa system at all (most Western European countries no longer require prior visas); others feel that the functions should not be divided between two separate agencies; and still others think that visas should only be required for the approximately 250,000 immigrants each year, rather than the approximately 3,750,000 non-immigrants who are now issued visas annually. The Hoover Commission (1952); the Commission on Government Security (1957); the Domestic Council Committee on Illegal Aliens Report (1976); and, a number of GAO studies have all made recommendations for change in the organizational placement or operation of the visa function.

With the growth of international travel, the issuance of visas has increased by about 100 percent over the last 10 years. U.S. visa denials now exceed 300,000 annually, while almost 50,000 persons (35,000 crewmembers) holding visas are denied admission at ports of entry. Visas are not required for short tourist visits by Canadians. Regular border crossers, most of whom are Mexicans, are issued special entry permits called Border Crossing Cards without having to obtain formal visas for each entry. Most port of entry denials (about 750,000 per year) are applicants without visas who seek entry from Mexico or Canada, and most of these entry denials are for economic reasons. Any reorganization of the current inspection system operating at our borders should take into account the current system for visa issuance which is, in effect, an extension of border regulation. The growing and serious problem of undocumented aliens has served to highlight perceived problems in our system of admission. Concerns for promoting international travel and various exchange programs compete with concerns for stricter measures at the border to prevent wholesale violations of the immigration laws.

#### ALTERNATIVES

*Alternative 1.*—Retain the visa function within the Department of State and develop better coordination with INS.

As with any other status quo recommendation, this alternative involves the least amount of organizational disruption and recognizes the deterrent effect of a dual-check system. It also assumes that the sensitivity of visa issuance is an overriding foreign policy concern requiring the Department of State to remain directly involved. Improved coordination would stress more cross-training of personnel, expanded communications emphasizing consistency in procedures and regulations, and joint planning for support systems.

#### ADVANTAGES

Maintains the historical dual-check system to provide for separate assessments by two different agencies.

Recognizes the flexibility of Department of State programs as better suited to accommodate foreign language fluency associated with the visa function.

Preserves any link between the visa issuance function and the conduct of foreign policy.

Makes it unnecessary to expand the operational role of another agency abroad.

#### DISADVANTAGES

Risks the visa function receiving the same relatively low priority which historically has been placed on it by the Department of State.

Creates difficulties in coordinating admissions policy between two administrative systems.

Requires maintaining an enforcement and regulatory activity of a type that is not often maintained by the State Department.

Fails to place policy direction and decision making governing immigration matters within a single agency.

*Alternative 2.*—Place the visa function within INS to fix accountability for the uniform administration of immigration policy.

This alternative assumes that joining visa issuance with the administration of related immigration programs within INS would give more emphasis to the regula-

tory feature of visa screening; under such a system, nevertheless, the Department of State would continue to issue diplomatic visas. In all low volume visa issuance posts, Department of State personnel would continue to issue visas based on authority delegated from INS on a client basis, as State now does for many other agencies, but INS would establish policy as to issuance of all non-diplomatic visas.

#### ADVANTAGES

Provides for more uniform and consistent application of immigration law governing the issuance of visas.

Places related immigration policy functions under one head—fixes accountability.

Enhances preventive aspects of visa issuance function by placement in an agency with similar program concerns and orientation.

#### DISADVANTAGES

Diminishes importance and visibility of State's Consular Affairs program.

Expands the Overseas role of another domestic agency.

Reduces impact of foreign policy considerations now implicit in State's administration of this aspect of immigration law.

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[U.S. Government Memorandum]

DEPARTMENT OF THE TREASURY,  
U.S. CUSTOMS SERVICE,  
*Washington, D.C., January 25, 1978.*

To: Deputy Commissioner, Assistants to the Commissioner, Special Assistants to the Commissioner, Assistant Commissioners, Regional Commissioners, District Directors, Port Directors, Division Directors.

From: Commissioner of Customs.

Subject: Cooperation with DEA and INS.

There has been considerable publicity concerning an alleged lack of coordination and cooperation between DEA, INS and the Customs Service. Reports and studies have been released which imply a lack of inter-agency cooperation.

I feel that these studies and reports describe alleged relationships which do not reflect the situation as it exists today. As all of you know, for some time now we have been conducting executive meetings with officials of both DEA and INS. Both of these fellow public service agencies have acted in good faith and with a complete desire to achieve effective working relationships for the balanced best interest of those we serve.

It is appropriate at this time for me to remind all of you that this program of mutual assistance by these key agencies must continue onward in the successful direction that has already been taken. I am depending on all employees of the Customs Service to join me in the implementation of this program of full cooperation.

Mr. Leonel Castillo, Commissioner of the Immigration and Naturalization Service, has said, "The Customs Service and the Immigration Service share a great responsibility. Together we provide the first line of defense at the borders—working cooperatively to stem the flow of narcotics, other contraband and aliens attempting to enter without proper documents."

Mr. Peter B. Bensinger, Administrator of the Drug Enforcement Administration, has said, "Narcotics enforcement is difficult, dangerous and complex. Federal, state and local narcotics agents are up against criminal organizations which, with awesome power and money, cause death and health damage to thousands of Americans every year. Cooperation between all agencies and agencies is an overriding necessity in the fight against drug abuse."

Anything less than full support by our agency to both DEA and INS in the difficult task which they have to perform will not be tolerated.

ROBERT E. CHASEN.

## II. Newspaper and Magazine Articles

[From the Christian Science Monitor, Jan. 19, 1978]

## EL PASO DRUGS "OUT OF CONTROL"

(By James Nelson Goodsell)

"Wanna fix?"

The voice came from the darkened shadows of a huge trailer truck at a truck stop 20 miles southeast of here.

"I got it cheap," the voice went on, "only five bills."

This reporter moved toward the owner of the voice—a young man in blue jeans, a bright plaid cowboy shirt, and a wide-brimmed Texas hat. His girl friend kept a wary eye out for all other movement.

"Let's get it over quickly. I don't want the 'nares' coming around and bustin' me."

When this reporter failed to hand over \$50, the young man exclaimed: "Hey, you ain't the fuzz or the nares, are you?"

I assured him I was neither a policeman nor a narcotics agent, and after some cajoling, the young man, whom I shall call Red because of his hair, his girl, Sandy, and I went into the restaurant at the truck stop.

Lodged in a booth at the rear of the place, Red told how at 13 he had become a heroin addict, robbing and stealing to feed the addiction, eventually kicking the habit, and now at 20, selling the stuff to others.

"Man, there's, money in it," he went on. "Me and Sandy have a red Mustang that I paid for with my earnings in the past six months."

Red's story is not unusual. This city, like so many other border towns, is not only a funnel through which drugs pass from Mexico into the United States, but also a place where it is increasingly easy to get drugs.

Moreover, the flow of illegal drugs—marijuana, heroin, cocaine, and a variety of others—across the border has become a billion-dollar-a-year industry.

In the course of a three-day visit to El Paso, a border city, this reporter was offered—at a price—marijuana, heroin, and a variety of pills, amphetamines, and the like. On downtown streets, at the motel where I was staying, in a shopping center, and at the airport, I was approached at least 20 times.

"The situation is out of control," commented a Police Department source.

An official of the local office of the United States Drug Enforcement Administration (DEA) complained that there are "not enough, just not enough" personnel to put much of a damper on the drug traffic and the usage of these drugs here.

Yet in fiscal 1977, the 12 months from July, 1976, through June, 1977, the DEA, customs, and border-patrol personnel in the El Paso area alone seized 4½ kilos of heroin, 2½ kilos of cocaine, 11.3 tons of marijuana, 46,000 units of dangerous drugs including 700 bottles of codeine or approximately 25 kilos.

Those seizures, DEA people assert, are only a small fraction of the drugs that come through here, mostly from Mexico, but also from South America.

"There is enough raw material in Mexico," says Omar A. Aleman a top DEA agent: "so that there is always more ready to come no matter how much we are able to stop."

For DEA officials, it is a little like using your fingers to plug holes in a dike—only to have so many more holes that you don't have fingers enough.

Drugs have become a huge business. "We're talking billions of dollars," says Mr. Aleman.

But people like Omar Aleman will not put a specific dollar amount on the traffic that flows through, around, or over El Paso. One custom source said: "We simply don't know."

"I never have any trouble getting it," Red, the pusher, said, "Me and Sandy get it from a guy who always tells me there is more where this came from."

How much does Red sell in a day? At least \$2,000 worth, "but you gotta hustle," Red says. "After all, there are other guys out there peddling the stuff to truck drivers, people from El Paso who know it is easy to get heroin here and anyone who wants it. Sure you don't want some?"

Given the volume of the local drug traffic and the availability of drugs, together with the limited size of the enforcement personnel, federal authorities here regularly decline to prosecute small offenders.

Our courts would be so backlogged, it would take years to handle all the cases," comments a police official. "So we go after the big fish and try to take them out of the traffic."

[From the Christian Science Monitor, Jan. 25, 1978]

## DRUG AGENTS STRESS THE TRAFFICKER, NOT THE TRAFFIC

(By James Nelson Goodsell)

To the men and women who monitor and try to stem the flow of illegal drugs from Mexico into the United States, it is more important to nab the trafficker than to actually seize drugs.

Omar A. Aleman, a top Drug Enforcement Administration (DEA) agent here, puts it succinctly:

"It's the guy at the top of a network we are after. Put him out of business and the network collapses."

A number of such networks here have collapsed. Last year, drug enforcement people in El Paso arrested seven men who ran various-size drug traffic networks as well as 316 others cited for drug offenses.

"We are not doing enough," Mr. Aleman admits. "But at least we are taking some people out of the traffic."

To do a better job, the DEA needs dozens of extra agents here and hundreds more elsewhere along the border with Mexico and in the big U.S. cities where illegal drugs are readily available.

### TWO-PRONGED MISSION

Here in El Paso, the DEA's job is twofold. Along with customs, immigration, and border patrol personnel, as well as local police agencies, it:

Tries to impede the flow of drugs into the United States by watching border entry points, the largely unpatrolled 1,500-mile frontier, and air corridors.

Seeks to uncover the drug traffic networks that funnel drugs elsewhere in the U.S. and provide drugs for the expanding local market.

In the process, DEA estimates, it may be seizing about 10 percent of the total traffic passing through El Paso. Figures are elusive, but the DEA and other federal agencies use 10 percent as an estimate of just how successful drug enforcement efforts are in the United States.

In the El Paso area, one of the problems is that much of the flow comes by air, aboard airplanes that fly below radar control and go elsewhere with their shipments of drugs. Another problem is that while marijuana can be detected by smell, heroin cannot. That may explain the fiscal 1977 seizure of 11.3 tons of marijuana by drug enforcement personnel, while only 4½ kilos of heroin were seized.

### ENTRY IS TOUGHER

Moreover, El Paso is known among drug traffickers as a difficult area to get into. Other border crossings now are being used: Parral, Van Horn, places that have less surveillance. After all, El Paso long has been a major border crossing point, with Ciudad Juárez, the largest Mexican city on the frontier, just across the Rio Grande.

Many of those who are picked up here are the so-called "mules," the people who actually carry the drugs across the border.

Along with other drug enforcement people, Mr. Aleman worries that not enough is being done to slow the drug traffic. The real key is the growing demand for drugs in the U.S.

"As long as someone is desperate enough for a fix," Mr. Aleman says, "someone in Mexico will produce" marijuana or the poppy for heroin.

### MORE EFFORT SUGGESTED

But short of stopping the demand, Mr. Aleman, who has been with the DEA for years and worked in Mexico as well as elsewhere, thinks more could be done at the source.

Noting the burning and destroying of whole fields of marijuana and the poppy in Mexico, he would like to see stepped-up cooperation between Mexican Government agencies and the DEA. "It is a key line of defense in drug control," he commented.

Actually, DEA sees three lines of defense:

The source, usually overseas—with Mexico (for marijuana, heroin), Colombia (for marijuana, cocaine manufacture), Jamaica (for marijuana), and Bolivia (for cocaine) being key Western Hemisphere origins for drugs.

The border, being the frontier with Mexico and just about any entry point where a plane can land or a ship can tie up.

The user and the trafficker, where the money is for the drug.

For Mr. Aleman, the effort is a little like sticking fingers into a leaky dike. No matter how many holes are plugged, there are dozens more. "But it is worth the effort," he feels.

"When you see one key person taken out of the traffic," he says, "that's encouraging."

Much of Mr. Aleman's work depends on informants. "They are our bread and butter," he says. "Without them, we could not exist."

A disgruntled trafficker who lands behind bars can become one of these key informants. Others get fits of conscience and talk. Still others may do it for money. Whatever the reason, informants are important in the drug enforcement work.

But it is obvious that Mr. Aleman is frustrated that more progress is not being made to stem the drug flow into the United States. The marijuana flow is "almost beyond control," he says.

The heroin flow has been somewhat disrupted of late and the "purity" of it has declined as a result. "But we still have heroin coming through in big quantities," he adds.

Is he optimistic or pessimistic? "Both," he concludes.

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[From the Washington Star, Mar. 26, 1978]

## HUGE RADAR PLANES TO JOIN "WAR" ON DRUG SMUGGLERS

(By Robert Kaylor)

The Air Force's \$128.5 million AWACS command post planes soon will fly a new kind of "war" against the airborne smugglers who hedgehop across the Mexican border with marijuana, heroin and other drugs.

The AWACS—for Airborne Warning and Control System—was designed to provide early radar warning against Soviet Mig fighter attack in Europe and elsewhere.

Now officials say they expect to have the giant radar planes in use along the 1,600-mile Mexican border from Texas to California around May 1.

Officially the flights will be training missions for AWACS crews—but U.S. Customs Service inspectors also will be on board.

Customs sleuths now use ground radar and their own force of light planes against the smuggler-pilots who sneak in from Mexico through mountain passes or just above the treetops.

Because the smugglers usually fly at night and as low as 200 feet, the agents have had only limited success.

Last year inspectors snared 57 planes and seized marijuana worth about \$16 million.

They estimate 80 to 90 percent of airborne smugglers—including professionals who carry Mexican heroin and other hard drugs—may be getting through undetected.

Smugglers in some cases now are using executive jets that can easily outrun customs planes.

Sources say most of the successful "busts" must be credited to electronic bugs agents planted aboard the smuggler planes before they took off. That allowed the planes to be tracked to their destinations.

Officials hope AWACS, with its sophisticated downward-looking radar that can peer into mountain valleys, will change that situation.

In one test an AWACS tracked three customs planes from takeoff to landing on low-level flights. Agents could have been waiting on the ground when the smugglers landed at isolated airports.

Despite complaints in Congress about the high cost of the converted 707 jetliners with flying saucer-shaped radar domes on their backs, the Air Force so far has bought six of the planes. It plans to buy 28 more.

An AWACS flying over Washington at its normal altitude of more than 30,000 feet has used computers to simultaneously track hundreds of aircraft in the air between New York and South Carolina.

On the United States-Mexico frontier, two of the planes could watch from Tijuana on the California border to Laredo in Texas.

Most AWACS training flights are flown along the northern and coastal U.S. borders that would be most threatened by air attack. But Air Force sources said the big planes can easily be routed along the Mexican border between those areas and their home station at Tinker Air Force Base, Okla.

[From the Washington Post, Apr. 7, 1978]

## U.S. STUDIES HOW TO PLUG BORDER

(By Jack Anderson)

The border fences between the United States and Mexico are deterring drug smugglers and illegal aliens about as effectively as a wall of Swiss cheese.

The situation is so serious that the Carter administration has set up a task force to reorganize law enforcement operations along the border. Its confidential report, which we have obtained, is a scalding assessment of the failure of federal agencies to plug the leaks in the southern boundary.

Four months ago, we sent two of our reporters, Hal Bernton and Doug Foster, to Mexico to see how easy it is to cross the border illegally. They set out on foot from Nogales after moonrise and trudged into the desert, following a well-beaten path that paralleled the fence demarking the border.

They spotted a well-used hole in the barrier, wriggled through, and walked to a main Arizona highway. Their illegal entry into the United States had taken them only 30 minutes.

Our reporters also found that organized smugglers would transport them by truck or auto into this country for a fee. In addition, they uncovered evidence that tons of heroin and marijuana were being shipped across the border almost without challenge.

The White House report points the finger of blame at the two main agencies that are supposed to guard the borders—the Immigration and Naturalization Service (INS) and the Customs Service.

Here are some highlights from the confidential report:

- Serious problems of "overlap, duplication of effort and lack of coordination exist between the two principal agencies involved at the land borders." Inspection forces of both the INS and Customs, for example, work virtually side by side at international airports, yet they use separate systems to spot known or suspected criminals and undesirables.

- The rival agencies both maintain separate patrols to police the areas between ports of entry. But they cannot communicate directly with one another because they use different radio frequencies.

- Despite the double inspections by Customs and INS, large quantities of narcotics continue to pour through entry points. Border forces have not intercepted significant quantities of heroin and cocaine, and too little is known about how smugglers enter the country.

- Federal agencies have been unable to crack down on smuggling by sea and air. Although the Coast Guard has the authority and capability to play the major law enforcement role, only a "small percentage" of its resources is being used. As a result, "large sea and air gaps exist in our border defenses against narcotics [and] contraband."

- The INS has been remiss in performing even its nonborder functions. There is a backlog, for example, of more than 180,000 alien benefit applications.

The reorganization team will suggest several policy options to President Carter. According to White House sources, the president could decide to leave Customs and INS as they are and simply beef up their resources. Or, he could combine the patrol functions of the two agencies into one department, either Justice or Treasury, and transfer all inspection functions to the other department.

A third option, which the task force privately favors, would create a new Border Management Agency in Treasury or Justice and assign the two functions to different sections. Inside sources told our associate Larry Kraftowitz that the reorganization team has tilted in favor of the Treasury Department to absorb the proposed new border agency. This is because the Customs Service, which is now a Treasury agency, has "a tradition of better management."

Worried INS officials, who would be left only with their "nonborder" responsibilities, have already begun lobbying on Capitol Hill to protect their empire from dissolution.

[From the San Angelo Standard, Apr. 20, 1978]

## JUDICIARY HEARS AGENT DILEMMA

(By Miller Bonner)

WASHINGTON (AP).—State and local law enforcement officers have enough problems battling heroin traffickers without interference from federal officials, said the head of the Colorado Organized Crime Strike Force's narcotics division.

In testimony Wednesday before a Senate Judiciary subcommittee, Ron Pietrafeso joined three other state officials—including Floyd Hacker, the head of the Texas Department of Public Safety (DPS) Narcotics division—in asking for more cooperation from federal officers.

Afterwards, Pietrafeso outlined a series of events more common to the Keystone cops than to modern-day law officers.

Last fall, Pietrafeso sent a total of 16 men into the Big Bend area of Texas to follow a group of heroin traffickers and catch the group as they transported their illegal cargo from the Texas-Mexican border back to Colorado.

Pietrafeso said he wanted to seize the shipment in Colorado, thereby snaring not only the traffickers but also the persons in Colorado who were financing the operation.

"We had notified the Texas DPS and seven DPS men worked with us for about a week," said Pietrafeso. "The DPS, in turn, notified Customs."

And Pietrafeso's problems began.

An informant traveling with the traffickers kept Pietrafeso's men informed as to the group's activities and told them the group was not able to make a heroin purchase when originally planned. "He said the buy would take place a week later than we thought and we were in a position to wait for them."

Customs, however, did not.

As the would-be traffickers traveled from Presidio toward Marfa, Customs moved in and made arrests.

"Of course, we had given them the identity of all the persons and the type of vehicle they were driving," added Pietrafeso. "They searched for drugs and, of course, didn't find any."

Customs also overlooked \$13,000 in cash hidden under a floorboard of one of the cars. "And \$13,000 in cash would have been a lot easier to find than dope," dryly noted Pietrafeso.

Customs did find two guns, however, and made a firearms arrest.

"One of the guns belonged to our informant," said Pietrafeso, "He brought it to us and we had removed the firing pin. We thought our operation was going smoothly, then all of a sudden the whole group was in the Presidio jail."

Pietrafeso said Colorado had invested more than eight months and thousands of dollars in the ill-fated case. "I had eight men in Texas the week Customs picked everybody up. We also had eight vehicles and two airplanes involved in surveillance . . . all for nothing."

After both Pietrafeso and DPS officials "raised hell with Customs," a meeting with state and federal officers was arranged by the DPS.

"And when I stood up in the meeting and told what happened," Pietrafeso began, "a DEA (Drug Enforcement Administration) man said by us following narcotics from Texas to Colorado, we would have been in violation of federal narcotic conspiracy statutes, and if he caught us doing it again he'd have us thrown in jail. Can you believe that?"

The ten men arrested by Customs were convicted on drug trafficking charges, based on the information compiled by the Coloradoans and DPS. "But, naturally, we would have had a much stronger case and more arrests if we had completed what we set out to do," noted Pietrafeso.

"But before the trial, we asked Customs for a report on the arrest and for them to return some scales (used in weighing heroin) and cutting material (to dilute the heroin before street sale) so we could use them during the trial," he added. "After about a week, they said we couldn't have the reports. They said it would be a violation of the Privacy Act."

[From the San Angelo Standard, Apr. 20, 1978]

## DRUG AGENTS FEUDING OVER BUST

(By Mark Vogler)

Federal Customs agents deliberately tried to bungle an investigation plotted by Colorado and Texas state narcotics agents of a major heroin trafficking ring through West Texas which was coordinated by an inmate of the Colorado State Penitentiary, a Denver official has told the Standard.

A Drug Enforcement Administration (DEA) agent in Midland also told Colorado police that if they had been arrested by federal agents they would have been "locked up."

The series of events illustrates a major breakdown in communications between federal and State narcotics agencies on drug enforcement efforts and is being reviewed this week in Washington, D.C. by a U.S. Senate subcommittee considering reorganization of government agencies.

Meanwhile, Tim James of the Organized Crime Force of the Texas State Attorney General's Office says that state officials who feel that the federal government overstepped their bounds in the case could file charges for obstruction of justice.

Joel Humphrey, a detective with the Special Narcotics Unit of the Colorado Organized Crime Strike Force, told the Standard in an interview that "U.S. Customs agents in West Texas almost blew our investigation by deliberately interfering after they were advised by use to lay off the suspects."

"I think the Customs action is inexcusable. We've had our ups and downs with the Federal Government, but this is disturbing."

A Brewster County grand jury had returned nine indictments on Feb. 17 for conspiracy to import heroin through Brewster County to Denver, Colo. The indictments followed a joint investigation by the Colorado authorities and the Organized Crime Task Force of the Texas Attorney General's Office.

The inmate who was calling the shots from the prison is said to be a close associate of "a target" drug trafficker sought by narcotics agents on both state and federal fugitive warrants, one of them in West Texas.

The narcotics agents were never able to seize any heroin in the case because of intervention by Customs agents in Presidio County, according to Humphrey.

He said that Customs agents were advised that Colorado agents had followed the would be traffickers from Colorado into Presidio County and were going to keep them under surveillance until after the heroin transaction was made.

"We had the vehicles under surveillance and had requested that they not stop the vehicles and not interfere with our surveillance. But Customs stopped them and advised them they were under surveillance and arrested two of the suspects for stolen fire arms," Humphrey said.

"Any attempt to complete the deal was thwarted by Customs intervention. The suspects were in the process of negotiating. But when this happened, it created so much distrust among the parties involved that they would no longer associate."

Presidio County Sheriff Rick Thompson told the Standard that federal agencies were notified that Texas and Colorado state police were planning to follow the suspects back to Colorado in an attempt to arrest a drug smuggling suspect that Colorado authorities have been attempting to arrest for the past eight years.

Customs officials denied they knew about the parties they had stopped. But Humphrey notes that the federal agents refused to turn over to the Brewster county Grand Jury information relating to the arrest on the stolen fire arms, claiming they were restricted under the privacy act.

"We have had problems operating with the federal agents down in this area before. It's very obvious that they did not want the state officials making the arrests. They wanted to make the arrest themselves," said a Texas narcotics agent involved with the investigation.

U.S. Attorney Jamie Boyd of San Antonio told the Standard that he thought the incident had been resolved following a discussion at the Alpine Police Department last fall. The purpose of the meeting was to discuss coordination and communication problems involving federal and state narcotics agents and supplying more security for the park.

It was at that meeting that U.S. Drug Enforcement Administration agent William F. Bolling of Midland had told a Colorado agent that had any of his agents arrested the Colorado authorities unknowingly they would have been jailed.

"Friend, I'm a DEA agent and I didn't know anything about it. But if my people had busted you, we would have locked you up and put you in jail, friend," Boland told Ron Pietrafeso, director of the Colorado narcotics unit.

Pietrafeso told his story to a U.S. Senate subcommittee Wednesday.

Boyd, who attended the meeting told Bolling that there would be no prosecution of the state narcotics agents as long as he is U.S. Attorney.

"I can't stop him from arresting someone. But as far as I'm concerned there would be no prosecution as long as the agents are operating in a legitimate fashion. I don't know what prompted Mr. Bolling to make that remark," Boyd said.

The U.S. Attorney declined to discuss the alleged interference from Customs.

"I think it was just a lack of coordination and communication. I thought we pretty well got it worked out harmoniously," he said.

Bolling declined to comment to the Standard about his remarks to Pietrafeso, but indicated that he may have something to say later in the week.

State and county narcotics agent in the Big Bend area have said that their relations with the DEA and other federal agencies have not been good in recent years in fighting drug traffic.

Boyd said the purpose of the meeting in Alpine last fall was to "get things together and hash out some things like jurisdictional matters."

The Standard in a copyrighted series last December, entitled "The Permian Basin Corridor," reported that lack of cooperation among various drug enforcement agencies has undercut efforts to stem the flow of drugs through the Brewster and Presidio County areas—which form the heart of what is considered to be a major drug trafficking corridor from Mexico into the U.S.

A DEA agent told the Standard that the conspiracy case made jointly by Colorado and Texas state narcotics agents was billed up to be a major case for the purposes of procuring federal grant money and was not as important as was made out to be.

"There were no federal funds involved at all," said James of the state attorney general's office.

"And as far as any suggestion of this being a minor case, I beg to differ. It was a very significant case with significant people involved. We're talking about people who are pretty heavy into drug trafficking."

Colorado authorities said the case is one of the biggest in the state's history.

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[From Newsweek, May 22, 1978]

### BUSTING THE HEROIN PIPELINE

(By Dennis A. Williams and Sylvester Monroe)

Alfredo Alamo-Ramirez eased his old Ford up to a checkpoint on the U.S.-Mexico border at Del Rio, Texas—and was promptly yanked out of line by suspicious customs agents. Acting on an informant's tip, they inspected the car and found 23 pounds of Mexican brown heroin, worth at least \$2.5 million on the street, concealed in the gasoline tank. But instead of pleading ignorance, as the agents fully expected, Alamo-Ramirez asked for sanctuary and agreed to cooperate with American drug officials. They substituted 23 pounds of dog food for the heroin, and three days later, Alamo-Ramirez drove the car into a garage in a Latino neighborhood of Chicago. Drug Enforcement Administration agents then crashed in—with warrants—and grabbed another 17 pounds of heroin concealed in another car and \$94,000 in cash. They also arrested three important drug-dealing suspects—each of whom is now serving a 45-year jail term.

That bust last June proved to be a major break for Federal agents seeking to halt the flow of Mexican heroin—and it could help bring about the downfall of the Herrera family, the dominant dealers in the trade according to DEA agents. A month after the garage bust, two key members of the Herrera organization were arrested, and their convictions ultimately led to the indictment in Mexico of Jaime Herrera-Nevarez, 50, alleged "godfather" of the clan, who has since fled Mexico to avoid prosecution. In the past month, Mexican authorities working with the DEA have issued arrest warrants for fourteen other members of the operation, and a dozen more are expected within the next week. The DEA now estimates that there are 1.5 fewer tons of Mexican heroin in the country than a year ago and that the heroin coming in is both lower in quality and higher in

price. "We are beginning to win the war," says DEA director Peter B. Bensinger, who predicts that the Mexico-Chicago pipeline will be effectively choked off in eighteen months.

If so, Federal officials will have shut down the major supply route for heroin. Since the curtailment of the Turkish heroin trade in 1972, the Mexico-Chicago connection has supplied about 90 percent of the heroin sold in the U.S., and Chicago has become the nation's undisputed drug capital. Each year, an estimated 10 or 11 tons of Mexican heroin with a gross retail value of more than \$2 billion are smuggled into Chicago, nearly all of it by car coming across the Texas border. Half of the dope stays in Chicago; the rest is shipped around the country on commercial flights, and some goes as far as Puerto Rico. In all, Chicago police say that 99 percent of the known drug dealers in the city belong to the Herrera organization.

*Family Affair.*—According to DEA officials, the Herrera organization has as many as 2,000 members and associates, many of them in fifteen Mexican families related by marriage. The older members, such as patriarch Jaime Herrera-Nevarez, control the operation from Durango, high in the rugged poppy-growing country of the Sierra Madres. The raw opium is first processed in Mexico, then shipped to six separate dealing and distributing operations in Mexican-American communities in Chicago, as well as to "field offices" in major American cities, including Los Angeles, New York, Boston, Miami, Philadelphia, and Washington, D.C.

Some of the Chicago Herreras operate small businesses such as bars, restaurants and apartment houses, but they generally keep low profiles and live in modest circumstances, easily blending into the mostly poor Chicano neighborhoods. Despite their humble life-styles, they run their operation like an efficient big business. The Chicago outfit alone, the DEA says, takes in as much as \$100 million a year in profit—which would have placed it 116th on the 1976 Fortune 500 listing of the most profitable American corporations.

But now, the tide seems to be turning. Bensinger credits the four-year-old American-financed poppy eradication program in Mexico for cutting the supply of heroin and reducing its quality. The DEA estimates that 35,000 poppy fields have been destroyed in the last year and a half. As a result, Mexican heroin that was sold on the street at 6.6 percent purity just two years ago is, on the average, only 4.9 per cent pure today—and the prices have shot up. "Back in the '60s I'd go down and stand in line with the junkies waiting to buy a fix," recalls Abraham Azzam, deputy regional DEA director in Chicago. "A spoon of 4 to 6 grams sold for \$150, and it had a purity of 35 to 40 percent. Today that same quantity costs \$1,200 and is nowhere near the quality." Bensinger believes that such inflation leads to fewer heroin overdoses, discourages new users and may be reducing street crime in Chicago.

As supplies have diminished, the heat on high-level dealers has increased. For the past year, the DEA and the Mexican Attorney General's office have been quietly laying the groundwork for prosecutions under the "Janus" program created by the two governments. In the absence of an extradition treaty between the countries, Janus allows Mexican officials to prosecute a Mexican citizen who deals in drugs in the U.S., then flees to Mexico. U.S. officials can present their evidence to a Mexican court in the form of a deposition, which becomes the basis for prosecution. A similar method was used for prosecutions in the French Connection case—and Jacques Kiere, a DEA operative in France at that time, is now DEA chief in Mexico. Two months ago, Bensinger met with Mexican Attorney General Oscar Flores-Sanchez, and since then, Flores-Sanchez has accepted 26 cases for prosecution from the DEA. The arrests will be made in the next week, the DEA says.

The most devastating weapon for attacking the drug trade may turn out to be an eight-year-old Federal law known as the "RICO" (Racketeer Influenced and Corrupt Organizations) statute. The law, which has lately been applied successfully to narcotics cases, allows the government to present evidence that a suspect's financial assets were acquired with illegal funds obtained from narcotics. If the defendant is convicted, the government can then confiscate the assets. Going after the profits, the DEA believes, will be more effective in the long run than busting street dealers.

*"Now Catch Us"*.—In the end, drug agents say that the combination of limited supplies, higher prices, greater risks for top-level traffickers and the seizure of profits will disrupt the heroin operation and break up the Herrera organization. Muses Chicago DEA director Vernon D. Meyer: "It's one of those things where they say, 'OK, you know. We know you know, Now catch us.'" And the DEA is finally confident that it soon will.

[From the Texas Monthly, September 1978]

### THE ENEMY WITHIN

Law enforcement agencies along the border are so busy stalking each other that the smugglers are getting away.

(By Kaye Northcott)

Colorado agents had invested sixteen men, eight vehicles, two airplanes, six months' effort, and thousands of dollars in what they hoped would be one of the biggest heroin busts in Colorado's history. They had tailed four men, (one an informant) deep into Texas' Big Ben country, all the way to the Mexican border where the buy was to be made. But the deal fell through, and the smugglers were heading back to Colorado empty-handed. The agents were quietly following their prey back home when, to their horror, U.S. Customs agents stopped the suspects in the ghost town of Shafter and proceeded to toss two of the men into the Marfa jail for possessing a stolen firearm.

Eight months later, Ron Pietrafeso, head of the narcotics section of the Colorado Organized Crime Task Force, still can't talk about the incident without getting hot under the collar. He says he was getting full cooperation from the Texas Department of Public Safety and local law enforcement agents. His troubles started when the DPS notified Customs of the surveillance operation, routinely providing the identity of the suspects and the autos they were driving. Exactly why Customs came on like gangbusters has never been fully explained. During the search, the agents managed to overlook \$13,000 hidden under the floorboard of one of the cars. "And \$13,000 in cash would have been a lot easier to find than dope," Pietrafeso said. "Our whole effort was thwarted by federal agents. We had to begin the case in a new way and try to piece it back together."

Such snafus are not uncommon among rival state, local, and federal law enforcement agencies. In fact, their petty bickering, backbiting, and occasional outright sabotage are carried on with as much zeal as the pursuit of drug smugglers themselves. Duplication of effort and unsportsmanlike competition among the agencies make the already difficult job of apprehending smugglers even harder.

Local officers typically contend that federal agents are arrogant and insensitive to regional customs. The feds, on the other hand, insist that some local enforcement people are so inadequately trained that it is counterproductive to work with them. Pietrafeso, who took his complaint to a U.S. Senate subcommittee this spring, said the feds "tell their agents all the time that they have to cooperate with local agencies, but it's always on a take basis. There is never any give in return." As an example of federal arrogance, Pietrafeso described a meeting in which the head of the Drug Enforcement Administration (DEA) in Midland warned him that his agents would be subject to arrest if they tried to conduct an undercover operation in the Midland area without prior approval.

In less than a year and a half, the New Mexico attorney general's office identified 22 cases in which state and federal agents had actually undermined each other's efforts. Part of the problem is the pressure to compete. Heroin and cocaine are very difficult to intercept, and large busts are few and far between. Yet the government targets these drugs as top priority, so agencies scramble to get credit for the few major busts.

Floyd Hacker, chief of the criminal law enforcement division of the DPS, explained the practical basis of the rivalry: "I'm not casting aspersions on any agency, but looking at the situation realistically, we're out here and our Legislature's looking at what we do. If we go along continuously assisting another agency and never, or very seldom, initiate an investigation or make a seizure, then the Legislature is going to look very closely at our funding. They look at facts and figures. And you can't blame Customs or the DEA either, because they're funded the same way. Congress wants to know their record on seizures and defendants. Somewhere we've got to stop worrying about who gets the credit."

Texas' vast 1200-mile border with Mexico is a prime battleground for these dueling agencies. The DEA estimates that four of the six tons of heroin smuggled yearly into the United States passes through Mexico. Narcotics officers from the DPS, county sheriffs, and municipal police share the responsibility for enforcing the drug laws with a confusing array of federal agencies. The DEA, which is in the Justice Department, is specifically charged with apprehending drug offenders in the United States and with conducting investigations in foreign countries.

The Customs Service, a branch of the Treasury Department, retains the authority to interdict drugs at ports of entry, but this 189-year-old agency is still smarting over investigative duties it was forced to surrender when the DEA was formed in 1973. ("Customs has been taken out of a lot of the sexy stuff and they resent it," a bureaucrat from one of the other agencies told me.)

As consolation for losing some of its powers to the DEA, Customs was allowed to set up its own patrol system along the border, but this has led to jurisdictional disputes with the more established Border Patrol run by the Immigration and Naturalization Service, which is located in the Justice Department. The INS border patrolmen who bounce along the banks of the Rio Grande in four-wheel-drive vehicles looking for illegal aliens insist that they are just as likely to run across a truck-load of marijuana. Still other agencies that get involved in drug cases include the Bureau of Alcohol, Tobacco, and Firearms, the Department of Defense, the Federal Bureau of Investigation, the Federal Aviation Administration, the Coast Guard, and the Department of Agriculture. All told, the federal programs to control the flow of both people and drugs across our borders cost taxpayers \$142 million yearly, which does not include the funds that other agencies spend evaluating, criticizing, and attempting to reorganize the unwieldy border-related bureaucracies.

Last December the General Accounting Office (GAO) issued a report that was especially critical of the jealousies and duplication of efforts between Customs and INS. The report pointed out that the two agencies have separate data systems and staffs working side by side at ports of entry. There is overlap between ports as well. For example, each patrol plants Viet Nam-vintage seismograph equipment along the river-banks and roads and fence lines near the border in order to detect areas of heavy traffic. Sometimes one patrol will place its sensors directly behind the other agency's equipment, so that both agencies respond to the same hits. A top INS Border Patrol administrator in Texas told me that in his area Customs patrols eavesdropped on the Border Patrol radio frequency in order to horn in on the INS busts.

Both agencies combined intercept only 2 per cent of the heroin estimated to come from Mexico, according to the GAO report. The DEA accounts for an additional 4 per cent, if you include the seizures that are made in Mexico near the U.S. border. Almost all the heroin confiscated along the border is at ports of entry in "cold busts," seizures made by Customs inspectors during routine searches. Heroin is a refined powder and easy to conceal. A fortune can be brought through a port of entry hidden in a truck tire of a gas tank or in human body orifices (called "body" heroin). In order to lessen the risk of losing the entire load in one cold bust, heroin smugglers break their cargo down into small quantities and distribute it to "mules" (couriers) to ferry across the Rio Grande. "Border drug apprehensions involve the small-time operator, courier, or user and seldom lead to the identification of trafficking organizations," according to the GAO.

What the government does have to show for its interdiction efforts is a mother lode of marijuana. In 1976 along the Southwest border, Customs, INS, and the DEA seized 1.5 million pounds of marijuana, compared to 1,123 pounds of heroin. While concealing heroin is similar to hiding baby powder, smuggling marijuana is more like hauling a load of hay. Due to the plant's bulk and distinctive odor, it is rarely brought through ports of entry. Instead, Customs and INS patrols find it floating on rafts in the Rio Grande, stashed in the brush of the riverbank, or weighing down trucks that are stuck in the mud beside the river. It is the mules who are usually caught, and the amateurs who blunder upon one of the mobile Border Patrol checkpoints on the major highways leading out of South Texas. (One border patrolman at the Falfurrias checkpoint is nicknamed "the Nose" because he can stick his head in a car window, sample the air, and determine if marijuana is concealed in the vehicle. Agents with lesser olfactory talents use trained dogs.)

Big-volume marijuana smugglers seem to be turning more and more to air transportation. One recent government report estimated that as much as 85 per cent of the Mexican marijuana crop comes in by air, mainly in small private planes that carry five hundred pounds or a ton at a time. Another report said that 4,000 to 6,000 illegal smuggling flights cross our southern border each year, and that could be a conservative estimate. Two years ago a Customs officer, within the space of an hour, sighted thirteen "bogeys" (unidentified, and presumably illegal, flights) on his radar scanner between El Paso and Deming, New Mexico. Last year marijuana loads were found at the sites of 65 plane crashes in

Texas and New Mexico. No heroin was discovered in the wreckage. The GAO investigators could not cite a single smuggling case where an aircraft known to have cross the U.S.-Mexican border had anything more than traces of hard narcotics aboard. More than one narcotics agent speculated to me that heroin is never discovered on airplanes or boats because it is so easy to jettison.

Many border law enforcement officials, including Don Smith, who heads the DEA's McAllen office, maintain that they are now apprehending "poly-drug dealers," people who smuggle both heroin and marijuana. They imply that by sending a marijuana smuggler to prison they have actually put a heroin smuggler out of commission. The dozen or so marijuana smugglers and dealers I have interviewed all maintain that moving weed and heroin are entirely different vocations. Some admit to dealing cocaine, but not heroin, which they call a "bad karma" drug. Steve Rapp, staff director of a U.S. Senate subcommittee that has been holding hearings on border law enforcement, believes that the poly-drug argument is self-serving: "The drug enforcement people are hitting marijuana smugglers because it's easy, but on the other hand they have to rationalize what they've hit."

In hopes of seizing more heroin at ports of entry, Customs is experimenting with new drug-detection aids, including such Buck Rogers gizmos as an air curtain, an electromechanical sniffer, a neutron backscatter device, and a hand-held infrared thermal viewer for detecting "hot spots" created by body heroin. (Some skeptics say these efforts are reminiscent of the much-heralded American invention a few years ago that was supposed to ferret out drug labs in Marseilles by homing in on the chemicals used in heroin manufacture. Instead, the snorkel-like sniffer, which was mounted on the roof of a VW camper, managed to detect most of the major restaurants in Southern France.) Customs Commissioner Robert E. Chasen, a former top executive with ITT, expresses confidence that at least one of his experimental drug machines will be successful. "And once we can detect body heroin, what's a smuggler going to do?" Chasen asks. "He's going to go in by air, sea, and other vulnerable parts of the border."

Under Chasen's guidance, Customs is pumping for an expanded program of air interdiction. The agency has spent \$25 million on aircraft and radar since 1971 and estimates that, at a minimum, an additional \$29.3 million is needed to mount an effective war on air smuggling. Customs agents are frustrated by the ease with which small planes make illegal entries into the U.S. The FAA and Defense Department radar along the southern border is aimed at high-flying objects, and there are many, many gaps in the radar. Customs' radar equipment is limited to six outmoded mobile units for detecting low-flying aircraft. The units have a 25-mile range and are so expensive to operate and maintain that only one or two of them are in use at any one time.

Customs, INS, and DEA each operate individual air fleets at separate landing fields with separate maintenance crews. Chasen says that his agency is handicapped because it is working with a motley assortment of confiscated planes and Defense hand-me-downs.

The GAO report looks askance at requests for new equipment: "Law enforcement agencies continue to seek additional funds without clear support as to meaningful results. . . . Customs' air interdiction has only been marginally effective and has not justified additional aircraft and support equipment requested." Even if Customs is allowed to gear up, one Customs official admitted to me, "The smuggler can respond to our changes quicker than we can respond to his. All he has to do is get a little faster plane." Still, Chasen insists that "Customs has to be committed to high technology." They will soon be flying with the Air Force, which has a new downward-scanning radar that can spot aircraft for a 200-mile radius to give more accurate air-entry patterns.

At least eight federal studies during the past ten years have recommended that rather than pour money into new programs, border management should be put under a single agency to make the best use of existing resources. President Carter's proposed plan, which he was forced to shelve in July, would have combined INS port inspectors and Border Patrol with the Customs Service, making a new agency in the Treasury Department. The President was unable to get Customs and INS and various special-interest groups to cooperate with the reorganization. The proposal was especially unpopular with Mexican Americans in Texas who saw it as a slight to INS Commissioner Leonel Castillo of Houston. Earlier, one of Carter's reorganizers had been called before a Senate subcommittee to explain why the plan was moving so slowly. Carter's man replied that the administration was running into "some significant turf questions."

Still, a decade of damning studies and adverse publicity have inspired some attempts at cooperation. The best integrated federal project is the El Paso Intelligence Center (EPIC), which was established by the DEA in 1974 to provide an overall intelligence picture of drug smuggling by land, sea, and air. The DEA invited other agencies to participate and at first only INS signed on. Now EPIC includes agents from the Bureau of Alcohol, Tobacco, and Firearms, the Coast Guard, FAA, and Customs. Typically, Customs was one of the last to join and the venerable agency continues to downgrade the operation, insisting that its own computer system is adequate.

On another front, the attorney generals of the Southwestern border states have sponsored three well-attended border crime conferences designed to soothe hostilities among rival law enforcement agents from the U.S. and Mexico. Floyd Hacker of the DPS said, "The meetings are helpful, even if you don't do anything but meet people you need to deal with." Other ad hoc meetings are called to work out specific problems. U.S. Attorney Jamie Boyd of San Antonio summoned the cast of characters to Alpine last fall after Customs agents bungled that Colorado heroin investigation. "Everybody got things off their chests," said Hacker, with diplomatic restraint. "We now have an agreement with the federal agencies. I think it will work fine. To me, it's simple—if we call the federal agency for assistance and they offer us that assistance, it's our case. If they call us for assistance, it's their case. This satisfies both camps."

In the meantime Mexico continues enthusiastically dumping Paraquat and 2,4-D on the landscape. And even though the U.S. may be having second thoughts about the controversial program, Carter and the State Department still endorse herbicide spraying in Mexico and other drug-producing countries as this nation's first and best defense against heroin trafficking. As Peter B. Bensinger, chief administrator of the DEA, explained to Congress, "By the time they reach the border, narcotics are difficult to track down. The time to curb the flow of contraband, we believe, is when it is hardest to hide: that is, when it's in the ground." The very fact that the United States is pinning its hopes on foreign drug-eradication programs is in itself a clear indictment of our dueling domestic agencies.



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