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EQUAL EMPLOYMENT OPPORTUNITIES IN CURRENT DRUG ENFORCEMENT AGENCIES

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HEARING

BEFORE THE

SUBCOMMITTEE ON CIVIL RIGHTS AND
CONSTITUTIONAL RIGHTS

OF THE

COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES

NINETY-THIRD CONGRESS

SECOND SESSION

ON

EQUAL EMPLOYMENT OPPORTUNITIES IN CURRENT DRUG
ENFORCEMENT AGENCIES

Serial No. 52

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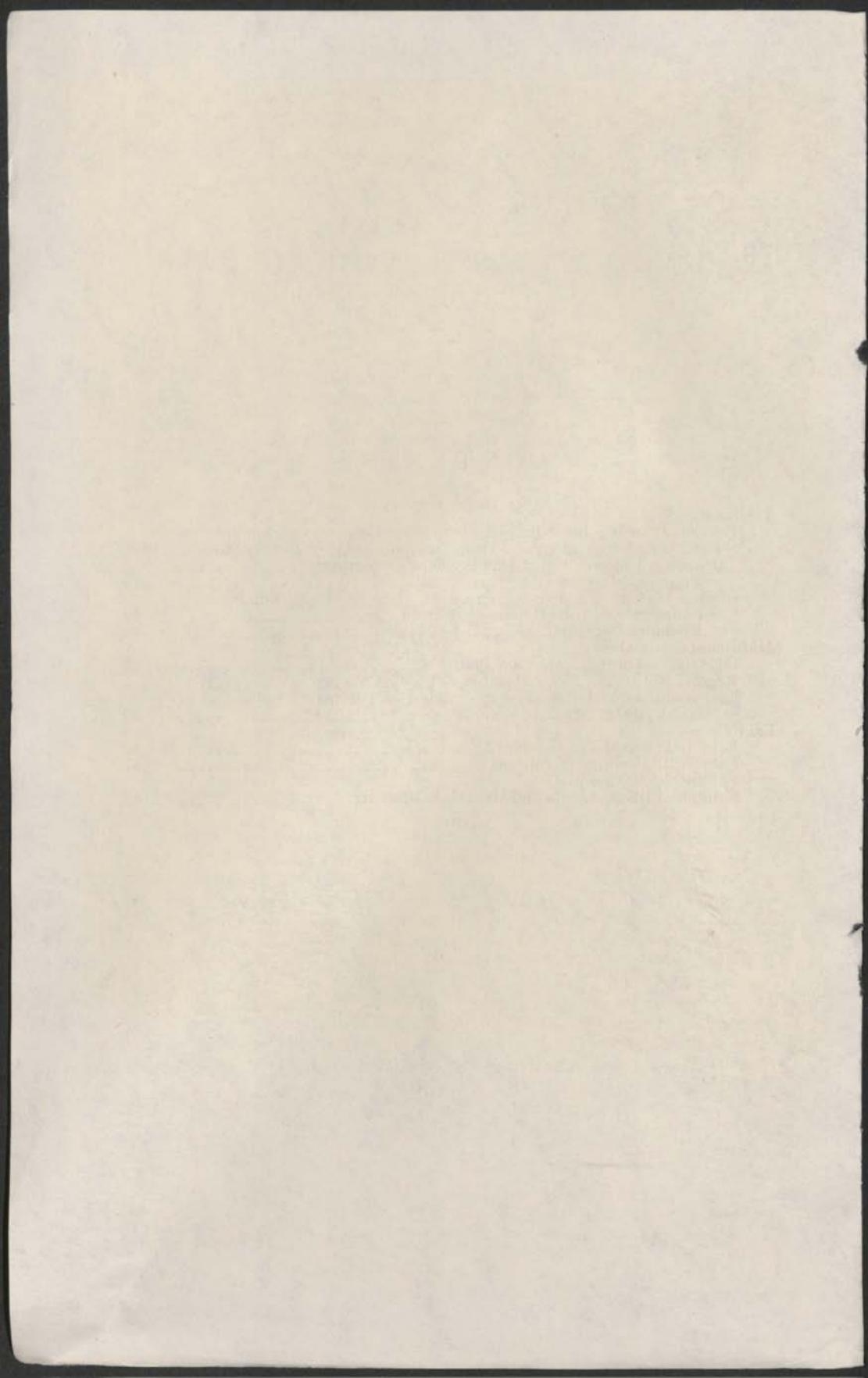
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EQUAL EMPLOYMENT OPPORTUNITIES IN CURRENT DRUG ENFORCEMENT AGENCIES

MONDAY, MARCH 18, 1974

HOUSE OF REPRESENTATIVES,
CIVIL RIGHTS AND CONSTITUTIONAL RIGHTS
SUBCOMMITTEE OF THE COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:05 a.m., in room 2226, Rayburn House Office Building, Hon. Don Edwards [chairman of the subcommittee] presiding.

Present: Representatives Edwards, Drinan, and Rangel.

Also present: Ruth Robinson, counsel, and Michael W. Blommer, associate counsel.

Mr. EDWARDS. The subcommittee will come to order. This morning, we are pleased to continue and to update our review of the equal employment opportunity program of the Federal agencies fighting the drug war. Last May, prior to the implementation of Reorganization Plan No. 2, the subcommittee received testimony on the above-mentioned subject from the Bureau of Narcotics and Dangerous Drugs, the Bureau of Customs, and the Office for Drug Abuse Law Enforcement. Now those agencies have been reorganized into one—the Drug Enforcement Administration (DEA) of the U.S. Department of Justice. Testimony received this morning will assist the subcommittee in determining whether or not equal opportunity is a priority of the new agency.

Appearing as our first witness will be Mr. John Bartels, Administrator of DEA. Mr. Bartels is a graduate of the Harvard Law School and has served as an assistant U.S. attorney for the southern district of New York. In addition, he was the first chief of the strike force in Newark, N.J. Further, he served as counsel to [then] Governor Rockefeller's committee for examination of the affairs of the city of New York. Finally, just prior to his current position, he served as a deputy special assistant attorney attached to the Office for Drug Abuse Law Enforcement of the Department of Justice.

As I understand it, Mr. Bartels, the gentleman on your right is Mr. Robert Rogers, the first Director of Equal Employment Opportunity in the Drug Enforcement Administration.

You have also furnished us with a biography of Mr. Rogers and without objection we will include that into the record.

[The information follows:]

BIOGRAPHICAL SKETCH OF ROBERT A. ROGERS

On October 26, 1973, Administrator Bartels announced the appointment of Mr. Robert A. Rogers as the first Director of Equal Employment Opportunity in the Drug Enforcement Administration.

Mr. Rogers holds a Bachelor's Degree from Eastern Michigan University, and a Master's Degree from the University of Detroit. He was a Social-Investigator in Detroit, Michigan for two years before joining the Detroit Police Department as a Police Officer in 1959. In 1961 Mr. Rogers worked as a Parole Agent with the Michigan Bureau of Pardons and Paroles until 1965 when he accepted a position with the D.C. Department of Corrections as Assistant Director of a special project for youthful offenders. In 1966 Mr. Rogers went to work as a Management Analyst in the D.C. Commissioners Office, and in 1968 accepted a position as Assistant Secretary to the D.C. City Council where he remained until 1971. Since that time Mr. Rogers has been a Deputy Director of EEO with the Environmental Protection Agency, and was the Disaster Compliance Coordinator with SBA's Office of EEO & Compliance before accepting his present position with DEA.

Mr. Rogers is currently an accredited Criminal Investigator (Warrant Officer), with the D.C. National Guard, and his community activities include working as a Neighborhood Commissioner with the Boy Scouts of America, and as a part-time volunteer fireman.

Mr. Rogers is married, the father of four children and currently resides in Silver Spring, Maryland.

Mr. EDWARDS. Glad to have you here, Mr. Rogers. How long have you been employed?

Mr. ROGERS. Since January 21.

Mr. EDWARDS. Now, Mr. Bartels, if you would please proceed?

TESTIMONY OF JOHN R. BARTELS, JR., ADMINISTRATOR, DRUG ENFORCEMENT ADMINISTRATION, U.S. DEPARTMENT OF JUSTICE, ACCOMPANIED BY ROBERT ROGERS, DIRECTOR, OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY

Mr. BARTELS. Thank you. The issue of equal employment opportunity became of particular interest to me personally in the spring of last year when the President proposed to make the consolidation, of which you have just spoken, at which time I was given the responsibility of undertaking a plan in preparation for this reorganization.

It was recognized at that time that providing opportunities for employment to minorities was not only a constitutional duty but could be crucial to the effectiveness of the Federal antidrug effort. The drug problem is frequently most concentrated in the intercity neighborhoods which are often inhabited exclusively by minorities.

On July 1, 1973, I became the Acting Administrator of the new Drug Enforcement Administration set up within the Department of Justice and was confirmed on November 1, 1973. I personally welcomed this challenge of helping to establish a new agency in spite of the many organizational problems with which we were immediately confronted. DEA inherited personnel of many different professional backgrounds and experiences who had acquired their training and their methods of operation in different agencies and who were suddenly required to come together to establish a new agency and new methods of operations.

In spite of these and other similar problems, I knew of the importance which Congress correctly attached to immediately setting up an effective and expanded EEO program. One of my first acts as the new Administrator was to order the selection of a permanent EEO Officer and staffing of a new EEO Office which would create a plan of aggressive action acceptable to me. This, of course, would take time which we could not afford in getting on with the task to recruit minorities. I, therefore, personally emphasized to the new DEA

regional administrators, in my first meeting with them, that they should immediately treat this as an area of high priority and set about to insure that potential minority applicants were advised of the opportunities within the new Agency and encouraged to apply for them.

Today, I am in a position to report to you what we feel represents substantial progress in our employment of minorities. The figures will prove this. They are not dramatic but they are significant. We have found that progress is only made through patient hard work which gradually builds on small gains.

Within the first 9 months of the life of DEA, the total number of minorities employed within the Agency has increased by over 22 percent. Moreover, nearly all of these positions have been filled by criminal investigators. Of the total agency manpower, slightly more than half fall into this category, that is, criminal investigators; and as I have previously mentioned, it is particularly important to employ minorities in this activity to give us a capability for conducting investigations within minority segments of the national population.

Since the creation of DEA, three new classes for the training of agent recruits have been initiated. Of the total 126 new agents admitted to these 10-week training schools, 47 percent have been minority applicants. Half of these were blacks, 21 were Spanish-Americans, and 10 were orientals. In addition, 6 of the new recruits were female.

This recruiting effort is largely responsible for the increase in the number of minority special agents employed within DEA. As of July 1, 1973, there were 73 black agents which has now increased to 92—an increase of 26 percent. The number of Hispanic agents has increased from 76 to 90—an increase of 18 percent. The number of oriental agents has increased from 11 to 21—an increase of 91 percent.

Mr. EDWARDS. Mr. Bartels, in the increase of black agents from 73 to 92, how many of them came from the organizations that were merged into DEA?

Mr. BARTELS. I believe it is six, Mr. Chairman, although it may be that several left, but it was between six and eight, I believe.

I'm informed that none of the increase came from those agencies, Mr. Chairman. In other words, the 76 figure, or the 73 figure rather, included the 6 or 8, whatever the correct number is, from the Bureau of Customs.

Mr. EDWARDS. Thank you.

Mr. BARTELS. In addition to these statistics which in large measure reflect employment trends, the quality of our effort has also been improved through the promotion of qualified minority employees to greater positions of responsibility. Four black senior criminal investigators have been appointed to positions of assistant regional administrator. The number of minority agents serving abroad has been significantly increased; and for the first time, black agents have been assigned to these areas overseas. Attached to my statement are tables listing these improvements in upward mobility by position within each category of minority employment. These tables also serve to indicate the great diversity of professional careers available within Federal law enforcement.

I believe the figures which I have cited provide convincing evidence of the priority which the equal employment opportunity program has received within the new Drug Enforcement Administration. But I

recognize that a sound program cannot be insured solely through the good intentions of management. What is required is a vigorous and professionally staffed office functioning within the agency to insure that its goals and priorities are met on a continuing basis. Accordingly, I am determined that the new Office of Equal Employment Opportunity will be adequately staffed not only in the headquarters but in key regional offices as well.

Mr. Rogers, who was selected to head this Office in January of this year, is now about the task of completing his staff. By April 15, it will consist of a Deputy Director, and five EEO field coordinators stationed in Chicago, Los Angeles, Denver, Miami, and New York. Together, they will be responsible for evaluating and developing the EEO program for all levels throughout DEA, and determining the type of assistance needed to further improve its quality. They will also assist in the processing of complaints received and recommend remedial action to the Director of EEO that will be directly reported to me. Attached to my statement is a copy of the comprehensive affirmative action plan for calendar year 1974, the fulfillment of which will be the primary mission of the new Office.

At this time, Mr. Rogers and I will be pleased to respond to such questions which you may have.

Mr. EDWARDS. Thank you, Mr. Bartels.

Mr. BARTELS. Thank you, sir.

Mr. EDWARDS. Now, these attachments—this comprehensive affirmative action plan for calendar year 1974—when was this prepared?

Mr. ROGERS. This was completed about the first part of February 1974.

Mr. EDWARDS. Has it been distributed to all of the regional offices?

Mr. ROGERS. Yes, sir, it has. They have several copies that have been sent to each regional office and all laboratories.

Mr. EDWARDS. Mr. Bartels, on February 27, I wrote to the Attorney General and asked him for information in some detail. Do these attachments answer those questions, or can I expect a letter from him?

Mr. BARTELS. I think there is one question that hasn't been answered in that, Mr. Chairman. I will double-check and make sure that these attachments satisfy all of the questions in your letter of February 27. I believe there is one and that concerned the number of minority agents that came over from Customs. The number was changing, and I don't believe we supplied it.

Mr. EDWARDS. Thank you. I guess Mr. Rogers understands that he has a very big job?

Mr. BARTELS. Yes, sir. I'm not worried about Mr. Rogers. I think the people in the field have to understand that they have a big job, too.

Mr. EDWARDS. Now, we have some information to the effect that as of June 30, 1973, there were in the agency 1,432 total agents, and of that, 67 were blacks, accounting for a percentage of 4.6 percent. Now there are 1,968 agents, Blacks are 92, but the average is 4.7 percent. So there is not much improvement.

Mr. BARTELS. The original number that you quoted, Mr. Chairman, was the Bureau of Narcotics and Dangerous Drugs.

Mr. EDWARDS. Right.

Mr. BARTELS. We merged with part of the Customs Agency Service, the Bureau of Customs. In other words, we took 562 positions, and of those 562, I believe either six or eight were minority people.

Mr. EDWARDS. They didn't have a very proud record in affirmative action and fair employment practices. Is that correct?

Mr. BARTELS. I don't know whether it is true or whether it so happened that the division of those working on narcotics along the Southwest border tended to the white, Anglo-Saxon, and Protestant. It may be the number we got in that division was based on their preponderance of narcotics work.

Mr. EDWARDS. Now, is it true that you have had three training classes in 1974—a January class, a February class, and a March class?

Mr. BARTELS. That is correct.

Mr. EDWARDS. And the January class had a total of 42 students with 10 blacks, 8 Spanish speaking, 2 females. The February class had 36 people in it, with no blacks, 5 Spanish speaking, 2 females, and 1 Asian. The March class had 37 students: 4 blacks, 2 Spanish speaking, 2 orientals, 2 females. That is a very, very low record in minority students.

Mr. BARTELS. In the last class?

Mr. EDWARDS. Well, there are no black students in February.

Mr. BARTELS. Yes.

Mr. EDWARDS. Out of 36.

Mr. BARTELS. Yes; that is right. I think that is 33 now.

Mr. EDWARDS. In March, you had 4 out of 37. That is not going to catch up with anything.

Mr. BARTELS. Well, the figures that I have shown in the basic agent class, the first basic agent class that we had back in September, we had 17 blacks. In the second class, which I have the date for as January 21, we had 10 blacks. In this present class we have had no blacks and five coming in in the next class, which is today.

Mr. EDWARDS. Now, how do you account for the fact you do not have any blacks in the present class?

Mr. BARTELS. In the present class there are no blacks?

Mr. EDWARDS. You are supposed to have four blacks in March. Is that correct?

Mr. BARTELS. I would put that answer in terms of the time and the coincidence of things going through the personnel channel. We hit a very high proportion in the beginning, Mr. Chairman.

And I don't think you can look at one particular class simply because people get cleared through civil service quicker, the class is scheduled, and we try and put as many of those classes together back-to-back as we can. So if we have it in one class, that doesn't bother me. If we have it in a series of classes, then that bothers me.

Mr. EDWARDS. Well, we will be looking forward to Mr. Rogers doing a little better because he is going to have to deal with that.

Mr. BARTELS. Correct.

Mr. EDWARDS. Who is Mr. Nelson B. Coon?

Mr. BARTELS. He is the Assistant Administrator for Administration and Management.

Mr. EDWARDS. Was the EEO Office assigned to his office?

Mr. BARTELS. No; it was assigned to his office temporarily. It was coming out of his office but the EEO Office reports directly to me. On paper it is presently assigned to his office, but in connection with the reorganization, Mr. Rogers has been reporting to me.

Mr. EDWARDS. How many people are in Mr. Coon's office?

Mr. BARTELS. 300. I would say in excess of 300.

Mr. EDWARDS. Is it still all white?

Mr. BARTELS. Indeed I would say that the minority group there, that the percentage there, is higher than anywhere else of minorities.

Mr. EDWARDS. Could those figures be submitted?

Mr. BARTELS. Yes.

[The information referred to follows:]

| <i>Minority employees in office of Nelson B. Coon</i> | |
|---|------|
| Total employees..... | 233 |
| Minority employees..... | 79 |
| Percent of total..... | 35.3 |
| Distribution by category: | |
| Professional/technical..... | 61 |
| Clerical..... | 18 |
| Distribution by Minority: | |
| Black..... | 69 |
| Spanish..... | 3 |
| Oriental..... | 2 |
| Indian..... | 5 |

Mr. EDWARDS. We have an allegation that at least all of the high positions are virtually all white.

Mr. BARTELS. The allegation is inaccurate. At the time of the reorganization, four operating divisions reported to Mr. Coon. Three of these were headed by members of minority groups, two blacks and one Mexican-American. Since the reorganization, one additional operating division headed by an Anglo Saxon has reported to Mr. Coon, so that as of March 18, 1974, five divisions report to him, three of which are headed by minority group members.

Mr. EDWARDS. Thank you.

Now, have the regional managers been instructed to recruit minority applicants?

Mr. BARTELS. Yes, they have. They were instructed specifically on several occasions. They were instructed by phone in July, when I named them. They were instructed personally when we had our first regional directors' meeting, and they were instructed by our agency's teletype.

The problem as I see it is more than just recruiting. The problem is that in order to get minority members who are interested, we have to step up our timelag. It is one thing to recruit a man but it is another to get him on board quickly enough so that other agencies who compete for good people don't take him away, and so that he doesn't have other job opportunities.

So one of the areas exceeds the mere recruitment; it is developing a system that will expedite the entire background check and get the candidate on board.

Mr. EDWARDS. Well, it is not going to be easy with the history of the agencies that make up your organization now and the background of employment practices in the regions. Isn't that correct?

Mr. BARTELS. I don't know about the employment practices in the regions. One of the problems has been that the regional directors have not had the complete power to hire and fire personnel. As a result there is a lag as everything funnels into headquarters, which gets overburdened as an agency grows, and finally, final approval for the hiring practice remains in headquarters. In other words, the regional director can't go to a man and say "I think you are qualified and I would really like to have you, but I am not in a position now to make a final commitment." He can't hire him.

Mr. EDWARDS. Who makes the final decision?

Mr. BARTELS. Headquarters.

Mr. EDWARDS. Which department? Personnel?

Mr. BARTELS. That would be personnel and they have been flooded, Mr. Chairman, with the fact that this has been an agency in expansion, this has been a time period where we have had a series of transfers, a series of moves.

Mr. EDWARDS. How do the procedures work through personnel?

Mr. BARTELS. The procedure works through personnel in that the man has to be cleared, his papers are reviewed, and then he gets final approval from enforcement and the approval goes out to the field after clearing through personnel.

Mr. EDWARDS. Now, we have been informed that 12 qualified black police officers in the Baltimore area applied in October when there were 15 special agent vacancies, but they haven't even been interviewed yet?

Mr. BARTELS. Well, there seems to be some problem about that. I spoke to the regional director in Baltimore and he told me that their forms were sent in. I also was told that there was some recruiting going on from local police officers. One of the problems that we have is to make sure that while we are interested in obtaining the services of qualified people, while we are not going to turn down anybody, we can't go stealing from other local police forces. What that does is put us in a position that makes us persona non grata over State and local law enforcement agencies with whom we have to work on a day-to-day basis. So there has been some complaint that we have been doing that. I think that practice is also counterproductive or an unhappy one because frequently you take a man who is happy in his career or at least satisfied, and he hasn't applied to you, and you try and entice him away and then he is put in the position of bidding between two parties.

Of these Baltimore people who are metropolitan police officers, I understand that one has declined, one is currently being reviewed by enforcement, three are pending full field, and one was not qualified and so on. There are 10 other applications pending who have been paneled.

Mr. EDWARDS. Now, does Mr. Durkin head the Office of Enforcement?

Mr. BARTELS. Yes, sir. He does.

Mr. EDWARDS. Does the Office of Personnel have to submit all applications to him for review?

Mr. BARTELS. Yes; they do.

Mr. EDWARDS. How does he review them?

Mr. BARTELS. He goes over the full field and personnel background information to see if they qualify. We found that a few of the people submitted and accepted by personnel, in the rush to come up with a good program, had background information in their files that contained such things as a statutory rape charge, summary court martials, and as a result of that we established another reviewing procedure with Enforcement to assure that negative items in a person's background may be properly screened and evaluated so that our future agents will not be embarrassed or be in the position to embarrass the agency by admissions, particularly in courts, that they were previously convicted of a felony charge.

Mr. EDWARDS. What you are saying is that personnel is not qualified to do the review; is that correct?

Mr. BARTELS. No; I am saying that there have been some mistakes made and I want to make sure that in a rush to do a good job we don't have a countereffect by bringing on some people who are obviously unqualified. That would be a counterreaction.

Mr. EDWARDS. Well, of course that program has to be monitored with great care.

Mr. BARTELS. That is right. And that is why I wanted to add this additional check. There might be other things in there. We had one or two people who on a further check turned out to have background information that would make them unsuitable.

Mr. EDWARDS. I know that Congressman Rangel will be here shortly. Incidentally, he is having a press conference at the moment about his trip to Turkey seeking to enjoin the Turkish Government from starting the growth of opium again, and he should be commended on his efforts there. In the event he doesn't get here, I know that he would want me to ask you what is the situation with black agents in New York? The last time we checked I believe out of 2,050 agents, 15 were black.

Mr. BARTELS. That is approximately the same. It may have even gone down.

Mr. EDWARDS. How in the world can you do an effective job in urban New York where the heroin problem is so severe and a lot of it has to do with the problems of the ghettos, with white officers walking around trying to enforce the law?

Mr. BARTELS. You can't. And what we have done is to increase our efforts in integration by cooperation with the New York City Police Department. One of the problems in New York is simply that our pay, our overtime and our remuneration are not up to that of the New York City Police Department. So that any qualified black, who is interested in law enforcement, has every incentive to go into the New York City Police Department rather than ours.

What we have done is to increase our cooperation. And again it is really integration because we work essentially under one roof. We work with one command. We will be physically under one roof hopefully by the end of the next fiscal year. So we work with this New York City police group, which supplies the black and minority force that we don't have.

But you are 100 percent right. It can't be done.

Mr. EDWARDS. Should you come to Congress and request a better salary structure?

Mr. BARTELS. I don't know what we can do to match the New York City Police. I would like to see a structure that would, while it would not take us out of the civil service system, would allow for greater ability to rise in the agency; yes.

Mr. EDWARDS. Do you have the same situation in areas like Boston, Detroit, Newark where the agents are generally white?

Mr. BARTELS. Yes; we have a similar problem. There are only so many ways you can divide this number and you don't want them all working undercover, you don't want them all in a position where they are being singled out because they are black to the toughest, most demanding jobs. So again in Newark we have been in the position of emphasizing an integrated effort with the Newark City Police Department and to some extent the New Jersey State Police.

Mr. EDWARDS. Will you furnish for the record approximately how many you have in those metropolitan areas at a later date?

Mr. BARTELS. I certainly will.

Mr. EDWARDS. Thank you.

[The information follows:]

Tabulation of Black Special Agents in domestic regions as of March 5, 1974 (exclusive of Black Special Agents assigned to foreign regions, headquarters, and in training):

| | | | |
|-------------------|----|------------------|----|
| Boston..... | 0 | New Orleans..... | 5 |
| New York..... | 8 | Kansas City..... | 0 |
| Philadelphia..... | 10 | Dallas..... | 4 |
| Baltimore..... | 10 | Denver..... | 0 |
| Miami..... | 5 | Seattle..... | 0 |
| Detroit..... | 2 | Los Angeles..... | 12 |
| Chicago..... | 3 | | |

Mr. EDWARDS. Well, what about the agent panels. Is that the way you take care of the hiring of these applicants?

Mr. BARTELS. Yes, that is the way we take care of the initial paneling. In other words, each regional director is called upon to submit names. He submits names to go through an initial panel in one of the regional offices. Now, the regional director does not have the power through that panel to hire. That is what we want to decentralize and get out to the regions so that there will be a shorter time period. In other words, presently a man could be paneled in October and conceivably wait for a period of months while he goes through a full field investigation and headquarters procedure.

Mr. EDWARDS. Do you have in mind having an appropriate number of these panels with a proportionate number of minority persons on these panels?

Mr. BARTELS. Oh, I have in mind letting the regional directors carry that out as long as they get results.

Mr. EDWARDS. Well, you might have some problems. The New Orleans region—which is Alabama, Arkansas, Mississippi, Louisiana, and Tennessee—out of 34 criminal investigators, you did not have any minorities.

Mr. BARTELS. You mean on panels?

Mr. EDWARDS. No; I am talking about criminal investigators.

Mr. BARTELS. I believe we have a good deal more than 34 criminal investigators in that region. I will be happy to take a look at it. I also know we have a great number of minorities in New Orleans because I know them personally.

Mr. EDWARDS. I'm afraid that those figures were from our last series of hearings and referred to Customs and BNDD.

Mr. BARTELS. That is inaccurate. I have been in the New Orleans region and while I can't give you off the top of my head the number of minority people there, in our last two classes I believe it is 48 blacks that have gone down there. But there is a number and I will get that.

Mr. EDWARDS. Could you furnish that for the record?

Mr. BARTELS. Certainly.
[The information follows:]

Of a total of 69 special agents in the New Orleans region, there are 5 blacks, 2 Spanish Americans and 1 Indian.

Mr. EDWARDS. Now, our last hearings also reflected that the Los Angeles region—southern California, Arizona, Nevada—having 1 million minorities living there had a dismal record as to minority criminal investigators.

Mr. BARTELS. I know that is no longer true. I know the Bureau of Customs did not have a great number of minorities. For instance, we have a great number of Mexican Americans along the border and we have promoted an assistant regional director to Los Angeles, who is black. We have a minority as head of the Phoenix office. So I think it is up considerably but I can furnish the information.

Mr. EDWARDS. We would appreciate that. Thank you.

[The information follows:]

Of a total of 276 special agents in the Los Angeles region, there are 12 blacks, 18 Spanish Americans and 11 orientals.

Mr. EDWARDS. Mr. Drinan?

Mr. DRINAN. Thank you very much.

Mr. Bartels, thank you for your testimony. In going back to the question of Turkey for a moment, on page 4 you stated that:

The number of minority agents serving abroad have been significantly increased. For the first time black agents have been assigned.

Well, I assume that if nothing can be worked out with Turkey, that assignments abroad are going to be even more important in order to try to control the heroin coming in. Would you tell us why for the first time agents have been assigned? You say it has been a significant increase. I take it that it has gone from zero to something. What is the present status?

Mr. BARTELS. It has gone from zero to three and one pending.

Mr. DRINAN. What was the background as to why black agents were never assigned?

Mr. BARTELS. That is a good question. I'm not sure I know the reason why in the prior agencies black agents weren't assigned. But we have a program now where there are black agents being assigned. There is a black agent to go to Germany, one to go to Munich, a black agent to go to Jamaica, a black agent to go to Brazil, and there is one in Japan. So that would be four. In addition we have a program where at least one of the black agents is either in or about to go into language school. No, we have two, I am informed we have two at the Foreign Service Institute.

Mr. DRINAN. Well, Mr. Bartels, you say in the next sentence "Attached to my statement there is a table listing these improvements," but I don't find in the table exactly these improvements. Like the ones you mentioned, I didn't find that here.

But what is the projected policy, so to speak, on black agents and what about Spanish-speaking agents? Will they be increased, too, amongst those to go abroad?

Mr. BARTELS. Yes.

Mr. DRINAN. In other words, it seems very strange that up to now there was no program. How many agents do you have abroad?

Mr. BARTELS. We now have 174. There were 147 when I came on board.

Mr. DRINAN. That does seem to be a deliberate policy, I mean, to have continued over several years with 105 people with no minorities. And even now I take it from the silence here that there are no Spanish speaking in that number at all?

Mr. BARTELS. No, there are a great number of Spanish speaking and orientals.

Mr. DRINAN. You say here about the "number of minority agents" and by that you mean black?

Mr. BARTELS. Then that is misspoken.

Mr. DRINAN. We have two versions in your paper. You have eight females crossed out and then six inserted. Would you explain a bit more why 6 out of 126 seems adequate? Is that not rather small?

Mr. BARTELS. That is rather small. I believe we had six since I came into this job. I think it is rather small.

Mr. DRINAN. Well, is it that they are not attracted to it because they don't ordinarily sign up to be police officers?

Mr. BARTELS. No; I think there is an element of that though. We lost one on an affair of the heart, who dropped out of training.

I think it is a fairly new area for women to go into. The leading student in our first class was a woman. She won the Outstanding Student Award.

Mr. DRINAN. How do you carry out an affirmative action program to recruit women?

Mr. BARTELS. Well, let me turn that over to Mr. Rogers.

Mr. ROGERS. Well, one of the things I do have on my agenda for the latter part of May is to send a female recruiting team to the General Federation of Women's Clubs Conference convention representing 10½ million members, which will be held in Minneapolis to recruit women, and we are going 100 percent into this particular affair. We are going to have an exhibit which has been modified to reflect women performing as special agents, compliance investigators, chemists, and other professional positions within DEA. In other words we are going out there to specifically attempt to recruit women and to make as many contacts as possible to see that we get more women on the job.

Mr. BARTELS. I may add, Father, that that includes women in the criminal investigator category. Now there are far more women as intelligence analysts, which is an entirely new branch of enforcement that we started here. That doesn't require them to carry a gun. It requires them to analyze the intelligence that we have on the distribution systems.

Mr. DRINAN. Going back to the situation in Turkey, I assume that you have some alternative plans or options that you have explored—and I don't have to remind you people that it is very serious if nothing is worked out there—but how would these contingency plans work out with regard to minority employment here and abroad?

Mr. BARTELS. If Turkey goes back into the growth of opium, you mean?

Mr. DRINAN. Yes.

Mr. BARTELS. Well, whether Turkey goes back or not, we want to put as many agents overseas as the host countries will allow. I agree with your original statement, which I think is 100 percent correct and is also the key to narcotics law enforcement, and that is to get as many people overseas as we can that can be our eyes and ears. I want to put people overseas but what I want to do is open up certain areas which are peculiarly susceptible to minority effectiveness. Obviously in the Far East we are much more effective if we have somebody who speaks Chinese and has that background. That is true in other areas of the world as well. That is true as far as the blacks are concerned both in Europe and in the Caribbean and in South America. It is true also as far as the Spanish-speaking agents are concerned in Europe and South America. So that we are attempting, one, to get more people overseas and hopefully we can have that number up closer to 300 by the end of the fiscal year of 1975.

Mr. DRINAN. Well, Mr. Bartels, of the 300 you project, do you also have a projected figure for minorities now? It is 300 right now?

Mr. BARTELS. No, I don't have a projected figure for minorities that I can give you right now. What we want to do is pick the best men we can and get them over there in a position that will advance their career. I don't have a projected figure for minorities.

Mr. DRINAN. That is all.

Mr. EDWARDS. Mr. Blommer?

Mr. BLOMMER. Is there anything about the Civil Service procedures or their laws or regulations that you think hamper your getting people on board?

Mr. BARTELS. Quickly enough?

Mr. BLOMMER. Yes.

Mr. BARTELS. Yes, candidates have to go through a full field investigation. That takes anywhere from 2 to 3 months. We have Civil Service requirements regarding this procedure that has been one of the major hampering factors.

Mr. BLOMMER. In other words, they have to investigate your people?

Mr. BARTELS. That is right and that takes time.

Mr. BLOMMER. That is all, Mr. Chairman.

Mr. EDWARDS. Are you establishing right now an arrangement with the U.S. Civil Rights Commission in your development of an affirmative action program?

Mr. ROGERS. No, that is primarily the responsibility of the Civil Service Commission. This is who we report to through the Department of Justice, EEO group.

Mr. EDWARDS. Ms. Robinson, would you please proceed?

Ms. ROBINSON. Mr. Bartels, I am wondering throughout your testimony whenever there was an opportunity to refer to an applicant or a person, you invariably referred to a man. And in view of the fact that your program does provide for recruitment of women, I am wondering whether or not the kind of attitude that has been indicated by the constant reference to man rather than a person, interferes with the recruitment of women, since a woman might reasonably

believe that she might not be able to advance or that the agency was not serious in the recruitment of women?

Mr. BARTELS. Well, I hope that if I am talking to a woman, I wouldn't refer to her as a man.

Ms. ROBINSON. Well, no; I mean in terms of reference to an applicant.

Mr. BARTELS. No; I don't think it would influence any applicant. But I would hope that it wouldn't, because I have spoken on this and have solicited and spoken to the women who have come on board. Indeed, we had a young lady graduate on Friday, and we all rooted for her, and I spoke to her before she came on board, and so I hope it wouldn't. Ms. Robinson, I will try to get into the habit of referring to people as persons, but sometimes I slip.

Ms. ROBINSON. Mr. Rogers, I'm wondering if you could tell us whether or not the five EEO coordinators that should be in the field soon will have EEO work as their full-time responsibility.

Mr. ROGERS. That is correct. It will be primarily EEO work. We hope that they will be able to develop a positive type of liaison with various minority colleges in their respective areas, and their job will be to assist our personnel in their regions, the regional directors and so forth, with EEO-related problems.

Ms. ROBINSON. Have you had any contact with the U.S. Civil Rights Commission in the development of your affirmative action program? I know, for example, that the Commission furnishes a statement providing information to individuals interested in developing an affirmative action program, and I just wondered whether or not you had established any type of liaison with the U.S. Commission on Civil Rights?

Mr. ROGERS. I would say, yes, but not directly with us. It is probably with the EEO group up in Justice, and they have been talking to us about the various programs that are available.

Ms. ROBINSON. I see. Is there any possibility that your office would become a part of that liaison or that you would establish a liaison that is separate from that which is now established through the Department of Justice?

Mr. ROGERS. I think so, no problem.

Ms. ROBINSON. I would like to turn my attention to the personnel question. I am interested in the procedures that are followed as regards an applicant from the moment that a person files an application. Now, how is that done? Could you just briefly describe that?

Mr. BARTELS. From the point that the person files the application?

Ms. ROBINSON. Yes.

Mr. BARTELS. I would assume before he has filed the application, he has had some contact with somebody in the field. I can't tell you step by step what happens within the personnel branch as to that applicant, who it goes to, and so on.

Do you want to pick it up?

Mr. ROGERS. I can try. I can attempt to. Basically, the individual will have some contact with someone in the region who is recruiting. This is usually how it is done. Their application would normally be sent to the regional office where it would be screened to determine if the person has the basic qualification. If they are basically qualified, they will be called in and paneled by individuals who would ask him various types of questions.

Ms. ROBINSON. Could I interrupt for a moment? Could you tell me the racial and sexual makeup of those panels, or do they vary?

Mr. ROGERS. They vary.

Ms. ROBINSON. What are they predominantly, however?

Mr. ROGERS. Predominantly male.

Ms. ROBINSON. And as regards race, they are predominantly what?

Mr. ROGERS. I would say predominantly white but not always.

Ms. ROBINSON. All right, I'm sorry for interrupting.

Mr. ROGERS. If the panel approves the individual, the people in the region conduct what they call a preemployment background investigation. The individual is also told to report to a doctor for a medical examination. A package of information is developed regarding the candidate and sent to Washington to our headquarters personnel office. It then becomes a matter of pulling all the pieces together. Once the medical has been cleared, the personnel office in Washington will initiate a full field investigation on the individual.

The full field investigation is returned to inspections where they more or less check for derogatory information. It is then returned to personnel. They review it. It is then passed on to enforcement for final review.

Mr. EDWARDS. Would you yield, Ms. Robinson?

Ms. ROBINSON. Certainly.

Mr. EDWARDS. Now, enforcement gets into the procedure, and we discussed that a few minutes earlier.

Mr. BARTELS. Yes, sir.

Mr. EDWARDS. Does enforcement include a copy of the RAP sheet from the FBI and from the States and localities?

Mr. BARTELS. Thank God, we haven't reached that state yet where we had applicants with RAP sheets applying. So if there were such a thing, I would think it would include the RAP sheet, though.

Mr. ROGERS. If it is that derogatory, it would probably never get to enforcement or personnel.

Mr. EDWARDS. I would hope that personnel wouldn't just look at a RAP sheet with a couple of naked arrests on it, especially where minorities are concerned, and just right offhand not consider the applicant further.

Mr. ROGERS. Let me say this, I mentioned the preemployment investigation which is conducted in the regions. If we have an individual who has a record with a number of negative contacts with the police department, it's usually screened out in the regions.

What I am saying in effect is that an investigator could go over to that local police department and check an individual's record and ascertain whether or not the arrests were valid or invalid.

Mr. EDWARDS. Well, the applicant submits his or her fingerprints and that is sent to the record organization agency, or whatever it is, at the State or Federal level, or both.

Mr. ROGERS. And also to the FBI.

Mr. EDWARDS. And then you get back whether they are negative or have some sort of arrest or criminal record?

Mr. ROGERS. It is usually checked locally first.

Mr. EDWARDS. Well, your personnel, I trust, is sensitive to the fact that certain minorities because of past history, because of past discrimination and other factors, are likely to have a longer criminal record than white males?

Mr. ROGERS. That is correct.

Mr. EDWARDS. That is, than white males who grew up in middle-class neighborhoods?

Mr. ROGERS. This is why it is checked locally first because the investigator can go over and talk to people within the police department to determine whether or not it was a valid arrest or whether an individual was just simply arrested for an investigation, whereas the FBI RAP sheet might indicate a general record regarding a person's activities or contacts with a police agency.

Ms. ROBINSON. Mr. Bartels, does DEA maintain a career board?

Mr. BARTELS. Yes, it does.

Ms. ROBINSON. We heard testimony earlier from the agencies that formed DEA relative to the composition of that board and at that time, which was in May of 1973, that board was all white and all male. Would that be correct today?

Mr. BARTELS. No, it wouldn't.

Ms. ROBINSON. It would not?

Mr. BARTELS. It is all male, but it is not all white. It consists of regional directors and so far we don't have any female regional directors.

Ms. ROBINSON. But the minority regional director that you have serves on that board now?

Mr. BARTELS. There is one minority regional director, yes, and, of course, Mr. Rogers sits in on it.

Ms. ROBINSON. I see.

Mr. EDWARDS. Well, we welcome back our colleague now from New York, who has been on a very important trip to Turkey on a subject that is vitally important to the United States and I understand you just had a press conference. Are you able to report anything regarding the trip?

Mr. RANGEL. No, Mr. Chairman. I just have a shocking disbelief that both the Drug Enforcement Administration and our State Department had allowed us to believe that the resumption of poppy growth in Turkey was merely campaign rhetoric. Congressman Wolff and I were briefed by people from your office, Mr. Bartels, as well as the State Department. However, our arrival in Turkey and discussions with our American ambassador, Mr. Macomber, cause us to believe it is only now a question of when the resumption is going to start.

So that the only good news, Mr. Chairman, that we are able to report is that they will not resume spring planting. But because this is a national priority issue, because of Turkey's need to show independence of the United States and because of the fact that none of the \$35 million actually reached the Turkish farmers for a variety of reasons, the fact is that although it was campaign rhetoric, it is now a reality since one of the seven parties that campaigned on the issue was elected.

And we have the further fact that the so-called agreement, which we now must refer to as the Turkish look at it, did not take into consideration the sensitivity of the farmer and certainly did not provide for appropriate use of the money. And we must also consider the fact that they have absolutely no understanding of the impact this decision has on the United States.

All of this information leads us to believe that, with the exception of our Ambassador, obviously there has been a lack of communica-

tion. It seems as though they are prepared to bite the bullet on the question of what the U.S. Congress may or may not be able to do.

The Government is looking for some face-saving device and at best it looks like that device might mean a limited growth of poppy.

So, it does look bad particularly relative to what can happen if this ban is lifted. I think Mr. Bartels would admit that his records certainly indicate the reduction of the quantity and quality of heroin as a result of the ban. But it is just a very sensitive international problem, Mr. Chairman.

Mr. EDWARDS. Thank you very much. I think you and Mr. Wolf are to be highly commended on the effort that you have made and the long work and continuing work that both of you have done in this particular area.

Mr. Bartels testified earlier. Mr. Rogers is the new Director of EEO at DEA.

Mr. ROGERS. Yes, sir.

Mr. EDWARDS. He is the new Director for EEO.

And correct me if I misstate it, but in order to bring my colleague up to date on what has happened I would say that Mr. Bartels testified that he has really very good intentions in this area. Some progress has been made, but the progress hasn't made itself felt in actual numbers yet. It has in percentages, but in actual numbers, for example, in an area that Mr. Rangel is interested in—New York City—out of 2,050 DEA agents, perhaps there are 15 or fewer blacks.

Mr. BARTELS. Of agents, that is correct. But not of people working under DEA control.

Mr. EDWARDS. Yes, of agents.

Mr. BARTELS. But then you are ignoring one-half of the office, which is the New York City Police, which has a much higher percentage of blacks.

Mr. EDWARDS. Yes.

Mr. BARTELS. But that is correct.

Mr. EDWARDS. But it is difficult in New York to recruit, Mr. Bartels says because you are in competition with the police department.

Mr. BARTELS. And we are also fortunate, I might add, to have the cooperation of that police department. So that frankly, we are not as dependent as we were before.

Mr. RANGEL. If I might interrupt, the ability for our police department to perform is really relative. Have any of the long series of indictments of policemen involved in actual narcotics sales been assigned to the New York office?

Mr. BARTELS. No, there was one who was indicted Thursday, who was Detective Canavan, who had been with the task force prior to its coming over here. This was in 1968 or something like that.

Mr. RANGEL. Have you suggested any legislation at all that would allow your Department to competitively recruit minority agents?

Mr. BARTELS. I think we can competitively recruit without legislation. I think if we cut down that time period between the time of the initial interview and paneling, the initial recruitment, to a point where we can get a man on board at least temporarily, then we can attract enough qualified people. There are a lot of people who would want to come and work for us.

Mr. RANGEL. Even though the benefits and the salary are substantially less?

Mr. BARTELS. Are a little less.

Mr. RANGEL. You say it is a little less or substantially less? I'm talking about New York City now.

Mr. BARTELS. Oh, you are talking about New York? I was talking about overall.

No, compared to New York City it is substantially less.

Mr. RANGEL. Substantially less? Do you still need a college degree?

Mr. BARTELS. No, you do not need a college degree now. We are waiving that.

Mr. RANGEL. Well, I do not question your good intent, but I do not believe that your agency should be dependent on the New York City Police Department for a variety of reasons which I will not go into because it does not serve the benefit of our committee. But it just seems to me, if the drug problem has the national priority, all of us believe it deserves, it seems that some way should be found for you to get the necessary task force.

And I am not talking about giving special privileges to blacks. But, if in fact, in certain communities this is what you need, then it seems to me that in order to be effective, you have to recruit what is needed at any given time.

And I do not want to detract at all from your good intents or the efforts you have made, but unless that situation materializes where you will have blacks not only as agents, but also as policymakers with the ability to move up within any Federal agency, then it seems like New York will have to look on this part of the Federal Government, as well as we look on any other agency, as failing to meet not quotas, but as failing to meet fair employment practices.

Mr. BARTELS. I could not agree with you more. That is one reason why we have taken these efforts to get minority people out into positions of policy. That is easier to do. The problem is you cannot bring a percentage up when you are only adding a couple of hundred agents to the 2,000, you cannot bring the percentage up so substantially.

In other words, to get the percentage up to something that makes you totally effective in a brief period of time, you would have to have a growth in this agency from this 2,000 to add another 1,000 or, however, many slots you have because the number of agents does not retire that quickly. You do not have that great of a retirement rate.

Mr. RANGEL. Our Chairman Edwards pointed out in our last hearings with Myles Ambrose that when we were having a problem somehow with the border community, which was Spanish speaking, it did not take long for the Bureau of Narcotics and Dangerous Drugs and the Customs Bureau to find existing regulations which allowed them to hire substantial numbers of Spanish-speaking Americans to take care of what at that time was considered to be a priority under existing law. Now, is that in schedule A?

And I do not know how they did it. I just know that the agencies can do what has to be done when it has to be done. And I recognize you have budget problems, but certainly Customs and to a lesser extent BNDD, and now a combination of both, have to compensate for the injustices made in the past that were based solely on ethnic background.

Mr. BARTELS. I must say I am sort of proud of what we have done in 9 months in compensating and I am going to continue to do it, but I do not think we can go to a position where you have 30 or 40 percent

minority groups over the near period without increasing your ceiling beyond practical bounds.

Mr. RANGEL. That is an administrative problem, but certainly since I rely heavily on my past experience as a former law enforcement officer, I know if there was a conspiracy developing in narcotics in my community, the fact that you sent a bunch of Irish-Americans to investigate, would not help much. I cannot rely on the budget. I am just talking about the effectiveness of the force.

And I have said many, many times, it was hard for me to get FBI clearance as an assistant U.S. attorney because they sent two white FBI people to Lenox Avenue to investigate me and nobody knew me.

Mr. BARTELS. There is no question about it. We have talked about this on many occasions. I cannot agree with you more. But there is a quick way to do it and that is what we are doing in New York by using local people and integrating with local.

And then there is another thing, Mr. Rangel, that allows you to see a local officer under stress conditions, which frankly gives you a much better background and understanding of that man than any interview can or ever can.

Mr. RANGEL. But can you recruit him?

Mr. BARTELS. Some we can recruit. Some are tending to come over.

Mr. RANGEL. From the New York City Police Department?

Mr. BARTELS. Well, it is harder in New York City because of the 15-year pension rights and that situation. But yes, we are getting some. We are getting some applications. It is better in other areas.

Mr. RANGEL. It is just difficult for me to be critical and at the same time to support you, but I hope it is not incompatible.

Mr. BARTELS. But if you were coming in now, hopefully you would not have two people who look like me going up to Lenox Avenue, two Hoosiers.

Mr. RANGEL. But they would not be from your department. They would be from my city.

Mr. BARTELS. They would be under our control, though. They would be funded by us, working with us, they would be working on major problems, major cases, using Federal efforts. There is an integrated intelligence unit up there now.

Mr. RANGEL. We still have not been able to find those totally involved in the theft of heroin by the police department, but there has been a hell of an improvement from what we had to work with when you and I worked in the same office.

Mr. BARTELS. Right.

Mr. RANGEL. But again there is some fear in the community and I would like to see it cleared up. So I have no further questions, Mr. Chairman.

Mr. EDWARDS. Well, thank you, Are there any other questions? If not, thank you, Mr. Bartels. We will want to keep in touch with you and perhaps in about 3 months we can have another hearing and talk about this problem again.

Mr. Rogers, you have a big job also. There obviously have been decades of discrimination and lack of interest in this problem on the part of the various prior organizations that now make up DEA. You certainly have a real job ahead of you, and it is terribly important. It is also the law and this committee is charged with overseeing the implementation and enforcement of the civil rights laws of this country.

We look to see large steps forward.

I thank you both very much.

Mr. RANGEL. Mr. Chairman, may I just ask one question? I understand that Mr. Sterling Johnson, formerly of the New York City Police Department and the U.S. attorney's office, has been recently hired by your agency, Mr. Bartels. Could you tell me briefly what his job title is and what his responsibilities are?

Mr. BARTELS. His job title at this point is executive liaison officer.

Mr. RANGEL. Liaison between whom?

Mr. BARTELS. Right now between the FBI, the Justice Department, and other Federal agencies.

Mr. RANGEL. Thank you.

[The statement of Mr. Bartels follows.]

STATEMENT OF JOHN R. BARTELS, JR., ADMINISTRATOR DRUG ENFORCEMENT
ADMINISTRATION, U.S. DEPARTMENT OF JUSTICE

Mr. Chairman and distinguished members of the subcommittee, I am pleased to appear before you today in connection with your inquiry into the equal employment opportunities available to minority persons in the area of Federal drug law enforcement. This issue became of particular interest in the spring of last year when the President proposed to consolidate the efforts of several different agencies in order to achieve greater effectiveness in combatting the illicit drug traffic.

It was recognized at that time that providing opportunities for employment to minorities was not only a constitutional duty but could be crucial to the effectiveness of the Federal anti-drug effort. The drug problem is frequently most concentrated in the inner-city neighborhoods which are often inhabited exclusively by minorities.

On July 1, 1973, I became the Administrator of the new Drug Enforcement Administration set up within the Department of Justice. I personally welcomed this challenge of helping to establish a new agency in spite of the many organizational problems with which we were immediately confronted. DEA inherited personnel of many different professional backgrounds and experiences who had acquired their training and methods of operation in different agencies and who were suddenly required to come together to establish a new agency and new methods of operations.

In spite of these and other similar problems, I knew of the importance which Congress rightly attached to immediately setting up an effective and expanded EEO program. One of my first acts as the new Administrator was to order the selection of a permanent EEO Officer and staffing of a new EEO Office which would create a plan of aggressive action acceptable to me. This, of course, would take time which we could not afford in getting on with the task to recruit minorities. I, therefore, personally emphasized to the new DEA Regional Administrators, in my first meeting with them, that they should immediately treat this as an area of high priority and set about to insure that potential minority applicants were advised of the opportunities within the new agency and encouraged to apply for them.

Today, I am in a position to report to you what we feel represents substantial progress in our employment of minorities. The figures will prove this. They are not dramatic but they are significant. We have found that progress is only made through patient hard work which gradually builds on small gains.

Within the first nine months of the life of DEA, the total number of minorities employed within the agency has increased by over 22 percent. Moreover, nearly all of these positions have been filled by Criminal Investigators. Of the total agency manpower, slightly more than half fall into this category; and as I have previously mentioned, it is particularly important to employ minorities in this activity to give us a capability for conducting investigations within minority segments of the national population.

Since the creation of DEA, three new classes for the training of agent recruits have been initiated. Of the total of 126 new agents admitted to these 10-week training schools, 47 percent have been minority applicants. Half of these were Blacks, 21 were Spanish-Americans, and 10 were Orientals. In addition, 6 of the new recruits were female.

This recruiting effort is largely responsible for the increase in the number of minority Special Agents employed within DEA. As of July 1, 1973, there were

73 Black agents which has now increased to 92 (an increase of 26 percent). The number of Hispanic agents has increased from 76 to 90 (an increase of 18 percent). The number of Oriental agents has increased from 11 to 21 (an increase of 91 percent).

In addition to these statistics which in large measure reflect employment trends, the quality of our effort has also been improved through the promotion of qualified minority employees to greater positions of responsibility. Four Black Senior Criminal Investigators have been appointed to positions of Assistant Regional Administrator. The number of minority agents serving abroad has been significantly increased; and for the first time, Black agents have been assigned to these areas. Attached to my statement are tables listing these improvements in upward mobility by position within each category of minority employment. These tables also serve to indicate the great diversity of professional careers available within Federal law enforcement.

I believe the figures which I have cited provide convincing evidence of the priority which the Equal Employment Opportunity program has received within the new Drug Enforcement Administration. But, I recognize that a sound program cannot be insured solely through the good intentions of management. What is required is a vigorous and professionally staffed office functioning within the agency to insure that its goals and priorities are met on a continuing basis. Accordingly, I am determined that the new Office of Equal Employment Opportunity will be adequately staffed not only in the Headquarters but in key Regional offices as well.

Mr. Rogers, who was selected to head this office in January of this year, is now about the task of completing his staff. By April 15, it will consist of a Deputy Director, and five EEO coordinators stationed in Chicago, Los Angeles, Washington, D.C., Miami, and New York. Together, they will be responsible for evaluating and developing the EEO program for all levels throughout DEA, and determining the type of assistance needed to further improve its quality. They will also process any complaints received and recommend actions to be taken in all areas directly to me. Attached to my statement is a copy of the comprehensive affirmative action plan for calendar year 1974, the fulfillment of which will be the primary mission of the new office.

At this time, Mr. Rogers and I will be pleased to respond to such questions which you may have.

TOP POSITIONS IN DEA FILLED BY WOMEN AND MINORITY GROUPS AS OF MAR. 5, 1974

[Including non-minority females]

| Title | Series and grade | Number |
|------------------------------------|------------------|--------|
| A. Women: | | |
| Pharmacologist | GS-405-15 | 1 |
| Position classification specialist | GS-221-13 | 1 |
| Program specialist | GS-301-13 | 1 |
| Administrative officer | GS-341-13 | 1 |
| Pharmacologist | GS-405-13 | 1 |
| Accountant | GS-510-13 | 1 |
| Personnel staffing specialist | GS-212-12 | 1 |
| Liaison coordinator | GS-301-12 | 1 |
| Computer systems analyst | GS-334-12 | 1 |
| Program analyst | GS-345-12 | 1 |
| Accountant | GS-510-12 | 1 |
| Budget analyst | GS-560-12 | 1 |
| Contract specialist | GS-1102-12 | 1 |
| Chemist | GS-1320-12 | 3 |
| Librarian | GS-1410-12 | 1 |
| Intelligence research specialist | GS-132-11 | 1 |
| Position classification specialist | GS-221-11 | 1 |
| Personnel officer | GS-301-11 | 1 |
| Transfer liaison officer | GS-301-11 | 1 |
| Program manager | GS-340-11 | 1 |
| Administrative assistant | GS-341-11 | 4 |
| Management analyst | GS-343-11 | 1 |
| Assistant budget analyst | GS-504-11 | 1 |
| Interpreter-analyst | GS-1001-11 | 1 |
| Visual information specialist | GS-1084-11 | 1 |
| Chemist | GS-1320-11 | 1 |
| Training specialist | GS-1701-11 | 1 |
| Compliance investigator | GS-1810-11 | 1 |
| Criminal investigator | GS-1811-11 | 1 |
| Total | | 34 |

TOP POSITIONS IN DEA FILLED BY WOMEN AND MINORITY GROUPS AS OF MAR. 5, 1974—Continued

[Including non-minority females]

| Title | Series and grade | Number |
|---|------------------|--------|
| B. Blacks: | | |
| Equal employment opportunity officer | GS-160-15 | 1 |
| Criminal enforcement liaison officer | GS-1801-15 | 1 |
| Supv. criminal investigator | GS-1811-15 | 1 |
| Equal employment opportunity specialist | GS-160-14 | 1 |
| Supervisory personnel management specialist | GS-201-14 | 1 |
| Personnel management specialist | GS-201-14 | 1 |
| Drug statistics officer | GS-301-14 | 1 |
| Computer systems analyst | GS-334-14 | 1 |
| Supervisory criminal investigator | GS-1811-14 | 2 |
| Criminal investigator | GS-1811-14 | 3 |
| Employee relations specialist | GS-230-13 | 1 |
| Program specialist | GS-301-13 | 1 |
| Pharmacologist | GS-405-13 | 1 |
| Chemist | GS-1320-13 | 2 |
| Supervisory criminal investigator | GS-1811-13 | 6 |
| Criminal investigator | GS-1811-13 | 11 |
| Intelligence research specialist | GS-132-12 | 1 |
| Administrative officer | GS-341-12 | 1 |
| Office services manager | GS-342-12 | 1 |
| Visual information specialist | GS-1094-12 | 1 |
| Chemist | GS-1320-12 | 6 |
| Supv. compliance investigator | GS-1810-12 | 1 |
| Compliance investigator | GS-1810-12 | 1 |
| Criminal investigator | GS-1811-12 | 18 |
| Management analyst | GS-343-11 | 1 |
| Assistant budget analyst | GS-504-11 | 1 |
| Compliance investigator | GS-1810-11 | 1 |
| Criminal investigator | GS-1811-11 | 8 |
| Chemist | GS-1320-11 | 2 |
| Digital computer systems administrator | GS-330-15 | 1 |
| Total | | 79 |
| D. Latins: | | |
| Administrative officer | GS-341-15 | 1 |
| Supervisory chemist | GS-1320-15 | 1 |
| Program analyst | GS-345-14 | 1 |
| Supervisory criminal investigator | GS-1811-14 | 5 |
| Supervisory criminal investigator | GS-1811-13 | 5 |
| Criminal investigator | GS-1811-13 | 13 |
| Criminal investigator | GS-1811-12 | 13 |
| Chemist | GS-1320-12 | 2 |
| Computer technician | GS-335-11 | 1 |
| Criminal investigator | GS-1811-11 | 26 |
| Total | | 68 |
| E. American Indians: | | |
| Supervisory criminal investigator | GS-1811-14 | 1 |
| Supervisory computer specialist | GS-334-12 | 1 |
| Criminal investigator | GS-1811-12 | 1 |
| Program analyst | GS-345-11 | 1 |
| Criminal investigator | GS-1811-11 | 1 |
| Total | | 5 |
| F. Oriental: | | |
| Supervisory criminal investigator | GS-1811-14 | 1 |
| Accounting officer | GS-510-13 | 1 |
| Chemist | GS-1320-13 | 1 |
| Criminal investigator | GS-1811-13 | 2 |
| Electronics engineer | GS-895-12 | 2 |
| Chemist | GS-1320-12 | 1 |
| Compliance investigator | GS-1810-11 | 1 |
| Criminal investigator | GS-1811-11 | 2 |
| Chemist | GS-1320-11 | 1 |
| Total | | 2 |

NATIONAL EEO AFFIRMATIVE ACTION PLAN, CALENDAR YEAR 1974,
EFFECTIVE JANUARY 1, 1974

U.S. DEPARTMENT OF JUSTICE DRUG ENFORCEMENT ADMINISTRATION
WASHINGTON, D.C.

An Equal Opportunity Employer

DEA EEO AFFIRMATIVE ACTION PLAN 1974

DEA EEO AFFIRMATIVE ACTION PLAN—CALENDAR YEAR 1974

ORGANIZATION AND ADMINISTRATION

| Action item | Responsible official(s) | Target date |
|--|--|--------------------------------|
| I. Establish an EEO office in DEA headquarters directly responsible for the implementation of a positive EEO program, as well as special emphasis programs for women, blacks, Spanish-speaking, American Indians, and Asian Americans. There will be a full-time staff specialist responsible for resolving complaints of discrimination and counseling. | DEA administrator..... | Jan. 1, 1974. |
| II. Prepare and submit EEO action plan evaluation report to CSC with copy of the annual EEO affirmative action plan. | Regional director..... | Feb. 1, 1974. |
| III. Assign 1 full-time EEO coordinator to 5 DEA regional offices to assure implementation of DEA's positive EEO action plans and to coordinate special emphasis programs for women, blacks, Spanish-speaking, American Indians, and Asian Americans, plus adequate regional clerical staff to support the activities of the EEO office. EEO coordinators will be assigned full time to Miami, New York, Chicago, Denver, and Los Angeles. | DEA administrator..... | |
| IV. Revise DEA regulations to reflect changes in program emphasis, organization, and responsibilities governing DEA headquarters and field EEO activities. | Proposals: Director EEO; approval: as appropriate. | Continuing. |
| V. Provide appropriate EEO training to DEA's EEO office staff and others directly involved in EEO or special emphasis programs, utilizing in-house facilities, the Civil Service Commission, and other sources. Training will include: (1) program development; (2) action plan development; (3) complaint processing; (4) counseling. | Director personnel, Director EEO. | As appropriate. |
| VI. Conduct a semiannual review of all DEA personnel resources being devoted to the EEO program. | Director EEO..... | Mar. 15, 1974; Sept. 15, 1974. |
| VII. Review roster of regional EEO personnel to assure that 2 persons in each region, and 1 person in each district office or laboratory (with 10 or more employees) be designated to serve as part-time EEO counselors for 1 year, with concurrence of the Director of EEO. 1 assigned employee to serve as part-time Federal woman's program coordinator, and 1 employee to serve as part-time 16-point program coordinator. | Regional director..... | Mar. 1, 1974. |

RECRUITING

| | | |
|--|--|---|
| I. Recruit and hire DEA's EEO staff which will include headquarters and 5 regional EEO coordinators. | Director EEO..... | Apr. 1, 1974. |
| II. Establish realistic goals and timetables to be used to guide recruiting and promotion of women and black, Spanish-speaking, American Indian, and Asian American employees throughout calendar year 1974. Specific goals based on analysis of DEA employment patterns of women and minorities, staffing requirements, and labor market conditions, will be designed to correct imbalances in organizations, occupational groups and grade levels. | Personnel director, Director EEO; approval: DEA administrator. | Mar. 1, 1974. |
| III. Designate a regional recruitment officer and provide training on recruiting methods and techniques with emphasis on minority recruitment. Name of regional recruitment officer should be publicized and reported to the director of personnel and the EEO officer. | Regional directors..... | June 1, 1974. |
| IV. Forward periodic reports on the results of administration efforts to meet recruiting and promotion goals to the DEA administrator and appropriate DEA managers. | Regional director, personnel director. | COB the 5th of each month beginning March 1974. |

DEA EEO AFFIRMATIVE ACTION PLAN—CALENDAR YEAR 1974—Continued

ORGANIZATION AND ADMINISTRATION—Continued

Recruiting—Continued

| Action item | Responsible official(s) | Target date |
|---|---|--|
| V. Review DEA recruitment literature to determine propriety and accuracy of information in text and graphics relative to employment of women and minorities. Revise literature determined unacceptable. | Review: Director of EEO; revision: director of personnel. | Review: continuous; revision: as appropriate. |
| VI. Review changes in employment of women and minorities and take appropriate action to stimulate recruiting efforts and/or to revise numerical guidelines. Notify the Department director of personnel and training of changes in existing guidelines. | Director of EEO..... | 20 days after publication of quarterly report on employment of women and minorities. |
| VII. Analyze EEO problems in headquarter offices which require special attention and advise DEA administrator on appropriate course of action which was taken to resolve each specific problem. |do..... | Monthly. |
| VIII. Develop and implement regional recruiting plans in conjunction with guidelines of the agency recruiting plan. Plans will include numerical goals for each occupational category for which recruitment will be undertaken during calendar year 1974. The office of personnel will provide a numerical recruitment target by minority group for special agent, compliance investigator and chemist positions. The director of personnel will monitor progress against recruitment targets. Recruiting plans should include: 1. A schedule listing individuals responsible for continuing recruitment relationships and on-campus visits to schools with predominantly minority group or female enrollment to recruit undergraduate and graduate students for professional positions, e.g., special agent, chemist, compliance investigator. Names of schools and dates should be listed. 2. Names of minority and female professional staff members who will comprise part of the recruiting team visiting colleges. 3. Responsible official for providing publicity on minority and women staff members in publications such as Women in Justice, Twixt, Hoy, Ideas, college and commercial publications and for sending appropriate letters to alma maters of women and minorities at time of their appointment. | Regional director, Director of EEO. | July 1, 1974. |
| IX. Forward regional goals (for the year 1974) for recruiting and promoting women, Spanish-speaking, American Indian, black, and Asian American employees to the EEO officer for staff review. | Regional director..... | April 1974. |
| X. Each screening panel shall document on referral forms and oral screening forms the reason(s) for selection and nonselecting applicants and submit records to the Director of Personnel with a copy to the Director of EEO. | All administration officials with selection authority. | NLT 5 days after the panel has made a decision. |
| XI. Recruit and consider minority group and women applicants from such programs as: OIC, Neighborhood Youth Corps, work incentive programs, etc., for permanent and part-time employment. Numerical hiring goal should be established. | Regional directors, director of personnel. | Continuous. |
| XII. Establish and maintain contact with educational institutions, military installations, individuals, or others such as the Civil Service area offices, Federal executive boards, and veterans' assistance centers, who can assist in the recruitment and placement of qualified minority group members and women. |do..... | Do. |

IMPROVED SKILLS UTILIZATION

| | | |
|---|---|-----------------------------|
| I. Review data from the Juniper System comparing employees' grade levels and educational levels for all employees GS-7 or equivalent and below and identify employees whose skills appear to be underutilized or nonutilized. | Director of personnel, Director of EEO. | Apr. 1, 1974; Oct. 1, 1974. |
| II. Submit to the Department director of personnel and training a plan for better utilizing the skills of employees identified in (I) including timetable for implementation of the plan. The names of those employees whose skills are not being utilized should be considered for the agency's upward mobility program. | Director of personnel..... | May 1, 1974. |

DEA EEO AFFIRMATIVE ACTION PLAN—CALENDAR YEAR 1974—Continue

IMPROVED SKILLS UTILIZATION—Continued

| Action item | Responsible official(s) | Target date |
|---|--|---|
| III. Submit to the Department director of personnel and training semiannual progress reports on implementation of employee utilization plan. |do..... | Semiannually Apr. 1, 1974; Oct. 1, 1974. |
| IV. Describe and publish the services offered to employees for establishing and reaching career goals and publicize them together with the name, room, and telephone number of each specialist responsible for providing career counseling services. Assure that all specialists are trained in career counseling by Apr. 15, 1974. | Director of personnel, regional directors, chief chemists. | May 1, 1974. |
| V. Review data provided by DEA headquarters comparing employees' grade levels and education levels and identify employees whose skills appear to be underutilized or nonutilized. Establish schedule to interview both the employee and supervisor to ascertain if the employee is either underutilized or in a dead end position. Maintain record of results of interviews and agreed upon course of action. | Regional director..... | Do. |
| VI. Review and publicize the policy of automatic consideration of employees identified as being underutilized for position vacancies that are related to their skill and job potential. | Director of personnel..... | Do. |
| VII. Review regional rotation plan for cross training individuals who are in dead end positions. Report on the steps taken to improve their opportunities for reassignment or promotion. Show how you intend to strengthen this plan in 1974. | Regional director, director of personnel. | Apr. 15, 1974. |
| VIII. Develop and implement a DEA upward mobility program which will establish technician and trainee positions throughout the agency to include means for selection, development, and advancement of trainees within and across occupational career ladders. | Director of personnel, controller. | May 15, 1974. |

ENHANCEMENT OF EMPLOYEE SKILLS

| | | |
|---|---|---|
| I. Establish realistic DEA goals for public service careers program and worker trainee opportunities program for calendar year 1975. Assure that goals for 1974 are being met. | Director of personnel..... | July 30, 1974. |
| II. Inform employees at time of each performance evaluation of courses offered by CSC and other training agencies that will enable them improve their work performance and gain new skills which may qualify them for higher graded positions. | Performance rating officials. | Feb 10, 1974, and by 10th of each month thereafter. |
| III. Document specific recommended actions to correct identified deficiencies in employees' performance through training, counseling or other efforts. |do..... | Do. |
| IV. Insure that full consideration is given to minorities and women in executive and professional programs such as attendance at executive seminar centers and Federal Executive Institute. | Regional directors, chief chemists, office heads. | Continuing. |
| V. Quarterly review each record of investigation and hearing on complaints of discrimination originating within DEA to determine whether additional EEO training is needed for individual supervisors or groups of supervisors, and recommend appropriate training to the Director of training. | Director of EEO..... | Mar. 31, 1974; June 30, 1974; Sept. 30, 1974; Dec. 31, 1974. |
| VI. Provide specific and practical guidance to regional directors, chief chemists, and office heads, on methods to create upward mobility for employees with potential for further advancement. | Director of personnel..... | Continuing. |
| VII. Establish and furnish to performance rating official CSC criterion for evaluating supervisory performance in Equal Employment Opportunity. |do..... | Apr. 1, 1974. |

TRAINING, ADVICE, INCENTIVES

| | | |
|--|---|---------------|
| I. Include EEO policies and practices as mandatory elements of all employee orientation, supervisory and management courses. Utilize DEA's EEO staff as training resources in employees orientations and training classes. | Director of training, Director of EEO. | Continuing. |
| II. Revise DEA performance evaluation regulations to require performance evaluations of supervisors and managers in their support of DEA EEO program. | Proposal: Director of EEO; approval: as appropriate. | June 1, 1974. |
| III. Designate EEO staff person to sit as ex-official member on all Career Development Board and Incentive Awards Committee meetings. | DEA administrator..... | January 1974. |

DEA EEO AFFIRMATIVE ACTION PLAN—CALENDAR YEAR 1974—Continued

TRAINING, ADVICE, INCENTIVES—Continued

| Action item | Responsible official(s) | Target date |
|---|--|--|
| IV. Quarterly review EEO activity reports including statistical data from the semiannual minority group employment census to determine if supervisors and other top echelon personnel, are eligible for EEO achievement awards that will be awarded annually. | Director of personnel..... | Mar. 31, 1974; June 30, 1974; Sept. 30, 1974; Dec. 31, 1974. |
| V. Evaluate the effectiveness of EEO training being given to supervisors and managers and discuss results with the Director of EEO and the director of personnel. Make arrangements for all supervisors to receive EEO orientation training, and attend the CSC course, "Supervisor's Role in EEO," and other EEO related training courses. | Director of training, regional director, chief chemists. | Continuing. |
| VI. EEO training for all part-time EEO counselors, Federal women's program, and 16-point coordinators in appropriate CSC courses relating to their specific EEO activity. | Regional directors, Director of EEO, director of training. | Do. |
| VII. Analyze promotions, training, awards, and other personnel actions by minority group and sex to ascertain disparities and take corrective steps. | Regional directors..... | Feb. 5, 1974, and by 5th of each month thereafter. |
| VIII. Provide training for supervisory personnel regarding summer employees to acquaint them with the objectives of summer employment programs and appropriate work assignments. | Director of training, regional director. | Continuous as appropriate. |

COMMUNITY ACTIVITIES

| | | |
|--|--|---------------|
| I. Participate in conferences, conventions, and seminars sponsored by organizations involved in equal employment opportunity and fair employment practices. The organizations include, but are not limited to, major conferences of: <ol style="list-style-type: none"> 1. Federally Employed Women (FEW). 2. National Organization of Women (NOW). 3. GI Forum. 4. League of United Latin American Citizens (LULAC). 5. National Urban League. 6. Push EXPO. 7. National Association for Advancement of Colored People (NAACP). 8. Incorporated Mexican American Government Employees (IMAGE). 9. Other major conferences. | Regional director, director of personnel, Director of EEO. | Continuing. |
| II. Update and provide housing information to employees in field offices, including local housing availability, fair housing laws, complaint procedures and advice regarding the availability of counseling and referral services for employees with housing problems. | Director of personnel, regional directors. | June 1, 1974. |

PROGRAM EVALUATION

| | | |
|--|---|---|
| I. Analyze quarterly statistical ADP reports (Juniper) on female and minority employment in relation to DEA EEO goals, and furnish standard status reports to DEA administrator and Director of EEO. | Director of personnel..... | Feb. 1, May 1, Aug. 1, Nov. 1, 1974. |
| II. Conduct exit interviews with minority employees and women to determine if separation from agency is based on discriminatory action or lack of promotional opportunities within the agency. (Exit interview forms being developed.) | Director of personnel, Director of EEO, regional directors. | May 1974. |
| III. Meet periodically with EEO action plan coordinators to review progress on action plan items and to resolve problems which may exist as well as to exchange and explore new ideas to further the EEO program. | Director of EEO..... | Quarterly: Jan. 31, 1974; Mar. 31, 1974; June 30, 1974; Sept. 30, 1974. |
| IV. Prepare annual EEO program evaluation report which will be distributed to all regional directors, office heads, and top echelon personnel within DEA. |do..... | Dec. 31, 1974. |

DEA EEO AFFIRMATIVE ACTION PLAN—CALENDAR YEAR 1974—Continued
DISCRIMINATION COMPLAINT PROCESSING

| Action item | Responsible official(s) | Target date |
|---|--|--|
| I. Review and evaluate DEA's complaint activity and make specific recommendations to DEA directors as appropriate. | Director of EEO | April 1974. |
| II. Provide training for employees who volunteer to serve as EEO complaint representatives. | Director of personnel, Director of EEO. | Initial training by Mar. 1, 1974, and periodically as new representatives are appointed. |
| III. Provide training for EEO counselors to assure full understanding of the counselor's role and responsibility in complaint processing. |do..... | As appropriate. |
| IV. Provide EEO investigative training to inspectors from office of inspection assigned to investigate EEO formal complaints. | Director, office of inspection and internal security, director of training, director of EEO. | Do. |
| V. Notify employees of names, room, and telephone numbers of EEO counselors, women's program and 16-point coordinators responsible for servicing their organizational unit. | Regional director, regional coordinator. | Within 10 days of change. |
| VI. Promptly review action taken on each formal discrimination complaint and make necessary recommendations to administrator regarding formal action needed to resolve complaint. | Director of EEO | Within 15 days after investigation is completed. |

ATTACHMENT I

REPORT OF ACCOMPLISHMENT—ACTION ITEMS IN 1973 EEO ACTION PLAN

I. ORGANIZATION AND ADMINISTRATION

| Action item | Accomplishment | Problems encountered |
|---|---|--|
| 1. Develop an EEO regional plan of action for each domestic regional office. | 13 regional plans were submitted. | Boston, Miami, Dallas, and Seattle plans were not approved by CSC. |
| 2. Conduct a semiannual administration-wide review of all personnel resources being devoted to the EEO program. | The administrator established a 10-man EEO office in July 1973. | |
| 3. Designate: | | |
| (a) 4 headquarters EEO counselors | Completed | |
| (b) 2 employees to serve as principal and alternate part-time representatives to Federal Women's Program Committee. |do..... | Frankie Perkins resigned from program. Her alternate, Mary Jessee, continued in program. |
| (c) 1 employee to serve as part-time 16-point (Spanish-speaking) program coordinator. |do..... | Jesse Gallegos resigned from program. No one was appointed as alternate. |
| 4. Designate: | | |
| (a) A minimum of 2 employees to serve as part-time EEO counselors in each region and laboratory. |do..... | |
| (b) 1 employee to serve as the Federal women's program coordinator in each region. |do..... | |
| (c) 1 employee to serve as the 16-point program coordinator. |do..... | |

II. RECRUITING AND SELECTION

| | | |
|---|--|--------------------|
| 1. Collect and analyze data reflecting employment of women and minorities and furnish progress reports to the Administrator, Director of Personnel, and the Director of Training. | Not done | No data available. |
| 2. Review changes in employment of women and minorities and take appropriate action to stimulate recruiting efforts and/or revise numerical guidelines. |do..... | Do. |
| 3. Analyze situations in headquarters offices which require special attention and advise the administrator in writing on appropriate course of action. |do..... | Do. |
| 4. Develop and implement regional recruiting plans. Plans will include numerical goals for each occupational category for which recruitment will be undertaken during calendar year 1973. | Not done as stated although personnel did establish numerical targets for special agent classes. | |
| 5. Designate a regional recruitment officer and provide training on recruitment methods and techniques with emphasis on minority recruitment. | Completed | |
| 6. Analyze minority and women employment situation to identify under representation situations and compile statistics from which monthly EEO personnel reports will be made. | Completed through monthly reporting system. | |
| 7. Document on referral forms and oral screening forms the reason(s) for nonselecting applicants. | According to field offices this is done. Not done in headquarters. | |
| 8. Establish a cooperative education program in each region and laboratory. | Not completed | Do. |

ATTACHMENT I—Continued

REPORT OF ACCOMPLISHMENT—ACTION ITEMS IN 1973 EEO ACTION PLAN—Continued

III. FULL UTILIZATION OF EMPLOYEE SKILLS

| Action item | Accomplishment | Problems encountered |
|---|---|----------------------|
| 1. Review data from Juniper System comparing employee's grade and education levels for GS-7 or equivalent and below to identify employees whose skills appear to be underutilized or nonutilized. | Partially completed (continuing). | |
| 2. Submit to the DOJ Director of Personnel and Training a plan for better utilizing the skills of employees identified in (1) including timetable for implementation of plan. | Not done | |
| 3. Submit to the DOJ Director of Personnel and Training semi-annual progress reports on the implementation of employee utilization plan. | do | |
| 4. Describe and publish the services offered to employees for establishing and reaching career goals. | Publications in various stages of printing. | |
| 5. Review regional data comparing employee's grade and education levels to identify employees whose skills appear to be underutilized or nonutilized. | Not completed in all regional offices. | |
| 6. Establish a rotation plan for cross-training employees in dead end positions. | Not done | Do. |
| 7. Establish and publicize policy of automatic consideration of employees identified as being underutilized for any vacancies that occur to insure that employees are not being overlooked. | do | Do. |
| 8. Describe and publish the services offered and the names of persons responsible for career counseling within the region and laboratory. | Not completed | |

IV. ENHANCEMENT OF EMPLOYEE SKILLS

| | | |
|--|--|---|
| 1. Implement programs prepared by DOJ to provide avenues for employee development. | Not done | Do. |
| 2. Assure that goals of public service careers program are met. | do | There is no public service career program. No data available. |
| 3. Document specific actions to correct identified deficiencies in employee's performance through training, counseling, or other efforts. | do | |
| 4. Develop upward mobility program which will establish technician and trainee positions in headquarters and the field to include means for selection, development, and advancement within and across occupational career ladders. | Not completed | Do. |
| 5. Prior to final approval regional directors, chief chemists, and office heads review all training requests to insure that full consideration is given to minorities and women in executive training such as attendance at executive seminar centers and Federal Executive Institute. | According to the Director of Personnel this is being done by accident rather than by design. | Do. |

V. TRAINING, ADVICE, INCENTIVES

| | | |
|---|--------------------------------------|-------------------------------|
| 1. Quarterly review EEO activity reports including statistical data from semiannual minority group employment census to determine if supervisors are eligible for EEO achievement awards. | Not completed | Do. |
| 2. Evaluate the effectiveness of EEO training being given to supervisors and managers. | Not done | Do. |
| 3. Quarterly review each record of investigation and hearing on complaints of discrimination to determine if additional EEO training is indicated for individual supervisors or for entire organizations and recommend appropriate training to assistant director for training. | Completed | |
| 4. Issue instructions to regional directors, chief chemists, and office heads and provide specific and practical guidance on methods to create upward mobility for employees with potential for future advancement. | Not done | Do. |
| 5. The personnel officer is to reestablish and furnish to regions and laboratories realistic and fair criteria for evaluating supervisory performance in EEO. | do | Do. |
| 6. Make arrangements for all supervisors to receive EEO training. | Not completed | Do. |
| 7. Enroll the Federal women's program coordinators in CSC course "EEO for Federal Women's Program Coordinators." Enroll all EEO counselors in CSC course "EEO for Counselors." | Completed | |
| 8. Regional directors analyze promotions, training, awards, and other personnel actions by minority group and sex to ascertain disparities and take corrective steps. | Personnel provided data to Gallegos. | No reliable system developed. |
| 9. Director of personnel develop and implement an orientation and training program in personnel administration for EEO program staff persons. | Not done | No data available. |

ATTACHMENT I—Continued

REPORT OF ACCOMPLISHMENT—ACTION ITEMS IN 1973 EEO ACTION PLAN—Continued

VI. COMMUNITY ACTIVITIES

- | | | |
|--|----------------------------|---|
| 1. Identify administration minority and nonminority representatives who wish to participate in minority group conferences and activities. | Not done..... | No data available. |
| 2. Identify and advise minority colleges of the names of employees who are available as lecturers or who can provide counseling to their students. |do..... | Do. |
| 3. Personnel officer update fair housing information maintained in each personnel and administrative office. | Not formally accomplished. | Each region provided with Board of Realtor Housing Data Report. |

VII. PROGRAM ASSISTANCE AND EVALUATION

- | | | |
|---|---------------|--------------------|
| 1. Meet periodically with EEO action plan coordinators to review progress on action plan items and to resolve problems which may exist as well as to exchange and explore new ideas to further the EEO program. | Not done..... | No data available. |
| 2. Prepare annual EEO program evaluation report for distribution to all regional directors and office heads. |do..... | Do. |

VIII. DISCRIMINATION COMPLAINT PROCESSING

- | | | |
|--|-----------------|--|
| 1. Notify employees of names, rooms and telephone numbers of EEO counselors serving their organizations. | Completed..... | |
| 2. Review actions taken on each formal complaint of discrimination and make a report to the administrator. | Continuing..... | |
| 3. Authorized officials will receive and immediately forward complaints to the EEO officer. |do..... | |

IX. SPECIAL ACTION PROGRAMS

- | | | |
|---|-----------------|---|
| 1. Recruit and consider minority group and women applicants from such program as: Neighborhood Youth Corps, work incentive programs, etc. Establish numerical hiring goals. | Continuing..... | The success or failure of this effort depends on the number of slots available. |
| 2. Provide training for supervisors of summer employees to acquaint them with the objectives of summer employment programs and appropriate work assignments. | Not done..... | No data available. |

ATTACHMENT II

ALLOCATION OF PERSONNEL AND RESOURCES FOR EEO DRUG ENFORCEMENT ADMINISTRATION

| | | Total | |
|---|---|--------------|--------------|
| A. Total number of DEA employees..... | | 3,566 | |
| Headquarters..... | | 881 | |
| Field..... | | 2,685 | |
| B. Total number of EEO program personnel: | | | |
| | | Full time | Part time |
| 1. Headquarters—11: | | | |
| Director of Equal Employment Opportunity..... | 1 | 0 | |
| Equal Employment Opportunity specialists..... | 1 | 0 | |
| Federal women's program coordinator(s)..... | 0 | 1 | |
| 16-point program coordinator(s)..... | 0 | 1 | |
| Other EEO officer or staff officials..... | 0 | 0 | |
| EEO counselors..... | 0 | 0 | |
| Discrimination complaint investigators ¹ | 0 | 4 | |
| Others..... | 0 | 0 | |
| 2. Field—91: | | | |
| Equal Employment Opportunity specialists..... | 0 | 0 | |
| Federal women's program coordinator(s)..... | 0 | 13 | |
| 16-point program coordinator(s)..... | 0 | 13 | |
| Other EEO office or staff officials..... | 0 | 13 | |
| EEO counselors..... | 0 | 52 | |
| Discrimination complaint investigators..... | 0 | 0 | |
| Others..... | 0 | 0 | |

¹ Office of inspection personnel.

Mr. EDWARDS. Our second witness this morning is Mr. Vincent T. Oliver. Mr. Oliver is Deputy Personnel Director of the Drug Enforcement Administration.

Mr. Oliver holds a master's degree in counseling and guidance from Kent State University and a bachelor's degree, magna cum laude, from Central State College. He has worked as both a personnel specialist and a personnel generalist in four branches of the Federal Executive Career Service and has spent considerable time working in such disciplines as position and pay management, staffing and placement, employee management relations, and affirmative action planning. He has also published a handbook entitled "Upward Mobility Under the General Schedule" and is the recipient of DEA's highest management award "for exemplary managerial achievement above and beyond the call of duty."

Mr. Oliver, we welcome you and you may proceed with your statement.

TESTIMONY OF VINCENT T. OLIVER, DEPUTY PERSONNEL DIRECTOR, DRUG ENFORCEMENT ADMINISTRATION, U.S. DEPARTMENT OF JUSTICE

Mr. OLIVER. Thank you very much.

Mr. DRINAN. Proceed if you will. The chairman will be back momentarily.

Mr. OLIVER. Thank you. First of all I would like to thank you for requesting my appearance here today and specifically thank you and give my appreciation for the opportunity to share with the subcommittee some of my views and observations regarding the Equal Employment Opportunity program of the Drug Enforcement Administration.

Now since the background has already been presented, unless there is reason that the committee or one of its members would want that repeated further, I would simply pass over that.

Mr. DRINAN. Without objection.

Mr. OLIVER. Mr. Chairman and members of the Subcommittee on Civil Rights and Constitutional Rights, I submit to you in good conscience and in my best professional judgment, the Drug Enforcement Administration is currently engaged in a conspiracy to limit the number of black and other minority special agent candidates hired to no more than token proportions and is further willfully managing the conspiracy in violation of the Civil Rights Act of 1964, as amended by Public Law 92-261 of March 24, 1972.

Because you already have the DEA minority hiring statistics since July 1, 1973, I shall restate only the current summary to confirm the assertion that, as regards the hiring of black special agents, DEA has proportionately the same number of black agents as of this date as on June 30, 1973. According to the Department of Justice computer printout of June 30, 1973, showing the minority profile of the DEA special agent workforce, the following was true: total agents, 1432; black agents, 67 or 4.6 percent.

As of February 25, 1974, the following was true: total agents, 1968; black agents 94 or 4.7 percent. Thus, the black agent population in DEA has increased by one-tenth of 1 percent since July 1, 1973 although four classes for new agents have been started since that date,

in September, January, February, and March, and DEA has hired 131 new special agents for these classes.

The first DEA special agent training class began on September 10, 1973. The class totaled 43 and 14 of these were black. Of the 14 blacks in the class, only 4 represented new hires. The other 10 were Customs Patrol officers who had been transferred to DEA under the July 1, 1973, reorganization plan. Because no black candidates had been recruited by the regions, these Customs Patrol officers were placed in the first DEA basic agent training class. The Administrator had abolished at that time the degree requirement for special agents.

Another class was planned for October, but was canceled because the regions had recruited no minority candidates and all cleared candidates available at the time were white.

I was cautiously optimistic over the fact that the first DEA special agent class had 24 minorities out of 43 and 14 of these were black. I was also encouraged by the new Administrator's no nonsense decision to eliminate the degree requirement and cancel the October class because the regions had recruited no minority candidates. In addition, the Administrator had informed me in late July to move ahead with the recruitment of the first EEO Director for DEA and indicated that this was a new start, and he wanted to be judged on future results. I commended him by memorandum of August 6, 1973, moved the recruiting machinery into action to hire an EEO Director, cautioned the Administrator that the job would not be easy and reserved all judgment.

[A copy of the August 6 memorandum is submitted for the record as exhibit No. 1.]

Mr. OLIVER. I believed at that time, that the new Administrator and his presence had changed the organizational climate and that he was moving ahead aggressively with minority hiring specifically and Equal Employment Opportunity generally.

Since there were no minority agent candidates on hand in September, Mr. Chairman, the October class had been canceled for this reason and three agent training classes were being planned for January, February, and March of 1974; it was obvious that action had to be taken immediately if the three classes planned for the first quarter of 1974 were to include a significant number of blacks and other minorities. The personnel officer informed me that we should try for no less than 50 percent for each of the coming classes. It requires no less than 3 months to complete a full field investigation and otherwise clear a special agent candidate before the candidate can be hired. All special agents are recruited by the regional offices and must be recommended for hire to headquarters before these clearances can begin.

I prepared minority recruiting instructions to all regional directors on September 10, 1973, and the personnel officer signed off and took the directive to the Administrator for approval and final signature. The Administrator signed the directive, and the personnel officer returned it to me to put on the wire immediately.

[A copy of the directive is submitted for the record as exhibit No. 2.]

Mr. OLIVER. A few days later, however, I learned that the minority recruiting directive, signed by the personnel officer and the administrator, had been intercepted in the communications room by the Deputy Director for enforcement, Mr. William Durkin. Mr. Durkin

withdrew the directive, apparently convinced the Administrator that it should not be sent, and the Administrator changed his mind and decided to talk to the regional directors about minority recruiting during a then pending regional directors' conference rather than issuing a written directive to recruit minority candidates.

On September 17, 1973, I informed the Administrator in detail by memorandum that his failure to direct the regions to recruit minority candidates could only result in disaster, that the selection certificate for the EEO officer was ready and described to him in some length the consequences of racism, indecisiveness and the attitudes of both the personnel officer and the Deputy Director for enforcement.

[A copy of Exhibit No. 3 of the September 17 memorandum, is available in the Subcommittee's files.]

Mr. OLIVER. At this point, Mr. Chairman, the Administrator's commitment to equal employment opportunity became questionable.

Mr. EDWARDS. Has the directive ever gone out to the regional offices?

Mr. OLIVER. It has not.

Mr. EDWARDS. Well, what instructions do the regional offices have regarding implementation of the agency's affirmative action program.

Mr. OLIVER. They do not have any direct instructions in writing, Mr. Chairman. The only thing that you might consider would be the affirmative action plan that was discussed this morning earlier but that does not get down to the specific business of recruiting minorities.

In other words, the regions have never been given direct instructions to recruit minority candidates.

Mr. EDWARDS. Well, is not that going to be Mr. Roger's job? He is rather new, is that correct?

Mr. OLIVER. He is indeed.

Mr. EDWARDS. Proceed.

Mr. OLIVER. Apparently as the result of the Administrator's discussion with the regional directors at the October conference previously mentioned, approximately 40 black candidates were received in headquarters between October and January. Of these, 10 were hired for the January class, none were hired in the February class, 5 were hired for the March class and the rest have either been disqualified for one of several reasons or the full field investigation is not yet complete.

In my judgment, the January, February and March classes represent a black disaster, and the overall minority hires for these classes were no better. The January class (42) also had 8 Spanish, 4 Orientals and 2 females, both black. The February class (36) had 5 Spanish, 1 Oriental and 2 females. The March class (38) has 3 Spanish, 2 Orientals and 2 females.

Meanwhile, the EEO officer was selected by the Administrator and entered on duty in late January. Prior to his arrival, the EEO office and its Director were organizationally assigned to the Office of the Administrator. However, shortly before the EEO Officer's arrival, the EEO Office was removed from the Office of the Administrator and was organizationally reassigned to the Office of the Assistant Administrator for Administration and Management, Mr. Nelson B. Coon.

The reason given for this change was to save Mr. Coon's supergrade by assigning the EEO office to him to bolster the functions of his office. Mr. Coon opposed the Agency's 50-percent minority hiring goal, his immediate office is all white and his reputation on Equal Employment

Opportunity matters and minority affairs is similar to that of the infamous Lester Maddox.

Mr. EDWARDS. Mr. Oliver, you will recall that Mr. Bartels testified this morning that that decision has been reversed and that the EEO's Office is now directly under the Administrator and not under Mr. Coon.

Mr. OLIVER. Yes, I am aware of that. To my knowledge, unless this has taken place this morning since we have arrived here, organizationally the EEO is still under the Office of the Assistant Administrator for Administration and Management. Now the arrangement was made at the time this change was made, just before the EEO Director came aboard, that informally the EEO Director would report to the Administrator but formally and organizationally that function would be placed in the Assistant Administrator for Administration and Management's Office.

Mr. EDWARDS. So that to the best of your knowledge, Mr. Rogers will be reporting and working for Mr. Coon?

Mr. OLIVER. To the best of my knowledge on a formal basis, yes.

Mr. EDWARDS. Proceed.

Mr. OLIVER. On November 1, 1973, I prepared a plan of action for interviewing and paneling black agent candidates which was submitted to the Administrator. To date, no action has been taken. [A copy of the plan is submitted for the record as Exhibit 4.]

In December, 1973, I submitted a recommendation and request for a change of policy to begin hiring special agents at the GS-5 entry level as well as at the GS-7 level. The recommendation was submitted to the Administrator and would greatly enhance the DEA minority recruiting effort since entering at the GS-5 level requires no previous law enforcement experience and would allow 4 years for training agents from entry to the senior journeyman GS-12 level instead of 3 years.

If I might amplify that just a bit, Mr. Chairman, the reasons for this is that, as you heard earlier in the testimony of the Administrator and the EEO Director, we do a great deal of recruiting in colleges. However, it is and has been the policy of the Drug Enforcement Administration to hire at no lower than the GS-7 level. By Civil Service Commission standards, by their qualification standards, this requires 1 year of law enforcement experience.

If the grade level were lowered to a GS-5, we could hire recruits with no law enforcement experience straight out of college. So that as long as we have the requirement to hire at no lower than the GS-7 level, recruiting at colleges is meaningless.

Mr. EDWARDS. Is that just a regulation? That is not a law?

Mr. OLIVER. That is an internal DEA policy, an administrative discretion policy.

A copy of this recommendation is not submitted for the record because Mr. Durkin and the Office of Enforcement view the proposal as "the lowering of standards" thus, the Administrator has not approved it nor has it been returned to the personnel office.

I personally recruited 12 black qualified police officers by strolling home in the evening. Their applications were forwarded to Baltimore with instructions to interview and make recommendations to headquarters. This was done in October and November of last year. To date, however, Baltimore has refused to conduct panel interviews

although the Baltimore region has had 15 special agent vacancies. A white candidate submitted at the same time was interviewed in December.

Mr. DRINAN. May I follow up on this point because the answer we had to this particular contention by Mr. Bartels was not very satisfactory. Would you suggest anything in specifics that this subcommittee could do to clarify the situation?

Here is a specific example where Mr. Bartels said simply that there seems to be some difficulty but, if I may ask, what is anybody in the agency doing about this Baltimore situation?

Mr. OLIVER. Well, Congressman Drinan, to my knowledge, nobody is doing anything. And this is one of the things that has caused me to try to discuss this matter, with the new EEO Director, with the enforcement people, with the personnel officer, in terms of trying to get these candidates panelled in Baltimore.

Mr. DRINAN. Well, who would have the direct duty of doing something about it?

Mr. OLIVER. The Administrator would simply have to pick up the telephone and tell Mr. Olivetti, the director of the Baltimore regional office, to panel these candidates.

Mr. DRINAN. I assume he has been asked to do that, but has not?

Mr. OLIVER. I cannot really answer that. All I can tell you is that the candidates continue to call me. My creditability is at stake because I went out and recruited them based upon the assumption and the belief that this is what the Administrator wanted done.

Mr. DRINAN. Is it possible that some of them lacked the qualifications necessary? What would have been the reason, if there is a reason, besides racism?

Mr. OLIVER. Well, there is no reason, Congressman. The paneling of candidates is a routine matter. It would be a simple matter of calling three agents together and having them sit down and routinely panel the candidates like all other candidates.

Mr. DRINAN. Well, has this white candidate, who was interviewed in December, been hired?

Mr. OLIVER. Not yet. He was interviewed about a month after his application went to Baltimore, and he is now in the process of having these other clearances completed, you know—the physical and full field, et cetera.

Mr. EDWARDS. Mr. Bartels said that recruiting the Baltimore police officers was not very good practice, that it would make cooperation between the DEA and the Baltimore Police Department very difficult if they went out and tried to hire their officers away from them.

Mr. OLIVER. Yes, Mr. Chairman. I was very interested in that comment since the overwhelming majority of our white special agents come from municipal and State and county law enforcement agencies, because that doesn't seem to be a problem there.

This problem of conflicting with non-Federal law enforcement agencies does not seem to effect white candidates, but in terms of black candidates, we seem to be sort of preoccupied with the spinoff from what people like to call proselytizing. And certainly I would not suggest we take a criminal investigator announcement for a vacancy and post it in the police department of Washington, D.C., or Baltimore, but there is a vast difference between that and simply letting it be known to police officers that the Drug Enforcement Administration

has vacancies and is interested in recruiting, and then allow them the option.

What happens is that the Drug Enforcement Administration enjoys the advantage of being perceived by local law enforcement officers as sort of the epitome of law enforcement, of Federal enforcement, and these men are very much interested in coming into the Drug Enforcement Administration because it is the top of the heap, so to speak.

Mr. RANGEL. Mr. Chairman, I hope that Father Drinan's questions and the comments preceding his questions as to enforcement may ultimately be decided by this committee. Not being here to hear from Mr. Bartels about the Baltimore situation, it seems that when I did arrive, however, he was saying they were trying desperately hard to hire DEA agents from the New York City Police Department. So there would be an inconsistency as relates to the Baltimore situation.

Mr. DRINAN. One further point on that is that the situation may be distinguishable. They hire the New York police for a period of time, and then they revert ultimately to the New York Police Department.

Mr. RANGEL. Yes, just for clarification, the New York City policemen are assigned as part of the task force. He indicated that notwithstanding the differences in pensions and salary, they were still trying to hire them as Federal agents.

Mr. DRINAN. That is right. Now, does Mr. Bartels or the agency have any firm policy, Mr. Oliver, on recruiting qualified police officers as to these 12 black persons, for instance?

Mr. OLIVER. No.

Mr. DRINAN. Is there anything stated or implicit?

Mr. OLIVER. No, it is a matter of what is the natural recruiting ground for Federal law enforcement officers. That is the issue. It is not a policy matter. And traditionally, the natural recruiting ground has been from municipal and State and county law enforcement agencies.

Mr. DRINAN. Well, I wish Mr. Bartels was still here or someone from his office so that he could make a further response to this inquiry. May I ask, is anybody here from the office of either Mr. Bartels or Mr. Rogers?

Well, I would just simply conclude it by suggesting that counsel or the chairman ask Mr. Bartels to respond to this specific question, because here we have a situation where the remarks of Mr. Oliver seem to be verified.

Mr. EDWARDS. Well, without objection, we will direct a letter to Mr. Bartels on that particular subject, and the answer will be placed in the record.

[The information follows:]

In a letter dated April 3, 1974, Mr. Vincent T. Oliver, DEA Deputy Personnel Director, informed Subcommittee Chairman Don Edwards that, as of that date, arrangements had been made to interview the black police officers recruited by Mr. Oliver to be special agent candidates. These were the officers who had formerly not been accorded interviews by the DEA Baltimore Regional Office.

Accordingly, no letter was directed to DEA Administrator John R. Bartels, Jr., regarding this matter.

Mr. EDWARDS. Mr. Oliver, I pointed out to Mr. Bartels in my first series of questions, and this is also in your testimony, that in June of 1973, 4.6 percent of the total DEA special agents were black. As of today, it is 4.7. That is not much of an increase and it would take a couple of hundred years to catch up with that kind of a percentage increase. What do you think is going to happen in the next 3 or 4 months?

Mr. Rogers and the new plan, will they have an impact and change the situation, do you think?

Mr. OLIVER. Well, I doubt it very seriously, Mr. Chairman. If you want my honest and candid opinion, I doubt it. That is based upon 2½ years of being involved, of being directly involved in the process of recruiting special agents.

Interestingly enough, and these figures may be subject to pluses or minuses, but roughly we had about 300 special agent vacancies going into January. We had 300 vacancies that we had to fill. And of course at this time of the year there is always a great concern in any Federal agency to have all of its positions filled by the end of the fiscal year because you risk having that ceiling taken away if indeed those vacancies are not filled. And so there are all kinds of gimmicks that we use to get that job done.

However, with those 300 vacancies available, of the 300 vacancies available, those 300 plus vacancies, in January there are still approximately 200 vacancies there.

In addition to that fact, we do indeed have—and Congressman Rangel, I was interested in your confusion between schedule C and schedule A—the issue that you were talking about was schedule A positions. The Drug Enforcement Administration has 154 schedule A excepted positions. The purpose of those positions is to appoint without competitive testing candidates, special agent candidates, who meet the qualifications. And that means that they do not have to pass the Federal service entrance examination nor do they have to acquire status in any way through competition.

Now, when we went into January, we had about 100 of those schedule A positions vacant and we had some 300 special agent vacancies. Now, with that kind of an opportunity, if we had placed the kind of thrust and emphasis upon minority recruiting back in the fall that we should have, we would have had these three classes starting in January filled with minority candidates. And that could still be done, Mr. Rangel, with just a little bit of planning, which would be about 6 months in advance.

Mr. EDWARDS. Well, you can proceed with your testimony, Mr. Oliver, please.

Mr. OLIVER. Thank you, Mr. Chairman.

Recently, by the direction of Mr. Durkin, the Office of Enforcement has required that the Office of Personnel submit all completed full field investigations and applications for approval on all special agent candidates before an offer of employment is made. The personnel office must also clear all communications with the regions through Mr. Durkin before releasing such communiques. Many minority candidates have been disqualified by the Office of Enforcement based upon the contents of the full field, and within my judgment, Mr. Chairman, there exists a serious constitutional question as to whether a candidate for Federal employment can be legitimately disqualified for nonpayment of debts, cohabitation with a member of the opposite sex, traffic violations, misdemeanors, dismissed charges, nonaggressiveness, poor attitude, et cetera, et cetera, as Mr. Durkin's office is now doing.

Full Field Investigations are required by the Department of Justice for all Special Agent candidates before they are hired to determine suitability relative to the national security. Mr. Durkin

is using these investigations, however, as selection instruments, and I seriously question whether disqualifications for Federal employment made in this manner would withstand a court test.

In conclusion, Mr. Chairman, may I say that the pattern of behavior in DEA appears to involve the willful exclusion of minorities as Special Agents, particularly blacks. And I might add the same for women. And that is so for these following reasons: (1) The size of the black agent work force has not improved since July 1, 1973; (2) The Administrator has not directed the Regional Directors to recruit minority candidates; (3) Recommendations from the Office of Personnel for improving minority recruiting have not been approved; (4) The EEO office has been placed under a man who does not support equal employment opportunity; (5) Minority candidates are being disqualified on highly questionable grounds; (6) The state of minorities and women throughout DEA generally shows low grades, one or two overseas, few in senior graded positions, file rooms are all black and all the other typically discriminatory patterns. Are we to believe that all of this is not caused by unequal treatment, based solely on race, and that it all happens simply by coincidence?

Mr. Chairman, I would suggest that nothing short of dire action will change the illegal practice of discriminating against minorities and women in Federal employment. The agency's pattern has been the same since its inception almost 6 years ago, and I see no hope under the present leadership that it is likely to change in 6 more years unless corrective action is taken.

Based upon the foregoing, it is my belief that the Drug Enforcement Administration, by acts and unwritten policy promulgated by William Durkin, Sam Bilbrough, John Lund, Nelson B. Coon and other headquarters officials in consort with 19 DEA Regional Directors, are willfully managing a conspiracy to discriminate against minorities and women in violation of their civil rights and the title VII provisions of the 1964 Civil Rights Act with the consent and approval of the Administrator.

I respectfully request, therefore, that this Subcommittee on Civil Rights and Constitutional Rights conduct in-depth investigations and hearings on DEA minority hiring practices, equal employment opportunity, promotion and assignment practices, and all other related matters pertaining to the treatment and status of minorities and women throughout the Drug Enforcement Administration.

Thank you very much, Mr. Chairman, and I of course would be happy to respond to any further questions.

Mr. EDWARDS. Well, thank you for a very helpful statement, Mr. Oliver. Do you think that those men, whom you have named and whom I presume have been there a long time, and also the 19 DEA regional directors, whom I presume are also employees of some tenure, are really going to be too much for the new Administrator because of their past habits and way of looking at the employment situation with regard to race?

Mr. OLIVER. Yes; I do indeed. As a matter of fact, it would seem that the pattern indicates—and I have discussed this with the Administrator in writing—it indicates that I think he came in with a great deal of enthusiasm about implementing equal employment opportunity, but I think very early in the game he ran straight into the face of stiff resistance.

And I could not over describe to this committee this morning the kind of things that go on in the Drug Enforcement Administration with regard to the power of the regional directors. The regional directors have an uncanny way of being able to do anything they want to do and not do anything they do not want to do.

And I am very much afraid that what the Administrator has run into is this resistance between implementing the law and being popular and, therefore, I think that his position has changed considerably.

Mr. EDWARDS. Are these regional directors from now on going to be able to hire their own people, their own special agents?

Mr. OLIVER. We are a long way from decentralized personnel. In other words, we started 2½ years ago the decentralization of delegated personnel authority. The regions now have partial delegated personnel authority, that excludes the final appointment of criminal investigators.

The reason for that and the thinking at the time was that there needed to be some kind of centralized coordinated consistency in the way criminal investigators were selected and appointed and thus that authority was retained in headquarters.

I have some misgivings personally that if we cannot get the regional directors to even recruit minority candidates and panel them without giving them final appointing authority, that is by keeping final appointing authority in headquarters, I have serious doubts about our ability to control them if we delegate that same authority to them and lose control over it.

Mr. EDWARDS. Thank you, Mr. Drinan?

Mr. DRINAN. I wonder if you would review for me, of the 2,000 personnel, how many came from the various agencies that make up the DEA?

Mr. OLIVER. During the reorganization, Congressman Drinan, as I recall there were about 500 customs agents that came over and about 100 persons from the Office of National Narcotics Intelligence and about 200 from the Office of Drug Abuse Law Enforcement, that made up that merger. And very few of those were minorities obviously. This was the reason then that the customs patrol officers were put in the September class. We were really in a crisis in September in order to have any minority representation at all. And we had to do something and the only thing that we could do was to bring in the few customs patrol officers that were minorities, both black and Spanish, into that first class in order to have any showing at all.

Mr. DRINAN. Well, of the total 2,000, how many are new hires since July 1, 1973?

Mr. OLIVER. 131.

Mr. DRINAN. 131?

Mr. OLIVER. Special agents.

Mr. DRINAN. And new hires?

Mr. OLIVER. Right.

Mr. DRINAN. And of that number how many are minorities? Is that in your statement?

Mr. OLIVER. On page 4 I think we can gather the answer to that. Fourteen were blacks in the September class—well, I just read that to you a few minutes ago and now I have lost it.

Miss ROBINSON. Page 7.

Mr. DRINAN. I am trying to put them together though.

Well, maybe counsel here could figure that out, but my feeling was that it was a relatively substantial amount considering all of the inherited personnel with different attitudes toward this problem, shall we say.

Mr. OLIVER. Congressman, incidentally it is on page 7. I am not just sure that I understand your question or your comment.

Mr. DRINAN. About how many of the 131 are minorities?

Mr. OLIVER. Well, let us see here. In January we had a class of 42 and 8 were Spanish and 4 were oriental and 2 females. So, if you add those up, that is 14. And in that class we also had 14 blacks, so add that.

So that class was 50 percent minority and female.

Then in February we had a class of 36 and there were 5 Spanish, 1 oriental, and 2 females and no blacks in that class. So at that point it began to drop away.

And perhaps if I may speculate, it was very interesting to me to see the timing between the point at which enforcement got into this reviewing of candidates and the success that we enjoyed in the September and January classes. Both of those classes had a high percentage of minorities and then you will notice in February it fell away to no blacks, five Spanish, one oriental, and two females.

In the March class there were 38: 5 blacks, 3 Spanish, 2 orientals, and 2 females.

Mr. DRINAN. That is what I wanted to bring up. Now you suggest a willful conspiracy and yet in another area here, in the copy of your memo, you suggest that the "attitudes on the part of the inherited personnel are rather elusive as to why they are opposed to hiring the minorities."

Would you elaborate on what is an apparent contradiction? Did you suggest that there is a "willful conspiracy to keep out minorities" and yet suggest in a memo to Mr. Bartels that there is this "illusive" thing that is difficult to understand and overcome?

Mr. OLIVER. Well, perhaps that statement grows out of my experience in the Federal Government in which we have been preoccupied with the efforts to "prove" discrimination. And I think I spoke to this particular point in the NASA hearings on Thursday.

As I see this problem, it is an impossibility to "prove" anyone's attitude. For that reason the attitudes of those that I spoke of in that memorandum are "illusive" but at the same time I am not sure that it is really important that we prove people's attitudes. I think what we are really trying to do is to control people's behavior through adherence to the law. That is what I meant in that statement, Congressman Drinan.

Mr. DRINAN. But you do say though that the "courage to initiate unprecedented actions mandated by the law will in your judgment be able to overcome this stubborn opposition which is quite illusive"?

Mr. OLIVER. Yes.

Mr. DRINAN. Thank you, Mr. Chairman. I will yield back my time.

Mr. EDWARDS. Mr. Rangel?

Mr. RANGEL. Mr. Oliver, did you have the opportunity to read page 3 of Mr. Bartel's statement?

Mr. OLIVER. Yes, I read the whole statement.

Mr. RANGEL. Is it your conviction that those figures, as opposed to those that we were talking about now just compiled the good and the bad training classes as opposed to separating them as you did?

Mr. OLIVER. Well, Congressman Rangel, one of the things Miss DiMaggio in the NASA hearings, one of the things that she did was to describe very well the playing of the statistics game with the Civil Service Commission, with this committee or whatever other authoritative body is looking at EEO programs.

And what happens is that the statistics game can be used to show anything you want it to show. I could sit down and write a statistical report that would make the Drug Enforcement Administration appear to be the most progressive agency in the Federal Government.

On the other hand, those statistics are admissions that have a tendency to avoid omissions and the significant part of the problem itself is usually omitted.

In the letters that this committee has sent to the Drug Enforcement Administration it has been very interesting to me, because those letters are invariably kicked down to the Personnel Office for reply. And it has been very interesting to me to watch and see how my immediate supervisor responds to those. And what happens is that we get into this business of manipulating statistics to make things come out looking well.

And the fact of the matter is that the substantive problem is simply not being addressed.

Mr. RANGEL. Has anyone from the agency discussed your proposed testimony with you before you came here today?

Mr. OLIVER. No; Mr. Rangel.

Mr. RANGEL. Did they have any indication of the testimony that you were going to give?

Mr. OLIVER. Well, the chairman's request was sent to the Attorney General and a copy of that was sent to the Congressional Liaison Officer in the Drug Enforcement Administration so I am sure that it was known to them that I would be here.

Mr. RANGEL. No, I am just talking about the substance of your testimony. Would they have known or have any reason to believe that your testimony would be critical of their efforts?

Mr. OLIVER. Well, I am not sure that it is pertinent that I am critical. It is my intent to share with you the real problems, as I see them, without all of this facade and coverup and evasion of the issues.

Mr. RANGEL. The intent of my question was that the tenure of people that have tended to be honest about the racism that exists in agencies, both locally and nationally, has not been very long. And I guess your past testimony before this committee indicated one of the reasons for that hearing was someone had forcefully testified and then all of a sudden they found out they were no longer needed.

I would like to say, Mr. Chairman, that the record should indicate that if there are any repercussions as a result of Mr. Oliver's testimony, that we would like to be kept advised. And I also would like to point out, while I am not testifying with the benefit of oath, that the impact on the morale of black agents within the Department has been substantially lessened as a result of these policies.

For one reason or another I have been contacted by agents who unfortunately are unable to surface their concern about this policy for fear of losing their jobs. And so I hope that we would be in a position to give whatever protection—and hopefully this will be not necessary—to Mr. Oliver as we can and perhaps encourage other people to be able to come forward.

But it is difficult for a minority person to operate in this climate on the lowest level of the organization structure. And I can imagine what happens with those of you that have the responsibility of enforcing the law.

But it is particularly difficult for the agent to be out there offering his life for his country in an agency and knowing that his ability to move up or to be part of it seems to be not as great as it should be. That seems to be a pretty heavy burden on him.

I trust that we do have the facilities to make the type of investigation needed to bring about a correction to the problem.

Mr. EDWARDS. I certainly agree with the gentleman from New York and will give him every assurance that the committee will do everything possible to comply with those suggestions.

Mr. RANGEL. I would just like to thank you, Mr. Oliver.

Mr. EDWARDS. Yes, you are to be highly commended for coming here and helping us in the hearings and also in the NASA hearings. We are almost totally dependent upon people like you for information. We have to get information from both sides and I know that you run into difficult situations and I hope you can bear up under them.

Miss Robinson?

Ms. ROBINSON. Thank you, Mr. Oliver, I am wondering if on page 10 of your testimony you could indicate the individuals named by position so that we can have that for the record?

Mr. OLIVER. Mr. Durkin is the Deputy Director for Enforcement. Mr. Sam Bilbrough is the Chief of Enforcement Operations, he is really an assistant to Mr. Durkin. Mr. John Lund is the Assistant Director for Enforcement. Mr. Coon is the Assistant Administrator for Administration and Management.

Ms. ROBINSON. With regard to your exhibit 4 that is attached to your statement, can you indicate whether or not the suggestions relative to paneling in the exhibit have been followed?

Mr. OLIVER. No, Counsel, they have not been.

Ms. ROBINSON. Do you believe that following these suggestions would alleviate, if not eliminate, the kind of situation that you describe for the subcommittee about the Baltimore situation?

Mr. OLIVER. Yes, Counsel, I do indeed.

Ms. ROBINSON. Finally, I am wondering if you could tell us what factors you feel are responsible for the kind of attitude and lack of implementation of equal employment opportunity at the Drug Enforcement Administration?

Mr. OLIVER. Well, Counsel, I am delighted that you asked that question because I really think that its answer lies in history and in attitudes and in behavior and in law. I think that it is very true that we cannot legislate people's attitudes. On the other hand, I sincerely believe that we can control people's behavior through law.

If time permits, I would like to amplify that just a little if I might?

Counsel, while none of us can profess to be paragons of virtue, as regards my public trust to which I am duly sworn as a career public servant, I will not lie and I will not cheat and I will not steal and I will not discriminate, nor will I allow myself to participate in or become engaged in any such corrupt practices, either by direction of my supervisor or anyone in the Drug Enforcement Administration.

And I will not either kill people psychologically or physically.

Blacks as a people have been physically and psychologically lynched for over 300 years in this country, dating back to 1620 when the first blacks set foot on these shores.

Over 7,000 blacks were physically lynched in the United States between 1865 and 1935, a period of 70 years, which is an average of about 100 a year or one every 2½ days, which means that 2 blacks a week were lynched during that period.

And none of the Night Riders or the Ku Klux Klansmen who committed these atrocities were even reprimanded, not to mention brought to justice.

In more recent years, a 14-year-old black lad from Chicago, Ill., was murdered by a mob of white males for purportedly assaulting a white female in the State of Alabama. He was found dead at the bottom of an Alabama swamp with a millstone wired around his neck. A Federal investigation revealed that his crime was that he had refused to say "yes, ma'am" to the white female who ran the general store.

Medgar Evers was murdered because he was an advocate of civil rights. And then we all know the tragic and violent story of King and the Kennedys.

Blacks are being psychologically lynched in the Drug Enforcement Administration and NASA and other Federal agencies by those who persist in discriminating and flaunting the law.

In addition, in my judgment, the Drug Enforcement Administration is managerially and administratively corrupt in other ways.

And if this Nation's future, about which the President's National Advisory Commission on Civil Disorders warned us all in 1968, is to "go down in the flames of racism and corruption from within while we are distracted by claims of imminent threat from without," I shall not be a party to her demise.

The Watergate matter and the Drug Enforcement Administration have taught me a lesson I shall not soon forget. And if there must be a culprit to blame for my conduct here today and my personal attitude, then blame my parents. It was they who taught me that, when confronted with a problem, the first place to begin seeking the answer is yourself. I am personally convinced that there is absolutely nothing inherently wrong with either our democratic system or our democratic form of government. It has proven itself capable in the face of war, depression, corruption, and racism of providing for the needs of larger numbers of diverse people than any other way of life conceived in the entire history of mankind, and for this reason it is worth preserving.

I am equally convinced, however, that there is much wrong with many of those who are entrusted to run the system and the Government. And if this is ever to be corrected, it must begin with me, with you, and with each individual.

After an exhaustive study conducted by the President's National Advisory Committee on Civil Disorders made up of a bipartisan group of highly conservative and distinguished Americans, the Commission warned the Nation regarding its future as follows:

Certain fundamental matters are clear. Of these the most fundamental is the racial attitude and behavior of white Americans towards black Americans.

Race prejudice has shaped our history decisively. It now threatens to affect our future.

Furthermore, warned the Commission in clear and uncompromising language, Counsel, with regard to the pervasive discrimination and segregation in employment and in other areas of our society:

White racism is essentially responsible for the explosive mixture which has been accumulating in our cities since the end of World War II.

Discrimination and corruption in government, specifically in the Drug Enforcement Administration, is my concern. And I shall oppose it now and in the future as a career public servant sworn to uphold the public trust. The future of this Nation is in the hands of each of us right now and right here at this moment and across the land.

Here and now I rededicate myself to the propositions that all men are created equal, that life and liberty and the pursuit of happiness of all comes from my individual responsibility to promote the general welfare if we are indeed to form a more perfect union under law.

And the purpose of law is to control the potential in each of us for abusing the rights of others and/or allowing ourselves to engage in corruption for reasons of arrogance and ambition, egocentricity, insensitivity, or power. And why is this true? I believe Goodlad has the answer:

The tasks of education are profoundly complex. Man has rocketed his kind into space. He has brought back into pulsating life a human being already pronounced dead. He has fashioned in his own likeness robots that remember, file, sort, and then answer in moments problems that would perplex 100 men for 1,000 days, but men still cheat and steal and kill as they did thousands of years ago and thousands of years before that.

These are not always trapped men or hungry men or threatened men who cheat and steal and kill. Some men pronounced "learned" "cheat" because they are vain. Some men pronounced "holy" "steal" because they are greedy. Some men pronounced "wise" "kill" because they have established no identity with their fellowmen.

The people who soon may bring down upon themselves a holocaust, are or will have been the most educated of all time.

Now, the law has two parts, Counsel, and Mr. Chairman and members of this subcommittee, as you well know, and that is letter and intent.

Most men often concern themselves with the letter of the law. The letter of the law is rarely clear and is open to debate or rationalization or interpretation according to the attitudes, whims, or desires of people. But what happens to the letter of the law when subject to the whims and interpretations of those who are dishonest or those who seek power or those who are prejudiced or arrogant?

Those who have recently been indicted and convicted at the very highest level of the public service can answer that question as can those who conspire to discriminate in the Drug Enforcement Administration.

On the other hand, the intent of the law is always clear. Its intent is to control those whose whims and rationalizations and interpretations cannot always be relied upon. Its intent is to prevent the arrogant from violating the timid, the uninformed, the naive, and the frightened. Its intent is to prevent abuse of authority. Its intent is to prevent violent men from ripping off the system either officially or unofficially, either intentionally or unintentionally, either overtly or covertly.

Its intent is to prevent the majority from violating the minority and to prevent the powerful from violating the powerless.

The intent of the law is to remind all of us that order is dependent upon individual integrity, which accrues to form a credible and a more perfect society.

And if integrity is not practiced voluntarily, then the rules and regulations and laws will require it for the sake of maintaining order.

It is the intent of the law to provide guidelines for those who, for whatever reason, are incapable of acting with integrity in the absence of guidelines.

In the case of Watergate and the Drug Enforcement Administration, it is obvious that some in authority have failed to grasp the intent of the law but most are experts as regards to the letter of the law. For example, the Administrator's secretary was hired and promoted through preselection. His executive officer was hired without competition. The Assistant Administrator for Administration and Management requires the personnel office to hire his hand-picked choices with no regard for Federal merit principles.

The Administrator has run roughshod over Federal merit principles in violation of the integrity of the Federal career system. Administratively uncontrollable in headquarters is an officially sanctioned ripoff. The DEA career board is a discriminatory farce and equal employment opportunity for blacks in DEA is not equal.

These are my concerns, Counsel. I am neither a moralist nor a pious self-righteous do-gooder. Changing the world is a futile undertaking for anyone who understands the nature of men.

However, to willfully ignore and run roughshod over the laws and rules and regulations of the system day after day in order to avoid the wrath of arrogant authority or to conform out of fear or any reason violates my sensibilities and begins to change me.

I will not permit the Drug Enforcement Administration to change me for I am responsible to myself for myself and I need no guidelines in order to behave responsibly and with integrity.

Mr. EDWARDS. Well, thank you very much, Mr. Oliver. It has really been a privilege to have you here as a witness. I think I can assure you that the subcommittee takes its responsibilities very seriously in the areas that you speak to. I also commend you on your trust in the long term ability of representative government as was expressed there.

You indicate considerable trust for our system as long as there are good people involved in it and I compliment you on that.

Your statement with the attachments will of course be submitted for the record.

[The prepared statement of Vincent T. Oliver follows:]

TESTIMONY OF VINCENT T. OLIVER, DEPUTY PERSONNEL DIRECTOR, DRUG ENFORCEMENT ADMINISTRATION U.S. DEPARTMENT OF JUSTICE

My name is Vincent T. Oliver, and I am the Deputy Personnel Director at the Drug Enforcement Administration in the U.S. Department of Justice. I would like to thank you, Mr. Chairman, for requesting my appearance here today and express my appreciation for the opportunity to share with the Subcommittee my views and observations regarding the Equal Opportunity Program of the Drug Enforcement Administration.

Since January of 1967, I have held Personnel Management positions in the Navy Finance Center, Department of Defense; the Public Health Service, the Office of the Secretary and the Health Services and Mental Health Administration of the Department of Health, Education and Welfare; the Office of the Secretary of the Department of Labor and for the past 2½ years in the Drug Enforcement Administration as previously stated.

I have worked as both a Personnel Specialist and a Personnel Generalist in four branches of the Federal Executive Career Service and have spent considerable time in all of the Federal Personnel disciplines including position and pay management, staffing and placement, employee relations and employee development and training. In addition, I served as the Deputy Equal Employment Opportunity Officer in the Office of the Secretary, DHEW from 1969 to 1970 during which time I wrote an agency EEO Affirmative Action Plan and was responsible for investigating and preparing EEO Complaints.

I hold the Master's Degree from Kent State University in Counseling and Guidance and a Bachelor's Degree in Economics from Central State College as a magna cum laude graduate. I am the recipient of the Drug Enforcement Administration's highest management award "for exemplary managerial achievement above and beyond the call of duty" and am a member of the National Association of Minority Employees.

I am the author and publisher of a handbook on "Upward Mobility Under the General Schedule" expressly written to point out to Federal agencies the cause of and the many available solutions to the problem of racial discrimination in Federal employment which is maintained throughout the Federal government through systematized covert practices having their genesis in the attitudes of whites toward blacks as described in the 1968 *Report of the National Advisory Commission on Civil Disorders*:

"... certain fundamental matters are clear. Of these, the most fundamental is the racial attitude and behavior of white Americans toward black Americans.

Race prejudice has shaped our history decisively; it now threatens to affect our future.

Five years of my public service career in the field of Personnel was spent with the Ohio State Employment Service from which I was fired in 1959 because I am black after scoring first on the Civil Service Register as an Employment Service Representative. In addition, I served as an advisor to the Secretary of Labor's EEO Task Force in 1971 and am currently a consultant to the District of Columbia Area Office of the NAACP Legal Defense Fund on the technical aspects of Federal personnel procedures as they are used both overtly and covertly to discriminate against minorities and women throughout the Federal Service.

Mr. Chairman and members of the Subcommittee on Civil Rights and Constitutional Rights, I submit to you in good conscience and in my best professional judgment, the Drug Enforcement Administration is currently engaged in a conspiracy to limit the number of black and other minority Special Agent candidates hired to no more than token proportions and is further willfully managing the conspiracy in violation of the Civil Rights Act of 1964, as amended by Public Law 92-261 of March 24, 1972.

Because you already have the DEA minority hiring statistics since July 1, 1973, I shall restate only the current summary to confirm the assertion that, as regards the hiring of black Special Agents, DEA has proportionately the same number of black agents as of this date as on June 30, 1973. According to the Department of Justice computer printout of June 30, 1973, showing the minority profile of the DEA Special Agent workforce, the following was true:

| | |
|--|------------|
| Total agents | 1,432 |
| Black agents | 67 or 4.6% |
| As of February 25, 1974, the following was true: | |
| Total agents | 1,968 |
| Black agents | 94 or 4.7% |

Thus, the black agent population in DEA has increased by 1/10th of 1 percent since July 1, 1973 although four classes for new agents have been started since that date, in September, January, February and March, and DEA has hired 131 new Special Agents for these classes.

The first DEA Special Agent training class began on September 10, 1973. The class totalled 43 and 14 of these were black. Of the 14 blacks in the class, only 4 represented new hires. The other 10 were Customs Patrol Officers who had been transferred to DEA under the July 1, 1973 Reorganization Plan. Because no black candidates had been recruited by the regions, these Customs Patrol Officers were placed in the first DEA Basic Agent Training Class. The Administrator had abolished at that time the degree requirement for Special Agents.

Another class was planned for October, but was cancelled because the regions had recruited no minority candidates and all cleared candidates available at the time were white.

I was cautiously optimistic over the fact that the first DEA Special Agent class had 24 minorities out of 43 and 14 of these were black. I was also encouraged by the new Administrator's no nonsense decision to eliminate the degree requirement and cancel the October class because the regions had recruited no minority candidates. In addition, the Administrator had informed me in late July to move ahead with the recruitment of the first EEO Director for DEA and indicated that this was a new start, and he wanted to be judged on future results. I commended him by memorandum of August 6, 1973, moved the recruiting machinery into action to hire an EEO Director, cautioned the Administrator that the job would not be easy and reserved all judgment. (A copy of the August 6 memorandum is submitted for the record as EXHIBIT #1.) I believed at that time, that the new Administrator and his presence had changed the organizational climate and that he was moving ahead aggressively with minority hiring specifically and Equal Employment Opportunity generally.

Since there were no minority agent candidates on hand in September, Mr. Chairman, the October class had been cancelled for this reason and three agent training classes were being planned for January, February and March of 1974; it was obvious that action had to be taken immediately if the three classes planned for the first quarter of 1974 were to include a significant number of blacks and other minorities. The Personnel Officer informed me that we should try for no less than 50% for each of the coming classes. It requires no less than 3 months to complete a full field investigation and otherwise clear a Special Agent candidate before the candidate can be hired. All Special Agents are recruited by the Regional Offices and must be recommended for hire to headquarters before these clearances can begin.

I prepared minority recruiting instructions to all Regional Directors on September 10, 1973 and the Personnel Officer signed off and took the directive to the Administrator for approval and final signature. The Administrator signed the directive, and the Personnel Officer returned it to me to put on the wire immediately. (A copy of the directive is submitted for the record as EXHIBIT #2.)

A few days later, however I learned that the minority recruiting directive, signed by the Personnel Officer and the Administrator, had been intercepted in the Communications Room by the Deputy Director for Enforcement, Mr. William Durkin. Mr. Durkin withdrew the directive, apparently convinced the Administrator that it should not be sent, and the Administrator changed his mind and decided to talk to the Regional Directors about minority recruiting during a then pending Regional Directors' Conference rather than issuing a written directive to recruit minority candidates.

On September 17, 1973, I informed the Administrator in detail by memorandum that his failure to direct the regions to recruit minority candidates could only result in disaster, that the selection certificate for the EEO Officer was ready and described to him in some length the consequences of racism, indecisiveness and ment. (A copy of the September 17 memorandum is available in the Subcommittee's files.) At this point, Mr. Chairman, the Administrator's commitment to Equal Employment Opportunity became questionable.

Apparently as the result of the Administrator's discussion with the Regional Directors at the October Conference previously mentioned, approximately 40 black candidates were received in headquarters between October and January. Of these, 10 were hired for the January class, none were hired in the February class, 5 were hired for the March class and the rest have either been disqualified for one of several reasons or the Full Field Investigation is not yet complete. In my judgment, the January, February, and March classes represent a black disaster, and the overall minority hires for these classes were no better. The January class (42) also had 8 Spanish, 4 Orientals and 2 females, both black. The February class (36) had 5 Spanish, 1 Oriental and 2 females. The March class (38) has 3 Spanish, 2 Orientals and 2 females.

Meanwhile, the EEO Officer was selected by the Administrator and entered on duty in late January. Prior to his arrival, the EEO Office and its Director were organizationally assigned to the Office of the Administrator. However, shortly before the EEO Officer's arrival, the EEO Office was removed from the Office of the Administrator and was organizationally reassigned to the Office of the Assistant Administrator for Administration and Management, Mr. Nelson B. Coon. The reason given for this change was to save Mr. Coon's supergrade by assigning the EEO Office to him to bolster the functions of his office. Mr. Coon opposed the Agency's 50% minority hiring goal, his office is all white and his reputation on Equal Employment Opportunity matters and minority affairs is similar to that of the infamous Lester Maddox.

On November 1, 1973, I prepared a plan of action for interviewing and paneling black agent candidates which was submitted to the Administrator. To date, no action has been taken. (A copy of the plan is submitted for the record as EXHIBIT #4.) In December, 1973, I submitted a recommendation and request for a change of policy to begin hiring Special Agents at the GS-5 entry level as well as at the GS-7 level. The recommendation was submitted to the Administrator and would greatly enhance the DEA minority recruiting effort since entering at the GS-5 level requires no previous law enforcement experience and would allow four years for training agents from entry to the senior journeyman GS-12 level instead of three years. A copy of this recommendation is not submitted for the record because Mr. Durkin and the Office of Enforcement view the proposal as "the lowering of standards" thus, the Administrator has not approved it nor has it been returned to the Personnel Office.

I personally recruited 12 black qualified police officers by strolling home in the evening. Their applications were forwarded to Baltimore with instructions to interview and make recommendations to headquarters. This was done in October and November of last year. To date, however, Baltimore has refused to conduct panel interviews although the Baltimore Region has had 15 Special Agent vacancies. A white candidate submitted at the same time was noninterviewed in December.

Recently, by the direction of Mr. Durkin, the Office of Enforcement has required that the Office of Personnel submit all completed Full Field Investigations and applications for approval on all Special Agent candidates before an offer of employment is made. The Personnel Office must also clear all communications with the regions through Mr. Durkin before releasing such communiques. Many minority candidates have been disqualified by the Office of Enforcement based upon the contents of the Full Field, and within my judgment, Mr. Chairman, there exists a serious Constitutional question as to whether a candidate for Federal employment can be legitimately disqualified for nonpayment of debts, cohabitation with a member of the opposite sex, traffic violations, misdemeanors, dismissed charges, non-aggressiveness, poor attitude, etc., etc. as Mr. Durkin's office is now doing. Full Field Investigations are required by the Department of Justice for all Special Agent candidates before they are hired to determine suitability relative to the national security. Mr. Durkin is using these investigations, however, as selection instruments, and I seriously question whether disqualifications for Federal employment made in this manner would withstand a court test.

In conclusion, Mr. Chairman, may I say that the pattern of behavior in DEA appears to involve the willful exclusion of minorities as Special Agents, particularly blacks. (1) The size of the black agent workforce has not improved since July 1, 1973. (2) The Administrator has not directed the Regional Directors to recruit minority candidates. (3) Recommendations from the Office of Personnel for improving minority recruiting have not been approved. (4) The EEO Office has been placed under a man who does not support Equal Employment Opportunity. (5) Minority candidates are being disqualified on highly questionable grounds. (6) The state of minorities and women throughout DEA generally shows low grades, one or two overseas, few in senior graded positions, file rooms are all black and all the other typically discriminatory patterns. Are we to believe that all of this is not caused by unequal treatment, based solely on race, and that it all happens simply by coincidence?

Mr. Chairman, I would suggest that nothing short of dire action will change the illegal practice of discriminating against minorities and women in Federal employment. The Agency's pattern has been the same since its inception almost six years ago, and I see no hope under the present leadership that it is likely to change in six more years unless corrective action is taken.

Based upon the foregoing, it is my belief that the Drug Enforcement Administration, by acts and unwritten policy promulgated by William Durkin, Sam Bilbrough, John Lund, Nelson B. Coon and other headquarters officials in consort with 19 DEA Regional Directors, are willfully managing a conspiracy to discriminate against minorities and women in violation of their Civil Rights and the Title VII Provisions of the 1964 Civil Rights Act with the consent and approval of the Administrator.

I respectfully request, therefore, that this Subcommittee on Civil Rights and Constitutional Rights conduct in-depth investigations and hearings on DEA minority hiring practices, Equal Employment Opportunity, promotion and assignment practices and all other related matters pertaining to the treatment and status of minorities and women throughout the Drug Enforcement Administration.

EXHIBIT NO. 1

U.S. GOVERNMENT MEMORANDUM,
DEPARTMENT OF JUSTICE,
August 6, 1973.

To John R. Bartels, Jr., Acting Administrator, DEA.
From: Vincent T. Oliver, Acting Chief, Personnel Management Programs.
Subject: Equal Employment Opportunity.

This will acknowledge receipt of your July 31 memorandum.

Your first step is commendable. Be assured the EEO Officer Selection Panel will receive my serious and thoughtful professional attention.

Your presence alone represents a good start. The Personnel Office has hired two Black GS-13's just since and only because of your arrival. In addition, several encouraging decisive management actions, on the part of newly appointed Acting Regional Administrators, have come to my attention; which seem to indicate that you have apparently selected some managers who can and will manage with integrity. Such organizational "fresh air" is most welcome and furthers much needed credibility. Much remains to be done, however, if equal Black participation is to become a reality in the DEA during your tenure.

At the risk of seeming presumptuous, may I add that the future solution of the DEA "Black problem" may not be as simple as it may presently appear. It will require, in the face of stubborn opposition which is quite elusive, the courage to initiate unprecedented actions mandated by law which no other Federal Agency Head has been willing to undertake to date. I refer to a brand of personal courage similar to that exhibited daily by our D-Nares.

The job will only be done through uncompromising commitment transposed into forceful and decisive management action on the part of the Chief Executive. The shadow of the leader falls over the entire organization and all of its people.

I am hopeful that you will ultimately win Senate confirmation and earn my unqualified support based solely upon results. You have the advantage of all the lessons of the past—most of which go unheeded in other federal agencies. Call upon me now or at any time in the future to assist in any uncompromising responsible way. All judgment will be reserved.

WELCOME ABOARD!

EXHIBIT NO. 2

DRUG ENFORCEMENT AGENCY,
September 11, 1974.

TELEGRAPHIC MESSAGE

To: All domestic regional administrators.
From: John R. Bartels, Jr., Acting Administrator.
Subject: Minority recruiting.

Your region will recruit, panel, recommend and forward the required forms to Headquarters for 10 black 1811 candidates on or before COB October 30, 1973. This number of candidates will be in addition to those minority candidates in Headquarters from your region as of September 15.

By November 30, 1973, 10 more minority 1811 candidates and 5 more 1810 minority candidates will have been forwarded to Headquarters for processing in addition to those above. By December 31, an additional 10 and 5 respectively will be in Headquarters for processing.

Emphasis on blacks as well as Oriental, Hispanic, and other minority groups is required.

All regional DEA offices will recruit in strict compliance with Civil Service Commission X-118 qualification standards. Either one year of law enforcement experience plus three years of other general experience or four years of law enforcement experience or one year of law enforcement experience plus a college degree or any combination of these is fully qualifying. A college degree is no longer an arbitrary condition of employment in the Drug Enforcement Administration and is not a mandatory qualification requirement. I shall anticipate vigorous cooperation from each regional administrator in my effort to make the DEA minority recruiting program a success. If you have any questions or inquiries regarding my intentions on minority recruiting, please contact me personally by telephone.

[Exhibit No. 3 is available in the Subcommittee's files.]

EXHIBIT NO. 4

BLACK AGENTS AND THE DEA MISSION—A POSITION PAPER

(By Vincent T. Oliver)

PART I

The Drug Enforcement Administration has less than 100 Black Special Agents out of a total of more than 2000. This is due, in part, to recruiting and hiring practices over a 5-year period since the Agency's inception in 1968. Such practices have and continue to limit the number of Black agents hired in DEA to the detriment of the Agency's mission. This assertion is confirmed by the DEA practice of relegating its limited number of Black agents to undercover work and repeatedly drawing upon the few Blacks available for special assignments in other regions which have either limited or no Black agent personnel. (See Polk-Ross Report-1972.)

The mission of the Drug Enforcement Administration is to arrest and control the manufacture, flow, distribution and sale of illicit drugs within the continental United States and its contiguous states and to interdict the influx of such drugs from foreign sources.

A significant portion of illicit drug traffickers throughout the United States maintain clandestine operations, concealed from detection by race, in central urban centers of high density Black populations. The arrest and indictment of Blacks, for alleged drug violations in the city of New York, for example, is disproportionately high as compared to the non-minority population. (See House Civil Rights Oversight Subcommittee's transcript of the 1973 DEA Reorganization) DEA, however, has less than 15 Black agents out of more than 250 assigned to New York. It is obvious that such clandestine operations can remain concealed and out of DEA reach partly because the Administration has an inadequate number of Black agents to penetrate such operations in American cities having Black populations of more than 100,000. White agents can, by the most objective logic, function in such areas with only limited effectiveness. Thus, continuing failure to gear DEA recruiting and hiring practices to realistic DEA mission needs acts as a direct deterrent to DEA mission accomplishment. This, of course, assumes that the DEA is equally concerned with arresting illicit drug traffic in urban communities and suburban communities alike.

If the Drug Enforcement Administration is to escalate mission success, high density urban trafficking areas of the United States must be penetrated and sharply impacted through escalated and unrelenting investigation, surveillance and undercover DEA activity of broad scope and unlimited depth. Black DEA Criminal Investigators, capable of gaining unrestricted access to urban communities eager to divest themselves of the drug menace, have the greatest potential for providing both the scope and depth required to carry out such activities, thereby facilitating overall DEA mission success. Reasonable judgment dictates, therefore, that DEA mission accomplishment can be greatly enhanced by the addition of large numbers of Black Special Agents thoroughly trained in Drug Enforcement Administration enforcement procedures by the DEA National Training Institute. This approach should in no way be construed to imply that Black agents should work only Black cases nor that only White agents should work White cases. It does mean, however, that the overall DEA mission capability could be tactically strengthened by the addition of far greater numbers of Black agents.

One of the major impediments to the successful hiring of Black Criminal Investigators on a large scale throughout DEA is directly attributable to the fact that the agent paneling process, now exclusively controlled at the regional level, has for the most part excluded sufficient numbers of Blacks as panel members to insure selection of significant numbers of Black candidates. To date, agent panels throughout DEA have usually been either exclusively White, or at best, have included only one Black on a panel of three. The DEA mission can no longer afford the luxury of the usual resulting "not qualified" rationalizations of non-Black panel members after paneling Black candidates. A minority recruiting conference held in headquarters two years ago in November, 1971, dealing with the same problem, revealed attitudes in non-minority agent recruiters and panel members such as "they (Black candidates) are not qualified," "they don't have the guts," "would you want one for your partner," etc.

Rationalization is most often highly personal and avoids objective consideration of organizational needs, no matter how critical. Thus, from an objective view, the most reasonable solution to this aspect of the Black agent recruiting problem in DEA is to assign Black agents, either in a majority or exclusively, to panels which screen, interview, select, and recommend Black agent candidates. While such an approach may be regarded as discrimination in reverse by those who tend to rationalize, it does, in fact, represent the insertion of rational balance in the paneling process through equal discrimination—perhaps the only realistic means of obtaining the number of Black agents essential to the mission needs of the Drug Enforcement Administration without imposing quotas or numerical goals.

PART II

In order to solve the paneling problem, the following changes are necessary and should be effected immediately by the Personnel Office in the interest of improved DEA mission success and to strengthen the capability of the Agent work force to carry out the DEA mission:

1. Notify the following Special Agents that they have been selected to serve on a 3-member panel to screen, panel, interview and recommend Black Agent candidates for hire:

Carl Jackson, Kenneth Cloud, Pete Davis, Clarence Cook, Glen Cooper, and Jack Peterson.

2. Designate the Deputy Personnel Director as the Panel Administrator and assign him responsibility for all administrative arrangements, technical advice, guidance, support and assistance related to the panel's work. He will be in attendance at all panels as a non-voting advisory member.

3. Notify the supervisors of all panel members in writing that they will be released from their usual duties to carry out paneling responsibilities when assigned. Supervisors will then be notified in advance each time a panel member is required to serve.

4. Of the six panel members designated above, three at a time will panel Black candidates in headquarters and/or travel to the regions to perform the same function. Panel members will be rotated when traveling to the regions so that no single member will have to be on the road excessively. The Panel Administrator must attend all panels conducted in headquarters and the regions.

5. It will be the Panel Administrator's responsibility to contact all regional offices to determine when a minimum of ten minority candidates have been recruited by any one region. At such time, the Panel Administrator will select three panel members, set up a paneling schedule in conjunction with the 3-member panel to interview, rate and recommend candidates.

6. It will further be the Panel Administrator's responsibility to return to headquarters with all necessary paper work on each candidate, have physical examinations and FFI's initiated by Personnel and follow every candidate through to a final "select" "non-select" conclusion.

7. In addition, the Panel Administrator's duties will include coordinating the hiring, certification, appointment, classification and promotion of all minorities in headquarters, and he will have full use of all Personnel Specialists to accomplish these tasks.

8. Funding of the Panel's travel and that of the Panel Administrator will be achieved from Personnel funds.

All of the above represents ideas which have been discussed many times since July 1. The recruiting of Black agents will only succeed through hard work and action on the part of committed competent individuals. Affirmative action requires action rather than policy, further discussion and delays.

Mr. EDWARDS. Mr. Blommer?

Mr. BLOMMER. No questions.

Mr. EDWARDS. Mr. Rangel?

Mr. RANGEL. Could I just join with the Chairman in thanking you very much, Mr. Oliver.

Mr. EDWARDS. Ms. Robinson?

Ms. ROBINSON. No.

Mr. EDWARDS. You have been very helpful. Thank you very much.

[Whereupon at 12:15 p.m., the subcommittee recessed subject to the call of the Chair.]

